

To: **Mayor and City Council**
Through: **Ryan Schroeder, City Manager**
From: **Kori Land, City Attorney**
Date: **May 3, 2018**

Charter Commission Bylaws

BACKGROUND INFORMATION:

The City has 4 citizen committees: Charter Commission (“Commission”), Planning Commission/Committee of Adjustments (“PC”), Park and Recreation Advisory Committee (“P&R”) and the Environmental Committee (“EC”). Last fall, the Council asked us to review the Bylaws of all the committees for consistency regarding rules, appointment process, terms, etc. We discovered that while some committees have Bylaws that are similar, none are the same.

With the intent of providing uniformity, we reformatted the Bylaws of each committee so that they all have the same structure and headings. We used consistent language throughout each set of Bylaws when possible, while retaining the intent and purposes set forth in City Code Chapter 31, which established the Planning Commission, Committee of Adjustments and Parks and Recreation Advisory Committee. The Council adopted new Bylaws for the P&R, Environmental and Planning Commission on April 9, 2018.

For all committees’ Bylaws, the following sections are consistent:

Members: 7 voting members with 2 or 3 ex-officio non-voting members, one of whom is a City Council member and one of whom is a City Staff member.¹

Terms: The EC and PC have 3-year terms, while the P&R has 2-year terms.² The length of the terms will remain unchanged, but the Council agreed to remove term limits.

Officers: All committees are recommended to have a chair and vice-chair to efficiently run the meetings and stay on task with the agenda.

Staff: The City Manager shall appoint a staff representative to each committee who will prepare the agendas and reports, make recommendations and lead the discussion on the agenda items. The City Manager shall also ensure minutes are taken of all meetings.

Meetings: An annual regular meeting calendar shall be adopted by the City Council that reflects all committee meetings. Any meetings held outside of this adopted meeting calendar shall be considered a

¹ The exceptions are the Charter Commission which has 11 voting members and P&R which has an additional non-voting representative from the Athletic Association.

² By law, the Charter Commission terms are 4 years.

special meeting and may only be called when deemed necessary by the City Manager.³ Special meetings require 3 days' advanced notice and must adhere to the published agenda. Notice of all meetings shall be sent to the City Council.

Rules of Procedure: All committees shall follow Roberts Rules of Order.

Vacancies: If a member misses 3 meetings in a year, the member may be removed by the City Council.⁴ The City Council may also consider removal of any member with or without cause. All appointments to these committees are made by the Council.⁵

Standards of Conduct: All committee members shall be required to sign a Committee Members' Expectations document, which is also attached.

Charter Commission

The Charter Commission is governed by Minnesota Statutes, Chapter 410, so it has special rules and procedures it must follow.

Members: The Charter Commission has 11 members. State law requires between 7 and 15 members.

Appointments: The Chief Judge appoints the members of the Charter Commission and anyone can submit a name for consideration.

Terms: Terms are for 4 years and there are no term limits. State law used to require term limits, but this provision was removed from state law in the last 20 years. The City can be more restrictive when state law is silent, so it is possible to add term limits; however, this is one commission where experience is helpful, so we are not recommending term limits.

Vacancies: If a member misses 4 meetings in a year or fails to perform the duties of office, the member is subject to removal by the court upon certification of the facts by the Commission as to why the member should be removed. When a vacancy occurs, the following process is suggested:

1. When a vacancy occurs, the Commission shall review applications and submit a recommendation to the City Council.
2. Within 45 days, the City Council shall consider the recommendation of the Commission and thereafter notify the Commission of all names upon which there is mutual agreement. Upon receipt of such notice from the City Council, the Commission shall submit the mutually agreeable names to the district court for appointment to the Commission.

³ The exception is the Charter Commission. By law, the Charter Commission has the ability to call special meetings on its own. All meetings of the Charter Commission are considered "special meetings" since it does not have a regular meeting schedule.

⁴ The exception is the Charter Commission, which statutorily provides for the ability to remove after 4 missed meetings in a year. The number of missed meetings is irrelevant as a practical matter as applied to the Charter Commission, who rarely meets 4 times a year.

⁵ The exception is the Charter Commission, which requires appointments to be made by the Chief Judge. The process for filling a vacancy was discussed by the Council at a work session last fall and a consensus of the Council agreed that the Commission should have the opportunity to review the applications and submit recommendations to the Council. Given the unique role of the Charter Commission in assisting with the framing of local law, this process of interviewing its own candidates makes sense.

3. If the City Council does not agree with a recommended name from the Commission, then the City Council shall notify the Commission in writing of all rejected names.
4. Within two weeks after the City Council has rejected a name, the City Council and the Commission, or a subcommittee of both bodies, shall meet and attempt to jointly agree upon names for appointment to the Commission.
5. If a joint recommendation cannot be made, then the City Council, the Commission, or both may submit the names of eligible nominees for the district court to consider in making appointments to the Commission, as provided by law.

While not providing specific detail in the state law for appointments, Minn. Stat. §410.05 subd. 3 states:

A city council, a charter commission, or the petitioners requesting the appointment of a charter commission may submit to the court the names of eligible nominees which the district court may consider in making appointments to the charter commission.

Ultimately, if there is no agreement on a name, the Chief Judge makes the decision, not the City Council or the Charter Commission.

Meetings: The Chair or any 3 members may call a special meeting, as provided by law. A quorum of a majority of voting members (6 members) is required to conduct business and the same number is required to recommend a Charter amendment or to amend the Bylaws.

Bylaws amendment: The Charter Commission is charged with adopting its own Bylaws.

ATTACHMENTS:

- *DRAFT* Charter Commission Bylaws
- Approved West St. Paul Committee Members’ Expectations
- *Current* Charter Commission Bylaws

FISCAL IMPACT:

		Amount
Fund:		n/a
Department:		
Account:		

STAFF RECOMMENDATION:

Review and Discuss Draft Bylaws and provide direction