CHARTER COMMISSION

PROPOSED AGENDA FOR SEPTEMBER 12, 2017, MEETING

4:30 P.M. – ROOM 104 OF CITY HALL

A. Administrative Business
   a. Call Meeting to Order
   b. Recording of Attendance
   c. Approve Minutes of May 9, 2017 meeting
   d. Set Order of Agenda
   e. Communications
      - Kotschevar memo
      - Hollingshead memo

B. Open Comment Period

C. Committee Reports

D. Unfinished and Deferred Business

E. New Business
   - Consider amendments to Section 15.03
   - Consider amendments to Sections 6.02, 6.03, 6.031 and 6.06

F. Other business - as may be brought up by members

G. Adjourn

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CHARTER COMMISSION

MINUTES FOR MAY 9, 2017

4:30 P.M. – ROOM 104 CITY HALL

A. Administrative Business

a. Call Meeting to Order: The meeting of the Commission was held in Room 104 of City Hall and was called to order by Vice Chair Robert Haeussinger at approximately 4:30 p.m.

b. Recording of Attendance: Present were commission members Kathy Meyerle, Jane Belau, Fred Suhler, Kellie Mueller, Dick Hall, Stephanie Podulke, Robert Haeussinger, Fran Bradley, Leigh Johnson, Carol Kamper and Marcia Marcoux. Absent were commission members Vince Barry, Dave Senjem, John Eckerman and Ray Schmitz.

c. Approval of Minutes: Dave Goslee addressed the Commission and read an e-mail he received from Council President Staver. Goslee was not asking for minutes to be changed based on e-mail, it was merely informational purposes only. Member Leigh Johnson moved to approve the minutes of March 14, 2017; Kelli Mueller seconded; motion passed.

d. Set Order of Agenda: Agenda as ordered.

e. Communications: Vice Chair Robert Haeussinger refered to the communications as follows:

- St. Paul's citizen case - Goslee included this and felt Commission may find it interesting given the topics at hand
- Minn. Stat. 410.20 that includes interpretive notes
- Letter from Council President Randy Staver
- E-mail from Councilmember Mark Hickey

B. Open Comment Period:

The Commission was approached by four high school students who are members of a Youth Action Group: Anna Kirkland, Martha Burket, Alina Hyder and Leah Folpe. This group wished to express their concerns over the current format of the Home Rule Charter for the City of Rochester and the use of male gender language. The desire for this group is the hope that the City of Rochester will be a leader in all areas and that includes modifying the Home Rule Charter to include gender neutral language. The group had modified the Charter and provided gender neutral language. Members of the Commission thanked them for their presentation and asked various questions of them. Good discussion was held from the veteran Commission members as they offered historical knowledge to the visitors on how far the world has come in terms of how a female was formally addressed years ago versus the present time, but also recognized room for improvement. Deputy City Attorney Goslee indicated that the City Attorney has the authority to make the gender neutral changes based on the recommendation of the Commission; however, if there were substantive content changes requested, they would need to be brought to the

Council for approval. Member Kathy Meyerle moved to have the City Attorney exercise his authority to replace gender specific language to gender neutral language within the Home Rule Charter. Fran Bradley seconded; motion passed unanimously. Members asked that once the proposed changes are made, that the Commission have a chance to review prior to the final version included on the Charter's webpage.

Mayor Brede addressed the Commission and offered his support to the Youth Action Group and the goals they wished to achieve.

C. Committee Reports: None

D. Unfinished and Deferred Business:

a. Council action update on charter amendments: Dave Goslee updated the commission as to what occurred at the council meeting relative to clarifying the job responsibilities of the City Administrator and Mayor and provided options to the commission should they wish to go forward. Members Kathy Meyerle & Kellie Mueller indicated they both attended the council meeting and both offered feedback based on council discussion. Meyerle indicated the council did not want the Charter to be too specific on listing of job duties and suggested there was a difference of opinion on which position should hold more authority, the City Administrator or Mayor. Council also felt that the Commission should have consulted more with the council members and suggested that if Charter meetings were recorded, they could better understand as a whole, what is being discussed. Mueller also offered that the council felt that that language added to City Administrator duty was not removed from Mayor, therefore creating redundancy and a confusion as to power/authority. Much discussion was held amongst the commission with a feeling of disappointment that the Council did not wish to address this issue or feel the importance of defining the job positions as it could be a disadvantage to perspective applicants. Meyerle objected to this matter being sent to the voters at this time. Other members felt that maybe the Ordinance should be looked at as well. Member Fred Suhler moved to take no further action on this proposed charter amendment at this time; Member Kathy Meyerle seconded; motion passed.

   Council President Staver addressed the commission to provide an update on the hiring process of the City Administrator position and indicated that an outside firm has been receiving the applications and the council hopes to make a selection sometime in July.

b. Consideration of City Council manner of operations: Goslee updated the commission that he has only received two responses thus far not including the presentation from Councilmember Campion. Vice Chair Haeussinger heard some had no interest.

E. New Business:

a. Consideration of initiative and referendum (tabled from March 14)
This was a topic initially brought up by member Ray Schmitz, who was not in attendance. After further discussion the commission did not wish to have further discussion of this topic. Member Fred Suhler moved to table this topic; Carol Kamper seconded; motion passed with topic tabled indefinitely.

Member Jane Belau inquired if the language could be changed to reflect a majority vote of council versus a unanimous consent of the council. Goslee informed Belau that the language is a state law so only the legislature could amend that language.

F. Other business: Discussion was held and members decided to cancel the July meeting and meet again in September.

Goslee mentioned a few items that may be brought before the Commission in the fall as being: a) changes in procurement process with electronic bidding, etc. b) possible language changes brought by City Clerk relative to electronic signatures and the process of how documents get to the Mayor after a council meeting. Goslee has asked the City Clerk and Parks Department to provide information relative to those topics and hopes to include them for September meeting.

G. Adjourn: The meeting was adjourned. The next scheduled meeting will be held on September 12, 2017 at 4:30 p.m. in conference room 104.

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VISION
We will set the standard for service.
CORE VALUES
Safety · Integrity · Service
Stewardship · Accountability · Skill

# MEMORANDUM

DATE: August 31st 2017

TO: Dave Goslee

FROM: Mark Kotschevar

SUBJECT: Consideration of Request for Charter Language Amendment

I am writing to ask that the Charter Commission consider an amendment to Chapter XV, Section 15.03 of the Rochester Home Rule Charter. The proposed amendment is noted below with a red-lined version of Section 15.03

**SECTION 15.03. (Conduct of meetings; appointment of secretary). The board shall elect from among its members a president who shall preside over the meetings of the board. An election of the president and such other officers as the board may deem appropriate shall be held ~~annually at the first regular meeting following the appointment of a new member for a full term~~ in May of each year. The board shall also annually appoint a secretary who shall not be a member of the board. The board shall adopt rules for the conduct of its affairs and for the removal of its elective officers with or without cause. No action shall be taken by the board except by the affirmative vote of at least three members. Three members shall constitute a quorum.**

The background for this request stems from RPU Board discussions expressing a desire for new Board members to have some time to acquaint themselves with the other Board members prior to electing a president. The existing Charter language requires an election of a president at the first meeting following the appointment of a new member(s). This situation occurred in January 2016 when two new Board members were appointed due to the existing president's term expiring and a resignation. The result was two new members were asked to vote for a president without the benefit of interacting with the other board members prior to casting a vote. The proposed language amendment moves the election to May and allows some orientation time for new Board members before nominating and electing a president. The Board is in unanimous support of the change and respectfully requests Charter Commission's consideration of the amendment. I would appreciate your assistance in having this placed on the next Charter Commission meeting agenda. Please let me know when this might be considered and I am available to answer any questions.

Rochester Public Utilities, 4000 East River Road NE, Rochester, Minnesota 55906-2813
telephone 507-280-1540 · facsimile 507-280-1542 · website www.rpu.org

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Changes to the City's record retention process, the old going paperless theory, make some of the following sections unworkable as they relate to getting documents to and from the mayor for his review and action. Changes similar to the following could be made to make it work. We can discuss on Tuesday. Also, 6.06 can be amended as state law prevents councils from approving ordinances without a waiting period.

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SECTION 6.02. (Enactment). Every ordinance, resolution, and findings of fact, conclusions of law and order passed by the common council shall be signed by the president of the common council and shall be attested by the city clerk. The clerk shall also attach the corporate seal. ~~On~~By the ~~next~~third day after the passage thereof the same shall be transmitted by the city clerk to the mayor for approval. (Amended by Ord. No. 3770, effective June 5, 2006.)

SECTION 6.03. (Approval, veto). If the mayor approves the same, the mayor shall sign it, adding the date of approval thereto. The mayor shall then return it to the city clerk within five days, excluding Sundays, of receipt from the city clerk~~its transmission to him~~. If the mayor declines to approve the same the mayor~~he~~ shall, within said five days, excluding Sundays, return it to the city clerk with a statement of objections thereto, to be presented to the common council at its next meeting thereafter.

SECTION 6.031 (Veto of actions taken by motion). If the mayor objects to any action taken by the common council by motion, he shall within ~~five~~ seven days of approval of that action, excluding Sundays, provide a written notice of veto to the city clerk with a statement of his objections to that action. (Enacted by Ord. No. 3770, effective June 5, 2006)

SECTION 6.06. (Readings required). No ordinance shall be passed by the common council until it has had two public readings, either in full or by title and description and at least 25 days shall elapse between readings, except that on unanimous consent of all members present at the time of the ~~second~~first reading, which shall be noted in the record, the second reading may be given ~~on the day of introduction or on any other day~~at the next meeting that allows for compliance with the notification requirements of state law.