



CHARTER COMMISSION AGENDA

Nov. 9, 2021 – 6:30 P.M.

CHARTER COMMISSION ANNUAL MEETING

Minnehaha Room, Minnetonka Community Center

1. Call to order
2. Roll call
3. Approve minutes of Nov. 10, 2020 meeting
4. Report on Nov. 2, 2021 election using ranked choice voting
5. Report of city attorney
6. Email and records management
7. Election of officers
8. Annual report
9. Other business
10. Future meeting schedule
11. Adjournment

Attachments:

- a. Draft minutes, Nov. 10, 2020 meeting
- b. City attorney memo re agenda items 4 and 5
- c. Social engineering red flags and email example
- d. Draft annual report
- e. City calendar for November 2022



**MINUTES OF THE
MINNETONKA CHARTER COMMISSION**

Nov. 10, 2020

1. CALL TO ORDER

Chair Northrup called the meeting to order at 6:31 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. Anderson joined the meeting at 6:35 p.m.

Members absent: None.

Staff present: City Attorney Corrine Heine.

3. APPROVE MINUTES OF JULY 28, 2020 MEETING

The city attorney reported that a typographical error to the July 28, 2020 minutes had been corrected on page 1. Northrup indicated that, at page 4 of the minutes, in the second paragraph, the word “process” should be added after the word “tabulation.” Allendorf moved, Schneider seconded, a motion to approve the minutes of the July 28, 2020 charter commission meeting. All voted “aye.” Anderson was absent.

4. UPDATE ON RANKED CHOICE VOTING

Anderson joined the meeting.

The city attorney provided her report regarding the results of the Nov. 3, 2020 special election on the proposed amendment to the city charter. She indicated that, at its meeting on Aug. 10, 2020, the council had voted unanimously to submit ranked choice voting to the voters at the November election. As of Nov. 3, 2020, the results were 18,456 in favor and 15,288 opposed. Under a consent decree in a litigation matter, the state was required to accept mail-in ballots until Nov. 10, due to the pandemic. The final, unofficial results were 18,475 in favor and 15,293 opposed, resulting in passage of the charter amendment. The city council will meet on Nov. 13, 2020 to canvass the results.

Commissioner Anderson mentioned that the two campaign committees had filed financial reports, and she encouraged the public to review those reports. As of the most recent report, FairVote Minnetonka had spent \$122,000, which she believed was the most expensive campaign conducted in a Minnetonka election. The commission members commented on the high voter turnout in Minnetonka.

Northrup asked what the next steps would be. Heine explained that the council would adopt an ordinance to establish the rules for ranked choice voting, and staff will prepare a voter education plan. She reported that the Administration Department would be hiring staff to assist with ranked choice voting implementation.

Schneider commented that, as a resident, he hopes the council will adopt an ordinance that only requires ranking of three candidates.

5. REPORT OF CITY ATTORNEY

The city attorney reported on legislation and court decisions in the past year that had a bearing on city charter issues.

Northrup asked a question about the legislation that had that increased the amount of charter commission expenses that city councils are required to fund, from \$1,500 to \$20,000. He wondered if that change would impact the commission. Heine indicated that she did not anticipate any change in operation, because the city has always provided staff support to the commission and covered publication expenses, even though those costs likely exceeded \$1,500 per year.

Sodergren asked why the legislature had deemed it necessary to remove the ability of city councils to make appointments when the chief judge has failed to do so. She found it odd that the legislature would act upon that issue when it has so many other matters that it should be addressing. Heine said she would determine who had sponsored the legislation and see if there was legislative testimony to indicate why the legislation had been proposed.

6. ELECTION OF OFFICERS

Sodergren commented that Northrup had done an incredible job leading the commission through the ranked choice voting study. Schneider moved, Cheleen seconded the following slate of candidates: John Northrup, Chair; Linnea Sodergren, Vice-Chair; and LuAnn Tolliver, Secretary. All voted "aye."

7. ANNUAL REPORT

Allendorf had a question about the charter commission's authority. Heine explained that the law provides four different methods for amending the charter, and the charter commission's role is different in each of those four methods. Allendorf stated that he was perplexed that the commission had worked so hard to examine ranked choice voting and made a recommendation, and yet the council ignored it.

Larson questioned what might happen if voters were dissatisfied with ranked choice voting. He noted that some cities had rejected ranked choice voting after trying it.

Wiersum stated that he understood Commissioner Allendorf's comment. He wanted to thank the commissioners for the work that the commission had done. He explained that, although he had voted with other commissioners to recommend rejection of ranked choice voting, he had voted with the council to submit the issue to the voters. He voted to put the issue on the ballot because he knew the measure was going to pass at the council level. The council did not agree with the commission, but the work of the commission was valuable, and he appreciated it.

Schneider asked whether the council could adopt an ordinance saying it did not want to do ranked choice voting. Heine responded that the charter has been amended to require ranked choice voting. If in the future, residents want to return to a primary system, that would require a charter amendment, which could be done by any of the four methods she had explained earlier.

Schneider commented that he would not be opposed to a system under which the top three vote-getters are elected. Heine stated that would involve a different amendment to the city charter.

The city attorney provided the draft annual report and indicated that relevant information from the Nov. 10 meeting would be added. Northrup commended the commission members for the number of meetings they had attended and their hard work.

Anderson moved, Wiersum seconded, a motion to authorize the city attorney to submit the annual report. All voted "aye."

8. OTHER BUSINESS

Northrup asked whether there was any business for the commission. There was none.

9. FUTURE MEETING SCHEDULE

Anderson moved, Schneider seconded to hold the 2021 annual meeting on Nov. 9, 2021. All voted “aye.” The commission agreed, by consensus, that the starting time should be 6:30 p.m.

Commissioner Sodergren asked about the ability to meet virtually at future meetings. Heine explained that the Minnesota Open Meeting Law does allow remote participation by interactive television, even in the absence of a pandemic, but the law has specific requirements that must be met. Wiersum commented that the pandemic has changed the way everyone works, and it is possible the legislature might consider changes to facilitate remote participation, in light of the technology and societal changes during the pandemic.

Larson thanked Jeff Dulac and IT staff for the support and assistance.

10. ADJOURNMENT

Tolliver moved, Anderson seconded, to adjourn the meeting. All voted “aye.” The chair declared the meeting adjourned at 7:38 p.m.

Respectfully submitted,

LuAnn Tolliver
Secretary

Social Engineering Red Flags

FROM

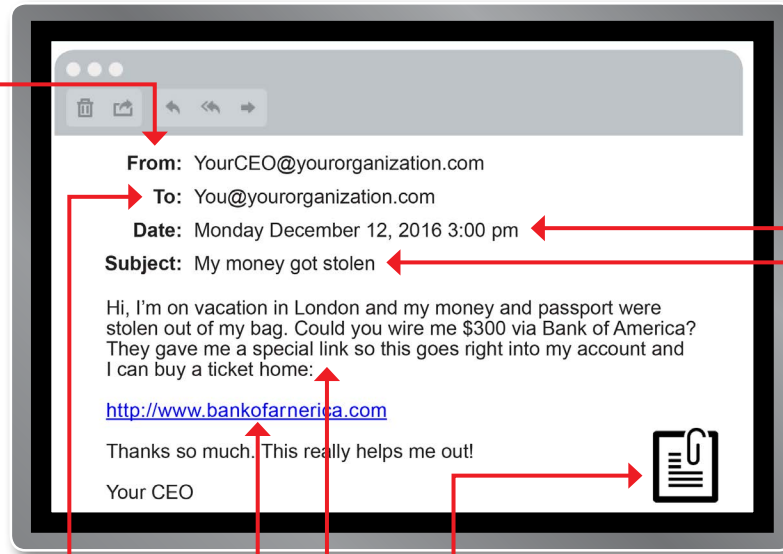
- I don't recognize the sender's email address as someone **I ordinarily communicate with**.
- This email is from **someone outside my organization and it's not related to my job responsibilities**.
- This email was sent from **someone inside the organization** or from a customer, vendor, or partner and is **very unusual or out of character**.
- Is the sender's email address from a **suspicious domain** (like micorsoft-support.com)?
- **I don't know the sender personally** and they **were not vouched for** by someone I trust.
- **I don't have a business relationship** nor any past communications with the sender.
- This is an **unexpected or unusual email** with an **embedded hyperlink or an attachment** from someone I haven't communicated with recently.

TO

- I was cc'd on an email sent to one or more people, but **I don't personally know** the other people it was sent to.
- I received an email that was also sent to an **unusual mix of people**. For instance, it might be sent to a random group of people at my organization whose last names start with the same letter, or a whole list of unrelated addresses.

HYPERLINKS

- I hover my mouse over a hyperlink that's displayed in the email message, but the **link-to address is for a different website**. (This is a **big** red flag.)
- I received an email that only has **long hyperlinks with no further information**, and the rest of the email is completely blank.
- I received an email with a **hyperlink that is a misspelling** of a known web site. For instance, www.bankofarnerica.com — the "m" is really two characters — "r" and "n."



DATE

- Did I receive an email that I normally would get during regular business hours, but it was **sent at an unusual time** like 3 a.m.?

SUBJECT

- Did I get an email with a subject line that is **irrelevant** or **does not match** the message content?
- Is the email message a reply to something **I never sent or requested**?

ATTACHMENTS

- The sender included an email attachment that **I was not expecting** or that **makes no sense** in relation to the email message. (This sender doesn't ordinarily send me this type of attachment.)
- I see an attachment with a possibly **dangerous file type**. The only file type that is **always safe to click on is a .txt** file.

CONTENT


- Is the sender asking me to click on a link or open an attachment to **avoid a negative consequence** or to **gain something of value**?
- Is the email **out of the ordinary**, or does it have **bad grammar** or **spelling errors**?
- Is the sender asking me to click a link or open up an attachment that **seems odd** or **illogical**?
- Do I have an **uncomfortable gut feeling** about the sender's request to open an attachment or click a link?
- Is the email asking me to look at a **compromising or embarrassing picture** of myself or someone I know?

Ignore Delete Reply Reply All Forward Meeting IM More


Staff check-ins... To Manager Team Email Done Reply & Delete Create New


Move Rules Actions Mark Unread Categorize Follow Up Translate

Tue 2021-10-26 11:21 AM

 Minnesota State Bar Association <mcarlson@mnbars.org>

[MARKETING] Join us for practicelaw CLE Week, Nov 8 - 11

o  Corrine Heine

 If there are problems with how this message is displayed, click here to view it in a web browser.
Click here to download pictures. To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

[Phish Alert](#)

practice law CLE Week

November 8 – 11
A Week of Free CLE Webinars for MSBA Members!

Register for single sessions or the whole week.

Monday, November 8	Tuesday, November 9	Wednesday, November 10	Thursday, November 11
8:30 AM Understanding Alternative Legal Service Provider Models	8:30 AM Competing with LegalZoom by Productizing Your Legal Services	8:30 AM Build Document and Workflow Automations with Afterpattern, Documate and other	8:30 AM The Business Case for Diversity (Elimination of Bias credit)

To: Minnetonka Charter Commission
From: Corrine Heine, City Attorney
Date: Oct. 28, 2021
Subject: Meeting of Nov. 9, 2021; Agenda Items 4 and 5

4. Report on Nov. 2, 2021 election using ranked choice voting

Minnetonka will hold its first city election using ranked choice voting on Nov. 2, 2021. Moranda Dammann, acting assistant city manager, will provide a written report to the commission prior to the Nov. 9 charter commission meeting. A member of the elections staff will attend the commission meeting to present the report.

5. Report of city attorney

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

Legislation

During the 2021 regular session, the Minnesota Legislature enacted Chapter 14 of Minnesota Laws, amending the Minnesota Open Meeting Law. The changes are summarized as:

- The law clarified some of the technology related to meetings in which one or more members participates from a remote location. Section 13D.02, which was previously titled “Meetings conducted by interactive TV; conditions” now is now titled “Other entity meetings by interactive technology.” (The “other entity” language refers to entities other than state agencies, including the city charter commission.) Section 13D.021, which was previously titled “Meetings by telephone or other electronic means; conditions” is now titled “Meetings during pandemic or chapter 12 emergency.”
- The law amended § 13D.01 to provide that entities may use either a journal or minutes as the record of votes of a meeting.
- Public bodies may no longer charge for the documented marginal costs that the entity incurs as a result of providing a remote connection to a meeting in which a member of the body participates remotely. (Minnetonka has not charged those costs.)
- The notice of a public meeting held by interactive technology no longer needs to identify the location of a member who is participating remotely, under situations where that location is not required to be open to the public. (As a reminder, the exception for participating from a non-public location is limited to members in the military and participating in required drills or duties and members who meet certain medical conditions – but the medical exception only applies during a declared state of emergency or within 60 days after the expiration of a declared emergency. In addition, that exception may only be used three times in a calendar year.)

- The law lifted the three-time-per calendar year limit under § 13D.02, so that there was no limit on the number of times a member who met the military or medical exception could participate remotely from a non-public location. However, that law was only effective for the time period of Jan. 1, 2021 to July 1, 2021.
- When meetings are conducted remotely under the pandemic provision (§ 13D.021), if the public body normally offers a public comment period at in-person meetings, it must allow public comment from a remote location, to the extent practical.

Court decisions

- *Berg v. City of Saint Paul*, decided by the Minnesota Court of Appeals on Dec. 14, 2020. This case involved a question as to whether the City of St. Paul had violated a charter provision that prohibits the city from diverting any land “acquired for park purposes” to any other use or disposing of the land. The court upheld a trial court decision that determined that the land in question had not been “acquired for park purposes”; therefore, the charter provision did not apply.
- *Samuels v. City of Minneapolis*, decided by the Minnesota Supreme Court on Sept. 16, 2021. Residents, led by the group Yes 4 Minneapolis, petitioned for an amendment to the Minneapolis city charter, relating to the elimination of the police department and creation of a department of public safety. The city approved ballot language in July, which included the ballot question and an explanatory note. Yes 4 Minneapolis challenged the ballot language. The Hennepin County District Court determined that the city council had the authority to include an explanatory note on the ballot, but the wording of the note could not be used because it had the potential to sway voters’ decisions one way or the other. The city council approved new language on Aug. 20, 2021, which the mayor vetoed. The city council overrode the mayor’s veto, and residents then challenged the new language. The Hennepin County District Court found that the new ballot question was “so unreasonable and misleading as to be a palpable evasion of the constitutional requirement to submit the law to a vote.” The court also found that inclusion of the question on the ballot would be an error and a wrongful act under Minn. Stat. § 204B.44 because “the proposed language is insufficient to identify the amendment clearly, it does not assist the voter in easily and accurately identifying what is being voted on, and it does not meet the requirement of identifying the essential purpose of the amendment, all of which will mislead voters and make it unjust.” The court ordered that, unless its decision was overruled, the ballots containing the ballot question could not be counted. From that decision, the city and Yes 4 Minneapolis sought an expedited appeal to the Minnesota Supreme Court. On appeal, the Supreme Court issued a brief order reversing the district court and holding that the challenge to the ballot language “does not meet the high standard” set in previous court decisions. The court will issue an opinion at a later date. If the opinion is issued prior to Nov. 9, 2021, an analysis of the opinion will be provided at the charter commission meeting; if not, the analysis will be provided in next year’s summary.

**2021 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

The terms of Karen Anderson and John Cheleen expired in 2021, and neither sought reappointment. The chief judge appointed Rachel Panner to the commission on Feb. 16, 2021 and Lori Weissman on Feb. 25, 2021. The court reappointed Brad Wiersum to the commission on Oct. 25, 2021. Officers during the year have been John Northrup, Chair; Linnea Sodergren, Vice-Chair; and LuAnn Tolliver, Secretary. At its Nov. 9, 2021 meeting, the commission elected _____ as Chair, _____ as Vice-Chair and _____ as Secretary.

Attendance at the 2021 commission meeting is shown below.

2021 Attendance Schedule

Member	Nov. 9, 2021	Meetings Attended
Allendorf		%
Larson		%
Northrup		%
Panner		%
Schneider		%
Sodergren		%
Tolliver		%
Weissman		%
Wiersum		%

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

Highlights of the Past Year

The commission met for its annual meeting on Nov. 9, 2021. At the meeting, the commission received a report regarding the city's first use of ranked choice voting for a city election, following the amendment of the city charter in 2020 to provide for ranked choice voting.

NOVEMBER 2022

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
		1	2 Joint Park Bd/ City Council	3 Planning Commission	4	5
6	7 City Council Study Session	8 Election Day	9	10 EDAC	11 VETERAN'S DAY	12
13	14 City Council	15 Sustainability Commission	16	17 Planning Commission	18	19
20	21 City Council Study Session	22	23	24 THANKSGIVING	25 CITY HALL CLOSED	26
27	28 City Council	29	30			