Call to Order

Roll Call

Approval of Minutes

1. Minutes of January 15, 2019

Reports of the Chair, Officers, Commissions and Committees

Public Comment

Unfinished Business

2. Primary Elections

3. Chamber of Commerce Membership

New Business

4. Amend Charter Commission Bylaws

Adjourn
City of Moorhead
Charter Commission
Meeting Minutes
January 15, 2019 at 8:00 AM
City Hall Boardroom

Call to Order

Roll call of the members was made as follows:

<table>
<thead>
<tr>
<th>Board Member:</th>
<th>Present/Absent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Eldon Wollman</td>
<td>Present</td>
</tr>
<tr>
<td>Russ Hanson</td>
<td>Absent arrived at 8:09am</td>
</tr>
<tr>
<td>Julian Dahlquist</td>
<td>Present</td>
</tr>
<tr>
<td>Kenneth Tangen</td>
<td>Present</td>
</tr>
<tr>
<td>Mark Voxland</td>
<td>Present</td>
</tr>
<tr>
<td>Darvin Landa</td>
<td>Present</td>
</tr>
<tr>
<td>James Steen</td>
<td>Present</td>
</tr>
<tr>
<td>Athena Gracyk</td>
<td>Present</td>
</tr>
<tr>
<td>Corey Delorme</td>
<td>Absent</td>
</tr>
<tr>
<td>Thomas Krabbenhoft</td>
<td>Absent</td>
</tr>
<tr>
<td>Douglas Fagerlie</td>
<td>Present</td>
</tr>
<tr>
<td>Dave Sederquist</td>
<td>Absent</td>
</tr>
<tr>
<td>Joel Rehder</td>
<td>Present</td>
</tr>
</tbody>
</table>

Also present:
- John Shockley: City Attorney
- Lance Beachem: City Clerk
- Chris Volkers: City Manager
- Dan Mahli: Assistant City Manager

1. Election of Officers: Chair, Vice Chair, Secretary

Minutes:
- Motion to elect Steen as Chair made by Rehder; seconded by Fagerlie; motion approved by unanimous vote. Steen abstained from voting.
- Motion to elect Rehder as Vice Chair made by Fagerlie; seconded by Tangen; motion approved by unanimous vote. Rehder abstained from voting.
- Motion to elect Dahlquist as Secretary made by Fagerlie; seconded by Gracyk; motion approved by unanimous vote. Dahlquist abstained from voting.

There was discussion about swearing in of new members.
Motion by Dahlquist second Gracyk to swear in Voxland as an at-large Charter Commission member, motion approved by unanimous vote
Voxland was sworn in as an at-large Charter Commission member.
Approval of Minutes

2. February 7, 2018 Minutes

Minutes: Motion to approve minutes of February 7, 2018 made by Fagerlie; seconded by Dahlquist; motion approved by unanimous vote.

Reports of the Chair, Officers, Commissions and Committees

3. Approval of Charter Commission 2018 Annual Report

Minutes: Motion to approve the 2018 Annual Report made by Gracyk; seconded by Tangen; motion approved by unanimous vote.

Public Comment

The Moorhead City Charter Commission welcomes and encourages public input on issues listed on the agenda or of general community interest. Citizens wishing to address the Charter Commission regarding a specific agenda item will be afforded an opportunity during the discussion of that item. Speakers are limited to a 2-minute presentation. Citizens wishing to speak on matters not listed on the agenda will be afforded the opportunity to do so under the heading "Public Comment".

Commission reports
Fagerlie reviewed issues and his concerns during his time on the Commission.
Tangen reviewed issues during his time on the Commission.
Landa addressed his concerns regarding the Commission.
There was discussion about notifications to Commission members.

Unfinished Business

4. Charter Commission Membership

Minutes: The Commission reviewed the minutes of April 12, 2017 and noted the motion that effective January 31, 2019 to change the membership of the Commission to 11, with three at-large positions and two positions from each Ward. There was discussion about current Commission positions that need to be filled.

New Business

7. Chamber of Commerce Membership

Minutes: The Commission reviewed a memo from the City Manager requesting consideration to amend the Charter in order for the City to be a member of the Chamber of Commerce of FMWF. The Commission also reviewed information from the League of MN Cities, the Minnesota Attorney General’s Office and the City Attorney regarding this issue. City Attorney John Shockley reviewed this issue. There was a consensus to get more information on this subject before voting on this issue. Motion to table Chamber of Commerce Membership to the next regular meeting by Rehder, seconded by Gracyk; motion approved by unanimous vote.
Unfinished Business continued

5. Discuss Election Vacancies/Open Seats

Minutes: The Commission reviewed the minutes of February 7, 2018, and noted that the City Council has not taken action on this issue. There was discussion about how amendments can be made to the City Charter and City Attorney John Shockley reviewed this subject and noted that this Commission can make City Charter amendment recommendations to the Council. There was discussion about the process to fill vacancies on the Council, getting information from other Cities about this issue, actions taken in past Council vacancies, and the role of this Commission and the Council in this issue. Motion for the Commission chair to have discussions with the City Council about the Council addressing this issue and putting it on a City Council agenda, by Dahlquist, second by Hanson, motion approved by unanimous vote.

New Business continued

6. Primary Elections

Minutes: The Commission reviewed a memo from the City Manager regarding a request by a resident to amend the Charter in order for the City to hold primary elections. The Commission also reviewed MN Statutes 205.65 and 205.13. There was a consensus to table this issue to the next regular meeting.

8. 2018 Meeting Schedule

Minutes: Motion to hold the 2019 Charter Commission meetings on March 20, June 19, September 11, December 18 at 8:00am in the City Council Chambers, with audio and video recording of each meeting, by Dahlquist; seconded by Rehder; motion approved by unanimous vote.

Adjourn

Meeting adjourned at 9:35 am

Respectfully submitted by:
Lance Beachem, City Clerk

Include a copy of bylaws in the next packet.
January 7, 2019

Moorhead Charter Commission

SUBJECT: DISCUSSION REQUESTED REGARDING POSSIBLE PRIMARIES FOR CITY ELECTIONS

Dear Commissioner Joel Rehder, Acting Chair

A request has been made through my office from a citizen in Moorhead, to the Moorhead Charter Commission regarding the above subject. Please consider the following:

BACKGROUND
On November 5, 2013 the voters of the City of Moorhead voted to amend the Moorhead City Charter to change the City’s municipal elections from odd to even year elections.

City Charter:

CHAPTER 4 ELECTIONS

Section 4.01. Regular Elections. The regular city election is held on the first Tuesday after the first Monday in November of each even numbered year at the place or places designated by council resolution. The city clerk must publish a notice of the election at least 14 days prior to the election. Failure to publish the notice does not invalidate the election. (Ord. 95-1, 4-17-1995, eff. 7-17-1995; amended per election of 11-5-2013)

Section 4.02. Special Elections. The council may by resolution order a special election as provided by law and establish the procedures for holding the election. The clerk must publish a notice of the special election at least 14 days prior to the election. Failure to publish the notice does not invalidate the election. The procedure at a special election must conform as nearly as possible to the procedure applying to other city elections. (Ord. 95-1, 4-17-1995, eff. 7-17-1995)

Section 4.03. Procedure At Elections. Subject to this charter and law the council may by ordinance further regulate the conduct of city elections. Except as otherwise provided by this charter and ordinance, state law applies to city elections. (Ord. 95-1, 4-17-1995, eff. 7-17-1995)

The city now holds municipal elections for the offices of mayor and city council along with other local offices such as county commissioner, sheriff, school board, state offices and congressional offices, among others, in even years. Most of these offices are first subject to a primary election in August, including the local county offices.
Moorhead residents, whose primary interest was local municipal elections, inquired as to why elections for city offices were not also on the August primary election ballot. They assumed it would be and were confused when they got to the polling location to see city elected offices were not on the August ballot. These Moorhead residents could not find a detailed explanation as to why not, other than the city does not call for participation in the primary election because it just hasn’t been done and it would take a charter change to do so.

Some speculate that the exclusion of a primary was simply an oversight when the charter was changed in 2013 (to even year elections) and that a corresponding primary should be a part of our municipal government. The following were supplied as reasons for the city public office elections to participate in a primary election earlier than the November general election:

1. To increase voter participation in the primary;
2. To highlight local issues earlier and increase voter engagement;
3. To lessen confusion at primary election (why is my city candidate not on here) and general election (manageable number of candidates, narrowed choice);
4. To enfranchise the largest number of registered voters;
5. The city’s effort, time and cost will not increase as the city already implements an August primary election, its already being done at most of the other levels

Changes that would need to be made if city elections participated in primaries:

1. Moorhead Charter would need to be changed to call for city offices subject to August primary election, specifying that the candidates for each office be reduced to two for a November general election runoff,
2. Filing period would need to be earlier, as per state law. The filing period would begin in May instead of August, like the county commission filing period, to account for August primary election. See Minnesota Statutes regarding municipal primary elections: https://www.revisor.mn.gov/statutes/cite/205.065 In a city nominating candidates at a primary, an affidavit of candidacy for a city office voted on in November must be filed no more than 84 days nor less than 70 days before the city primary as per Minnesota law: https://www.revisor.mn.gov/statutes/cite/205.13

Finally, I have requested the Moorhead City Attorney to weigh in on the legalities of this potential change in preparation for the Charter Commission meeting on January 14, 2019.

Thank you for this consideration of Moorhead citizen requests to improve city elections by further enfranchising voters and making the process more clear and convenient.

Sincerely,

Christina M. Volkers
City Manager
MN Statute 205.065 PRIMARIES.

§

Subdivision 1. Establishing primary.
A municipal primary for the purpose of nominating elective officers may be held in any city on the second Tuesday in August of any year in which a municipal general election is to be held for the purpose of electing officers. The date of a municipal primary held in an odd-numbered year may be postponed for inclement weather as provided in section 205.105.

Subd. 2. Resolution or ordinance.
The governing body of a city may, by ordinance or resolution adopted by April 15 in the year when a municipal general election is held, elect to choose nominees for municipal offices by a primary as provided in this section. The resolution or ordinance, when adopted, is effective for all ensuing municipal elections until it is revoked. The municipal clerk shall notify the secretary of state and the county auditor within 30 days after the adoption of the resolution or ordinance.

Subd. 3. [Repealed, 1994 c 646 s 28]

Subd. 4. Candidates, filing.
The clerk shall place upon the primary ballot without partisan designation the names of individuals whose candidacies have been filed and for whom the proper filing fee has been paid. When not more than twice the number of individuals to be elected to a municipal office file for nomination for the office, their names shall not be placed upon the primary ballot and shall be placed on the municipal general election ballot as the nominees for that office. When more than one council member is to be elected for full terms at the same election, the candidates' names shall be placed under one office on the ballot with the number to be elected to the office specified directly underneath the title and identification of the office.

Subd. 5. Results.
The municipal primary shall be conducted and the returns made in the manner provided for the state primary so far as practicable. The canvass may be conducted on either the second or third day after the primary.
The governing body of the municipality shall canvass the returns, and the two candidates for each office who receive the highest number of votes, or a number of candidates equal to twice the number of individuals to be elected to the office, who receive the highest number of votes, shall be the nominees for the office named. Their names shall be certified to the municipal clerk who shall place them on the municipal general election ballot without partisan designation and without payment of an additional fee.

Subd. 6. Recount.
A losing candidate at the municipal primary may request a recount of the votes for that nomination subject to the requirements of section 204C.36.
Subd. 1a. Filing period.
In a city nominating candidates at a primary, an affidavit of candidacy for a city office voted on in November must be filed no more than 84 days nor less than 70 days before the city primary. In municipalities that do not hold a primary, an affidavit of candidacy must be filed no more than 70 days and not less than 56 days before the municipal general election held in March in any year, or a special election not held in conjunction with another election, and no more than 98 days nor less than 84 days before the municipal general election held in November of any year. The municipal clerk's office must be open for filing from 1:00 p.m. to 5:00 p.m. on the last day of the filing period.
Mayor and Council Communication

March 11, 2019

Page 1 of 2

SUBJECT: Resolution to Support Chamber of Commerce Membership

RECOMMENDATION: The Mayor and City Council are requesting that Charter Commission consider a change to the Moorhead City Charter allowing for membership in our local Chamber of Commerce for the City of Moorhead and the Economic Development Authority.

BACKGROUND / KEY POINTS: The City of Moorhead, Moorhead Public Service, and Moorhead Economic Development Authority all are current members of the FM Area Chamber of Commerce and have been for many years.

In February, 2018, Cities and Counties received an email from the League of MN Cities (LMC) outlining that there is an Attorney General Opinion that states Minnesota State Statutes do not allow cities to be a member of their local Chamber of Commerce. However, the email from LMC does highlight that a charter city may give authority from their city charter to have membership in their local Chamber of Commerce, because no such authority exists in statute. See email attached from Kevin Frazell, LMC with attached Opinion from the Attorney General.

In March, 2018, as a result of my request to the Moorhead City Attorney, we received an analysis by Mr. John Shockley, City Attorney (see attached email). In his analysis, Mr. Shockley concurred with the Attorney General Opinion and surmised that if we wish to continue membership in our local Chamber of Commerce, the Charter would have to change to allow. This is confirmed in a follow up email from Mr. Shockley in October 2018.

As the Moorhead City Manager, I believe there is value to the City, our citizens, and our elected leaders to remain members of the FM Area Chamber of Commerce. The City of Moorhead has been a member for many years and as such, we support our community and local businesses and in return, we have the privilege of participating, as a member, in many local events.

Further, our local Chamber of Commerce supports our legislative efforts and responds promptly to our requests for assistance or information. We share space in the Hjemkomst and value our relationship with the FM Area Chamber of Commerce. We are requesting the Charter Commission consider a change to the Moorhead City Charter allowing for membership in our local Chamber of Commerce for the City of Moorhead and the Economic Development Authority. We believe if this change is made, that would be enough to allow for Moorhead Public Service to remain a member as they are legally part of the City.

FINANCIAL CONSIDERATIONS: Membership fees are included in the City's budget.

VOTING REQUIREMENTS: Majority of Council (5)
Disclaimer: Voting requirements may be subject to changes in the law, parliamentary procedural matters, or other unforeseen issues. The City Attorney provides opinion on questions of voting requirements in accordance with the Moorhead City Code, Minnesota State Statues, and parliamentary procedure.

Respectfully Submitted:

[Signature]

Christina Volkers
City Manager

Department: Administration
Prepared by: Christina M. Volkers, City Manager
Attachments: Draft Resolution
RESOLUTION 2019-0311-10

Support Chamber of Commerce Membership

WHEREAS The City of Moorhead, Moorhead Public Service, and Moorhead Economic Development Authority all are current members of the FM Area Chamber of Commerce and have been for many years; and

WHEREAS there is an Attorney General Opinion that states Minnesota State Statutes do not allow cities to be a member of their local Chamber of Commerce; however, a charter city may give authority from their city charter to have membership in their local Chamber of Commerce, because no such authority exists in statute.

WHEREAS if we wish to continue membership in our local Chamber of Commerce, the Charter would have to be changed to allow.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Moorhead supports the City’s membership in the Chamber of Commerce; and

BE IT FURTHER RESOLVED by the City Council of the City of Moorhead, Minnesota that the Charter Commission consider a change to the Moorhead City Charter allowing for membership in our local Chamber of Commerce for the City of Moorhead and the Economic Development Authority.

PASSED: March 11, 2019 by the City Council of the City of Moorhead.

APPROVED BY:                  ATTEST:

JOHNATHAN JUDD, Mayor

MICHELLE BREKKEN, City Clerk
STATE OF MINNESOTA
OFFICE OF THE ATTORNEY GENERAL
June 27, 1997

Hans B. Borstad
Staples City Attorney
208 North Fourth Street
Staples, MN 56479

Re: Staples Chamber of Commerce Membership

Dear Mr. Borstad:

I am in receipt of your letter asking whether the City of Staples is authorized to pay membership dues to the Staples Chamber of Commerce. After reviewing prior opinions of the Attorney General on this issue as well as the relevant Minnesota statutes, it is my opinion that, while the City of Staples would be authorized by statute to appropriate up to $50,000 annually to the Staples Chamber of Commerce in certain circumstances, the City would not be permitted to contribute this money in the form of membership dues absent specific authority to do so in the City Charter.

It is well settled in this state that a municipal corporation has only such powers as are expressly conferred upon it by statute or its charter, or necessarily implied therefrom. It has no inherent power. Borgelt v. City of Minneapolis, 271 Minn. 249, 135 N.W.2d 438 (1965); see generally 13A Dunnell, Minn. Digest 2d Municipal Corporations § 3.01a (3rd Ed. 1981). This longstanding principle was relied upon by our office in Op. Atty. Gen. 63-4-1, May 11, 1944, which concluded that the City of New Ulm, a home rule charter city, was without authority, under state law or local charter provision, to subscribe and pay for one or more memberships in a civic and commerce association which was a reorganization of a businessmen’s association. Similarly, in Op. Atty. Gen. 218, February 24, 1949 (1950 Attorney General Report No. 103), we concluded that the Village of Buffalo (now a statutory city) could not join or pay dues to a local chamber of commerce since no such power was conferred upon it by statute. In connection with this issue, your letter refers to three statutes as potential sources of authorization to take the action you describe.

Minn. Stat. § 469.189 (1944), authorizes the governing body of certain cities to appropriate money to advertise the municipality, its resources and advantages. This Office has taken the position that there is a distinction between statutory authorization to appropriate and use money for a purpose, and authorization to contribute money to a body generally committed to advancing a purpose. See, e.g., Op. Atty. Gen. 59a3, January 15, 1959, wherein we determined that statutory authority for a city to “appropriate money” for purposes of historical preservation and observances permitted the city to contract with the county historical society for specific services, but not to donate funds to the society to expend in its own discretion. For the
same reasons, we conclude that section 469.189 (1996) does not authorize the city to donate funds or purchase a "membership" in the local chamber of commerce.

Minn. Stat. § 469.191 (1996) provides:

A home rule or statutory city or town described in section 368.01, subdivision 1 or 1a, may appropriate not more than $50,000 annually out of the general revenue fund of the jurisdiction to be paid to any incorporated development society or organization of this state for promoting, advertising, improving, or developing the economic and agricultural resources of the city or town.

It is our understanding that this section was first enacted in 1989 primarily to allow small rural towns to participate in an organization called the Minnesota Initiative Fund, an organization which received grants from the McKnight Foundation matching certain contributions from towns and cities. However, contemporaneous legislative history indicates an understanding by the legislature that this law would also allow a city or town to contribute up to $50,000 annually to a local chamber of commerce. This seems to be a reasonable interpretation of the language of Minn. Stat. § 469.191, and it is my opinion that this provision would authorize the City of Staples to contribute up to $50,000 annually to the Staples Chamber of Commerce.

Authority to contribute does not necessarily permit membership, however. In general, it has been our view that authority of local units of government are not authorized to form or join "private" organizations absent specific statutory authority. See, e.g., Op. Att'y Gen. 92a-30, January 29, 1986; 733, July 29, 1988. For example, Minn. Stat. § 144.581 (1996), which is mentioned in those opinions, authorizes hospital authorities to join and sponsor memberships in certain organizations.

In addition, the Legislature has addressed the authority of municipalities to provide for municipal membership in certain local, state and national associations. In addition, cities are expressly authorized by Minn. Stat. § 465.58 (1996) to pay annual dues in the League of Minnesota Cities and the expenses of delegates attending the meetings thereof. Neither of these sections would apply to your situation, however.

A broader grant of authority is found in Minn. Stat. § 471.96, subd. 1 (1996), which provides as follows:

The governing bodies of cities, counties, and towns are hereby authorized to appropriate necessary funds to provide membership of their respective municipal corporations or political subdivisions respectively in county, regional, state, and national associations of a civic, educational, or governmental nature which have as their purpose the betterment and improvement of municipal
governmental operations. Cities, counties, and towns are also authorized to participate through duly designated representatives in the meetings and activities of such associations, and the governing bodies of cities, counties and towns respectively are authorized to appropriate necessary funds to defray the actual and necessary expenses of such representatives in connection therewith. For purposes of this section, the governing body of a town is the town board.

From our understanding of the nature of such organizations, it does not appear that chambers of commerce can be characterized as "associations of a civic, educational, or governmental nature which have as their purpose the betterment and improvement of municipal government operations" within the purview of this statute, even though their interests may include such objectives.

Subdivision 2 goes on to provide that the statute does not affect "any statutory, charter or common law power of cities" to provide for membership and participation in state and national associations. I am aware of no general statutory or common law power on the part of cities to provide for membership.

For the foregoing reasons, we conclude that the city lacks statutory authority to purchase membership in the local chamber of commerce. While it is possible that such authority might be contained in the City's Charter, your letter does not refer to any such charter provision, and we do not ordinarily undertake in our opinions to construe provisions of local charters. See Op. Atty. Gen. 629a, May 9, 1975.

Very truly yours,

KENNETH E. RASCHKE, JR.
Assistant Attorney General

(612) 297-1141

KER:tt
AG:25442 v.1
Good afternoon,

You inquired regarding the authorities for the City, EDA and MPS to be a member of the chamber.

**City, Paying Dues.** Although there is no direct authority precluding a city from the payment of dues, the Minnesota Attorney General has opined that it is not permissible for a city or town to pay dues to a chamber of commerce. A.G. Op. (June 27, 1997). The Attorney General’s opinion is essentially that the Minnesota statute authorizing cities to contribute funds to local organizations like these is limited to donations for the stated statutory purpose and cannot be extended to purchasing a membership, through dues or otherwise. Id. (citing Minn. Stat. § 469.191 (1996). The statute has not changed substantially since the Attorney General’s opinion. The Minnesota State Auditor has explicitly adhered to the Attorney General’s opinion in its three separate Statements of Position (2014, 2012, and 2008). Unsurprisingly, the League of Minnesota Cities takes the same position. See League of Minnesota Cities, *Information Memo Public Purpose Expenditures*. There is only one case on Westlaw citing that statute, and it is not on point. *Lamminen v. City of Cloquet*, 987 F. Supp. 723 (D. Minn. 1997) (addressing public notice in bidding process regarding allegation that another statute applied to a situation where the city contributed Christmas lights pursuant to Minn. Stat. § 469.191). I anticipate Minnesota courts would come down the same way as the Attorney General, especially if most Minnesota cities do not have the practice of paying dues to chambers of commerce, further the City is required to follow attorney general opinions.

Notwithstanding, Minn. Stat. § 469.191 provides the City with express authority to “appropriate not more than $50,000 annually out of the general revenue fund of the jurisdiction to be paid to any incorporated development society or organization of this state for promoting, advertising, improving, or developing the economic and agricultural resources of the city or town.” Minn. Stat. § 469.191. The Minnesota Attorney General, the Minnesota State Auditor, and the League of Minnesota Cities all agree that this may apply to local chambers of commerce. But the money simply cannot buy membership in the institution.

**Being a Member.** I found no authority directly on point regarding whether City membership generally in the chamber of commerce (if, e.g., honorary membership) is permissible. The implications of the above-cited authority likely preclude this as well. Additionally, municipalities are have only the powers they are specifically granted by statute, and Minn. Stat. 471.96 specifically grants cities and their employees the power to be members of “civic educational associations” (e.g., League of Minnesota Cities) and does not explicitly grant them the authority to be members of private organizations regardless of their function or purpose.

**EDA, Paying Dues and Being a Member.** As far as I can tell, i.e., based on limited authority, the situation is possibly less restrictive for economic development associations. For example, EDAs’ express statutory authority is more far-reaching regarding participation in organizations than cities: “Public Relations. To further an authorized purpose, an authority may (1) join an official, industrial, commercial, or trade association, or another organization concerned with the purpose. . . . Activities under this subdivision have a public purpose.” Minn. Stat. § 469.101 subd. 16. I found no cases or other persuasive authority addressing that subdivision in particular so I cannot definitively say that a chamber of commerce would fit within its definition. But my guess is that it would: EDAs are not precluded from joining chambers of commerce, and I see no specific prohibition from EDAs paying dues. EDAs have the different statutory structure as cities regarding donations or membership, and it appears less restrictive. The City should follow up with other cities and EDAs to determine standard practice or ask the Minnesota Attorney General for an opinion.

**MPS.** Same analysis as the City as it is part of the City.

Hope this helps.

John T. Shockley
Attorney at Law
MOORHEAD CHARTER COMMISSION

BYLAWS

April 18, 2006
Revised March 16, 2016
Revised September 21, 2016
Revised March 7, 2019
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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, and 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. **Effective January 31, 2019**, 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 two 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. If any member has excused absences for two consecutive meetings, the secretary of the Commission will follow the policy adopted by the Commission in regard to absences. A copy of such policy is attached.

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 calendar year. 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 Commission’s first meeting of the calendar year. 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 subcommittee meetings

   c. types, copies, and mails all minutes, agendas, letters, ordinance and annual reports

   d. updates membership roster, mailing list, roll call list, membership files and related documents and updates website
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.
The purpose of the Absence Policy is to ensure members of the Charter Commission carry out their duties and participate as members of the Commission.

The Absence Policy is as follows:

- In the event a member must miss a meeting, the member must contact the City Clerk prior to such meeting.
- The City Clerk will contact the Chair and/or Vice-Chair and/or Secretary to discuss the reason for the absence.
- The Chair and/or Vice-Chair and/or Secretary will determine whether the absence is excused or unexcused.
- The meeting minutes will still reflect "absent" even if the member has an excused absence.

Enforcement of Policy

The enforcement of the Absence Policy is the responsibility of the Secretary of the Commission. The Secretary will contact member after each absence.

Unexcused Absences:

- The Secretary shall file a certificate with the court setting forth the fact that the member has 2 consecutive unexcused absences from Commission meetings.

Excused Absences:

- If a member has 2 consecutive excused absences, the Secretary of the Commission will make contact with the member to discuss the absences and any other issues affecting service on the Commission.
- Before any certificate is filed with the court, the Commission will determine whether any certificate should be filed or whether to allow the member to serve.
Commissioner Landa introduced the following resolution and moved for its adoption:

RESOLUTION TO AMEND THE
MOORHEAD CHARTER COMMISSION BYLAWS

WHEREAS, during its April 12, 2017, meeting, the Moorhead Charter Commission Members discussed an amendment to Article III of the Moorhead Charter Commission Bylaws (the “Bylaws”); and

WHEREAS, Article III(A) of the Bylaws currently states that the Charter Commission will be made up of 13 members; and

WHEREAS, the Moorhead Charter Commission has determined that the Bylaws should be amended to reflect that the Charter Commission will be made up of 11 members beginning January 31, 2019; and

WHEREAS, Article IX of the Bylaws provides that the Bylaws can be amended at any meeting of the Moorhead Charter Commission by 2/3 vote of those present, provided that the amendment has been submitted in writing to the members at least two weeks prior to the adoption of the amendment.

NOW THEREFORE, be it resolved as follows:

1. The proposed amendment was submitted in writing to the members at least two weeks prior to the adoption of these amendments.

2. Article III(A) of the Bylaws shall be amended as follows:

“Effective January 31, 2019, the Commission shall have 11 members, duly appointed and certified by the District Court.”

3. The language that is striken in paragraph 2 will be deleted from the Bylaws, and language that is underlined will be new language to be added to the Bylaws.

4. The Secretary of the Moorhead Charter Commission is hereby directed to take the steps necessary to have the above-described amendment reflected in the Bylaws in the records of the Moorhead Charter Commission.

Dated: April 12, 2017.

APPROVED:

________________________
Chair
Unfinished Business

3. Discuss Election Vacancies/Open Seats

Minutes: Discussion occurred regarding the process that was determined for the 2016 Council vacancy.

The Charter Commission members directed the City Attorney to come up with scenarios, look at other City Charters, and provide a list of compatible offices.

The Charter Commission would like a clear policy on how to fill vacancies and can a Council Member running for office, run for multiple offices.

Motion to direct the City Attorney to clarify incompatible office made by Steen seconded by Delorme; motion approved by unanimous vote.

Motion to direct the City Attorney to determine where in the City Charter the term vacancies exist made by Rehder seconded by Gracyk; motion approved by unanimous vote.

New Business

Minutes: Discussion occurred regarding the Charter Commission membership.

Motion to change the membership of the Moorhead Charter Commission from 13 members to 11 members effective January 31, 2019 made by Landa seconded by Steen; motion approved by unanimous vote.

The membership will consist of two members per ward with the Mayor appointing three members.

Next meeting will be held on June 21, 2017.

Adjourn

Meeting adjourned at 9:08 am

Respectfully submitted by:
Michelle French, City Clerk