

AGENDA

CITY OF BEMIDJI - CHARTER COMMISSION

Wednesday, March 16, 2022

6:00 p.m.

**CITY HALL
317 4TH Street NW**

- I. CALL MEETING TO ORDER / ROLL CALL**
- II. APPROVAL OF AGENDA**
- III. APPROVAL OF MINUTES – February 16, 2022**
- IV. BUSINESS:**
 1. Acquiring Independent Council
 2. Charter Commission Bylaws
 3. Mission Statement
 4. Conflict of Interest
 5. Code of Conduct
 6. Vacancies/Special Elections
- V. NEXT MEETING**
 8. Date
 9. Topics for the Next Meeting
- VI. ADJOURN**

THIS MEETING IS OPEN TO THE PUBLIC.

Charter Commission

February 16, 2022 – 6:00 p.m.

Members Present: Dodds, Tanem, Marhula, Blashill, Meuers (6:02), Heinonen, Ravnikar

Members Absent: Jorstad

Staff Present: Assistant City Attorney Katie Nolting, City Clerk Michelle Miller

Vice Chair Dodds noted a quorum and called the meeting to order at 6:00 p.m.

Approval of Minutes

The minutes from the October 20, 2021 meeting was presented for approval. **Motion by Heinonen, seconded by Tanem to approve the minutes as presented. Motion carried by unanimous voice vote with Marhula Abstaining.**

Business Items

Proposed Ordinance Amendment to Clarify Presidential Election Cycle that Four Year Mayoral Term Takes Effect

Members were provided materials with regard to a letter the city received from an attorney representing Jorge Prince seeking clarification of when the four year mayoral term takes effect. Members were given an opportunity to close the meeting to discuss with the materials with the city attorney but upon discussion decided not to close the meeting.

Dodds stated that he received a request to allow public comments. He stated that there is currently no process on citizens addressing the charter commission; however Dodds suggested incorporating a policy for public comments to be on this agenda and all future agendas.

Motion by Marhula, seconded by Ravnikar to adopt a policy to allow public comment at this meeting and future meetings. Motion carried by unanimous voice vote.

Charter members discussed the history of the process of the wording of the mayoral term through the charter commission, city council and ultimately the question on the ballot in November 2020.

Public Comments

Jorge Prince, 2085 Grotte Avenue, commented that he has not threatened litigation but only has been seeking clarification of the four year term of the mayor.

Kevin Waldhausen, 1428 Bixby Avenue, commented that his interpretation as a voter was that the four year term of the mayor is effective 2020.

Bill Batchelder, 2405 Carol Drive, commented that his interpretation as a voter was that the four year term of the mayor is effective 2020.

Charter Commission Members Discussed the following:

- Ravnikar stated that the role of the charter commission is not to interpret or weigh in on intent of past actions of the charter commission. The issue before them is to consider an ordinance amendment to provide clarification on the effective date of the four year term of the mayor.
- Marhula strongly suggested that the charter commission seek independent counsel representation on this matter.

- Meuers commented that his interpretation is that the four year term is effective 2024 and that a mayor election is needed in 2022 for a two year term until 2024.
- Ravnika expressed desire to not interpret the intent of the voters from the ballot question.

Motion by Ravnika, seconded by Meuers to reject the proposed ordinance amendment and defer to the charter as written and approved by the voters. Motion carried by the following voice vote: Yeas: Blashill, Meuers, Heinonen, Marhula, Ravnika, Tanem, Dodds. Absent: Jorstad.

Bylaws Review

Dodds suggested that the commission should review the bylaws since they were last updated more than five years ago. He provided a summary of some potential changes for discussion and review. Dodds suggests that a committee be selected to review and provide proposed changes to the bylaws which would then be adopted by the entire commission.

Motion by Tanem, seconded by Marhula that the chair select a committee of three members of to study the bylaws and bring forth suggested clarifications and changes. Motion carried by the following voice vote: Yeas: Ravnika, Heinonen, Meuers, Tanem, Marhula, Dodds, Blashill. Absent: Jorstad

Marhula, Jorstad and Ravnika were appointed to the Bylaws Review Committee by Dodds.

Conflict of Interest

Heinonen stated that he could not find language from any other cities that is better than the current language in our charter. Nolting stated that if the charter commission wants to include stricter language in the charter, that the commission should consider adopting language. Members discussed a current situation with a sitting councilmember and that person's possible conflict. Members discussed forming a research committee or conducting individual research and providing that research to the charter commission at a future meeting.

Code of Conduct

Commission members would like to get information regarding the city personnel policies and how those policies apply to councilmembers.

Vacancies/Special Election

Commission members suggested incorporating rank choice voting for special elections. Another option is to change the language on the appointment process in the event of a vacancy.

The next meeting was scheduled for Wednesday, March 16, 2022 at 6:00 p.m. at City Hall.

Adjourn

With no further business, a motion by Tanem, seconded by Marhula, to adjourn. Motion carried unanimously. The meeting adjourned at 7:46 p.m.

Respectfully submitted,



Michelle R. Miller
City Clerk/Secretary

Office of the Revisor of Statutes

2021 Minnesota Statutes

[Authenticate](#) **410.06 COMPENSATION; EXPENSES.**

The members of the commission shall receive no compensation, but the commission may employ an attorney and other personnel to assist in framing the charter, and any amendment or revision of it. When so directed by the commission, the reasonable compensation of personnel, the cost of printing the charter or any amendment or revision of it, and the cost of informing the citizens of a suggested charter or suggested charter amendments or revisions, shall be paid by the city. The amount of reasonable and necessary charter commission expenses that shall be paid by the city is the greater of .07 percent of the city's current certified general property tax levy or \$1,500, not to exceed \$20,000 in any one year, but the council may authorize such additional charter commission expenses the commission considers necessary. Other statutory and charter provisions requiring budgeting of or limiting expenditures do not apply to charter commission expenses. The council may levy a tax in excess of charter tax limitations to pay the expenses.

History: [\(1270\) RL s 750](#); [1907 c 216 s 1](#); [1947 c 406 s 1](#); [1959 c 305 s 5](#); [1961 c 608 s 2](#); [1973 c 123 art 5 s 7](#); [1994 c 505 art 3 s 8](#); [2020 c 87 s 2](#)

Official Publication of the State of Minnesota
Revisor of Statutes

City of Bemidji Charter Commission

BYLAWS

review summary

- A. At our previous meeting, we discussed making a practice to review our bylaws periodically, being that it has been more than five years, since we last did this, I feel this is one of the most important things we should do.
- B. We also proposed a goal to have this completed by the Charter Commission Annual Meeting, which will be held here at City Hall, June 22nd, 2022, 6:00 p.m.
- C. I feel we should elect a three (3) member study committee to aid in accomplishing this.
- D. While looking into our bylaws further, I took the time to compare with other home-rule charter cities and came up with a few items that I feel we should consider.
1. Article 9. **Method of Amendment:** Our bylaws state that we can change our bylaws at any meeting of the Charter Commission. I feel having the ability to change the rules as we go along is not in the best interest of any organization. I feel this should be done only at the Annual Meeting.
 2. Article 2. **Purpose:** “The purpose of this organization is to fulfill the duties prescribed for Charter Commissions under the laws of the State of Minnesota.” The Charter Commission’s purpose is to review and recommend amendments to the City Charter; fulfilling the duties prescribed for Charter Commissions under the laws of the State of Minnesota.
 3. Article 5. Meetings:
propose add: Section 7.
Public Comments:
Anyone, who wishes to address the Charter Commission at any meeting thereof, shall do so according to the same rules, procedures, and limitations as those established for addressing the Bemidji City Council. Such address shall happen at the designated agenda time for public comments. Anyone, who wishes to make their comments stated for the public record shall submit those remarks in writing, clearly identifying the author.

4. Article 7. Voting: Do we allow voting by Proxy, or Absentee voting, Abstentions?
5. Article 4. Officers: Officer Term Length, 1-year terms, 2 terms.
6. Article 5. Meetings:
 - i. Location: “A location to be determined by the chair”
Public location/City Hall
 - ii. Agenda Items: I believe every commissioner should have input.
 1. Commissioner input at the end of the meeting, for the next meeting.
 2. Add Order of Business: Section 8.
The order of business for all meetings shall be:
 - a. Call to Order
 - b. Attendance
 - c. Establishment of a Quorum
 - d. Approval of the Agenda
 - e. Minutes of the Previous Meeting
 - f. Public Comments
 - g. Old Business
 - h. New Business
 - i. Agenda Items for the next Meeting
 - j. Next Meeting Date, Location, Time
 - k. Adjourn

City of Bemidji Charter Commission

BYLAWS

Article I. Name

The name of the organization shall be the City of Bemidji Charter Commission.

Article II. Purpose

~~The purpose of this organization is to fulfill the duties prescribed for Charter Commissions under the laws of the State of Minnesota.~~

The Charter Commission's purpose is to review and recommend amendments to the City Charter; fulfilling the duties prescribed for Charter Commissions under the laws of the State of Minnesota.

or

The Charter Commission's purpose is to maintain the home rule charter for the City of Bemidji; fulfilling the duties prescribed for Charter Commissions under the laws of the State of Minnesota.

Article III. Membership

Section 1. ~~The Charter Commission membership shall be comprised of eight (8) members~~ ~~The membership of the Charter Commission~~ and shall be as fixed by Minnesota State Law and City Ordinance or Resolution.

Section 2. Members shall attend all meetings. Members who miss a meeting must notify the Chairperson and or the City Clerk.

Section 3. Members shall acquaint themselves with the needs of the city with a view to make recommendations to this Commission.

Article IV. Officers

Section 1. The offices of this Commission shall be a Chairperson and a Vice-Chairperson who shall be members of the Commission.

Section 2. The Chairperson and Vice-chairperson shall be elected at each annual meeting. No Officer shall serve more than two consecutive terms in the same office.

Section 3. Election to vacant offices shall be made from the membership no later than the first meeting after the vacancy.

Section 4. Election of Officers:

A. Officers of the Commission shall be elected by a simple majority vote of those present and voting.

Section 5. Duties:

A. The Chairperson shall have the following duties:

1. Call all regular and special meetings,
2. Preside at all meetings,
3. Appoint all committees,
4. Determine the agenda,
5. Implement the decisions of the Charter Commission,
6. Participate and vote in all matters before the Commission as if a regular member.

- B. The Vice-Chairperson shall have the following duties:
 - 1. Assist the Chairperson.
 - 2. Assume the duties of the Chairperson in the absence of the Chairperson.

Article V. Meetings

- Section 1.** As required by state law, the Charter Commission shall meet at least once per year. The Annual Meeting of the Charter Commission shall be ~~the 3rd Tuesday in June at 6:30 p.m. held in the month of June, a place designated by the Chairperson at City Hall or other public meeting location.~~
- Section 2.** Special meetings may be called by the Chairperson, or upon the written request of three (3) members of the Commission who shall notify the Chairperson of such request. The Chairperson shall call the meeting and the City Clerk shall notify all members at least 10 days prior to the meeting.
- Section 3.** The Charter Commission may, at any meeting, set the date of future meetings and shall propose agenda items for the next meeting.
- Section 4.** The Charter Commission, and any committees of the Charter Commission, shall conduct all meetings in accordance with the “Minnesota Open Meeting Law”.
- Section 5.** ~~Fifty percent of all members plus one~~ Five (5) Commission members shall constitute a quorum.
- Section 6.** If a member fails to perform the duties of the office and has failed to attend ~~four~~ three consecutive meetings without being excused by the commission, the City Clerk shall file a certificate with the district 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.
- Section 7.** Anyone, who wishes to address the Charter Commission at any meeting thereof, shall do so according to the same rules, procedures, and limitations as those established for addressing the Bemidji City Council. Such address shall happen at the designated agenda time for public comments. Anyone, who wishes to make their comments stated for the public record shall submit those remarks in writing, clearly identifying the author.
- Section 8.** The order of business for all meetings shall be:
- A. Call to Order
 - B. Attendance
 - C. Establishment of a Quorum
 - D. Approval of the Agenda
 - E. Minutes of the Previous Meeting
 - F. Public Comments
 - G. Old Business
 - H. New Business
 - I. Agenda Items for the next Meeting
 - J. Next Meeting Date, Location, Time
 - K. Adjourn

Article VI. Committees

- Section 1.** There shall be no standing committees.
- Section 2.** The Charter Commission may create such ad-hoc committees as it deems ~~fit~~ necessary to assist the Commission in the conduct of its business.

Article VII. Voting

Section 1. All motions require a simple majority of those present unless otherwise required by these bylaws.

Section 2. Abstentions are permitted.

Section 3. Absentee and Proxy Voting is prohibited.

Article VIII. Parliamentary Authority

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the Charter Commission in all cases to which they are applicable and in which they are not inconsistent with the Laws of the State of Minnesota or these Bylaws.

Article IX. Method of Amending Bylaws

These bylaws may be amended at ~~any meeting~~ the annual meeting of the Charter Commission by a two-thirds (2/3) vote of all the members of the Charter Commission.

These bylaws were amended and adopted on this great day, June 22nd, 2022, as required by Minnesota statute, by the following duly appointed Charter Commission members.

Char Blashill

James Dodds

Don Heinonen

Pam Jorstad

C. T. Marhula

Michael Meurers

Randi Tanem

James Ravnikar

ATTEST:

Michelle Miller, City Clerk

Public Comments:

Currently, we do not have a process for citizens addressing the Charter Commission.

I do not see a specific process for allowing public comments in our Charter Commission Meetings. I am not aware of this happening at past Charter Commission meetings.

Currently, there is not a supported structure outlined in the Charter Commission bylaws for public comments as well. I hope to explore this topic in a future Charter Commission meeting for amendment considerations to our City Charter Commission Bylaws.

It seems that in all our city processes, we are always welcoming citizen participation and public engagement. I would assume public comments are always welcome, if allowed by state law, our city charter, and our bylaws, but feel this ultimately would be a decision of the Charter Commission.

If the Charter Commission were to allow public comments, it would be my recommendation that the Charter Commission shall do so in similar fashion as to the same rules, procedures, and limitations as those established for citizens addressing the Bemidji City Council with the exception, we allow for current agenda items to be discussed tonight only.

1. Please State Your Name
2. Address
3. Please us appropriate language
4. Absolutely, no derogatory comments towards any elected official, respected staff member, nor any appointed officials.
5. Please keep your comments to 3 minutes.

City of Bemidji Charter Commission
proposed

Mission Statement

To provide the citizens of Bemidji
with a home rule charter,
that insures a responsible and responsive
local self-government;
securing the best outcomes for public safety,
a representative democracy,
professional city management,
citizen engagement,
and a quality of life,
second to none.