



AGENDA
CHARTER COMMISSION MEETING
ST. LOUIS PARK, MINNESOTA
September 12, 2019
6:00 p.m. – City Hall, Community Room

The mission of the Charter Commission is to evaluate and propose changes which are warranted in the city's Home Rule Charter as provided by state statute. Home rule charters are, in effect local constitutions passed by local voters and cannot conflict with state laws. Commissioners are appointed by the Chief Judge of Hennepin County District Court and serve on a volunteer basis. (Commissioners are not appointed by city council.) Staff provides assistance to prepare agendas and performs other administrative duties.

1. **Call to Order**
2. **Roll Call & Attendance**
3. **Approval of Minutes**
 - a. April 25, 2019 Charter Commission Meeting
4. **Old Business**
 - a. Presentation - Update on Charter review process and discussion of next steps
5. **New Business**
6. **Future Meetings**
7. **Communications**
8. **Adjourn**

For more information or questions regarding this agenda,
please contact Melissa Kennedy at mkennedy@stlouispark.org
or Chair Sara Maaske at smaaske@outlook.com

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6:00 p.m. – City Council Chambers, Community Room

1. Call to Order

Chair Maaske called the meeting to order at 6:00 p.m.

2. Roll Call and Attendance

Members Present: JC Beckstrand, Jim Brimeyer, Gary Carlson, Jim de Lambert, Terry Dwyer, David Dyer, Andrew Rose, Sara Maaske, Erin Smith, and Henry Solmer.

Members Absent: David Ault, Lynne Carper, Matthew Flory

Others Present: Melissa Kennedy (City Clerk), Michael Sund (Elections Specialist – Outreach and Education), and Robert Stokka (Elections Specialist)

3. Approval of Minutes

a. Minutes of March 13, 2018 Charter Commission Meeting

It was moved by Commissioner Brimeyer, seconded by Commissioner Dwyer, to approve the minutes of March 13, 2018 as presented. The motion passed 10-0.

4. Old Business

a. Presentation – Update on ranked-choice voting outreach, education, and implementation.

Elections staff provided an update to the Charter Commission on the ongoing plans related to the implementation of ranked-choice voting for municipal election in 2019 and the programs and initiatives planned for voter outreach and education.

5. New Business

a. Proposed Annual Report for District Court – Year 2018

It was moved by Commissioner de Lambert, seconded by Commissioner Brimeyer, to approve the 2018 Annual Report and to direct staff to submit to the report to the District Court. The motion passed 10-0.

b. Election of Officers

Chair Maaske stated that the Election of Officers for Chair, Vice Chair, and Secretary takes place at each annual meeting.

*It was moved by Commissioner Dyer, seconded by Commissioner Rose, to appoint **Sara Maaske** as **Chair** of the Charter Commission until the next annual meeting of the Charter Commission. The motion passed 10-0.*

*It was moved by Commissioner Rose, seconded by Commissioner Brimeyer, to appoint **David Dyer** as **Vice Chair** of the Charter Commission until the next annual meeting of the Charter Commission. The motion passed 10-0.*

*It was moved by Commissioner Brimeyer, seconded by Commissioner Dyer, to appoint **Terry Dwyer** as **Secretary** of the Charter Commission until the next annual meeting of the Charter Commission. The motion passed 10-0.*

c. Legislative update – verbal

Ms. Kennedy stated staff continues to monitor pending legislation, particularly anything related to elections. At this time, it doesn't appear that any pending legislation would directly conflict with current charter provisions.

d. Potential charter review to identify/update outdated provisions and language

Ms. Kennedy explained that the city council requested a review of the charter to update any outdated language, insert gender-neutral language, and to make sure there are no direct conflicts with state law.

The commission discussed the council request. Following their discussion, the Charter Commission directed staff to work with the city attorney's office to review the charter in its current form and provide a report to the commission detailing any legal inconsistencies that need to be addressed. They also directed staff to work with an appropriate consultant to update the charter with gender-neutral language and to provide a report of the commission detailing the suggested changes. The commission asked for both items to be returned to them this fall and agreed to schedule a meeting in September of 2019 to discuss and review these items. The commission indicated after reviewing both of these items they would come up with a plan to review the charter for instances of outdated language or provisions that no longer reflect current practice.

6. Future Meetings

The commission asked staff to coordinate a meeting of the commission in September, 2019.

7. Communications – None.

8. Adjournment

It was moved by Commissioner Brimeyer, seconded by Commissioner Beckstrand, to adjourn the meeting. The motion passed 10-0.

The meeting adjourned at 7:16 p.m.

Respectfully submitted by: Melissa Kennedy, City Clerk

Executive summary

Title: Update on charter review process and discussion of next steps

Recommended action: The purpose of this discussion is to provide the commission with an update on the first phase of the charter review process that was previously directed. Direction is needed from the commission to determine the next steps in the charter review process.

Policy consideration: Does the Charter Commission want to undertake a formal review of the charter to address areas that are outdated or no longer accurately reflect current practices?

Summary: At the April 25, 2019 meeting, the Charter Commission discussed the council request for a thorough review of the City Charter. Following their discussion, the Charter Commission directed staff to work with the city attorney’s office to review the charter in its current form and provide a report to the commission detailing any legal inconsistencies that need to be addressed. The city attorney’s office completed their review for legal inconsistencies and identified the following:

Section	What it says	Conflict with state law	Fix
3.01	“All meetings of the council shall be public”	Minn. Stat. §§ 13D.03, 13D.05 authorize closed meetings in certain situations.	Add “Except as otherwise provided by law” before “All”
11.03	“Therefore, the Minnesota Tort Claims Act, applicable to Minnesota Municipalities as it may be amended from time to time, M.S.A. § 3.736 is hereby adopted by reference.”	Sites wrong statute.	Change to: “Therefore, the Municipal Tort Claims Act, applicable to Minnesota Municipalities as it may be amended from time to time, M.S.A. Ch. 466, is hereby adopted by reference.”

At the April 25, 2019 meeting the commission also directed staff to review the charter to ensure gender-neutral language was being used and to provide a report of the commission detailing the suggested changes. An initial review was completed and the following areas were identified:

Section	What it says	Fix
2.05	<p>“A vacancy shall also be deemed to exist due to the death, resignation, removal from office, removal from the city, removal of a ward councilmember from his/her ward, continuous absence from the city for more than three (3) months, or conviction of a felony of any such person whether before or after his/her qualification, ...”</p>	<p>Option 1: replace “his/her” language with “their”</p> <p>Option 2: change to “his/her/their”</p> <p>Option 3: other suggestion from commission</p>
12.02(2)	<p>a. “An individual shall be deemed to seek nomination or election if he/she has taken the action necessary under the ordinance of...”</p> <p>b. “...or make expenditures in excess of one hundred dollars (\$100.00) with a view to bringing about his/her nomination for election or election to an office.”</p>	<p>Option 1: replace “he/she” language with “they” and replace “his/her” language with “their”</p> <p>Option 2: change to “he/she/they and his/her/their”</p> <p>Option 3: other suggestion from commission</p>
12.18(a)	<p>“...any public official who is authorized to take part in any manner in making a sale, lease or contract in his/her official capacity...”</p>	<p>Option 1: replace “his/her” language with “their”</p> <p>Option 2: change to “his/her/their”</p> <p>Option 3: other suggestion from commission</p>
12.18(b)	<p>a. “Any public official who in the discharge of his/her duties would be authorized to...”</p> <p>b. “...unless the effect on his/her interests is no greater than on other persons and/or property similarly situated, shall disqualify himself/herself from such action,...”</p>	<p>Option 1: replace “his/her” language with “their” and replace “himself/herself” language with “themselves”</p> <p>Option 2: change to “his/her/their” and “himself/herself/themselves”</p> <p>Option 3: other suggestion from commission</p>
12.19	<p>a. “Any public official who in the discharge of his/her duties...”</p>	<p>Option 1: replace “his/her” language with “their” and replace</p>

	<p>b. "...which would affect the interests of his/her associates, unless the effect on the interests of his/her associates..."</p> <p>c. "...shall disqualify himself/herself from such action, vote or decision."</p>	<p>"himself/herself" language with "themselves"</p> <p>Option 2: change to "his/her/their" and "himself/herself/themselves"</p> <p>Option 3: other suggestion from commission</p>
12.20	<p>"...firm or corporation which to his/her knowledge is concerned,..."</p> <p>"...thing of value that may tend to influence his/her in the discharge of his/her duties,..."</p> <p>"...grant in the discharge of his/her duties any improper favor,..."</p> <p>"...or accept an offer which would not have been given if he/she were not an official..."</p> <p>"...which would result directly or indirectly from his/her position as a public official..."</p>	<p>Option 1: replace "his/her" language with "their" and replace "he/she" language with "they"</p> <p>Option 2: change to "his/her/their" and "he/she/they"</p> <p>Option 3: other suggestion from commission</p>

Next steps: The commission previously indicated after reviewing both of these items they would discuss a plan to review the charter for instances of outdated language or provisions that no longer reflect current practice.

Strategic priority consideration: St. Louis Park is committed to creating opportunities to build social capital through community engagement.

Supporting documents: None.

Prepared by: Melissa Kennedy, City Clerk
Soren Mattick, City Attorney