



CHARTER COMMISSION AGENDA

Nov. 10, 2020 – 6:30 P.M.

CHARTER COMMISSION ANNUAL MEETING

To be held via WebEx

1. Call to order
2. Roll call
3. Approve minutes of July 28, 2020 meeting
4. Update on ranked choice voting
5. Report of city attorney
6. Election of officers
7. Annual report
8. Other business
9. Future meeting schedule
10. Adjournment

Attachments:

- a. Draft minutes, July 28, 2020 meeting
- b. City attorney memo re agenda items 4 and 5
- c. Draft annual report
- d. City calendar 2021

Due to the COVID-19 health pandemic, the charter commission's regular meeting place is not available. Pursuant to Minn. Stat. § 13D.021, commission members will participate in the meeting remotely via WebEx. Members of the public who desire to monitor the meeting remotely or to give input or testimony during the meeting can find instructions at <https://www.minnetonkamn.gov/government/virtual-meeting-information>.



UNAPPROVED
DRAFT

**MINUTES OF THE
MINNETONKA CHARTER COMMISSION**

July 28, 2020

1. CALL TO ORDER

Chair Northrup called the meeting to order at 6:30 p.m.

2. ROLL CALL:

Members present: Dick Allendorf, Karen Anderson, John Cheleen, David Larson, John Northrup, Terry Schneider, Linnea Sodergren, LuAnn Tolliver, Brad Wiersum.

3. APPROVE MINUTES OF JULY 21, 2020 MEETING

Schneider noted a change to the minutes at page 3, where the minutes referred to a reference to clear majority; the minutes should indicate that in RCV, the winner may not have a clear majority of all votes cast due to exhausted ballots. Anderson moved, Allendorf seconded, to approve the minutes of the July 21, 2020 meeting. By roll call vote, all voted in favor.

4. CONSIDER RESOLUTION TO EXTEND REVIEW PERIOD

Northrup introduced the item. He thanked the residents for their input on the topic of ranked choice voting. He noted that the commission had requested a resolution to extend the commission's time period to review the proposed amendment, which will be referred to as the "resolution to extend." He also noted that a second resolution had been prepared and included in the addendum to the agenda packet, which would reject the amendment and ask the council to rescind the ordinance adopted on June 8, 2020. The second resolution would be referred to as the "resolution to reject."

Heine noted that additional public comments had been received since the addendum was distributed. The following residents expressed support for moving forward with ranked choice voting: D. Thurlo, Sandy Jambeck, Laura Hensley, Mary Morris and Michele Pasko. Two residents, Drake Lorence and Kari Lorence, opposed ranked choice voting.

Heine noted that there were two alternate resolutions before the commission to consider. One would extend the time period for the commission to complete its work; the other would complete the review now and issue a decision to the city council. Five

votes are required to adopt either of the resolutions. Both resolutions were prepared as drafts and could be modified by the commission. Heine prepared the draft resolution to extend based on comments made at the last meeting. If there are work items mentioned in that resolution that the commission would not intend to perform, those items should be removed from the resolution. She will answer any other questions the commission members may have.

Northrup asked if anyone wanted to introduce the resolution to extend. Schneider said the resolution to extend speaks for itself. He commented that the comments in the alternative resolution to reject are accurate. He feels there is a lot of uncertainty as to what the impacts upon city residents and their ability to participate. Also, if there is a significant number of residents interested in ranked choice voting, the commission should be doing a thorough job to articulate the pros and cons for the community, then have a dialogue with the city council about how to present the issue to the residents. If the issue is put on the ballot in 2021, the council would have months to prepare for an election. Hopefully there would be a vaccine and in-person meetings that would provide more opportunity for community engagement before the issue is put on the ballot. He would support almost every item in the alternative resolution, but he thinks there is an abdication of the commission's duties and responsibilities regarding informing residents. That can only be done with more time and more process, for a more collaborative process between the commission and the city council. That's the way charter amendments have been done in the past. It allows more time for the commission to debate and for the council to debate and will provide a better outcome than operating under an imposed deadline. Flexibility in the time frame would benefit the community best.

Northrup asked for someone to present the resolution to reject the amendment. Anderson appreciated Schneider's thoughtful explanation of the resolution to extend. She apologized for raising the issue at the last hour, but she found that she could not support the resolution to extend the review period. She thinks the additional time will only confirm the facts and data that the commission has already learned. The extended time will require staff time and resources that are limited. The extension would also prevent the council from deciding whether to submit the issue to voters in November 2020, and she is uncomfortable with the commission taking that option away from the council. She had considered a resolution that would only refer the matter back to the city council, but when she started listing advantages and disadvantages of ranked choice voting, she found over a dozen disadvantages and only three advantages. She believes that the commission should reject the ordinance. She asked the city attorney to walk through the options the council would have if the commission were to adopt the resolution to reject.

Heine said that if the resolution were adopted, it would go to the city council at its Aug. 10, 2020 meeting. The council would decide whether to approve ballot language

to put the issue on the November ballot. The council could also decide to rescind the ordinance. Although it is less clear, it is possible the council could also decide to review the commission's decision and make no decision about putting the issue on the ballot; because the deadline for putting the issue on the November ballot is Aug. 21, the failure to decide the ballot language on Aug. 10 would mean that if the issue went on the ballot, it would have to be a future ballot, but not November 2020.

Anderson said the resolution to reject is based on the research and data that the commission has considered. She presented the resolution for the commission's consideration.

Schneider noted that the advocates for ranked choice voting could circulate a petition for a charter amendment. A petition process is a different process because it does not have an implied endorsement of the city council or the charter commission. The petition process would necessitate significant community engagement. If the commission continues its review and has a more deliberative process, it will involve more staff time, but so will a petition process. The commission should do as deliberative a process as possible and make sure that the council is engaged in that process as well.

Allendorf said that the real benefit of the resolution to extend is that there is the opportunity to educate the voting public. The problem with the resolution to reject is that the council could still put the issue on the ballot, and there would not be time to educate people. Voters would not have the context of what ranked choice voting is and would not have the information the commission thinks they should have. The commission needs time to educate people.

Northrup asked whether the October *Minnetonka Memo* would be the first opportunity to provide information to voters. Heine was not certain whether the deadline for the September *Memo* had passed yet. Heine said that the city has never used the current process to amend its charter – where the council proposes the amendment to the commission. This process is different, and the commission has a limited time period to review and to either reject, accept or propose amendments to the proposed amendment. It is not clear that the review period can be used to develop a voter communication plan.

Wiersum said he had been thinking about it a lot. The challenges have been exacerbated by the pandemic. Last year the council asked the commission to look at ranked choice voting in an open-ended process. This year, the new council adopted an ordinance and asked the commission to conduct an accelerated review. He does not believe the commission needs more information to make a decision. A vote to extend may meet the letter of the law but not the spirit of the law. If there needs to be education of voters, that is an action that the council needs to take. Ranked choice voting will be on the ballot in Minnetonka. If it does not go on the November 2020 ballot, it will likely

be on a special election or possibly the November 2021 municipal election. Pragmatically, it makes sense for it to be on the November 2020 ballot, when the election turnout is likely to be at its highest.

Tolliver said she would support the rejection amendment. She would like to have the council take note of the concern for the senior population, especially those without technology skills.

Cheleen said the pandemic has made it difficult to weigh in, but the commission has done a good study of the pros and cons. He believes the commission can make a recommendation. He is sensitive to the fact that the commission is appointed and not elected. The commission has done what it needs to do, and the city council should make the decision.

Northrup said the commission has done a good job of looking at the costs and tabulations. He has questions about voter communication, but that belongs to the city council. He is leaning toward the resolution to reject also. He would like to add a suggestion that there be a robust communication plan.

Larson said he shares Wiersum's viewpoint. He has been convinced by the opponents of ranked choice voting. Ranked choice voting is not in the best interests of the city. He thinks the motion to reject is the proper course and in the city's interest.

Sodergren will not support either of the resolutions. The commission's charge is to either approve, reject or make modifications to the proposed amendment. The council unanimously adopted the ordinance. She thinks the voters should weigh in on it. She has not made up her mind on ranked choice voting. Her point is that the council should put the issue on the 2020 ballot. It would provide an opportunity to educate the public about ranked choice voting, and the city would find out what the public thinks about it.

Schneider said the role and responsibility of the charter commission is not just to address a specific issue that comes before it. The commission should do as careful and thorough of a job as possible. He cannot support sending it back to the council because it is an abdication of the commission's duty. It is the commission's responsibility to make sure that the appropriate time and consideration is given to amending the charter. The fundamental responsibility of the commission is to protect the charter.

Anderson said the commission is doing its duty by recommending that the council rescind the ordinance. She does not support ranked choice voting at this point, and she wants the findings in the resolution to be part of the record. She cannot presume what the council will decide, but the council is vested with the authority to decide whether to put it on the ballot.

Northrup expressed concern that the process that has been followed sets a terrible precedent. He asked whether the commission could do anything to discourage use of this process in the future. Heine responded that the state law sets out four methods for amending the charter, and that law has existed for a long time. The commission can express its viewpoint that it does not like this method, but absent a change in state law, whenever the council initiates an amendment under this process, the maximum period of time that the commission will have to review the amendment is 150 days.

Wiersum expressed respect for his fellow members of the commission. He respects what Schneider said about the commission's duty. However, the reality is that the advocates of ranked choice voting have other ways of bringing forward an amendment of the charter, where the commission does not have the opportunity to conduct review. While he supports the spirit of Schneider's comments, taking a principled stand in this case may not achieve anything.

Cheleen said that he would like to have more time for voter education also. However, if the commission adopts the resolution to reject, it is making a statement to the council and is providing information for voters.

Schneider asked whether, if the resolution to reject is passed, is there a follow-up report or does the resolution stand on its own. Northrup indicated that his understanding is that the commission is not obligated to do a report but could do so. Heine said that the statute does not require a particular report but simply requires that the commission accept, reject or modify the proposed amendment. The commission could prepare a report, either at the same time that it makes its decision, or after it makes its decision.

Northrup asked how the commission might work on a report. Heine said that an informal group could work on a draft to prepare for the commission's review. If the group is informal and has no decision-making authority, the discussions by that group would not be subject to the Open Meeting Law.

Allendorf asked if a report would go further than a listing of the pros and cons and whether, if those could be listed in the resolution, whether a report would even be needed. Anderson said that the resolution only lists cons, not any pros. Northrup said that the resolution to reject could provide a framework. The report could be an expanded version that includes some of the pros that the commission learned. Anderson said that if the resolution is truly to recommend rejection of the amendment, she does not think the pros need to be part of the resolution. Northrup clarified that the pros would be part of the report, not the resolution.

Schneider commented that "report" may be the wrong word. He sees a four or five page document that summarizes what the commission has learned. He thought a summary of the salient facts that the commission has learned could be sent along with the resolution

or provided after. The commission has done a lot of good work, and he would like to see it as part of the council record.

Wiersum thinks the council will take action on Aug. 10. The resolution at a minimum would be what the council would get. The timeline for getting anything into the Aug. 10 council packet would be tight. Northrup asked whether additional comments would be of value, and Wiersum responded that it could be of value. He suggested that commissioners could send staff their key thoughts, to be assembled into a brief report for the council. Northrup suggested that commissioners would not need to repeat information that is in the resolution in their comments to staff.

Sodergren does not think a report is necessary and does not think it will be more enlightening than the minutes and discussion that the commission has already had. She thinks that if a report were prepared, there should be more time and more collaboration in preparing the report rather than providing comments to staff. She does not agree with all of the points in the resolution right now.

Schneider said there isn't time to do a thorough report and the resolution should stand on its own. Allendorf agreed. He does not think a report will change what happens at the council and there is no need for one.

Larson said Anderson had done a fabulous job of recapping what the commission had done. The commission does not need a report in addition to the resolution.

Anderson asked what Northrup had intended to suggest in terms of making an addition between sections 3.03 and 3.04 of the resolution. Northrup wanted to respectfully request the council develop a robust communication plan for putting it to the voters. Anderson said that language would presuppose that the council would not follow the commission's recommendation. Heine said that there would be a couple of ways that the resolution could be worded to include that language. Northrup withdrew his suggestion.

Sodergren said the commission could also adopt a second resolution. Heine agreed that the commission could adopt a second resolution.

Allendorf said that there is less than four months before it goes to the voters. There is not time for a robust plan.

Wiersum said the city has had voter forums in the past, and he mentioned that the League of Women Voters had not supported ranked choice voting. Anderson clarified that the local League of Women Voters studied the issue, heard the pros and cons, and took no position on ranked choice voting because the vote was evenly divided. Wiersum suggested that a forum sponsored by the League of Women Voters would be a powerful way to educate voters in an unbiased way.

Northrup asked whether there was a motion on the resolution.

Anderson moved, Larson seconded, to adopt the resolution rejecting Ordinance No. 2020-12.

Schneider said he would support the motion. Even though he felt the commission should extend the period for review, he believes it is important to show solidarity.

Anderson, with Larson consent, amended her motion to include two revisions to the resolution: at Section 2.01b insert “ranked” after “track record to show that” and before “choice”; and, at Section 2.01h, revise the last sentence to read, “The voter is deprived of the opportunity to decide between directly competing candidates after the initial round of ranked choice voting.”

Sodergren indicated that she does not support the resolution because she does not agree with all of the points made in the resolution. She pointed out the statement about encouraging single-issue voters to run. She is not certain that is the case. That point and a few others make her uncomfortable, and she will not support the resolution.

Northrup called for a roll call vote on the motion as amended. Allendorf, Anderson, Cheleen, Larson, Northrup, Schneider, Tolliver, and Wiersum voted yes. Sodergren voted no. The motion carried.

5. DISCUSS NEXT STEPS

Northrup asked if there was any further discussion.

Wiersum stated that it has been a long process. He is thankful for the commission members and the work that they have done. He acknowledged the efforts of the city attorney.

Sodergren thanked the residents who have studied the issue and provided the commission with information. It has been educational, and she appreciated it. The people from FairVote Minnesota have made an amazing effort. Residents have done their best to inform the commission.

Allendorf asked if someone could come up with a reason to meet next Tuesday, because he will miss it.

Northrup thanked the commissioners for their time on all of the meetings in June and July. He noted that the commission had become pretty good at working with the technology.

Anderson thanked the chair for running respectful and efficient meetings.

6. ADJOURNMENT

Schneider moved, Allendorf seconded, to adjourn the meeting. By roll call voted, all voted in favor. The meeting was adjourned at 8:14 p.m.

Respectfully submitted,

LuAnn Tolliver
Secretary

To: Minnetonka Charter Commission
From: Corrine Heine, City Attorney
Date: Oct. 26, 2020
Subject: Meeting of Nov. 10, 2020; Agenda Items 4 and 5

4. Report on results of special election on ranked choice voting ballot issue

At its meeting on July 28, 2020, the commission adopted a resolution rejecting the charter amendment proposed by Ordinance No. 2020-12 and asking the city council to rescind that ordinance. The city council considered the issue at its regular meeting on Aug. 10, 2020. After discussion, the city council voted unanimously to submit the proposed charter amendment to the voters at the Nov. 3 election.

Since that date, two campaign committees have filed financial statements with the city clerk. The Committee for Ranked Choice Voting Minnetonka, whose treasurer is David Haeg, supports the charter amendment. Minnetonka Citizens for Common Sense, whose treasurer is Miriam Goodman, opposes the charter amendment.

As required by law, the city's communications have neither advocated for nor against the charter amendment but have provided information to voters. The communications since the council's Aug. 10 meeting have included: front page articles in the September, October and November issues of the *Minnetonka Memo*; brochure mailed to every Minnetonka address in September; mass email on Sept. 15 to 23,159 resident subscribers; mass emails sent on Sept. 30 to 725 business and building manager subscribers, to request distribution of flyers to tenants; feature article on city website since Sept. 15; dedicated page on city website, featuring links to charter commission and council meeting packets, minutes, ordinance and resolution, and FAQs.

Minnetonka voters will decide on Nov. 3, 2020 whether to amend the city charter to provide for election of the mayor and city council members by ranked choice voting. Due to the coronavirus pandemic, and in accordance with a consent decree issued by the Ramsey County District Court, the normal deadlines for receipt of absentee ballots do not apply to Nov. 3, 2020 election. Normally, absentee ballots must be received by election day. For this election, absentee ballots must be mailed by election day and will be counted so long as they are received by Nov. 10, 2020. Consequently, official election results will not be available when the commission meets on Nov. 10. The city attorney will report the unofficial election results on the ranked choice voting ballot question at the Nov. 10 meeting. The official election results will not be available until the city council meets to canvass the results. The time and date for that meeting has not been determined as of the writing of this memo.

5. Report of city attorney

During the year, I monitor legislation and court decisions that address the authority of charter cities.

Legislation

During the 2020 regular session, the Minnesota Legislature enacted Chapter 87 of Minnesota Laws (copy attached). The law amended Minnesota Statutes, section 410.05 (relating to commission member terms and vacancies) and section 410.06 (relating to compensation and expenses of charter commissions). The law was effective Aug. 1, 2020.

Prior to the amendment, section 410.05 required the chief judge to make appointments to charter commissions within 30 days. If the judge did not make a timely appointment, the city council could make an appointment, unless the chief judge provided written notice within the initial 30-day period of the judge's intent to make an appointment. In that case, the judge had an additional 60 days to make the appointment. As amended, the chief judge now has 60 days to make the appointment, and the city council has no authority to make an appointment.

Before its amendment, section 410.06 allowed charter commissions to direct the city to pay reasonable compensation of a charter commission attorney or other personnel, and the cost of printing the charter or amendments, up to a maximum of \$1,500 per year (\$10,000 for a city of the first class.) (In general, cities of the first class have a population of over 100,000; Minnetonka is a city of the second class by population.) Chapter 87 amended the law both by expanding the scope of expenses that the commission could require the city to pay, and also by increasing the monetary limit. In addition to paying personnel and printing costs, the law now addresses the cost of informing citizens of a proposed charter or charter amendments. The new monetary limit is the greater of .07 percent of the city's current certified general property tax levy or \$1,500, not to exceed \$20,000 in any one year. (Based on the city's 2020 certified levy, the \$20,000 limit would apply.) The city council may, but is not required to, authorize paying expenses in excess of that limit, as the charter commission considers necessary. Historically, the city council has paid all expenses of the charter commission, including costs for the city attorney, IT and other personnel support costs. The city paid all costs associated with informing residents about the 2020 ballot question. In total, the 2020 personnel, printing and publication costs attributable to the charter commission's work easily exceeded the new \$20,000 limit.

Court decisions

- *Jennisen v. City of Bloomington*, decided by the Minnesota Supreme Court on Feb. 12, 2020. This case ended the lengthy court battle over organized collection in the city of Bloomington. In 2015, residents submitted a petition to amend the city charter to prohibit the city from organizing collection. The city refused to put the issue on the ballot, on grounds of preemption by state law, improper exercise of voter referendum, and unconstitutionality due to alleged violation of the Contract Clauses of the United States and Minnesota Constitutions. The trial court originally held that the charter amendment was not unconstitutional but was preempted by state law. The Minnesota Supreme Court

reversed, finding no preemption, and remanded to the court of appeals to make a decision on the preemption and improper referendum grounds.

In 2018, the court of appeals held that the amendment was not manifestly unconstitutional but that it was an improper referendum. The basis for that decision was that the opponents of organized collection had attempted unsuccessfully to bring a referendum on the ordinance by which the city had established organized collection; the court held that the charter amendment had the same purpose and could not be used as an end-run around the failure to follow referendum requirements. Both the petition group and the city sought review the Minnesota Supreme Court, which resulted in the Feb. 12 decision.

The supreme court reversed on the issue of whether the proposed charter amendment was an “improper referendum.” It held that the amendment would accomplish a permanent change to the procedure by which the city could adopt organized collection ordinances, and therefore it was different than simply overturning a specific ordinance. The procedural change was to require that any adoption of organized collection would require prior voter approval. Judges Anderson and Hudson and Chief Judge Gildea all dissented from this part of the opinion. Notably, all three of the dissenters represented public entities prior to their judicial appointments.

The supreme court affirmed the court of appeals on the determination that the proposed amendment was not manifestly unconstitutional. The city had argued that the amendment would have impaired its contract with the consortium of solid waste haulers. But the court determined that amendment would not relieve any party to the contract of an obligation that it was required to perform. Therefore, there was no impairment of contract. Judges Anderson and Hudson and Chief Judge Gildea concurred in this part of the decision.

Bloomington has submitted the proposed amendment to the voters at the Nov. 3 election. In addition, should the charter amendment pass, Bloomington has submitted a second question to the voters, asking them whether the charter should be amendment to prohibit the city from entering into a contract with haulers for organized collection of solid waste.

- *Minnesota Chamber of Commerce v. City of Minneapolis*, decided by the Minnesota Supreme Court on June 10, 2020. Minneapolis adopted an ordinance that required employers to provide employees with sick and safe leave. After the ordinance was challenged, the city amended the ordinance to require leave time accrual only for work performed within Minneapolis city limits and use of leave time only when the employee was scheduled to work within Minneapolis city limits. The Minneapolis Chamber of Commerce and other parties sued, alleging that the ordinance was preempted by state law, conflicted with state law, and improperly had extraterritorial effect. The district court held that the city could apply the ordinance to employers located in the city but issued a permanent injunction from imposing the requirements on employers located outside the city. The court of appeals affirmed the holding that state law did not preempt the city from enacting the sick-and-safe leave ordinance, and it reversed the district court’s decision that the ordinance had impermissible extraterritorial effect. The court held that because the ordinance only required leave to accrue based on hours worked within the city and allowed the accrued leave to be used when scheduled to work in the city, there was no

impermissible extraterritorial effect. On review, the Minnesota Supreme Court affirmed the court of appeals, holding that the ordinance did not conflict with state law, was not preempted by state law, and did not violate the extraterritoriality doctrine. The case demonstrates the powers that a charter city may exercise under its charter; a statutory city would not have had authority to adopt such an ordinance.

- *Graco, Inc. v. City of Minneapolis*, decided by the Minnesota Supreme Court on Jan. 22, 2020. Like the preceding case, this case demonstrates the breadth of powers that home rule charter cities may exercise. The Minneapolis city council adopted an ordinance establishing a \$15 per hour minimum wage. The ordinance applies to employees who work at least two hours per week within Minneapolis city limits. Graco Corporation and other parties sued, but Graco is the only remaining plaintiff in the action. The district court ruled in favor of the city, holding that the ordinance was not preempted by state law, did not conflict with state law, and did not improperly have extraterritorial effect. The court of appeals affirmed the district court. In its decision, the court noted that charter cities have “all the legislative power possessed by the legislature of the state” as to municipal matters, except where the legislature has expressly or impliedly restricted those powers. The Minnesota Supreme Court affirmed, holding that the ordinance did not conflict with the Minnesota Fair Labor Standards Act and that the state law did not preempt municipal regulation of minimum wages.
- *Butler v. City of St. Paul*, decided by the Minnesota Supreme Court on Dec. 18, 2019.. Residents submitted a petition to amend the St. Paul city charter, to require that city elections occur in even-numbered years instead of odd-numbered years. Under the charter, the petition required 7,011 valid signatures. The elections office used the State Voter Registration System (SVRS) to determine whether the signatures were valid, and it determined that there were only 5,866 valid signatures on the petition. One of the organizing members of the petition drive sued, claiming that the city improperly rejected a number of signatures because, according to the SVRS, they were not registered voters who resided in St. Paul. He claimed that the voters did live in St. Paul at the time they signed the petition, even though that was not what the SVRS showed. The court of appeals held that the city reasonably relied on the SVRS in rejecting the petition, and that it was the plaintiff’s burden to show that the city had committed an error. The Minnesota Supreme Court affirmed that decision. The court held that the city had not erred in relying upon the SVRS to not only determine that petition signers were registered voters, but also to determine whether they resided in St. Paul. The plaintiff had not met his burden of showing any error by the city.
- *Hayden v. City of Minneapolis*, decided by Minnesota Court of Appeals on Jan. 21, 2020. Two Minneapolis residents sued the city in 2017, arguing that under a provision of the Minneapolis city charter, the city council had no authority to operate or fund the public park known as “the Commons,” which is adjacent to the Vikings stadium. The residents also challenged a use agreement between Ryan Companies and the Metropolitan Sports Facilities Authority (MSFA), which established conditions for use of the Commons. Although the city was not a party to the agreement, the city had consented to the agreement and had agreed to be bound by its terms. In addition, the residents challenged a memorandum of understanding (MOU) between the city and the Minneapolis Park

Board, under which the park board would hold title to the Commons and lease it back to the city.

The district court ruled in favor of the residents on the charter issue but determined that the residents lacked standing to challenge the use agreement or MOU. On appeal, the court of appeals agreed that the city charter gave the park board exclusive authority to operate and manage city parks, and the city council could not do so, even by delegation from the park board. The court of appeals also affirmed the trial court's determination that the residents lacked standing to challenge the use agreement and MOU.

- *Solomonson v. City of Austin*, decided by the Minnesota Court of Appeals on Feb. 3, 2020. A dog owner challenged the city of Austin's dangerous dog ordinance, claiming that it conflicted with the state law on dangerous dogs and was therefore preempted. The court noted that the dangerous dog law expressly allows statutory or home rule charter cities to regulate dangerous and potentially dangerous dogs and that the only restriction that the legislature has imposed is that cities may not regulate dangerous or potentially dangerous dogs based solely on the specific breed of the dog. The court held that, as a home rule charter city, the city could adopt regulations more restrictive than state law as well as processes different from those in state law – including using the city council as the hearing officer.

CHAPTER 87--S.F.No. 3298

An act relating to local government; modifying provisions relating to charter commissions; permitting reappointments; amending Minnesota Statutes 2018, sections 410.05, subdivision 2; 410.06.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2018, section 410.05, subdivision 2, is amended to read:

Subd. 2. **Commission members; terms, vacancies.** Charter commission members shall hold office for the term of four years, and until their successors are appointed and qualify, except that of members initially appointed after July 1, 1967, eight shall be appointed for two-year terms and seven for four-year terms. Vacancies in the commission shall be filled by appointment of the chief judge for the unexpired terms. Upon the expiration of each term, the chief judge shall appoint new or reappoint existing commission members within 60 days. ~~If the chief judge fails to appoint new commission members within 30 days then thereafter the governing body of the city shall, appoint new commission members, unless within the 30-day period the chief judge indicates in writing to the governing body an intention to appoint new members, in which case the chief judge shall have an additional 60 days within which to make the appointment.~~ Appointments shall be made by order filed with the court administrator of the district court. An appointee who neglects to file with the court administrator within 30 days a written acceptance and oath of office shall be deemed to have declined the appointment and the place shall be filled as though the appointee had resigned. The charter commission, within 30 days after the initial appointment of the commission, shall make rules, including quorum requirements, with reference to its operations and procedures. The commission shall submit to the chief judge of the district court, on or before December 31 of each year, an annual report outlining its activities and accomplishments for the preceding calendar year. The commission shall forward a copy of the report to the clerk of the city. Any member may be removed at any time from office, by written order of the district court, the reason for such removal being stated in the order. When any member has failed to perform the duties of office and has failed to attend four consecutive meetings without being excused by the commission, the secretary of the charter commission 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.

Sec. 2. Minnesota Statutes 2018, section 410.06, is amended to read:

410.06 COMPENSATION; EXPENSES.

The members of ~~such~~ the commission shall receive no compensation, but the commission may employ an attorney and other personnel to assist in framing ~~such~~ the charter, and any amendment or revision ~~thereof,~~ and of it. When so directed by the commission, the reasonable compensation ~~and of personnel~~, the cost of printing ~~such~~ the charter; or any amendment or revision ~~thereof of it~~, when so directed by the commission and the cost of informing the citizens of a suggested charter or suggested charter amendments or revisions, shall be paid by ~~such~~ the city. The amount of reasonable and necessary charter commission expenses that shall be ~~so~~ paid by the city ~~shall~~ is the greater of .07 percent of the city's current certified general property tax levy or \$1,500, not to exceed \$20,000 in any one year ~~the sum of \$10,000 for a first class city and \$1,500 for any other city;~~ but the council may authorize such additional charter commission expenses ~~as it deems~~ the commission considers necessary. Other statutory and charter provisions requiring budgeting of; or

limiting; expenditures do not apply to charter commission expenses. The council may levy a tax in excess of charter tax limitations to pay ~~such~~ the expenses.

Presented to the governor May 14, 2020

Signed by the governor May 16, 2020, 11:08 a.m.

2020 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

Sandal Hart's commission expired on Jan. 23, 2020, and she did not seek reappointment. The chief judge appointed Dick Allendorf on January 15, 2020. John Northrup's seat will expire on Nov. 24, 2020. He applied for reappointment. [insert information on appointment here.] Officers during the year have been John Northrup, Chair; and Linnea Sodergren, Vice-Chair; and LuAnn Tolliver, Secretary. The commission elected [fill in results of Nov. 20, 2020 elections.]

Attendance at 2020 commission meetings is shown below. With the exception of the Jan. 28, 2020 meeting, all meetings were held remotely due to the coronavirus pandemic, pursuant to Minn. Stat. § 13D.021. Commissioner Anderson participated remotely in the Jan. 28, 2020 meeting pursuant to Minn. Stat. § 13D.02.

2020 Attendance Schedule

Member	1/28	5/26	6/9	6/23	7/7	7/14	7/21	7/28	11/10	Meetings Attended
Allendorf	E	Y	Y	Y	Y	Y	Y	Y		%
Anderson	Y	Y	Y	Y	Y	Y	Y	Y		%
Cheleen	Y	Y	Y	Y	Y	Y	Y	Y		%
Larson	Y	Y	Y	Y;	Y	Y	Y	Y		%
Northrup	Y	Y	Y	Y	Y	Y	Y	Y		%
Schneider	Y	Y	Y	Y	Y	Y	Y	Y		%
Sodergren	Y	Y	Y	Y	Y	Y	Y	Y		%
Tolliver	Y	Y	Y	Y	Y	Y	Y	Y		%
Wiersum	Y	Y	Y	Y	Y	Y	Y	Y		%

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

Highlights of the Past Year

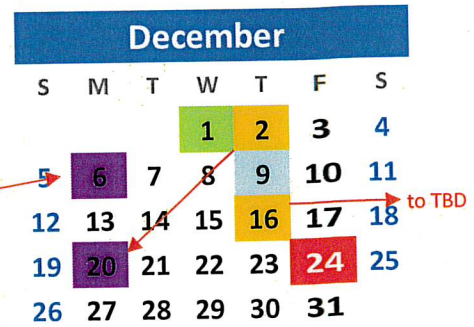
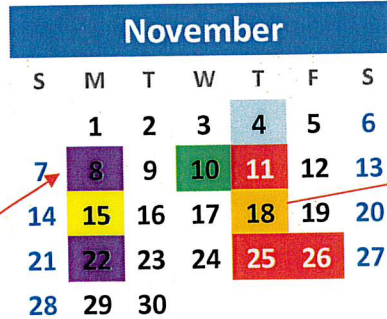
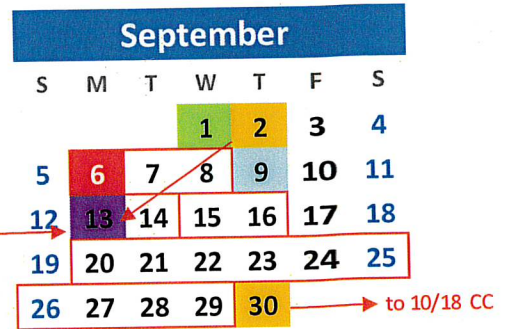
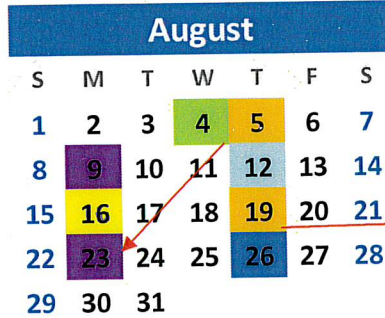
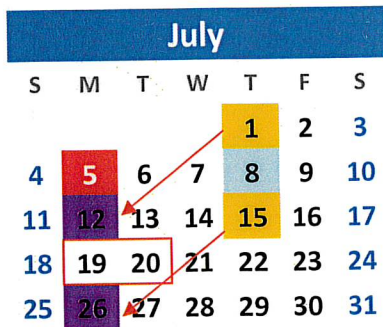
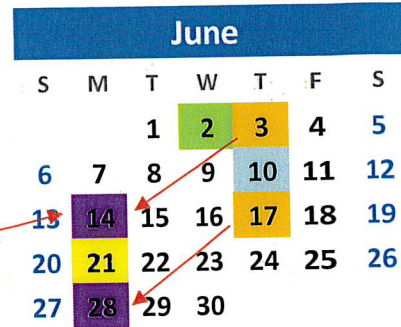
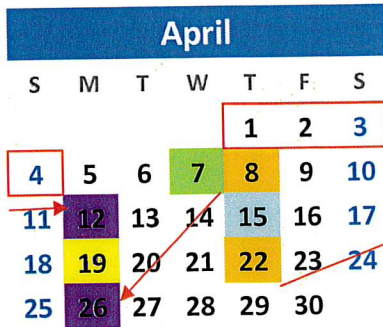
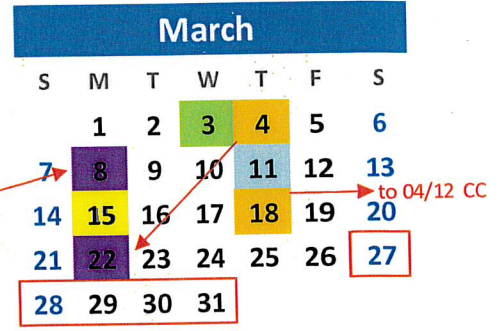
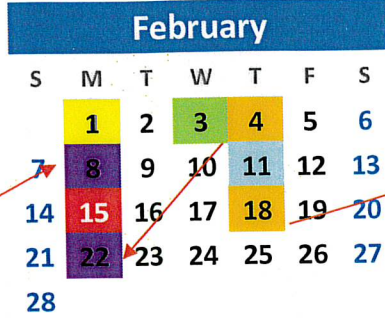
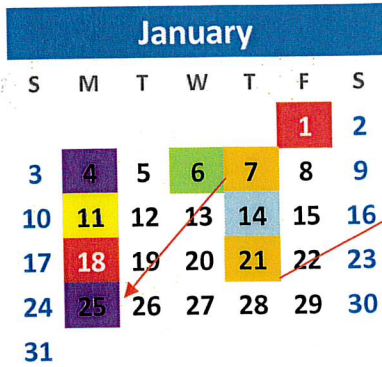
At its November 12, 2019 meeting, the commission agreed to undertake a study of ranked choice voting, at the request of the city council. The commission held its first meeting on Jan. 28, 2020, at which it received presentations from FairVote Minnetonka and Prof. David Schultz of Hamline University. The commission canceled its Mar. 17, 2020 meeting because city hall was closed due to the coronavirus pandemic.

On May 8, the city council discussed the possibility of initiating a charter amendment to adopt ranked choice voting, and the council introduced an ordinance to amend the charter on May 18 but also asked the commission to continue its study. The commission met on May 26 to develop a work plan. On June 8, the city council adopted the ordinance and referred it to the commission.

The commission held a series of meetings in June and July for the purpose of reviewing the ordinance, conducting research on ranked choice voting, receiving the perspective of opponents, and hearing from residents both in favor and opposed to the charter amendment. On July 28, the commission adopted a resolution rejecting the proposed charter amendment and requesting that the city council rescind the ordinance rather than submit it to the voters.

On Aug. 10, the city council voted to put the charter amendment on the ballot at a Nov. 3 special municipal election, held in conjunction with the state general election. [Insert results of election here.]

2021



Passover	03/27 - 04/04	Rosh Hashanah	09/06 - 09/08	Hopkins Spring Break	03/29 - 04/02
Holy Week	04/01 - 04/03	Yom Kippur	09/15 - 09/16	Minnetonka Spring Break	03/29 - 04/02
Easter	04/04	Sukkot	09/20 - 09/27	Wayzata Spring Break	04/01 - 04/09
Eid-al-Fitr	05/12 - 05/13	Shemini Atzeret	09/27 - 09/29		
Shavout	05/16 - 05/18	Simchat Torah			
Eid-al-Adha	07/19 - 07/20				

- CC Mtg
- CC Study Session
- PC Mtg
- EDAC Mtg
- Joint EDAC/PC Mtg
- PB Mtg
- Joint PB/CC Mtg
- City Hall Closed
- PC to CC