

Charter Commission

June 12, 2012 - 5:30 p.m.

Members Present: Casey McCarthy, Chuck Stombaugh, Michael Meuers, Nancy Erickson,
Rod Witt, Jaclyn Ryder, Ben Stowe

Members Absent: None

Staff Present: City Clerk Kay Murphy

Other: Councilor Kevin Waldhausen

Chair Ryder called the meeting to order at 5:35 p.m.

Approval of Minutes

The minutes from the October 25, 2011 meeting were presented for approval. Motion by Stombaugh, seconded by Meuers, to approve the minutes as presented. Motion carried.

Annual Report

Motion by Witt, seconded by Stombaugh, to approve the 2011 Annual Report. Motion carried unanimously.

Oath of Office

City Clerk Murphy administered the Oath of Office to reappoint Commission member Stowe.

Election of Officers

Ryder opened nominations for Charter Commission Officers.

- Motion by Stombaugh, seconded by Meuers, to nominate McCarthy as Chair. Motion carried.
- Motion by Stombaugh, seconded by Meuers, to nominate Witt as Vice Chair. Motion carried.
- Motion by Meuers, seconded by McCarthy, to nominate Stombaugh as Secretary. Motion carried.

Recall Ballot Question

Chair McCarthy reviewed the proposed ballot language prepared by the City Attorney. After discussion, two modifications were made to the ballot question:

Charter Amendment – Recall

“Shall the Bemidji Council-Manager Charter be amended to add Section 5.07, providing for a recall procedure to remove an elective municipal official for malfeasance or nonfeasance in office?”

Malfeasance is any unlawful or wrongful conduct that affects, interrupts or interferes with the performance of official duties. Nonfeasance is the nonperformance of some act which ought to be performed, omission to perform a required duty at all, or total neglect of duty. The proposed procedure under Section 5.07 to affect recall of an elective municipal official, who has held office at least six months, is summarized as follows: Any five (5) registered voters qualified to vote for a successor of the office may form into a committee for the purpose of bringing about the recall of such elective official. The committee shall initiate a petition stating, ~~among other things~~, the grounds for removal. The petition, when complete, shall have been signed by registered voters qualified to vote for a successor of the office equal in number to twenty (20) percent of those who voted for the office in the last election. The completed recall petition is then filed with the City Clerk,

who thereafter shall determine if the petition is sufficient. If determined to be sufficient, the petition shall be submitted to the City Council which shall call (order) for an election of the voters to determine if the alleged action(s) or omission(s) constituting malfeasance or nonfeasance is(are) sufficient cause for the elective official's removal from office. If the official is the Mayor or Councilmember-at-large, the election shall be city-wide. If the official is a ward council-member, it shall be limited to the particular ward.

Councilor Waldhausen stated that he was not in favor of the amendment as it was written due to the fact that a recall could be made and damage a councilor's reputation. Discussion continued with Commission members stating their reasons for wanting the recall language in the Charter.

Motion by Meuers, seconded by Ryder, approving the Charter Amendment ballot question and summary language with noted changes. Motion carried unanimously.

Recruitment of Charter Commission Member

Commission members discussed the need to fill the vacancy created by Charlene Fisher. The City Clerk will advertise the opening on the Commission. Commission members noted that Wards 1, 2 and 4 do not have representation on the Commission.

Amendments to the By-laws

Commission reviewed the by-laws and no amendments were made.

Educating the Public/Website

Ryder and Stombaugh will go on Chat-A-Bout on October 1 regarding the City Charter and the upcoming recall ballot question. The City Clerk will post the upcoming ballot question on the City's website.

Instant Runoff Voting (IRV)

No action was taken and the item was tabled for future discussion.

Other Items

Stombaugh referred to Minnesota Statutes, Section 410.05, which states "the charter may provide that members of the governing body of the city cannot serve on the charter commission". He stated that he believed the Bemidji Charter does not have this prohibition. Discussion followed whether this was a charter amendment or a by-laws amendment. The City Clerk was asked to research this further. (After the meeting, the City Clerk verified that it is in the Charter under Section 2.04. No action is needed.)

Next Meeting Date

The City Clerk will set a meeting if required.

Adjourn

With no further business, a motion was made by Witt, seconded by Erickson, to adjourn. Motion carried unanimously. The meeting adjourned at 6:45 p.m.

Respectfully submitted,



Kay M. Murphy
City Clerk