

CHARTER COMMISSION

MINUTES FOR MAY 10, 2016

4:30 P.M. – ROOM 104 CITY HALL

A. Administrative Business

- a. Call Meeting to Order: The meeting of the Commission was held in Room 104 of City Hall and was called to order by President Kathy Meyerle at approximately 4:40 p.m.
- b. Recording of Attendance: Present were commission members Kathy Meyerle, Jane Belau, Kellie Mueller, Fred Suhler, Leigh Johnson, Stephanie Podulke, Fran Bradley, Marcia Marcoux. Absent were commission members Robert Haeussinger, Joseph O'Toole, Carol Kamper, Dave Senjem, Vince Barry, and Dick Hall.
- c. Approval of Minutes: The minutes of January 12, 2016 were reviewed for approval. Commission member Kellie Mueller asked for additional language under New Business, item C, line 5. Mueller wished to add the following language "*..... council to terminate employees and review the Charter for gender neutral terms and application process.*" Motion was made to accept January minutes as amended; motion seconded and approved.
- d. Set Order of Agenda: President Meyerle set agenda but added to Item F – Other Business: discussion as to gender neutral terms in Charter
- e. Communications: None

B. Open Comment Period: None

C. Committee Reports: None

D. Unfinished and Deferred Business: None.

E. New Business:

- a. President Kathy Meyerle started the term limit discussion by asking Deputy City Attorney Dave Goslee if the current state of the law allowed term limits to apply to elected or appointed officials. Dave clarified that term limits may only be applied to appointed officials, and may not be added as a qualification to elected positions. Kathy asked whether action should be taken to remove that provision from the Charter since it is unenforceable. Given this issue comes up at every Mayoral election, Commission members discussed whether or not they should initiate the repeal of this provision from the Charter. Additional discussion was held as to whether there were other options of bringing this information to the public's attention. Kathy asked for a motion requesting the City Attorney's office to annotate the Charter Commission website and hard copy of Home Rule Charter concerning the effectiveness and indicate the non-enforcement of section

3.011. Fran moved the request, Leigh seconded. Before the Commission voted, Fred Suhler voiced his concern with the motion in that the Commission has no authority over the City Attorney's Office. Kellie Mueller noticed that there are annotations to some sections of the Charter and inquired who has the authority to make that annotation. Dave Goslee clarified that annotations are generally intended to aid the reader's understanding of the provision.

A modification to the initial motion was made to request City Attorney annotate the electronic and print version of the Home Rule Charter to indicate that section 3.011 regarding limitations of consecutive terms is unenforceable. Vote: 6 ayes – 1 nay.

Second consideration is to ask the City Attorney if he thought it appropriate to issue a formal opinion the unenforceability of section 3.011. Dave Goslee indicated he will bring this matter to the City Attorney and see what direction he wishes to go.

President Meyerle indicated that the Commission will look forward to an update on this matter at the next meeting.

- b. Continued discussion was held on who has the authority to hire/fire the City Administrator. It was questioned why this topic came back for discussion when the City Administrator, along with the City Attorney, serve at the pleasure of the City Council and the Commission earlier decided no changes were necessary. After limited discussion no action was taken.

F. Other business:

As indicated at the beginning of the meeting, further discussion was held on modifying the Home Rule Charter to make terms more gender neutral. Dave Goslee clarified to the Commission that this is an editorial function that would fall under Section 2.02 Subd. 2(8) and recommended that with the decision the Commission wishes to make that it be made editorially without formal action of Council.

Kellie Mueller addressed the Commission. She feels that compared to other city charters, the Home Rule Charter for City of Rochester does not read gender neutral and is out-of-date. Kellie feels that although the Charter currently reads in masculine gender, she would rather see more specific, gender neutral verbiage be used and reference person by their title or position. Dave Goslee indicated that if Commission members find there are certain provisions that are out-of-date or incorrect, they are welcome to identify the particular provisions in need of modification and that he would bring them to the attention of the City Attorney for amendment under the City Attorney's editorial authority.

- G. Adjourn: The meeting was adjourned at 5:33 p.m. It was determined that the meeting for July will be cancelled and the next scheduled meeting will be held on

September 13, 2016 at 4:30 p.m. in conference room 320, located on the 3rd floor of City Hall.

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