

# MEMORANDUM

To: Ben Martig, City Administrator **VIA EMAIL ONLY**

From: David A. Assaf, Assistant City Attorney

Date: March 7, 2026

Re: Proposed Amendment of Northfield City Charter, Section 4.1

-----

## **INTRODUCTION**

You requested that our office review Northfield City Charter (the “Charter”), Section 4.1 for compliance with all applicable laws and provide any recommended revisions, which might improve and clarify the current process regarding the timing of the administration of the oath of office for newly elected members of the City Council (the “Council”).

## **ANALYSIS**

Pursuant to Minn. Stat. § 205.07, subd. 1a, “[t]he terms of all city council members of charter cities expire on the first Monday in January of the year in which they expire,” but “[a]ll officers of charter cities chosen and qualified shall hold office until their successors qualify.” As the current language under Charter Section 4.1 requires the oath of office be administered as the first order of business at the first meeting in January for the newly elected members of the Council, Section 4.1 as written contains an ambiguity regarding the need for outgoing Councilmembers or Mayors to attend a meeting for the sole procedural purpose of calling a meeting to order so that the oath of office may be taken by the newly elected members in order that they then may be seated.

The proposed amendment to Section 4.1 being considered by the Charter Commission to bring the Charter more fully into compliance with Minn. Stat. § 205.07, subd. 1a, and to avoid any future confusion in administering the oath of office to newly elected members of the Council so that the same may immediately be seated and undertake the people’s business is a reasonable and appropriate means to address the present ambiguity in this provision.

Under the proposed amendment, the governing statute quoted above will be incorporated into Section 4.1 of the Charter, and newly elected members of the Council will be administered the oath of office *prior* to calling the first meeting in January to order. The proposed amendments to Section 4.1 of the Charter are as set forth in the ordinance now under consideration by the Charter Commission in underline/strikeout format. Section 4.1 of the Charter remains otherwise unchanged.

## **CONCLUSIONS**

I hope that the foregoing is helpful in your consideration of this matter. I will be in attendance at the March 12, 2026 meeting of the Charter Commission to answer any legal questions the Charter Commission may have regarding the proposed Charter amendment.

Should you have any questions or require additional information, please do not hesitate to contact me at your convenience at (651) 225-8840 or via email at [daassaf@flaherty-hood.com](mailto:daassaf@flaherty-hood.com). Thank you.

DAA/sc

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER FOUR OF THE NORTHFIELD CITY CHARTER**

**THE CITY COUNCIL OF THE CITY OF NORTHFIELD DOES ORDAIN THAT** (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. Northfield City Charter, Chapter Four. – Procedure of Council, Section 4.1. - Council Meetings, is hereby amended to read as follows:

**Section 4.1. - Council Meetings.**

Pursuant to Minn. Stat. § 205.07, subd. 1a, as the same may be amended from time to time, the terms of all city council members, including the mayor, expire on the first Monday in January of the year in which such terms expire, except that such outgoing members shall hold office until their successors qualify. At its first meeting in January, the council shall meet at the usual place and time for the holding of council meetings. At this time any newly elected members of the council including the mayor, if not having previously been administered the oath of office on or following the first Monday in January, shall, as the first order of business, prior to calling the meeting to order, be administered the oath of office and shall assume their duties. Thereafter, the council shall meet at such time as may be prescribed by resolution. Such a resolution shall remain in force until modified by the council. The mayor or any three members of the council may call special meetings of the council upon at least twelve hours notice to each member and such public notice as shall be prescribed by ordinance in compliance with the laws of Minnesota. Public notice of all meetings of the council and its committees shall be given as prescribed by ordinance, and any citizen shall have access to the minutes and records thereof at all reasonable times.

SECTION 2: This Ordinance shall take effect ninety days after its publication.

Passed by the City Council of the City of Northfield, Minnesota, this \_\_\_\_ day of \_\_\_\_\_, 2025.

ATTEST:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Mayor

First Reading:	
Second Reading:	
Published:	

VOTE: \_\_\_ ZWEIFEL \_\_\_ BEUMER \_\_\_ DAHLEN \_\_\_ HOLMES  
\_\_\_ NESS \_\_\_ SOKUP \_\_\_ PETERSON WHITE