



# **CHARTER COMMISSION MEETING AGENDA**

## **September 03, 2014 - 8:00 AM**

### **City Hall Boardroom**

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**Call to Order**

**Roll Call**

**Approval of Minutes**

1. July 17, 2014 Charter Commission Minutes

**Reports of the Chair, Officers, Commissions and Committees**

**Public Comment**

**Unfinished Business**

2. City Council Voting Requirements
  - A. Contracts
  - B. Acquiring Property, Selling Property, Disposing of Property, Utilizing Eminent Domain
  - C. Tax Levies
  - D. Bond Issues

**New Business**

3. Minutes Policy

**Adjourn**





**City of Moorhead  
Charter Commission  
Meeting Minutes  
July 17, 2014 at 8:00 AM  
Hjemkomst Center - Elm Board Room**

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**Roll call of the members was made as follows:**

**Call to Order**

**Roll Call**

**Roll call of the members was made as follows:**

Board Member:	Eldon Wollman	Absent
Board Member:	Russ Hanson	Present
Board Member:	Francine Gilmore	Absent
Board Member:	Ken Tangen	Present
Board Member:	Jim Danielson	Present
Board Member:	Darvin Landa	Present
Board Member:	James Steen	Present
Board Member:	Athena Gracyk	Present
Board Member:	Ronald Hagemann	Absent
Board Member:	Tom Krabbenhoft	Absent until 8:13 am
Board Member:	Doug Fagerlie	Present
Board Member:	Yoke-Sim Gunaratne	Present
Board Member:	Richard Bolton	Absent

**Approval of Minutes**

June 4, 2014 Charter Commission Minutes

Motion to approve minutes of June 4, 2014 by Fagerlie seconded by Landa; motion approved by unanimous vote.

Minutes: Doug Fagerlie suggested adding a roster of visitors to future minutes.

**Reports of the Chair, Officers, Commissions and Committees**

**Public Comment**

**Unfinished Business**

City Council Voting Requirements

Contracts

Acquiring Property, Selling Property, Disposing of Property, Utilizing Eminent Domain

## Tax Levies

## Bond Issues

Motion to amend the Moorhead City Charter to the following: Section 3.04. Ordinances and Resolutions. Except as otherwise provided in this charter, all legislation shall be by ordinance. The votes of city council members on any action taken shall be recorded in accordance with law. Except as otherwise provided in this charter, an affirmative vote of a majority of all the members of the council shall be required for the adoption of ordinances and for the payment of preauthorized expenditures. ~~Resolutions may be adopted by an affirmative vote of the majority of a quorum, except that every ordinance or resolution involving the appropriation or disposition of public property, the expenditure of public money, levying any tax or assessment, creating any liability, awarding or approving any contract for the payment of money, or ordering any condemnation of private property shall require a three-fourths vote of all members of the council: provided, however, that the adoption and approval of the regular payroll of city employees shall only require majority vote of the members of the council present made by Gracyk seconded by Danielson.~~

## Motion Withdrawn

Motion to authorize the City Attorney to draft a proposed charter amendment to change to majority voting requirement for the contracts; acquiring property, selling property, disposing of property, utilizing eminent domin; tax levies; and bond issues; and add the Mayor as a voting member by Gracyk seconded by Danielson; motion approved by unanimous vote.

## **New Business**

## **Adjourn**

Meeting Adjourned at 9:08 am

*Respectfully submitted by:  
Michelle French, City Clerk*

# MEMORANDUM

**TO:** Moorhead Charter Commission  
**FROM:** Sarah M. Wear  
**DATE:** August 26, 2014  
**RE:** Sections 2.07, 3.03, 3.04 and 3.07 of the Moorhead Charter



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## I. INTRODUCTION

The Moorhead Charter Commission requested information on a possible change to Section 3.04 of the Moorhead City Charter, which currently contains super majority voting requirements (three-fourths of the Council must vote in favor) for a number of items. The Commission requested modification to the voting requirements by (1) giving the Mayor the right to vote and (2) modifying the super majority voting requirements to a majority requirement. This requested change also would require changes to Sections 2.07, 3.03 and 3.07 to give the Mayor voting power. This memo sets forth the current Charter language and illustrates the requested changes.

## II. CHARTER SECTION 3.04

The Moorhead City Charter, Section 3.04 currently states:

Section 3.04. Ordinances And Resolutions. Except as otherwise provided in this charter, all legislation shall be by ordinance. The votes of council members on any action taken shall be recorded in accordance with law. Except as otherwise provided in this charter, an affirmative vote of a majority of all the members of the council shall be required for the adoption of ordinances and for the payment of preauthorized expenditures. Resolutions may be adopted by an affirmative vote of the majority of a quorum, **except that every ordinance or resolution involving the appropriation or disposition of public property, the expenditure of public money, levying any tax or assessment, creating any liability, awarding or approving any contract for the payment of money, or ordering any condemnation of private property shall require a three-fourths vote of all members of the council;** provided, however, that the adoption and approval of the regular payroll of city employees shall only require majority vote of the members of the council present.

(Emphasis added).

This section currently creates a super majority voting requirement (three-fourths of the City Council) for several items.

The proposed changes to Section 3.04, which would amend the three-fourths voting requirement to a majority voting requirement and to allow the Mayor to be included in the vote, are reflected below:

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Section 3.04. Ordinances and Resolutions. Except as otherwise provided in this charter, all legislation shall be by ordinance. The votes of the mayor and council members on any action taken shall be recorded in accordance with law. Except as otherwise provided in this charter, an affirmative vote of a majority of all the members of the council shall be required for the adoption of ordinances, resolutions, and for the payment of preauthorized expenditures. ~~Resolutions may be adopted by an affirmative vote of the majority of a quorum, except that every ordinance or resolution involving the appropriation or disposition of public property, the expenditure of public money, levying any tax or assessment, creating any liability, awarding or approving any contract for the payment of money, or ordering any condemnation of private property shall require a three-fourths vote of all members of the council;~~ provided, however, that the adoption and approval of the regular payroll of city employees shall only require majority vote of the members of the council present. For purposes of this section, the mayor is considered a voting member of the council.

The changes noted above reflect the proposed change requiring a majority vote of the mayor and the members of the council for all resolutions and ordinances, with the exception of regular payroll for city employees, which would require a majority vote of the mayor and members of the council present.

### II. CHARTER SECTION 2.07

The changes noted above would give regular voting rights to the Mayor. This change to Section 3.04 in turn requires a change to Sections 2.07, 3.03 and 3.07 in order to properly give the Mayor the right to vote.

The Moorhead City Charter Section 2.07 currently states:

Section 2.07. The Mayor. The mayor is a member of the council for purposes of presiding at its meetings. The mayor may not vote on matters before the council unless there is a tie vote of the council members, in which case the mayor may vote. The mayor may appoint council committees. The mayor may not serve on a council committee unless such service is approved by a unanimous vote of all council members. The mayor is the head of the city government for ceremonial purposes, for the purpose of service of civil process, and for purposes of martial law. The mayor has no administrative duties.

The proposed change would allow the Mayor to vote on ordinances and resolutions as a member of the council. These proposed changes to the Moorhead City Charter, Section 2.07 are reflected below:

Section 2.07. The Mayor. The mayor is a member of the council for purposes of presiding at its meetings. The mayor may ~~not~~ vote on all matters before the council ~~unless there is a tie vote of the council members, in which case the mayor may vote.,~~ but may not cast an additional vote in case of a tie vote of the council. The mayor may appoint council committees. The mayor may not serve on a council committee

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unless such service is approved by a unanimous vote of all council members. The mayor is the head of the city government for ceremonial purposes, for the purpose of service of civil process, and for purposes of martial law. The mayor shall sign all resolutions and ordinances duly adopted by the council. The mayor has no administrative duties.

The changes noted above give the Mayor the right to vote on all items before the council, whereas the Mayor previously was permitted to vote only in the case of a tie vote of the council. The provision inserted stating the Mayor is to sign resolutions and ordinances adopted by the council is based on the removal of Section 3.07 (discussed below).

### III. CHARTER SECTION 3.03

A change to Section 3.03 would be required to eliminate the reference to the voting restrictions for the Mayor imposed by Section 2.07 which are no longer in place under this proposal.

The Moorhead City Charter Section 3.03 currently states:

Section 3.03. Rules of Procedure. The council determines its own rules and order of business. A majority of the council members constitutes a quorum, but a smaller number may adjourn from time to time. The council may by rule provide a means by which a minority may compel the attendance of absent members. For voting purposes, the council is composed of the two council members for each of the four wards of the city, and the mayor may vote only as provided in section 2.07.

The proposed changes to the Moorhead City Charter, Section 3.03 are reflected below:

Section 3.03. Rules of Procedure. The council determines its own rules and order of business. A majority of the council members constitutes a quorum, but a smaller number may adjourn from time to time. The council may by rule provide a means by which a minority may compel the attendance of absent members. For voting purposes, the council is composed of the two council members for each of the four wards of the city, and the mayor ~~may vote only as provided in section 2.07.~~

### IV. CHARTER SECTION 3.07

The proposed changes giving the Mayor voting power would conflict with the provisions contained in Section 3.07. The terms of the current Section 3.07 give the Mayor the power to object to an ordinance or resolution that has been passed by the council. Given the modifications outlined above, if this section were to remain, the Mayor would in essence have two votes. Therefore, Section 3.07 would need to be deleted.

The Moorhead City Charter Section 3.07 currently states:

Section 3.07. Ordinance and Resolutions; Approval by Mayor. An ordinance or resolution adopted by the council must be promptly presented to the mayor for

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approval. The mayor approves the ordinance or the resolution by signing it and filing it with the clerk. If the mayor does not file the signed ordinance or resolution with the clerk within seven days of adoption, the ordinance or resolution is deemed approved. If the mayor does not approve the ordinance or resolution, the mayor must return it to the clerk, who must present it, together with the mayor's written objections, to the council at its next regular meeting or at a special meeting called for the purpose of reconsidering the ordinance or resolution. At that meeting the vote by which the ordinance or resolution was adopted is deemed to be reconsidered. If, upon reconsideration, six of the council members approve the ordinance or resolution; it is adopted notwithstanding the mayor's disapproval. The vote of each council member on the reconsideration of an ordinance or resolution must be recorded by the clerk. If an ordinance or resolution is adopted in the absence of the mayor, the mayor pro tem must approve the ordinance or resolution and the official minutes of the council's action, but the mayor must approve or disapprove the ordinance in accordance with this section.

Since the proposed changes would give the Mayor a vote in the process of adopting ordinances and resolutions, the provision for giving the Mayor a right to approve or not approve an ordinance or resolution is no longer consistent with the other terms of the City Charter. The sentence added to the end of Section 2.07 above incorporates the signature requirement of the Mayor on all resolutions and ordinances duly adopted by the council, but no longer carries with it the requirement that the signature indicates approval by the Mayor of the resolution or ordinance.

### V. CONCLUSION

The Moorhead Charter Commission requested additional information on the proposed amendments to the City Charter as set forth above related to voting and voting requirements. The City of Moorhead has the authority to amend its Charter to reflect voting requirements consistent with state law. Any amendment to the Moorhead City Charter can be proposed by the Moorhead City Charter Commission.

ORDINANCE NO. 2014-\_\_\_\_

AN ORDINANCE TO AMEND AND REENACT SECTIONS 2.07, 3.03 AND 3.04 OF THE CHARTER OF THE CITY OF MOORHEAD RELATING TO AUTHORITY OF THE MAYOR TO VOTE AND ORDINANCES AND RESOLUTIONS AND TO REPEAL SECTION 3.07 OF THE CHARTER OF THE CITY OF MOORHEAD RELATING TO MAYOR APPROVAL OF ORDINANCES AND RESOLUTIONS

BE IT ORDAINED by the City Council of the City of Moorhead as follows:

SECTION 1. Section 2.07 of the Charter of the City of Moorhead is hereby amended and reenacted to read as follows:

Section 2.07. The Mayor. The mayor is a member of the council for purposes of presiding at its meetings. The mayor may ~~not~~ vote on all matters before the council ~~unless there is a tie vote of the council members, in which case the mayor may vote., but may not cast an additional vote in case of a tie vote of the council.~~ The mayor may appoint council committees. The mayor may not serve on a council committee unless such service is approved by a unanimous vote of all council members. The mayor is the head of the city government for ceremonial purposes, for the purpose of service of civil process, and for purposes of martial law. The mayor shall sign all resolutions and ordinances duly adopted by the council. The mayor has no administrative duties.

SECTION 2. Section 3.03 of the Charter of the City of Moorhead is hereby amended and reenacted to read as follows:

Section 3.03. Rules of Procedure. The council determines its own rules and order of business. A majority of the council members constitutes a quorum, but a smaller number may adjourn from time to time. The council may by rule provide a means by which a minority may compel the attendance of absent members. For voting purposes, the council is composed of the two council members for each of the four wards of the city, and the mayor, ~~may vote only as provided in section 2.07~~

SECTION 3. Section 3.04 of the Charter of the City of Moorhead is hereby amended and reenacted to read as follows:

Section 3.04. Ordinances and Resolutions. Except as otherwise provided in this charter, all legislation shall be by ordinance. The votes of the mayor and council members on any action taken shall be recorded in accordance with law. Except as otherwise provided in this charter, an

affirmative vote of a majority of all the members of the council shall be required for the adoption of ordinances, resolutions, and for the payment of preauthorized expenditures. ~~Resolutions may be adopted by an affirmative vote of the majority of a quorum, except that every ordinance or resolution involving the appropriation or disposition of public property, the expenditure of public money, levying any tax or assessment, creating any liability, awarding or approving any contract for the payment of money, or ordering any condemnation of private property shall require a three-fourths vote of all members of the council; provided, however, that the adoption and approval of the regular payroll of city employees shall only require majority vote of the members of the council present. For purposes of this section, the mayor is considered a voting member of the council.~~

SECTION 4. Section 3.07 of the Charter of the City of Moorhead is hereby repealed in its entirety.

~~Section 3.07. Ordinance and Resolutions; Approval by Mayor. An ordinance or resolution adopted by the council must be promptly presented to the mayor for approval. The mayor approves the ordinance or the resolution by signing it and filing it with the clerk. If the mayor does not file the signed ordinance or resolution with the clerk within seven days of adoption, the ordinance or resolution is deemed approved. If the mayor does not approve the ordinance or resolution, the mayor must return it to the clerk, who must present it, together with the mayor's written objections, to the council at its next regular meeting or at a special meeting called for the purpose of reconsidering the ordinance or resolution. At that meeting the vote by which the ordinance or resolution was adopted is deemed to be reconsidered. If, upon reconsideration, six of the council members approve the ordinance or resolution, it is adopted notwithstanding the mayor's disapproval. The vote of each council member on the reconsideration of an ordinance or resolution must be recorded by the clerk. If an ordinance or resolution is adopted in the absence of the mayor, the mayor pro tem must approve the ordinance or resolution and the official minutes of the council's action, but the mayor must approve or disapprove the ordinance in accordance with this section.~~

SECTION 5. This ordinance shall take effect upon publication in accordance with the Moorhead City Charter.

PASSED by the City Council of the City of Moorhead this \_\_\_\_ day of \_\_\_\_\_, 2014.

APPROVED BY:

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DEL RAE WILLIAMS, Mayor

ATTEST:

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MICHELLE FRENCH, City Clerk

First Consideration:

Second Consideration:

Date of Publication:

## Contracts

Member	3/4 vote	Majority vote	Feedback
Charter Commission Member		Yes	
Charter Commission Member		Yes	
Charter Commission Member		Yes	I have fought for this change for 12 years - we should be a democracy, not an aristocracy.
Charter Commission Member		Yes	Being deadlocked does not do the process any good. Our form of government is a democracy - majority rule.
Charter Commission Member		Yes	If the state advocates majority rule, then that certainly is good enough for me. Further, a decision will be made.
Charter Commission Member		Yes	
Charter Commission Member		Yes	
Charter Commission Member		Yes	
Mayor/Council Member	Yes		Please stick with existing Moorhead Charter rules and forego these forthed attempts at changes.
Mayor/Council Member	Yes		If only 5 votes are required, then 3 council members could be essentially ignored -> no balance of power -> no move to compromise. If 2 of those 3 votes are from 1 ward, 1/4th of our city could routinely be ignored and disregarded.
Mayor/Council Member	Yes		I have served for 2.5 years and see no need to amend the city charter. Appropriate checks and balances are in place.
Mayor/Council Member		Yes	

**Acquiring Property, Selling Property,  
Disposing of Property, Utilizing Eminent Domain**

Member	3/4 vote	Majority vote	Feedback
Charter Commission Member	Yes		
Charter Commission Member	Yes		Eminent domain is a very touchy subject - 3/4 should be able to agree on something that important
Charter Commission Member	Yes		
Charter Commission Member		Yes	
Charter Commission Member		Yes	The physical power of government should be limited in eminent domain.
Charter Commission Member		Yes	I have some difficulty with simple majority for eminent domain.
Charter Commission Member		Yes	
Charter Commission Member		Yes	
Mayor/Council Member	Yes		These changes would potentially deprive our ward of representation and eliminate successful compromise.
Mayor/Council Member	Yes		
Mayor/Council Member	Yes		
Mayor/Council Member		Yes	

**Tax Levies**

Member	3/4 vote2	Majority vote 2	Feedback2
Charter Commission Member	Yes	Yes	
Charter Commission Member	Yes		Continue the give and take of negotiations
Charter Commission Member		Yes	
Charter Commission Member		Yes	
Charter Commission Member		Yes	
Charter Commission Member		Yes	Essential for Moorhead to progress
Charter Commission Member		Yes	
Mayor/Council Member	Yes		
Mayor/Council Member	Yes		
Mayor/Council Member	Yes		
Mayor/Council Member	Yes	Yes	

		Bond Issues	
Member	3/4 vote <sup>3</sup>	Varies with specific issue	Feedback <sup>3</sup>
Charter Commission Member		Yes	
Charter Commission Member	Yes		Bonds are important enough for the 3/4 agreement
Charter Commission Member		Yes	
Charter Commission Member			Make us a democracy!
Charter Commission Member		Yes	Don't know what state statutes are, but they probably make sense. I am going along with that without full knowledge.
Charter Commission Member		Yes	
Charter Commission Member		Yes	
Charter Commission Member		Yes	
Mayor/Council Member	Yes		
Mayor/Council Member		Yes	
Mayor/Council Member	Yes		
Mayor/Council Member		Yes	

## ATTACHMENT C

### MINUTES POLICY

#### Council Rules of Procedure – Adopted May 13, 2013

##### Purpose:

- This policy establishes the way minutes will be taken at the City Council Meetings and any other Board/Commission Meeting that are either digitally video/audio recorded.
- This policy requires all Board/Commission Meetings to be either digitally video/audio recorded effective 6-1-13. Exemption of Police Civil Service Commission.

##### Policy:

- Content:
  - Minutes must include the name of the organization
  - Date, time, and place of the meeting
  - Name of the presiding officer
  - Members present
  - Establishment of a quorum
  - Recording of the action taken on the minutes of the previous meeting
  - Summary of topics discussed
- Body Should Include:
  - Exact wording of motions
  - First/Second
  - Vote
  - Whether passed or failed
  - Summary of topics discussed (for example “concern about changing zoning ordinance to reduce set-backs was discussed”). Topics will be general in nature.
  - Members of public who spoke on behalf or against a matter
  - Time of adjournment
- Not Included:
  - Discussion: Minutes are a record of what was **done** at the meeting-
  - Verbatim statements by speakers, elected officials and appointed officials.
  - Motions that were withdrawn
- Approved Minutes:
  - Signed by the Mayor and City Clerk of the City Council or Chair and Secretary of the Board/Commission.
  - Official copy of the minutes will be stored digitally with the City Clerk’s office or with the Secretary of the Board/Commission.

## ATTACHMENT C

- Retention:
  - Minutes are a permanent record and will be stored indefinitely.
  - Digital video/audio of all Boards/Commission meetings will be retained indefinitely.
  - Digital video/audio of all Boards/Commission meetings as allowed will be available on the City Website for 1 year.