



To: Honorable Mayor and City Council Members
From: Kay Kuhlmann, City Council Administrator; Teri Swanson, City Clerk
Meeting Date: February 24, 2020
Agenda Item Number: **10.B.**

Title

1. Public Hearing on Charter Commission Recommendation to Amend City Charter, Chapter 2, Form of Government, Section 2.04 Boards.
2. Consider introduction of Ordinance No. 147, Fourth Series, Amending City Charter, Chapter 2, Form of Government, Section 2.04 Boards.

Purpose

City Council is asked to hold a Public Hearing on the Charter Commission recommendation to Amend City Charter, Chapter 2, Form of Government, Section 2.04 Boards and consider approving introduction of Ordinance No. 147, Fourth Series, Amending City Charter, Chapter 2, Form of Government, Section 2.04 Boards, as shown below and in the attached draft ordinance:

Chapter 2 Form of Government

...

Section 2.04 Boards

...

The Mayor, subject to confirmation by the Council, shall appoint all board and commission members who shall be residents of the City, unless specifically provided for by Ordinance, under the provisions of this Charter or as provided in subsection 2.04.a below. The Ordinance will set forth the parameters governing any nonresident members, including, but not limited to, the boundaries from which nonresidents may be drawn, the number of nonresidents who may serve on a board or commission, whether nonresidents may vote, provided such members are less than a quorum. The Council may provide by ordinance for advisory members who shall be members without the right to vote, make motions, or be counted for purposes of a quorum. Advisory members need not be residents of the City. Each board shall consist of not less than three nor more than fifteen members who shall each serve for a term of three years. No board member, or advisory member, shall serve more than two full consecutive terms.

~~**2.04.a.** If allowed in City Code, members of the Airport Board, the Sister Cities Commission, the Sustainability Commission, the Human Rights Commission, and the Harbor Commission may be nonresidents, provided such members are less than a quorum.~~

~~2.04.b. The Council, by ordinance, shall set forth the parameters governing any nonresident members referenced in subsection 2.04.a. including, but not limited to, the boundaries from which nonresidents may be drawn, the number of nonresidents who may serve on a board or commission, and whether nonresidents may vote.~~

...

Attachments

- Proposed Ordinance No. 147, Fourth Series, Amending City Charter, Chapter 2, Form of Government, Section 2.04 Boards

Background

The City Clerk published notice of the public hearing on February 8, 2020, with a public hearing date of February 24, 2020. City Council is asked to hold the public hearing and consider first reading of proposed Ordinance No. 147, Fourth Series, Amending City Charter, Chapter 2, Form of Government, Section 2.04 Boards. If the first reading is approved, final adoption of the ordinance would be considered on May 9, 2020.

Per MN Statute 410.12, Subd. 7, within one month of receiving a recommendation to amend the charter by ordinance, the city must publish notice of a public hearing on the proposal and the notice must contain the text of the proposed amendment. The city council must hold the public hearing on the proposed charter amendment at least two weeks but not more than one month after the notice is published. Within one month of the public hearing, the city council must vote on the proposed charter amendment ordinance. The ordinance is enacted if it receives an affirmative vote of all members of the city council and is approved by the mayor and published as in the case of other ordinances. An ordinance amending a city charter shall not become effective until 90 days after passage and publication or at such later date as is fixed in the ordinance.

Discussion

The Charter Commission met on Wednesday, January 29, 2020, to discuss a request for modification to City Charter, Chapter 2, Form of Government, Section 2.04 Boards. Staff brought recommended language to the Charter Commission to address the residency of board and commission members. The language gives the City Council the ability to set parameters governing nonresident members being appointed to certain boards and commissions by modifying the City Code and not the City Charter. The Charter Commission made modifications to the proposed language and passed a motion to approve. This would not apply to the Charter Commission, Library Board, Housing and Redevelopment Authority Board, Port Authority Board, and T.B. Sheldon Auditorium Board

Alternatives

1. Modify the ordinance language, or
2. Refer it back to the Charter Commission for more review.

Recommended Action

Approve Introduction of Ordinance No. 147, Fourth Series, Amending City Charter, Chapter 2, Form of Government, Section 2.04 Boards.

Ordinance No. 147, Fourth Series

**AN ORDINANCE AMENDING CHAPTER 2
OF THE RED WING CITY CHARTER**

SECTION 1. The City Charter is hereby amended by inserting the underlined language and deleting the ~~overstruck~~ language as shown below:

...

Chapter 2 Form of Government

...

Section 2.04 Boards

...

The Mayor, subject to confirmation by the Council, shall appoint all board and commission members who shall be residents of the City, unless specifically provided for by Ordinance. ~~under the provisions of this Charter or as provided in subsection 2.04.a below.~~ The Ordinance will set forth the parameters governing any nonresident members, including, but not limited to, the boundaries from which nonresidents may be drawn, the number of nonresidents who may serve on a board or commission, and whether nonresidents may vote, provided such members are less than a quorum. The Council may provide by ordinance for advisory members who shall be members without the right to vote, make motions, or be counted for purposes of a quorum. Advisory members need not be residents of the City. Each board shall consist of not less than three nor more than fifteen members who shall each serve for a term of three years. No board member, or advisory member, shall serve more than two full consecutive terms.

~~**2.04.a.** If allowed in City Code, members of the Airport Board, the Sister Cities Commission, the Sustainability Commission, the Human Rights Commission, and the Harbor Commission may be nonresidents, provided such members are less than a quorum.~~

~~**2.04.b.** The Council, by ordinance, shall set forth the parameters governing any nonresident members referenced in subsection 2.04.a. including, but not limited to, the boundaries from which nonresidents may be drawn, the number of nonresidents who may serve on a board or commission, and whether nonresidents may vote.~~

...

Introduced the ____ day of February, 2020
Adopted the ____ day of _____, 2020

Dean Hove, Council President

ATTEST:

Teri L. Swanson, MCMC, City Clerk

(Seal)

Presented to the Mayor at _____ p.m. on this ____ day of _____, 2020

Approved this ____ day of _____, 2020

Sean M. Dowse, Mayor