



AGENDA
CHARTER COMMISSION MEETING
ST. LOUIS PARK, MINNESOTA
September 10, 2008
7:00 p.m. – Westwood Room, City Hall

- 1. Call to Order**
- 2. Roll Call & Attendance**
 - a. Requests for Excused Absences
- 3. Approval of Minutes – May 14, 2008**
- 4. Old Business**
 - a. Charter Commission Bylaws – Housekeeping Item
 - b. Tennessen Warnings – Charter List of Members
- 5. New Business**
 - a. Amendments to City of St. Louis Park Home Rule Charter
 - b. Charter Commission Bylaws – Proposed Creation of Subcommittee
- 6. Future Meetings**
- 7. Communications**
- 8. Adjournment**

For more information or questions regarding this agenda, please contact Marcia Honold at (952) 924-2651 or Chair Steve Fillbrandt at 952-926-0596.

*Auxiliary aids for individuals with disabilities are available upon request.
To make arrangements, please call Administrative Services at (952) 924-2525*

**CHARTER COMMISSION
2008 ATTENDANCE ROSTER**

Members	Appointed	Term Expires	May 14	Sept. 10
Steve Fillbrandt, <i>Chair</i>	4-29-03	1-22-10	P	
Brian Fiderlein, <i>Vice-Chair</i>	3-22-01	3-12-09	P	
Janice Loftus, <i>Secretary</i>	3-1-02	3-1-10	P	
Jon (JC) Beckstrand	2-6-08	1-30-12	P	
Gary Carlson	10-6-06	10-2-10	P	
Lynne Carper	4-29-03	10-4-08	P	
Jim de Lambert	1-3-06	3-14-09	P	
Terry Dwyer	2-18-08	2-12-12	P	
Ken Gothberg	10-6-06	6-19-11	P	
Marilyn Hoefl	3-1-02	3-1-10	P	
Linda Jennings	3-1-02	3-1-10	P	
Jim Kelly	10-6-06	10-18-10	P	
John Orenstein	9-13-04	2-22-10	Ae	
Pat Skinner	10-6-06	11-21-08	P	
Brittney Turner	2-19-08	2-12-12	P	

P= Present A= Absent Ae= Absence, Excused N=New Commissioner

NOTE: Minnesota Statute Section 410.05 subdivision 2 provides "When any members has failed to perform the duties of office and has failed to attend four consecutive meetings without being excused by the Commission, the Secretary of the Charter Commission shall file a certificate with the court setting forth those facts and the district court shall thereupon make its order of removal."



UNOFFICIAL MINUTES
CHARTER COMMISSION MEETING
ST. LOUIS PARK, MINNESOTA
May 14, 2008
7:00 p.m. – Westwood Room City Hall

1. Call to Order

Chair Fillbrandt called the meeting to order at 7:05 p.m.

2. Roll Call and Attendance

Members Present: JC Beckstrand, Gary Carlson, Lynne Carper, Jim de Lambert, Terry Dwyer, Brian Fiderlein, Steve Fillbrandt, Ken Gothberg, Linda Jennings, Jim Kelly, Janice Loftus, Pat Skinner and Brittney Turner. Marilyn Hoeft arrived at 7:13 p.m.

Members Absent: John Orenstein.

Others Present: Marcia Honold, Management Assistant/Charter Commission Liaison and Lisa Songle, Recording Secretary.

2a. Requests for Excused Absences

Members Excused: John Orenstein.

2b. Introduction of New Members

New Members JC Beckstrand, Terry Dwyer and Brittney Turner were introduced and welcomed to the Charter Commission.

2c. 2008 Term Expirations

Ms. Honold advised the Commission regarding the upcoming term expirations of Commissioners Lynne Carper on October 4, 2008 and Pat Skinner on November 21, 2008. Ms. Honold stated that if those Commissioners with expiring terms were interested in reappointment, letters would need to be submitted to District Court Chief Judge Lucy Wieland. If reappointment is not sought, the City will need to solicit candidates for those openings.

Commissioner Gothberg asked staff to update the roster to reflect his recent reappointment and new term expiration of June 19, 2011.

3. Approval of Minutes – March 14, 2007

Secretary Loftus requested that her name be spelled correctly on page 2, paragraph 4. Secretary Loftus also pointed out a misspelling and requested a correction to Judge Wieland's name on page 2, section 6a., paragraph 3.

It was moved by Secretary Loftus, seconded by Vice Chair Fiderlein to approve the minutes of March 14, 2007 as amended. The motion passed 12-0-2 with Commissioners Hoeft and Jennings abstaining.

Vice Chair Fiderlein requested that prior to proceeding further that the Agenda be and item 5a Election of Official be moved to ahead of Item 4, Old Business.

It was moved by Vice Chair Fiderlein, seconded by Commissioner Kelly to approve a change in the Agenda to move the Election of Officers from New Business to before Old Business. The motion passed unanimously.

5a. Election of Officers

Chair Fillbrandt moved for nominations.

Commissioner Fiderlein nominated Chair Fillbrandt for Chair. Chair Fillbrandt acknowledged, appreciated and accepted the nomination. Commissioner Carper nominated Vice Chair Fiderlein for Chair who declined the nomination. An election was held and Chair Fillbrandt was unanimously voted in to remain as Chair.

It was moved by Commissioner Fiderlein, seconded by Commissioner Gothberg to approve Steve Fillbrandt as Chair of the Charter Commission, assuming these responsibilities at the present meeting and serving until the next annual meeting of the Charter Commission. The motion passed unanimously.

Commissioner Carper nominated Vice Chair Fiderlein for Vice Chair. Vice Chair Fiderlein acknowledged, appreciated and accepted the nomination. An election was held and Vice Chair Fiderlein was unanimously voted in to remain as Vice Chair.

It was moved by Commissioner Loftus, seconded by Commissioner Kelly to approve Brian Fiderlein as Vice Chair of the Charter Commission, assuming these responsibilities at the present meeting and serving until the next annual meeting of the Charter Commission. The motion passed unanimously.

Commissioner Fiderlein nominated Secretary Loftus for Secretary. Secretary Loftus acknowledged, appreciated and accepted the nomination. An election was held and Secretary Loftus was unanimously voted in to remain as Secretary.

It was moved by Vice Chair Fiderlein, seconded by Commissioner Hoeft to approve Jan Loftus as Secretary of the Charter Commission, assuming these responsibilities at the present meeting and serving until the next annual meeting of the Charter Commission. The motion passed 13-0-1 with Secretary Loftus abstaining.

4. Old Business

4a. Charter Bylaws – Housekeeping Item

Ms. Honold requested a housekeeping change to the Charter Bylaws and that the Commission consider removing the March reference to the annual meeting in Section 9b as suggested by the City's attorney. The change was being suggested to allow flexibility in the annual meeting of the Charter Commission which is required by law to meet at least once during each calendar year.

After much discussion, the Commission decided to table the item to their next meeting scheduled for September 10, 2008 and requested that staff look further in to the annual meeting requirements and how a date change would affect official terms and to bring that information back to the Commission.

It was moved by Commissioner Carper, seconded by Vice Chair Fiderlein to approve the May 14, 2008 meeting of the Charter Commission as the Annual Meeting of the Charter Commission for 2008. The motion passed unanimously.

4b. Roster of Members

Ms. Honold informed the Commission regarding release of private data and the request for a roster of Charter Commission members for internal and external purposes. Presently law permits only the release of the name of commissioners without a signed release. It was the consensus of the Commission that staff send out the Tennessee Warning to the Commission along with a Private Data Release Form and that a membership roster be built based on the information returned from the Commission on Private Data Release Form.

5. New Business

5a. Item moved after Item No. 3, Approval of Minutes.

5b. Proposed Annual Report for District Court – Year 2007

Ms. Honold reviewed the Annual Report for the Commission. Commissioner Carper inquired about approval by the Commission of the report with Ms. Honold replying that a motion by the Commission approving the Annual Report was needed.

It was moved by Commissioner Carper, seconded by Commissioner Dwyer to approve the Annual Report of the St. Louis Park, Minnesota, Charter Commission for District Court for Year 2007 as presented. The motion passed unanimously.

5c. Legislative Update

Ms. Honold updated the Commission on legislative items affecting Charter Commissions, including Best Value Contracting. Ms. Honold then deferred to Commissioner Carlson who works for the League of Minnesota Cities, to provide an overview of this year's legislative session.

6. Future Meetings

6a. Determine future projects/needs

Chair Fillbrandt solicited the Commission regarding any future projects or needs and the following items were discussed:

- Potential Bylaw Changes;
- Charter Changes based on Legislative Action
- Election of Officers
- Best Value Contracting

Vice Chair Fiderlein inquired of Staff to check with City Council regarding anything they may want the Charter Commission to look in to.

The Commission set their next meeting for September 10, 2008.

It was moved by Commissioner Kelly, seconded by Commissioner deLambert to set the next meeting of the Charter Commission for September 10, 2008. The motion passed unanimously.

Communications

8. Adjournment

There being no further business to discuss, Chair Fillbrandt called for a motion to adjourn.

Motion by Vice Chair Fiderlein, seconded by Commissioner Hoeft to adjourn the meeting at 8:13 p.m. The motion passed unanimously.

Respectfully submitted by:

Lisa Songle, Recording Secretary

ST. LOUIS PARK CHARTER COMMISSION BYLAWS

1. The commission shall hold regular meetings at the call of the chair or at the call of three commissioners, provided that the commission shall meet at least once during each calendar year. Notice of each regular meeting shall be posted at City Hall and shall be mailed at least eight days prior to the meetings to all commission members and to any persons or organization upon reasonable request.
2. Quorum to transact commission business shall constitute of eight (8) members or a majority of those seated.
3. At each meeting, reasonable time shall be allocated for presentations from members of the public then in attendance. The commission may request presentations upon any issue from specific members of the public at any meeting.
4. Special meetings of the Charter Commission may be called at any time by the Chair of the commission or by five commissioners upon written, mailed notice postmarked five days prior to the meeting, and an attempt should be made to notify each member by telephone.
5. A majority of the members present at any meeting shall be competent to decide any matter except a resolution to amend the City Charter. A Charter amendment must carry by a vote of not less than a majority of the commission members. If a resolution to amend receives a vote of a majority of those present, but less than a majority of commission members, it shall be carried over and reconsidered at the next meeting.
6. The Chair has the right to speak and vote on any issue before the commission.
7. Any vote involving a Charter amendment or change must be made by roll call vote.
8. No proxy votes may be accepted.
9. Annual Election of Officers
 - a. The commission shall elect its own officers, consisting of a Chair, Vice Chair and Secretary.
 - b. The election shall be conducted at the March meeting.
 - c. All officers shall be elected by a majority vote of the commission members present.
 - d. If a majority vote is not received by an individual on the first ballot, (a secret ballot may be request by any commission member) a second ballot between the two candidates who receive the highest number of votes shall be conducted.
 - e. The term of officers shall be one year and begin on April 1.
10. All commission offices vacated for any reason shall be filled by a special election held at the first meeting after the vacancy occurs.
11. Any member may be removed at any time from office, by written order of the district court, the reason for such removal being stated in the order. When any member has failed to perform the duties of office and has failed to attend four consecutive meetings without being excused by the commission, the secretary of the charter commission shall file a certificate with the court setting forth those facts
12. All resolutions relative to Charter amendments shall be reviewed by the City Attorney prior to submission to the City Council.
13. Except as otherwise stated in these rules, The Standard Code of Parliamentary Procedure shall prevail.

ST. LOUIS PARK CHARTER COMMISSION BYLAWS -- DRAFT 9-10-08

1. The commission shall hold regular meetings at the call of the chair or at the call of three commissioners, provided that the commission shall meet at least once during each calendar year. Notice of each regular meeting shall be posted at City Hall and shall be mailed at least eight days prior to the meetings to all commission members and to any persons or organization upon reasonable request.
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6. The Chair has the right to speak and vote on any issue before the commission.
7. Any vote involving a Charter amendment or change must be made by roll call vote.
8. No proxy votes may be accepted.
9. Annual Election of Officers
 - a. The commission shall elect its own officers, consisting of a Chair, Vice Chair and Secretary.
 - b. The election shall be conducted at the ~~March annual meeting. The annual meeting shall take place prior to March 31 of each year.~~

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 - c. All officers shall be elected by a majority vote of the commission members present.
 - d. If a majority vote is not received by an individual on the first ballot, (a secret ballot may be request by any commission member) a second ballot between the two candidates who receive the highest number of votes shall be conducted.
 - e. The term of officers shall be one year and begin ~~at the conclusion of the annual meeting on April 1.~~

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10. All commission offices vacated for any reason shall be filled by a special election held at the first meeting after the vacancy occurs.
11. Any member may be removed at any time from office, by written order of the district court, the reason for such removal being stated in the order. When any member has failed to perform the duties of office and has failed to attend four consecutive meetings without being excused by the commission, the secretary of the charter commission shall file a certificate with the court setting forth those facts
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PRIVATE DATA RELEASE FORM

In accordance with the Minnesota Government Data Practices Act, the City of St. Louis Park is required to receive your consent before releasing any information about you that is classified as private data. Private data is information that is not available to the public, and includes your home address, home and business phone numbers, and e-mail address.

The City may be asked to provide private information about you, to people who wish to contact you directly about business related to the Charter Commission. Although this information is available from other sources, such as the phone directory, the City is NOT allowed to disseminate any private data about you without your permission.

I authorize the City to disclose the following information to Charter Commission Members:

Home Phone: _____ Work Phone: _____

Cell Phone: _____

Home Address: _____

E-mail address: _____

Other: _____

I authorize the City to disclose the following information to the public:
(If information to be shared with the public is the same as above, please check box)

Home Phone: _____ Work Phone: _____

Cell Phone: _____

Home Address: _____

E-mail address: _____

Other: _____

This release will be in effect as long as you serve on the Charter Commission and can be changed upon your request at any time.

Signature: _____ **Date:** _____

Print Name: _____

Regular Meeting Public Hearing Action Item Consent Item Resolution Ordinance
 Presentation Other:
EDA Meeting Action Item Resolution Other:
Study Session Discussion Item Written Report Other:

TITLE:

Amendments to St. Louis Park Home Rule Charter

RECOMMENDED ACTION:

No formal action required. This report is intended to inform Council of two amendments staff proposes to discuss with the Charter Commission. These changes relate to Sections 5.06 *Contracts – How Let* and Section 3.10 *Revisions and Codification of Ordinances*

POLICY CONSIDERATION:

The St. Louis Park Charter Commission holds its next meeting on September 10, 2008. Does the Council have concerns with staff discussing with the Charter Commission two changes to the City's Charter, Section 3.10 *Revisions and Codification of Ordinances* and Section 5.06 *Contracts – How Let*?

BACKGROUND:

The Charter was last updated on June 7, 2005 and changes are usually considered when there is a business need or if state law requires a change. Staff has identified two recommended changes to the Charter. The first is to Section 3.10 *Revisions and Codification of Ordinances* (business need) and the second is to Section 5.06 *Contracts* (change in state law).

St. Louis Park City Charter – Section 3.10 Revision and Codification of Ordinances

Section 3.10 of the Charter requires that the “ordinances of the City shall be revised, rearranged and codified at intervals of not more than 10 years”. The purpose of this provision is to insure that the City's official ordinances are kept up to date and accurate, particularly with regard to amendments that may have been made along the way. It has been about 10 years since a major recodification of the City's codes was undertaken. Since that time, the City Clerk's Office maintains an electronic copy of the ordinances and has been doing an excellent job of updating and maintaining the city's ordinances, making any changes to the public copies after an ordinance becomes effective. Amendments are updated on the city's website, in the Citywide Records Library and hard copies are distributed to the library, attorney and city departments.

Because the city ordinances are continually maintained to keep our codes in order and accurate for our business needs, staff and the City Attorney recommend that Section 3.10, which requires the city to recodify the city's ordinances every ten (10) years, be deleted.

St. Louis Park City Charter – Section 5.06 Contracts – How Let

In 2007, the State Legislature passed into law an alternative to the competitive bidding system called Best Value Contracting. Best value contracting allows a city to consider price and performance measures when soliciting and evaluating proposals for construction projects. While it doesn't replace the practice of selecting the lowest responsible bidder as set forth under the uniform municipal contracting law, it is another tool that government entities can use to evaluate and select contractors for construction projects, such as public buildings. Staff has attached a summary on best value contracting from the League of Minnesota Cities that describes this process in more detail.

The City's Attorney has reviewed the City Charter and has stated that the city's ordinances would allow for the best value contracting approach. However, for the City to have the flexibility to use best value contracting on a construction project, the Section 5.06 of the Charter would need to be amended.

FINANCIAL OR BUDGET CONSIDERATION:

None

VISION CONSIDERATION:

None

Attachments: St. Louis Park City Charter – Sections 3.10 and 5.06
Summary of Best Value Contracting for Construction Law

Prepared by: Marcia Honold, Management Assistant
Reviewed by: Nancy Gohman, Deputy City Manager/HR Director
Approved by: Tom Harmening, City Manager

Excerpts from the St. Louis Park City Charter – adopted June 7, 2005

Section 3.10. Revision and Codification of Ordinances.

“The ordinances of the City shall be revised, rearranged and codified at intervals of not more than ten (10) years. Such codification shall be published in book or continuously loose-leaf form and copies shall be made available by the Council at the office of the City Clerk for general distribution to the public at a reasonable charge. Such publication shall be a sufficient publication of all the ordinances contained therein. Every book shall contain a printed certificate of the Mayor, attested to by the City Clerk, that the publication is correct; and such book so published shall be received in evidence in all courts for the purpose of proving the ordinances therein contained, the same as though the original ordinances were produced in court.”

Section 5.06. Contracts--How Let.

“City contracts must be made in compliance with law. When competitive bids are submitted the contract must be awarded to the lowest responsible bidder. The City Council may reject any and all bids.”

SUMMARY OF BEST VALUE CONTRACTING FOR CONSTRUCTION LAW

Prepared by: Miller O'Brien Cummins

What does the new law do? The new law provides an alternative to the current low-bid contracting system. This alternative is Best Value Contracting (BVC), which uses the relationship between performance and price to achieve the best overall value and lowest long term cost for government construction projects. The new law allows state agencies, cities, counties, townships, school boards, and other project owners to choose this new procurement system for their construction projects.

Best Value Definition: The new Best Value Contracting (BVC) law applies only to construction projects. The law requires two factors to be considered during the procurement process: price and performance. Nine other factors may be considered as part of the request for proposal (RFP) process, including:

1. The quality of the vendor's or contractor's performance on previous projects;
2. The timeliness of the vendor's or contractor's performance on previous projects;
3. The level of customer satisfaction with the vendor's or contractor's performance on previous projects;
4. The vendor's or contractor's record of performing previous projects on budget and ability to minimize cost overruns;
5. The vendor's or contractor's ability to minimize change orders;
6. The vendor's or contractor's ability to prepare appropriate project plans;
7. The vendor's or contractor's technical capacities;
8. The individual qualifications of the contractor's key personnel; or
9. The vendor's or contractor's ability to assess and minimize risks.

The law specifically states that "performance on previous projects" does not include whether someone has asserted a previous legal challenge against the project owner.

Who may use Best Value Contracting: The new BVC program is open to all construction contractors who submit detailed information on their past performance and qualifications to the government agency awarding the contract. The program has three phases. Phase I, which begins August 1, 2007, allows all state agencies, all counties and cities, and school districts with the highest 25% enrollment of students in the state to use Best Value Contracting. Phase II begins August 1, 2009, and includes all users in Phase I and also all school districts with the highest 50% enrollment. Phase III begins August 1, 2010, and includes all users in Phase I and II, as well as all other townships, school districts, and political subdivisions in the state.

Limits on Best Value Contracting: In addition to the phase-in component, there is a 20% cap on the number of projects that can use Best Value Contracting in the first three years of the program.

However, the cap is relaxed for small project owners, who may use BVC for either one project annually or 20% of its projects, whichever is greater.

What information must be in the RFP? The criteria used to evaluate BVC projects must be included in the RFP and must be evaluated in an open and competitive manner. The RFP must also state the relative weight of price and other selection criteria. If a project owner uses an interview of the vendor or contractor's personnel as a factor in the selection criteria, the relative weight of the interview must be stated in the RFP and applied accordingly.

Training component: Any staff or consultants who administer procurement procedures for a BVC project owner must receive training in the RFP process for BVC for construction projects. The Commissioner of the Department of Administration is given authority to establish a training program for state and local government officials, as well as vendors and contractors, and is allowed to charge for this training. However, the law is flexible regarding the type and amount of training required, and may be conducted by entities other than the Department of Administration.

Excerpted from the City of Minnetonka Home Rule Charter, effective May 7, 2007

Section 6.06. Competitive Contracts.

City contracts must be made in compliance with state law. When sealed bids are required, the city manager must advertise for bids in the official means of publication at least one week before the bids are due. The council may adopt an emergency ordinance waiving this publication requirement. The specifications for sealed bids must be drafted to prevent fraud and favoritism but may include reasonable requirements related to legitimate public concerns. The council may exercise reasonable discretion to award the contract in the best interests of the city, considering such factors as price, quality, experience, suitability, availability, compatibility, efficiency, and overall best value. The council may by ordinance adopt additional regulations for making city contracts.