



CHARTER COMMISSION MEETING AGENDA
February 08, 2012 - 7:30 AM
City Hall Boardroom

Charter Commission Meeting

1. Call to Order
2. Roll Call
3. Approval of Minutes
 - A. December 14, 2011
4. Reports of the Chair, Officers, Commissions and Committees
5. Public Comment
6. Unfinished Business
 - A. Discussion of Charter Commission Recommendations to the City Council
7. New Business
 - A. Approval of Moorhead City Charter Commission 2011 Annual Report
 - B. Set 2012 Meetings of the Charter Commission
 - C. Election of Officers: Chair, Vice Chair, Secretary
8. Adjourn

**City of Moorhead
Charter Commission
Meeting Minutes
December 14, 2011 at 7:30 AM
City Hall Boardroom**

Roll call of the members was made as follows:

Board Member:	James Danielson	Present
Board Member:	Eileen Hastad	Present
Board Member:	Roger Buscher	Present
Board Member:	Kenneth Tangen	Present at 7:53 a.m.
Board Member:	Russell Hanson	Present
Board Member:	Darvin Landa	Absent
Board Member:	Patricia Staples	Absent
Board Member:	Ronald Hagemann	Present
Board Member:	Travis Reimche	Present
Board Member:	Douglas Fagerlie	Present
Board Member:	Thomas Krabbenhoft	Present
Board Member:	Richard Bolton	Present
Board Member:	Yoke-Sim Gunaratne	Present at 7:50 a.m.

City Staff:

City Clerk	Jill Wenger	Present
Assistant City Attorney	John Shockley	Present

Charter Commission Meeting

1. Call to Order

Minutes: Charter Commission Chair, Jim Danielson, called the meeting to order.

2. Roll Call

Minutes: Roll call of the Commission members was noted.

3. Approval of Minutes

A. November 11, 2011 Charter Commission Meeting Minutes

Motion to Approve made by Russell Hanson and seconded by Roger Buscher

Approve Minutes of November 11, 2011

Motion Passed by unanimous vote

4. Reports of the Chair, Officers, Commissions and Committees

Minutes: No reports were presented.

5. Public Comment

Minutes: No citizens addressed the Commission.

6. Unfinished Business

A. Discussion of Charter Commission Recommendations to the City Council

Minutes: Chair Danielson referenced a November 28, 2011 letter provided to the Mayor and City Council regarding the Charter Commission's expectation that the proposed Charter amendment related to hydrant fees be taken off the table by the City Council, considered and voted upon. No action has been taken by the City Council to date.

Danielson stated that he has not received a formal response from the Mayor and Council, but was provided an informal response from the City Manager. It appears that staff of the City and Moorhead Public Service is working on a future agreement related to hydrant fees. Increased fees could cause significant costs to the City of Moorhead and careful transition is being considered to ease into these increased payments over the course of the next several years.

It was noted that the ordinance was tabled due to concerns stated by the Mayor. A unanimous vote of the Mayor and City Council is required to pass an ordinance affecting the Moorhead City Charter.

Charter Commission Members noted the following:

- Concern was noted regarding the Mayor and Council's decision to table this Charter recommendation for such a significant period of time.
- Concern was noted regarding whether this action may set a precedent for future Charter recommendations to the Council.
- It is believed that the Mayor and City Council have a duty to provide a formal response or decision on the matter to the Charter Commission.
- It was noted that an agreement related to cost transition between the City and Moorhead Public Service could occur following changes to the Charter.

John Shockley, Assistant City Attorney stated that Minnesota State Statutes requires that second consideration of an ordinance must occur within a reasonable amount of time; however, statute does not prescribe a specific time period.

It was determined that members of the Charter Commission be invited to attend the January 9, 2012 City Council meeting. Chair Danielson will address the Mayor and City Council on behalf of the Charter Commission regarding concerns over the tabled Charter recommendation related to hydrant fees.

Jill Wenger, City Clerk, will notify Charter Commissioners of the outcome of Council discussion following the January 9, 2011 City Council Meeting.

B. Discussion of Mayoral Voting and Council Composition

Minutes: John Shockley, Assistant City Attorney, provided an explanation of a memo provided to the Charter Commission regarding Mayoral voting and how this change would impact voting provisions set forth in the Charter.

Charter Commission Members noted the following:

- Systematic mayoral voting could provide regular at-large representation on the Council.
- Mayoral voting could assist the Council in overcoming some supermajority voting requirements.
- It is preferred that the Council be comprised of eight separate ward representatives.
- It is preferred that ward representation be balanced with at-large representation on the Council.
- It is preferred that the current mayoral voting and council composition remain unchanged.

It was noted that voting to keep mayoral voting and council composition provisions unchanged at this time does not preclude the Charter Commission from discussing the topic at a future time.

Motion to Approve made by Douglas Fagerlie and seconded by Eileen Hastad
Mayoral Voting and Council Composition Remain Unchanged
Motion Passed by unanimous vote

7. New Business

Minutes: It was noted that any individual Charter Commission member can request that a new item be added to the Charter agenda by contacting the City staff liaison to the Charter Commission, Jill Wenger. This allows for background information to be prepared in advance of the meeting.

It was noted that duties of the Charter Commission are set forth by State Statutes and are further structured by the Charter bylaws. These guidelines are somewhat different to those governing other citizen advisory groups.

It was noted that Charter Commission ward representatives are appointed by Council Members and Charter Commission at-large representatives are appointed by the Mayor. Commissioners can serve up to two, four-year terms except in the case of filling an unexpired term. Commissioners can communicate their interest in serving a second term to Council Members, Mayor, and/or the City staff liaison to the Charter Commission, Jill Wenger.

8. Adjourn

Motion to Adjourn made by Travis Reimche and seconded by Ken Tangen

Motion to Adjourn

Motion Passed by unanimous vote

Minutes: It was determined that the Charter Commission would meet on February 8, 2012 at 7:30 a.m. to conduct business related to the annual meeting.

Meeting adjourned at 8:39 a.m.

*Respectfully submitted by:
Jill Wenger, City Clerk*

DRAFT

MOORHEAD CHARTER COMMISSION

BYLAWS

April 18, 2006

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- I. **Name-** The name of this organization shall be the Moorhead Charter Commission (herein after referred to as "Commission")
- II. **Purpose-** The purpose of this organization is to periodically review the existing Charter, consider proposed changes, make recommendations to the City Council and/or the electorate and to safeguard the concept of home rule under the existing charter and state statutes.
- III. **Membership**
 - A. The Commission shall have 13 members, duly appointed and certified by the District Court.
 - B. Qualifications for membership require that the individual be a qualified voter in Moorhead.
 - C. The terms of a commissioner shall be four years and a commissioner shall serve only two consecutive terms, excluding filling an unexpired term.
 - D. The duties and responsibilities of a commissioner shall continue, beyond the normal term if necessary, until a replacement is duly appointed and certified by the court.
 - E. If the district court fails to appoint new commission members within the specified time period, then the City Council may appoint new members. [Mn Statute 410.05 subd. 2]
 - F. All members shall be expected to attend all meetings but in the event of absence shall inform the Office of the City Clerk. When any member is absent for four consecutive meetings without being excused by the Commission the secretary of the Commission shall file a certificate with the court, setting forth those facts and the district court shall thereupon make its order of removal and the chief judge shall fill the vacancy created thereby
 - G. Whenever there are vacancies on the Commission the City Council shall submit names of eligible nominees to the district court for consideration in making appointments
- IV. **Meetings of the Commission.**
 - A. Meetings shall be held at such times as set by the chairperson with the advice and consent of the majority of the members.
 - B. An Annual Meeting shall be held each February. At this annual meeting the Commission shall elect officers and set meetings for the year.

- C. A special meeting may be called by the chair or any four Commission members may petition the chair to call a special meeting, or as required in MN Statutes 410.05, Subd. 4.
- D. All meetings of the Commission shall comply with the Minnesota open meeting law.
- E. Notice of a meeting shall state the time, date, place, and agenda for a regular meeting or the business to be conducted at a special meeting and should be sent to members seven days before the stated date.
- F. Quorum- A majority of the actual membership of the commission shall constitute a quorum to do business.
- G. Order of Business

The Commission shall use the following order of business at its meetings:

1. Call to order
2. Roll call.
3. Approval of minutes
4. Reports of the chair, officers, commissioners and committees
5. Public Comment
6. Unfinished business
7. New business
8. Adjournment

V. Officers

A. Election of Officers

1. The officers of this organization shall consist of a chair, a vice chair and a secretary
2. The officers shall be elected for one-year terms at the Annual Meeting in February. No officer shall serve more than two consecutive terms, excluding filling an unexpired term

3. All officers shall begin their terms at the Annual Meeting.

B. Duties of Officers

1. Chair

- a. call all regular and special meetings
- b. determine meeting agendas
- c. preside at all meetings
- d. appoint all committees
- e. implement the decisions of the Commission
- f. The chair has the right to participate in all Commission decisions with a vote.

2. The Vice chair shall preside in the absence of the chair

3. Secretary

- a. responsible for Commission records, minutes, and correspondence
- b. supervises and directs administrative assistant
- c. on or before Dec. 31 of each year submits to the Chief Judge of the district court, the City Clerk and Commissioners, the Commission's Annual Report as approved by the Commission after its presentation by the chair.

4. Duties of administrative assistant

- a. notifies City Clerk of future meetings, arranges for meeting room and sends notices of meetings
- b. attends all Commission and sub committee meetings
- c. types, copies, and mails all minutes, agendas, letters, ordinances and annual reports
- d. updates membership roster, mailing list, roll call list, membership files and related documents and updates web site

e. provides new members with commission bylaws and other material.

f. Facilitates communication between the Commission, City Council, City Hall personnel, city attorney and District Court

C. Officer Vacancies. If an office is vacated an election to fill the vacancy shall be held at the first meeting following the vacancy.

VI. **Committees.** Committees of this organization will be established and appointed by the chair who shall designate a chair for each committee

VII. **Voting.** All decisions of this organization shall be made by a majority of those present and voting except those decisions provided for elsewhere.

VIII. **Parliamentary Authority.** The authority for the conduct of Commission meetings shall be the latest revised Robert's Rules of Order.

IX. **Amendment.** These bylaws can be amended at any meeting of the Commission by 2/3 vote of those present, provided that the amendment has been submitted in writing to the members as least two weeks prior to the adoption of the amendment.

MOORHEAD CHARTER COMMISSION

2011 Annual Report



The Moorhead City Charter Commission met five times in 2011 – February 16, May 4, August 3, November 16, and December 14. The topics discussed by the Charter Commission and any outcomes reached on these matters are outlined below.

Election of officers

Chair – Jim Danielson

Vice Chair – Travis Reimche

Secretary – Eileen Hastad

Council member seeking a new elected office

It was determined by the Charter Commission that it is a constitutionally protected right to hold office while seeking a new elected office.

Procedure for filling a vacancy of the Mayor

The Charter Commission recommended an ordinance to the Moorhead City Council to amend and reenact Section 2.06 of the Charter of the City of Moorhead relating to vacancies in the office of Mayor or Council Member. This ordinance was first considered by the Moorhead City Council on May 23, 2011 and approved on June 13, 2011.

Fire hydrant fee rate

The Charter Commission recommended an ordinance to the Moorhead City Council to repeal Subdivision 2 of Section 12.11 of the Charter of the City of Moorhead relating to City use of utilities: transfer of funds. This ordinance was first considered by the Moorhead City Council on May 23, 2011. At its second consideration on June 13, 2011, this ordinance was tabled by the Moorhead City Council and has not yet been reconsidered.

Related to the tabled ordinance recommendation, the commissioners discussed possible timeline requirements for the Council to act on Charter Commission recommendations. On November 28, 2011, a letter was provided to the Mayor and Council urging them to conduct second reading of the ordinance in a timely manner citing Minnesota State Statute authority.

At the time of this report the Charter Commission is still awaiting council action on the recommended ordinance.

Council composition / elections by ward / mayoral voting

Commissioners discussed various options related to the number of council members that comprise the council, how these representatives might be elected (ward and/or at-large

representation), and whether the Mayor ought to be a regular voting member of the council. It was determined that no changes should be recommended to the Moorhead City Council at this time and no further discussion is currently planned.

Oakport annexation and redistricting

The Charter Commission received information related to Oakport’s upcoming annexation and impact on the 2022 redistricting process.

Respectfully submitted:

Jim Danielson, Charter Commission Chair

Date_____