

AGENDA

CITY OF BEMIDJI - CHARTER COMMISSION

Wednesday, April 20th, 2022

6:00 p.m.

CITY HALL

317 4TH Street NW

I. CALL MEETING TO ORDER

- a. Appointment of Temporary Secretary

II. ATTENDANCE

III. APPROVAL of the AGENDA

IV. MINUTES of the PREVIOUS MEETINGS

- a. February 16th, 2022
- b. March 16th, 2022

V. PUBLIC COMMENTS *(limited to 3 minutes)*

Please state your name and address; please use appropriate language and no derogatory comments towards any individuals; please keep your comments limited to 3 minutes or less; and the chair may limit speakers and times accordingly.

VI. COMMISSIONER REPORTS *(limited to 2 minutes each)*

VII. BUSINESS

- a. Report of Bylaws Committee
- b. Seeking Independent Counsel
- c. Discussion of Conflict of Interest and Code of Conduct
- d. Discussion of Council Vacancies and Special Elections
- e. Discussion of the Number of City Council Members

VIII. ANNOUNCEMENTS

- a. Annual Meeting – June 22nd, 2022, 6:00 p.m. at City Hall.
- b. Vacancies – The Charter Commission has two vacancies, effective June 1st, 2022. These positions were posted on April 1st, 2022. Applications may be acquired from the city clerk's office. Applications are due to the city clerk by 4:00 p.m. on April 29th, 2022.

IX. NEXT MEETING

- a. Agenda Items
- b. Date

X. ADJOURN

ALL CHARTER COMMISSION MEETINGS ARE 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

Charter Commission February 16, 2022 – 6:00 p.m. Members Present: Dodds, Tanem, Marhula, Blashill, Meuers (6:02), Heinonen, Ravnika 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 Ravnika 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

Mayor 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:

- Ravnika 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.
- Ravnikar expressed desire to not interpret the intent of the voters from the ballot question.
- Marhula moved to table the issue. Attorney Nolting indicated they could not table the topic. Marhula disagreed with her interpretation of of Robert's Rules.

Motion by Ravnikar, 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, Ravnikar, 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: Ravnikar, Heinonen, Meuers, Tanem, Marhula, Dodds, Blashill. Absent: Jorstad Marhula, Jorstad and Ravnikar 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.

• Attorney Nolting informed the Commission Attorney General Ellison had opined there was no conflict of interest. Marhula vehemently disagreed, stating that is was clear they chose not to issue a formal or informal opinion.

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

A Charter Commission

March 16, 2022 – 6:00 p.m.

Draft Minutes

In the absence of both the Chair and Vice-Chair, the consensus was for Heinonen to chair the meeting.

Members Present: Dodds, Marhula, Blashill, Meurs,

Heinonen, Ravnkar

Members Absent: Jorstad Dodds, Tanem

Staff present in role as City employees: None

Marhula indicated he would like all meetings recorded. From the audience, City Clerk Miller indicated she would no longer take minutes and would not provide a recording device. Moved by Meurs, seconded by Blashill to name Marhula Secretary.

Approved by unanimous voice vote.

Approval of the Agenda Moved by Meurs, second by Marhula

and approved by unanimous voice vote to

Approval of Minutes

The minutes from the March 10, 2022 meeting was presented for approval. Motion by Marhula to approve minutes as amended. Audience member Millter challenged the minutes as amended. Marhula raised a point of order about audience members participating in discussion. Heinonen ruled she could speak. Marhula challenged the ruling and asked for vote on the ruling. Moved by Ravnkar, seconded by Blashill to table approval of the minutes until the next meeting. Approved by majority vote, in favor Heinonen, Marhula, Meares, Ravnkar. Opposed Blashill.

Business Items

Acquiring Independent Council. At this time Council Member Rivera, 725 17th Street NW, Bemidji, MN aske permission to address the commission under public comments. Chair Heinonem denied her request. Meurs reviewed some of the

history of various issues confronted by the Commission over the past years. Moved by Marhula, second by ???? that Dodds (chair) and Meurs proceed to bring recommendations for an Independent Council asap. Approved by unanimous voice vote.

Charter Commission Bylaws. No action.

Mission Statement. No action.

Conflict of Interest. No action. General discussion.

Code of Conduct. No action. People encouraged to do more research.

Vacancies/Special Elections. There was general discussion on lag time on council vacancies caused by state requirements. No action. Heinonen will provide research on instant runoff/ranked choice voting.

Next Meeting

April 13, 2020 6:00 p.m. City Hall

New business

1. Public Comment on Agenda
2. Size of Council

Old business

1. Independent Council
2. Bylaws
3. Mission Statement
4. Conflict of Interest
5. Code of Conduct
6. Vacancies/Special Elections

Adourn

Moved by Marhula, seconded by Meurs to adjourn at ~7:10 p.m.

City of Bemidji Charter Commission

BYLAWS Delete

additions

Article 1. 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 for a Charter Commission under the laws of the State of Minnesota.

Article III Membership

Section 1. The membership of the Charter Commission shall be *eight(8)* 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 City Clerk.

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

Article IV Officers

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

Section 2. The Chairperson, Vice-chairperson and Secretary, 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. 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 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.
- C. The Secretary shall have the following duties:
1. Assist the Recording Secretary.
 2. Assume the duties of the Chair in the absence of both the Chair and Vice-Chair.
 3. Insure proper notice is given.

Article V Meetings

Section 1. As required by state law, the Commission shall meet at least once per year. The Annual meeting of the Charter Commission shall be in the month of June the 3rd Tuesday in June at 6:30 p.m. at a place designated by the Chairperson. City Hall or another public building.

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 Commission may, at any meeting, set the date of future meetings.

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 shall constitute a quorum. Counting members is only filled seats, not vacant seats.

Section 6. If a member fails to perform the duties of the office and has failed to attend four consecutive meetings without being excused by the commission, the City Clerk shall file a certificate with the 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 may do so as follows:

1. On a topic not on the agenda during the time set aside for public comments.
2. On an agenda item; either during the public comment time, or during the agenda item discussion.
3. Generally, the comments shall be limited to three minutes. The Chair has discretion to limit the number of speakers.
4. Anyone who wishes their comments to be part of the official record shall submit their comments in writing clearly identifying the author.

Section 8. Attendance by electronic means by Commission members is permitted.

Section 9. The order of business for meetings shall be:

- A. Call to Order
- B. Attendance
- C. Establishment of Quorum
- D. Approval of Agenda
- E. Approval of Minutes
- F. Public Comments
- G. Old Business
- H. New Business
- I. Agenda Items for the next Meeting
- J. Notice of Future Meetings, Dates, Time, and Location.

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 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 VII.I. 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 Amendments of Bylaws

These bylaws may be amended at any meeting of the Charter Commission by a 2/3 vote of all the members of the Charter Commission attending the meeting. Notice of any proposed changes must be posted at City Hall for at least 30 calendar days before the vote.

Adopted ?????, as required by Minnesota Statute by the following duly appointed Charter Commission Members.

Pamela Jorsta

James Dodds

Char Blashill

Pam Jostad

C.T. Marhula

Michael Meurers

Randi Tanem

James Ravnikar

ATTEST

Adopted: ??????????