

MINUTES
Minneapolis Charter Commission
Regular Meeting
Wednesday, December 3, 2003 - 4:00 p.m.

1. Call to Order

Vice Chair Rhodes, in the absence of Chair Bester, called the meeting to order at 4:05 p.m. in the Council Chamber, Room 317 City Hall, Minneapolis, MN.

2. Roll Call

Present: Masica, Rhodes, Theurer, Fraser, Thaden, Melendez, Clegg, Collier, Lazarus, Metge

Excused: Bester, Leitschuh, Dziedzic, Bernstein, Dolan (Quorum: 8)

Also present: Joe LaBat, Assistant City Attorney

3. Adopt Agenda

By unanimous consent, the agenda was adopted.

4. Approve Minutes of November 5, 2003

The Minutes of November 5, 2003 were approved, as amended. Change "Council Members" to "Commission Members" in the 5th paragraph. Melendez was excused.

5. Charter Commission Rules: Consider adoption of amendments to the Rules submitted by the Rules Committee (*Lazarus, Masica and Bester*).

Lazarus thanked those who submitted comments. The comments submitted by Fraser and LaBat were considered but were not made a part of the Rules.

Lazarus moved that the Rules be adopted. Seconded.

Fraser moved that the Rules be amended to state that if no quorum is present 30 minutes after the scheduled time of the meeting, a majority of those present may cancel the meeting. Seconded.

Clegg moved a substitute motion to delete Rule 2.1.3 and renumber the remainder of the Rules accordingly. Seconded.

Lost upon a voice vote.

Melendez moved a substitute motion that we strike out Rule 2.1.3 as it is currently written and add: "The Commission customarily adjourns after 30 minutes if no quorum is present, but a majority of the Commissioners present may adjourn such a meeting at an earlier or later time. Seconded.

Adopted upon a voice vote.

Collier moved that Rule 1.7 be amended to a quorum of 8. Seconded.

Lost upon a voice vote.

Clegg moved a substitute motion that the first sentence in Rule 1.7 be amended to read as follows: "A quorum shall consist of a majority of duly appointed Commissioners of the Charter Commission." Seconded.
Lost upon a voice vote.

Thaden moved to amend the third line in Rule 7.1 relating to transmitting Charter amendments to the Council by striking the words "a sufficient number of the" and inserting the word "8". Seconded.
Adopted upon a voice vote.

Thaden moved to commit Rule 7.1 to the drafting committee.

- 6. Articles Committees:** a) Updates on amendments to Articles -
I and II: *Bernstein, Lazarus and Thaden*
III and IV: *Masica, Collier and Clegg*
V and VI: *Theurer, Metge, Dolan*
VII and VIII: *Dziedzic, Bester, Rhodes, Leitschuh, Fraser*

Melendez stated that he has received Articles VII and VIII. Bernstein will resend Articles I and II to Melendez. The third draft will be sent out on within the week.

- 7. Editing Committee:** Update (*Dziedzic, Clegg, Lazarus, Bernstein*)

Melendez, having talked to Dziedzic, stated that the Editing Committee will reconcile the work of the Articles Committee after the third draft has been completed.

- 8. Outside Readers:** Update on the Outside Readers (*Melendez*)

Melendez reported that the Outside Readers are in various stages of having read the document.

The Civil Service Commission responded that they would appoint someone, but they haven't responded. He has sent them one reminder with receiving a response back. He will follow up with the Civil Service Commission for the name of a contact person.

The Park Board has not responded. He recommended that Acting Chair Rhodes contact the Park Board; he will supply the original letter sent to Bob Fine at the Park Board.

- 9. Proposed Charter Amendment:** Update on status of Charter amendment proposed by Bert Black relating to the timing of the next election for City Council Members.

Peter Wagenius, Mayor's office, presented a letter to the Commission for the record.

Collier stated that the Charter Commission had a responsibility to act on the material that was presented to them. As the Charter Commission agenda is distributed widely, those wishing to speak had an opportunity to be heard.

Thaden and Metge agreed with the comments made by Wagenius.

Melendez stated that the revisions to the Charter are unrelated to other issues coming before the Commission.

Wagenius stated that he was actively trying to let the Council Members know the issues weren't linked. He was present at the November Charter Commission meeting after the vote had been taken on this issue. The Mayor supports the work of the Charter Commission and wants support from the Council Members on this issue also, but communication is recommended.

Theurer stated that the Charter Commission needs to continue responding to requests such as in Wagenius' letter and also to do the fundamental work of improving the Charter. The two-prong approach needs to be continued and remain unlinked.

Fraser stated that the complaint that the Charter Commission didn't hear from potential opponents is valid, but this is an issue in litigation. The Charter amendment was sent to the City Council for them to deal with it. Generally speaking, Charter amendments should not be passed out of the Charter Commission requesting a 13-0 vote of the Council when it is known that there is opposition to it.

Clegg disagreed with the Mayor's office reprimanding the Charter Commission for this action.

Collier spoke to at least three Council Members who didn't have a problem with the action of the Charter Commission and they all knew it required a 13-0 vote. Others need to understand the role of the Charter Commission.

LaBat stated there might be incorrect information on the City's web site about matters passed from the Charter Commission to the City Council for a 13-0 vote. The Charter Commission cannot change the Charter. When it is referred to the City Council on a recommended 13-0 vote for passage, the Council can accept it, reject it, amend it and pass it, amend it and reject it, or completely ignore it. If the amendment does not have a sponsor when it gets to the Clerk's office, it never gets to the Intergovernmental Relations Committee. He has been responding to a flurry of questions about this issue.

New Business

10. Proposed Charter Amendments: Referral of proposed Charter amendments relating to contract procedures from the Intergovernmental Relations Committee of the City Council, with recommendation for referral back to the City Council for adoption by unanimous vote, amending:

- a) Chapter 3, Sections 1, 5, 11 and 16;
- b) Chapter 4, adding a new Section 25; and
- c) Chapter 5, Section 24.

Thaden moved approval of 10a, b and c. Seconded.

LaBat summarized the proposed amendments submitted by the Intergovernmental Relations Committee. The intent is to make an orderly process for City contracts. He has

recommended changes to Chapter 3, Section 12. The term "countersigned" should be changed to "signed". In Chapter 15, Section 9, the signature of the Mayor and City Clerk should be removed.

Commissioners recommended having someone opposing and also having a Council Member favoring these ordinances available to speak on this issue before passage.

Fraser requested a half-page description of what effects these ordinance amendments will have.

By unanimous consent, the above issue was postponed for one month to allow for the recommended amendments to be made and to provide a written report.

Melendez will provide the presentation on the proposed revisions to the City Charter at a City Council Study Session scheduled for Friday, February 20, 2004, at 9:30 a.m. in the Council Chamber.

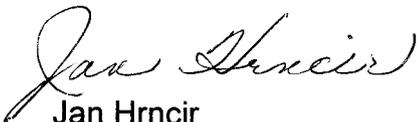
Elections will be held in January, 2004. Charter Commissions will be asked to state whether they are interested in serving as Chair, Associate Chair, or Secretary. It was requested that Commissioners wishing to volunteer for any of those positions send out a notice to that effect before the January meeting.

The Clerk was asked to send out a notice prior to sending out the agenda asking Commissioners who wish to volunteer as an office holder to submit their names before the next meeting.

Thaden volunteered to serve as Vice Chair.

Rhodes stated that he will be leaving the Charter Commission after the January meeting due to his very busy schedule. His term expires in July.

The meeting was adjourned at 5:45 p.m.



Jan Hrcir
Chief Council Committee Coordinator