

Charter Commission

June 15, 2010 - 6:00 p.m.

Members Present: Casey McCarthy, Chuck Stombaugh, Jaclyn Ryder, Michael Meuers, Charlene Fisher
Members Absent: Ben Stowe, Rod Witt
Others Present: City Attorney Alan Felix, Deputy City Clerk Michelle Miller

Vice Chair Ryder called the meeting to order at 6:05 p.m.

Approval of Minutes

The December 8, 2009 minutes were presented for approval. Motion by Stombaugh, seconded by Meuers .to approve the minutes as presented. Motion carried.

Oath of Office

The Deputy City Clerk administered the Oath of Office to reappoint Commission members Ryder and McCarthy.

Election of Officers

Ryder opened nominations for Chair. Motion by Stombaugh, seconded by Meuers, to nominate Ryder as chair. Motion carried.

Ryder opened nominations for Vice Chair. Motion by Stombaugh, seconded by Meuers to nominate McCarthy as Vice Chair. Motion carried.

Ryder opened nominations for Secretary. Motion by Stombaugh, seconded by Meuers, to nominate Fisher as Secretary. Motion carried.

Recruitment of Charter Commission Member to fill Nicholle Bieberdorf's Unexpired Term

Commission members discussed the need to fill Nicholle Bieberdorf's unexpired term. Ryder asked members to think of people they could ask to apply for this seat with the Clerk's office.

Charter Amendment – Section 4.02 – Primary Election

It was noted that Section 4.02 of the Charter states that the primary election will be held on the first Tuesday after the second Monday in September. This language needs to be changed to reflect current Minnesota Statutes. It was determined that this language not set out a specific day and money; however, should be stated in a more broad sense so that the Charter does not need to be amended in the future if it is changed again.

Motion by Stombaugh, seconded by Meuers, to recommend to council to adopt language that is consistent with Minnesota Statutes in regard to the change of date for primary elections. Motion carried unanimously.

Recall

The Commission discussed the addition of recall language to the City Charter. The City of Rochester's recall language was again reviewed by Felix and Commission members. The language adopted by the City of Rochester allows for a third party (in this case it would be a Judge of District Court) to review any petition filed and to determine whether malfeasance or nonfeasance has occurred. Meuers stated that this takes the power away from the people. Stombaugh questioned whether a judge from a different district could review the petitions. Meuers further stated that this is a lack of democracy and that recall language could be drafted

that is similar to the petition language currently in the Charter and that it could be changed to reflect wards or at large positions.

Motion by Meuers, seconded by Fisher, to appoint Stombaugh to a Recall Subcommittee and to meet with Felix and Murphy to draft recall language for the Commission to review. Motion carried unanimously.

At Large vs. Ward

The Commission discussed the idea of eliminating election of councilors by ward. Ryder stated that this is a good time to start thinking about and discussing this prior to redistricting of the wards, which will take place in 2011.

Stombaugh stated that back in June of 2003 this issue was addressed and that public notices were posted and citizens were asked to weigh in on the issue of Wards v. At Large. Stombaugh read a few of those responses. At that time, residents did not approve of the elimination of Wards.

Meuers commented that those that have greater financial backing will get elected and the community will not be fairly represented.

There were also concerns about redistricting, annexation and also geographic disproportionment.

This issue was tabled for further discussion.

Instant Runoff Voting (IRV)

This issue was tabled.

Other Items

Discussion about when a sitting council member runs for an open position but still has time left in their position whether or not that person should have to "give up" their position to run for the new position. It was suggested that this may save on special election costs. A concern was raised; however, about the filing deadlines and that if a person files on the last day there is not enough time to seek filings for the vacated position. The City Attorney will research if the Charter has the authority to force a council member to resign if they run for another office.

Next Meeting Date

The next meeting will be September 21, 2010 at 6:00 p.m.

Adjourn

With no further business a motion was made by Meuers, seconded by Stombaugh, to adjourn. Motion carried unanimously. The meeting adjourned at 7:20 p.m.

Respectfully submitted,



Michelle R. Miller
Deputy City Clerk