

**Agenda
City of Minnetonka
Charter Commission Meeting
Tuesday, November 14, 2023
6:30 PM
Minnehaha Room**



1. Call to order
2. Roll call
3. Approval of minutes
 - A. July 12, 2023 minutes
4. Nov. 7, 2023 municipal election
 - A. Report on results
5. Report of city attorney
 - A. Report
6. Election of officers
7. Annual report
 - A. 2023 annual report
8. Other business
9. Future meeting schedule
 - A. 2024 future meeting schedule
10. Adjournment



**MINUTES OF THE
MINNETONKA CHARTER COMMISSION**

July 12, 2023

1. CALL TO ORDER

Chair Northrup called to order a special meeting of the charter commission at 6:30 p.m.

2. ROLL CALL:

Members present: David Larson, John Northrup, Rachel Panner, Terry Schneider, Linnea Sodergren, LuAnn Tolliver, Brad Wiersum, Lori Weissman. Dick Allendorf was absent, and the absence was excused. City Attorney Corrine Heine and City Clerk Becky Koosman also attended.

3. APPROVE MINUTES OF NOV. 15, 2022 MEETING

Wiersum moved, Tolliver seconded, to approve the minutes of the Nov. 15, 2022 meeting. All voted in favor.

4. PETITION TO AMEND CITY CHARTER

Chair Northrup introduced the item. He noted that a petition to amend the city charter had been submitted to the city and that the requested action for the commission was to adopt a resolution to submit the petition to the city council. Larson moved, Sodergren seconded, a motion to adopt the resolution. By roll call vote, all voted in favor.

5. FEEDBACK REGARDING CHARTER COMMISSION HANDBOOK

Chair Northrup asked the commission to provide feedback regarding the charter commission handbook that had been prepared and distributed to the commission members. Northrup indicated that he felt the handbook was well done. Sodergren said that the information on accessing and managing email was helpful and that she particularly appreciated the flow charts regarding the ways to amend the charter. Wiersum stated that the handbook includes information that could be helpful to residents in understanding how the charter is amended. Weissman also indicated that handbook is helpful for transparency and education. Larson asked how members of the public could obtain a copy of the city charter, and Heine responded that it is available through the city website and that the public may also request a copy from the city clerk.

6. ADJOURNMENT

Wiersum moved, Panner seconded, to adjourn the meeting. All voted "aye." The meeting was adjourned at 6:39 p.m.

Respectfully submitted,

LuAnn Tolliver
Secretary



MINNETONKA CHARTER COMMISSION

Nov. 14, 2023 Annual meeting

Agenda Item 4: Report on results of Nov. 7, 2023 municipal election

The Minnetonka municipal election will be held on Nov. 7, 2023. In addition to elections for the four ward council seats, the ballot includes a question on whether the charter should be amended to repeal ranked choice voting.

Vote requirements

Under state law, 51 percent of the votes cast *on the amendment* must vote in favor of the amendment in order for the amendment to pass. Only ballots that voted on the ballot question are included; ballots that left the ballot question blank are not included in determining whether the 51 percent requirement has been met.

Post-election steps

If the “yes” votes on the ballot question are less than 51 percent of the votes cast, the amendment will not pass. Other than certifying the election results (which is done by the city council), no further action is required. The charter will remain unchanged.

If the “yes” votes on the ballot question satisfy the 51-percent requirement, the amendment will pass. The city clerk must file a copy of the amendment and a certificate with the secretary of state and also in the clerk’s office. The amendment would become effective 30 days after the election, or Dec. 7, 2023.

No action would be required by the charter commission, regardless of how the election comes out. If the amendment passes, the city council would need to amend the city code by rescinding the provisions that relate to ranked choice voting.

Election results

The city council will be asked to canvas the results of the election on Nov. 13, 2023, and a report with the elections results will be included in the city council agenda packet for that meeting. The same report will be distributed to the charter commission as an addendum for the Nov. 14 charter commission meeting.

City Clerk Becky Koosman will attend the Nov. 14 meeting and give a brief presentation to the charter commission.

MINNETONKA CHARTER COMMISSION

Nov. 14, 2023 Annual meeting

Agenda Item 5: Report of city attorney

This report includes a summary of legislation and court decisions, if any, within the last year, about which the commission should be aware. In addition, the report includes a summary of activities by the charter commissions for other cities and an update regarding a change in the chief judge for the Hennepin County District Court.

Legislation

- Minnesota Open Meeting Law (OML). The OML has been amended with respect to meetings in which a member of the public body participates in a meeting from a remote location, due to personal or family medical reasons. The general rule for any member to participate in a meeting remotely is that the member must participate from a “public location.” Prior to the recent amendment, the Open Meeting Law provided an exception to the “public location” requirement for a member of a public body who has been advised by a health professional against being in a public place for personal or family medical reasons. In those circumstances, the member could participate from a location that is not open to the public, but subject to two limitations:
 - The member could not use the exception more than three times in any calendar year; and
 - The exception could only be used during or within 60 days after the expiration of a state of emergency.

The 2023 amendment to the law removed the second limitation, but the first limitation still applies.

- Petitions for elections. Minn. Stat. § 204B.071 has been amended to provide that a petition for an election may not be rejected solely because the petition is on paper that is smaller than 8.5 inches wide by 14 inches long (legal size paper). This amendment would apply to petitions by voters to amend the city charter. The city has not required petitions to be on legal-sized paper, so this amendment has no impact on the city.
- There was no legislation that would require an amendment to the city charter.

Court decisions

- *Kranz v. City of Bloomington*, 990 N.W.2d 695 (Minn. 2023)
Residents of Bloomington circulated a petition to amend the city charter and submitted the petition to the city. The petition proposed to amend the city charter by removing the use of ranked choice voting (which had been approved by the voters in 2020). In addition, the petition proposed that the charter be amended by including a provision that would have

prohibited the use of ranked choice voting in the future, unless approved by two-thirds of the voters in a regular municipal election. (The state law provides that charter amendments are effective if approved by 51 percent of those voting on the question, at either a general or special election.) The city council refused to put the measure on the ballot, because the two-thirds-vote provision conflicted with state law, and the council determined that the defect was not severable. That is, the council could not simply remove that requirement and submit the rest of the amendment to the voters, because the council could not determine whether people would have signed the petition without that provision.

The residents petitioned the court, seeking an order to require ballots to include the charter amendment question. The district court denied the petition, holding that the two-thirds provision conflicted with state law and that the defective provision was not severable from the remainder of the proposed amendment. The residents appealed and requested accelerated review by the Minnesota Supreme Court.

In May 2023, the Minnesota Supreme Court ruled in favor of the city. The court held that it is not appropriate to sever an unconstitutional provision from a proposed charter amendment if the proposed charter amendment would be “deprived of its efficacy or strength” by that severance. The court must compare the entirety of the original proposal with what would remain after severance. In this case, the court held that the amendment had a two-fold purpose: to repeal ranked choice voting; and to prevent ranked choice voting from being reinstated. The offensive provision provided a substantial portion of the strength of the overall amendment, and therefore it could not be severed. Justice Thissen dissented, arguing that the city council was required to sever the impermissible provision.

Activity by other charter commissions

Except for Minnetonka, there are no other Minnesota cities that have charter amendments on their ballots for the Nov. 7, 2023 election. The city attorney polled other city attorneys to see what changes other charter commissions have considered recently. This represents an informal sampling and is not comprehensive:

- Bemidji – conducting an overall review of the charter; also considering whether to adopt a code of conduct for council members as part of the charter
- Brooklyn Park – considering amendment to allow city to spend funds for community events; also considering language related to special elections to fill a council vacancy,
- Fergus Falls- the charter commission is considering amendments that would require newly elected council members to be sworn in before any business can be conducted.
- Lake City – amending the charter to reduce the number of members on the commission from 11 to 7
- Marshall – expected to consider an amendment that would provide authority to expend funds that benefit the community as a whole
- Minneapolis – working on amendments as a follow-up to the recent amendment that changed Minneapolis from a weak mayor form of government to a strong mayor form of government.

- Mounds View – amended charter to provide for appointment of a council member to serve as acting mayor when office of mayor is vacant; amended charter to add severability clause and to provide stylistic consistency; commission also declined to consider a request that it propose an amendment related to organized collection of solid waste
- Ramsey- recently revised charter to prohibit council members from sitting on the commission, to conform the election and vacancy procedures to the state uniform election date law, and requiring a unanimous vote of the council to fill a vacancy in those situations where vacancies are filled by appointment
- Rochester – considering an amendment that would prohibit council members from serving on the charter commission
- West St. Paul – considering an amendment that modify a current prohibition on offering compensation in connection with obtaining signatures on petitions; the amendment would prohibit paying an individual to sign a petition but would allow petition circulators to be paid; expected to consider an amendment that would provide authority to expend funds that benefit the community as a whole

Change in chief judge

Chief Judge Todd Barnette accepted a new position as public safety commissioner for the City of Minneapolis, and he resigned from the Hennepin County District Court effective Oct. 20, 2023. Applications for appointment and reappointment to the charter commission must now be submitted to Chief Judge Kerry Meyer. The city attorney has requested information from Chief Judge Meyer's assistant regarding the appointment and reappointment process the judge will follow. Once a response is received, updates to the charter commission handbook will be made and distributed to commission members.



MINNETONKA CHARTER COMMISSION

Nov. 14, 2023 Annual meeting

Agenda Item 7: Annual report

Under state law, the charter commission is required to file an annual report with the chief judge of district court on or before Dec. 31 of each year and to provide a copy of the report to the city clerk. The report must outline the commission's activities and accomplishments for the preceding calendar year. A draft report is provided. It will be updated with the attendance information for the Nov. 14 meeting and the results of the election of officers.

2023 Annual Report Charter Commission

Mission

The mission of the Minnetonka Charter Commission is to oversee the city's charter which defines the parameters within which city government can operate. As an independent body, the charter commission will represent citizen viewpoints and consider and recommend appropriate revisions to the charter which balances the best interests of city government and the citizens.

Membership

There were no changes in membership during 2023. Officers during the year have been John Northrup, Chair; Linnea Sodergren, Vice-Chair; and LuAnn Tolliver, Secretary. At its Nov. __, 2023 meeting, the commission elected _____ as Chair, _____ as Vice-Chair and _____ as Secretary.

Attendance at the 2023 commission meetings is shown below.

2021 Attendance Schedule

Member	July 12, 2023	Nov. 14, 2023	Meetings Attended
Allendorf	E		%
Larson	Y		%
Northrup	Y		%
Panner	Y		%
Schneider	Y		%
Sodergren	Y		%
Tolliver	Y		%
Weissman	Y		%
Wiersum	Y		%

Y = Present; E = Excused; U = Unexcused; T = Term Expired; R = Resigned

Highlights of the Past Year

The commission held a special meeting on July 12, 2023 for purposes of accepting a voter petition to amend the city charter. The purpose of the proposed charter amendment is to repeal ranked choice voting. By resolution, the commission submitted the petition to the city council. The charter charter amendment appeared on the 2023 ballot for the municipal election.

The commission held its annual meeting on Nov. 14, 2023. At the meeting, the commission received a report concerning the 2023 municipal election. There were _____ “yes” votes and _____ “no” votes, and the amendment _____. The commission received its annual report from the city attorney, which included a legislative and case law update, as well as information about amendments being considered by other charter commissions.



MINNETONKA CHARTER COMMISSION

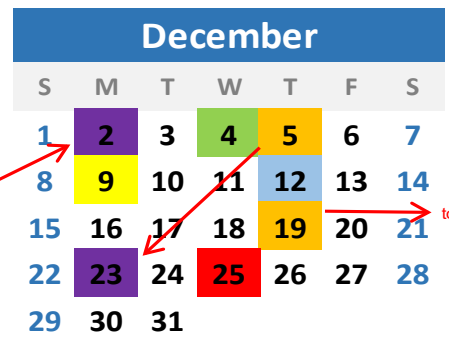
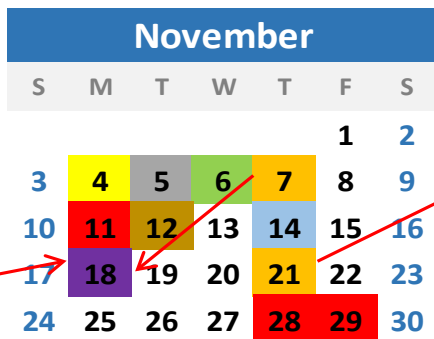
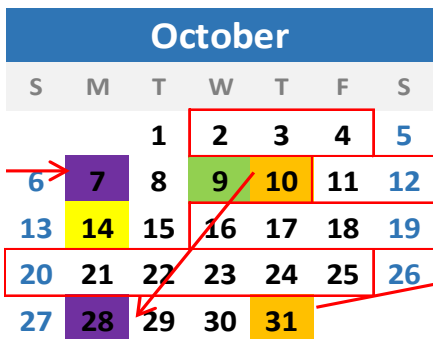
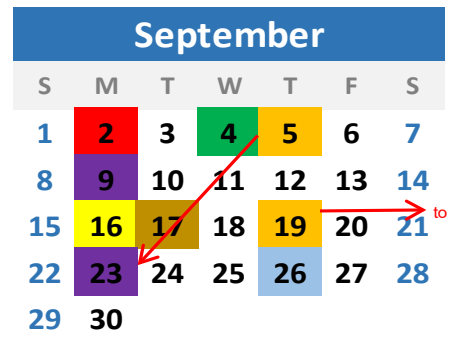
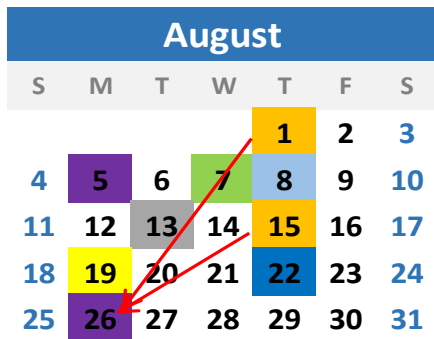
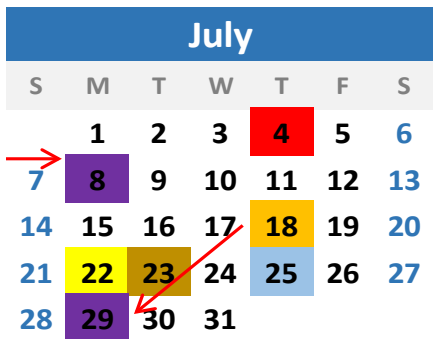
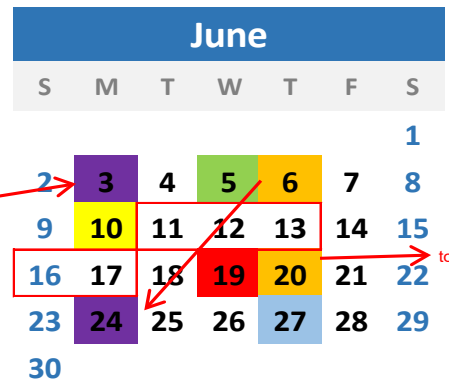
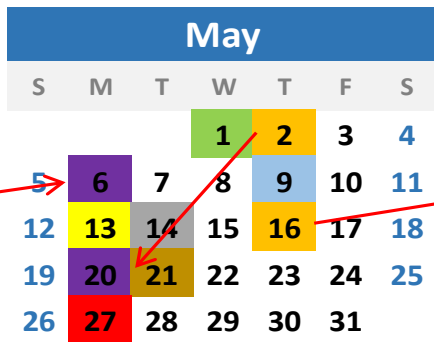
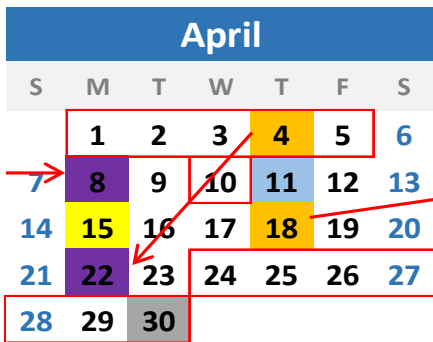
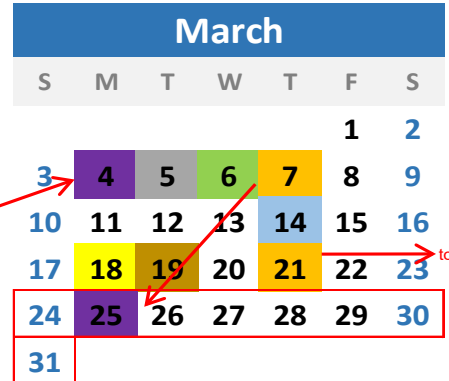
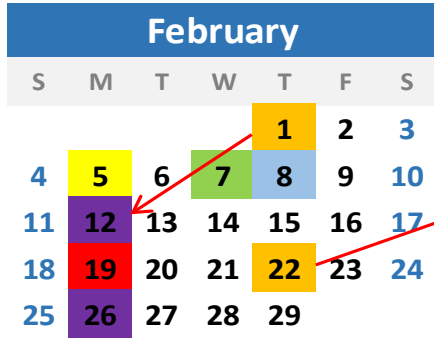
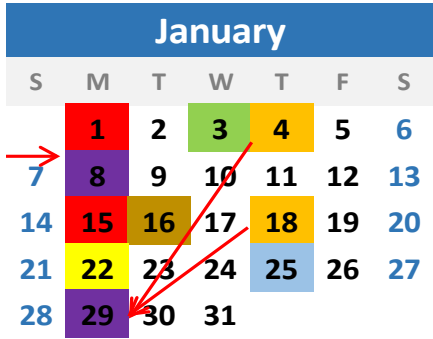
Nov. 14, 2023 Annual meeting

Agenda Item 9: Future meeting schedule

The charter commission is required by law to meet at least once annually. The commission's bylaws require the meeting to be in November on a date determined by the commission at the preceding annual meeting.

The 2024 calendar of city meetings is provided. The Minnehaha Room is available on both Nov. 12, 2024 and Nov. 19, 2024 at the commission's regular meeting time of 6:30 p.m. The Sustainability Commission is meeting on Nov. 12, 2024 in the council chambers. At this time, no other commissions are scheduled to be meeting on Nov. 19, 2024.

2024



Holy Week	03/28 - 03/31	Rosh Hashanah	10/02 - 10/04
Eid-al-Fitr	04/10 - 04/11	Yom Kippur	10/11 - 10/12
Passover	04/22 - 04/30	Sukkot	10/16 - 10/23
Shavout	06/11 - 06/13	Shemini Atzeret	10/23 - 10/25
Eid-al-Adha	06/16 - 06/17	Simchat Torah	
Hopkins, Minnetonka, Wayzata Spring Break		04/01 - 04/05	

- CC Mtg
- CC Study Session
- PC Mtg
- EDAC Mtg
- Joint CC/EDAC/PC Mtg
- PB Mtg
- PB Tour & Joint CC/PB Mtg
- SC Mtg
- Election Day
- City Hall Closed