



## CHARTER COMMISSION MEETING

### **Municipal Center Council Chambers**

1616 Humboldt Ave, West St. Paul, MN 55118

Thursday, February 15, 2024

5:30 PM

1. Call To Order

2. Roll Call

3. Adopt Agenda

4. Adopt Minutes

4.A. October 12, 2023 Minutes

Documents:

[20231012 CHARTER COMMISSION MINUTES DRAFT.PDF](#)

5. New Business

5.A. Interview Charter Commission Candidates

Documents:

[CITY MANAGER MEMO - CHARTER COMMISSION INTERVIEWS.PDF](#)

[CHARTER COMMISSION INTERVIEW QUESTIONS.PDF](#)

[3-1 HEANEY, JAMES\\_REDACTED.PDF](#)

[3-1 KAVANAUGH, MORGAN\\_REDACTED.PDF](#)

[3-1 LEFHOLZ EMILY\\_REDACTED.PDF](#)

[2-1 OLSON, ANDREW\\_REDACTED.PDF](#)

5.B. Recommendation Of Candidates For Charter Commission

6. Old Business

6.A. Charter Commission By-Law Change

Documents:

CITY MANAGER MEMO - CHARTER COMMISSION BY-LAWS.PDF  
CHARTER COMMISSION BYLAWS (09.02.22).PDF

7. Set Next Meeting Date

8. Adjourn

*If you need an accommodation to participate in the meeting, please contact the ADA Coordinator at  
651-552-4108 or email [ADA@wspmn.gov](mailto:ADA@wspmn.gov) at least 5 business days prior to the meeting  
[www.wspmn.gov](http://www.wspmn.gov) EOE/AA*

MINUTES  
WEST ST. PAUL CHARTER COMMISSION  
Thursday, October 12, 2023  
5:30 P.M.  
MUNICIPAL CENTER  
COUNCIL CHAMBERS

MEMBERS PRESENT:

Commissioners Matthew Schempp, Andrea Friesen, Jim Probst, Michelle Ball,  
Chris Gevara, Tim Haubrich, Carol Keyes-Ferrer, Tim Vellento, Kae Jae Johnson,  
Chair Doug Fromm

MEMBERS ABSENT:

Mark Tessmer

OTHERS PRESENT:

City Manager Nate Burkett, Liaison Eastman

**1. CALL TO ORDER**

Chair Fromm called the meeting to order at 5:41p.m.

**2. ROLL CALL**

**3. ADOPT AGENDA**

*Motion by Probst/Gevarra to adopt the agenda. Motion passed unanimously.*

**4. ADOPT MINUTES**

*Motion by Schempp/Vallento to adopt the minutes of the May 11, 2023 charter commission meeting with one correction to 5b. Delete Tessmer as Vice Chair and insert Schempp. Motion passed unanimously.*

**5. NEW BUSINESS**

**5a. Charter Commission Appointment Process**

The Commission discussed the recruitment and appointment process for charter commission. The Commission agreed that staff would open recruitments at around the beginning of 2024. The Chair will contact those with expiring appointments, those members with expiring appointments will be re-appointed at their request. The Commission will interview all applicants for Charter at their regular meeting in February.

5b. Proposed Charter Amendment - Authority For Expenditures

*The Commission considered the following charter amendment recommendation:*

**SECTION 1.** West St. Paul City Charter Section 7.15 relating to Authority for Expenditures is hereby added:

Section 7.15. Authority for Expenditures. The council may establish a public expenditure policy (“Policy”) to identify certain types of expenditures as being for a public purpose and within the city’s authority to expend city funds on. The Policy shall not limit the authority of the city to make expenditures otherwise authorized by law. If adopted, the council shall review the Policy periodically and update it as needed. In establishing, reviewing, and approving the Policy, the council shall consider whether the expenditures to be authorized by the Policy: 1) benefits the community as a whole; 2) are directly related to governmental functions; and 3) primarily benefits the public interest, not a private interest. In establishing, reviewing, and approving the Policy, the council shall consider the opinion of the city attorney and statewide sources of authority, which may include judicial determinations, Minnesota Attorney General opinions, and findings of the Office of the State Auditor. Expenditures related to any of the following activities shall be deemed authorized if the Policy expressly provides authorization: international, cultural, and economic development programs; community events, festivals, and celebrations; miscellaneous employee benefits; employee recognition; and funding for conference attendance. The council may also provide specific authorization regarding any other expenditure.

*Motion by Johnson/Probst to approve the proposed Section 7.15 and recommend the Charter Amendment to City Council. Motion passed unanimously.*

**6. OLD BUSINESS**

6.a. Charter Commission By-Law Change

*The Commission considered the following change to the Charter Commission by-laws:*

*Article VII – Meetings. Section A. Regular meetings is amended to read: The Charter Commission shall meet at least once during each calendar year to hold an annual organizational meeting. Prior to June of every even-numbered year, the Charter Commission shall meet to review the salaries of the Mayor and City Council pursuant to Charter Section 2.07 subd. 2. In all years ending in the number 1 (i.e. 2031, 2041) the Charter Commission shall meet prior to November 1 to discuss the process, role and guidance and methods to obtain public input related to redistricting.*

*The Commission agreed to table the by-law change to a future meeting.*

6.b. Section 5.02 Initiative And Referendum, Expenditures By Petitioners  
*The Commission Considered the following amendment to Charter Section 5.02:*

**Expenditures by Petitioners.** No member of any initiative, or referendum committee, nor a circulator of a signature paper, shall offer any reward, pecuniary or otherwise, to a signer of any such paper and no signer of any such a signature paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for signing any such paper. service rendered in connection with the circulation thereof, but this shall not prevent the committee from paying for legal advise and from incurring expenses for stationery, copying, printing and notaries' fees. Any violation of the provisions of this section is a misdemeanor.

*Motion by Friesen/Ball to approve amendments to Charter Section 5.02 and recommend approval to the City Council. Motion passed unanimously.*

#### **7. SET NEXT MEETING DATE**

The Commission decided to hold the next meeting on February 8, 2024 at 5:30 pm. And schedule a meeting for May 9, 2024 at 5:30 pm.

#### **8. ADJOURNMENT**

*Motion to adjourn by Friesen/Schempp. Motion passed unanimously. The meeting was adjourned at 6:47 p.m.*

To: Charter Commission

From: Nate Burkett, City Manager

Cc:

Date: February 15, 2024

Subject: Charter Commission Appointments

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The Head Judge of the Judicial District is the appointing authority for the City's Charter Commission. The Charter Commission is responsible for recommending appointments to Charter Commission.

At the October 12, 2023 Charter Commission meeting the Charter Commission agreed:

- Members with expiring appointments that express interest in being reappointed will be recommended by Charter Commission.
- Charter Commission will interview all candidates for remaining positions on Charter Commission.

In accordance with that direction staff has recruited and scheduled candidates for interviews, with the understanding that there are three positions on Charter Commission open.

Candidate resumes are being made available under separate cover. Applications are being accepted and interviews scheduled up until the day of the interviews. Hard copies of application materials will be available for Charter Members and the public at the meeting.

## CHARTER COMMISSION INTERVIEW QUESTIONS

1. In regards to City governance are there any issues, concerns, or changes that you think the Charter Commission should address?
2. Have you served on any other Commissions or committees in WSP or any of the other cities you have lived in?
3. Have you lived in a City that was a Charter City?
4. What are some of your strengths or best qualities that could be helpful to the Charter Commission?
5. Why did you select the Charter Commission?
6. Is the Charter Commission still your top choice?

# Print

## Application for Appointment to Commissions, Boards, Committees and Task Forces - Submission #5554

Date Submitted: 1/23/2024

The strength of our committees is in being representative of our community. Renters, BIPOC (Black, Brown, Indigenous and People of Color), LGBTQ+ and all West St. Paul residents interested in influencing the community in a positive manner are strongly encouraged to apply.

Thank you for your interest in serving the City of West St. Paul on a volunteer advisory board, committee or commission.

Applications for boards and commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

The next round of interviews for open committee seats is scheduled for the second week of February 2024.

First Name\*

Last Name\*

Address1\*

Address2

City\*

State\*

Zip\*

Ward

Don't know your Ward?

[Click here to view West St. Paul's Ward and Precinct map.](#)

Email\*

Phone Number



**On which committee are you MOST interested in serving? \***

Charter Commission ▼

**On which committee are you second most interested in serving?**

Planning Commission ▼

**On which committee are you third most interested in serving?**

Cable Commission (NDC4) ▼

### More Info

[Learn more about each Board and Commission here...](#)

The only requirements to serve on a board or commission are being 18 years old, currently live in West St. Paul and have an interest in participating. We only ask the following questions to get to know you a little better. Responses are not required to apply.

**How many years have you lived in West St. Paul?**

- 0-5 Years
- 6-10 Years
- Over 10 Years

We value the opinions and perspective of recent and tenured residents equally.

**Why are you interested in serving on a board or commission?**

I'd be good at it.

**What skills, experience, or interests do you have that could be helpful in serving on a board or commission?**

I am good at analyzing laws and breaking them down in ways laypeople can understand. Some people pay me money for doing this. For a recent example, see here: <https://decivitate.substack.com/p/the-minnesota-gop-gives-the-gift> . In this article, I explain how the Minnesota Republican Party's bad arguments in defense of President Trump's ballot access are not just bad legal arguments, but could lead to some outcomes Minnesota Republicans would REALLY dislike.

**Conflict of Interest**

No.
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Conflicts of Interest may arise by the participation in any activity, recommended action, or decision from which you receive or could potentially receive direct or indirect personal financial gain. In accordance with this definition, do you, or an immediate family member of your household, have any legal or equitable interest in any business, however organized, which in the course of your participation in a city advisory board could give rise to a conflict of interest?

If yes, please provide details.

**Data Practices Advisory**

We are required to provide the following information to you. Under Minnesota law, some of the information requested above is public information, which must be provided to anyone who requests it. Some of it is classified as private information, which is not generally available to the public. However, all of the information will be used by the City Council in determining whether you should be appointed to a commission/board. Therefore, the information will be provided to the City Council in a public forum and will be reviewed in public. It will, therefore, be part of the public record, which will be available to anyone. Failure to provide the requested information may result in your not being considered for an appointment. If you have concerns about providing any of the requested information, please contact Nicole Tillander at 651-552-4102 or [ntillander@wspmn.gov](mailto:ntillander@wspmn.gov).

**Thank you again for your interest in serving the City of West St. Paul!**

# Print

## Application for Appointment to Commissions, Boards, Committees and Task Forces - Submission #5572

Date Submitted: 1/31/2024

The strength of our committees is in being representative of our community. Renters, BIPOC (Black, Brown, Indigenous and People of Color), LGBTQ+ and all West St. Paul residents interested in influencing the community in a positive manner are strongly encouraged to apply.

Thank you for your interest in serving the City of West St. Paul on a volunteer advisory board, committee or commission.

Applications for boards and commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

The next round of interviews for open committee seats is scheduled for the second week of February 2024.

First Name\*

Last Name\*

Address1\*

Address2

City\*

State\*

Zip\*

Ward

Don't know your Ward?

[Click here to view West St. Paul's Ward and Precinct map.](#)

Email\*

Phone Number

**On which committee are you MOST interested in serving? \***

Charter Commission ▼

**On which committee are you second most interested in serving?**

Parks and Recreation Advisor ▼

**On which committee are you third most interested in serving?**

None ▼

### More Info

[Learn more about each Board and Commission here...](#)

**The only requirements to serve on a board or commission are being 18 years old, currently live in West St. Paul and have an interest in participating. We only ask the following questions to get to know you a little better. Responses are not required to apply.**

**How many years have you lived in West St. Paul?**

- 0-5 Years
- 6-10 Years
- Over 10 Years

We value the opinions and perspective of recent and tenured residents equally.

**Why are you interested in serving on a board or commission?**

I am always looking for ways to serve my community and to help make where I live a better place for all. Getting involved in a board or commission at the local level is a great way to learn more about how things work, and also a way to make a difference. It is easy to sit on the sidelines and complain about something, but service on a board or commission is a way to get involved and actually help out. I really enjoyed my time servicing on city commissions previously, as I found it a productive way to provide a different perspective, make a positive impact on the community, and use my expertise and background to help make the city better.

**What skills, experience, or interests do you have that could be helpful in serving on a board or commission?**

Professional background: Attorney & Partner, Wilkerson, Hegna, Kavanaugh & Johnston, PLLP (2010-Present); Certified Real Property Law Specialist; Super Lawyer "Rising Star" (2017-2024); Licensed Real Estate Broker; Owner, Walleye Brokerage, LLC; Adjunct Professor, Mitchell Hamline School of Law (2015-2020); U.S. Army Reserves (2005-2013). Board experience: West St. Paul Planning Commission, Member & Chair (2014-2023); West St. Paul Smith-Dodd PAC, Member (2017); West St. Paul Parks Plan PAC, Member (2023); Dakota County Board of Adjustments and Appeals, Member & Vice Chair (2016-2022); West St. Paul Youth Baseball, Member & Vice President (2017-Present); Mississippi Valley Montessori School, President (2021 - Present). Personal background: Member of the Red Lake Nation

**Conflict of Interest**

No.
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If yes, please provide details.

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**Thank you again for your interest in serving the City of West St. Paul!**

# Print

## Application for Appointment to Commissions, Boards, Committees and Task Forces - Submission #5086

Date Submitted: 2/25/2023

Applications for Boards and Commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

First Name\*

Emily

Last Name\*

Lefholz

Address1\*

[REDACTED]

Address2

[REDACTED]

City\*

West St Paul

State\*

MN

Zip\*

55118

Email\*

[REDACTED]

Home Phone

[REDACTED]

Cell Phone

[REDACTED]

Work Phone

[REDACTED]

### Public Commission Directory\*

Please indicate the phone number(s) you would like published in our Public Commission Directory if you are appointed. Permission to release your phone number to the public is a requirement of the Data Practices Act.



Home



Cell



Work

Mark up to 3 committees you are interested in serving on\*

- Charter Commission
- Parks & Recreation Advisory Board
- Planning Commission
- Environmental / Greening Committee
- Lower Mississippi River Watershed Management Organization
- NDC4 (Cable Commission)

If you are interested in more than one committee, please list them in order of most desirable to least desirable.

Planning Commission, Charter Commission, Parks and Rec Advisory Board

**More Info**

[Learn more about each Board and Commission here...](#)

**How Many Years Have You Lived in West St. Paul\***

4

**Ward**

3

**Precinct**

1

**Employment / Job Title\***

[Redacted]

**Employer Name & Address\***

[Redacted]

**List your past and present civic activities or memberships which may be helpful to this committee.\***

I've worked in various capacities in policy work - as a district Congressional staffer, a Committee Administrator in both the Minnesota House and Minnesota Senate, policy advisor to the Governor, and now as Legislative Director at the DOC. I have also volunteered and worked on various campaigns. I am an attorney and am skilled in drafting, policy analysis, and community engagement.

**List two or three goals that you would like to see accomplished during your term on a commission.\***

Meaningful community engagement/outreach and thorough understanding of short and long term impacts of decisions.

**How did you become interested in serving on a committee?\***

I'm raising 2 young kids and love living in WSP. I have wanted to be more involved and bring my skills to use in my community and feel I now have the time and capacity to do so. Thank you for any consideration!



# Print

## Application for Appointment to Commissions, Boards, Committees and Task Forces - Submission #5550

Date Submitted: 1/20/2024

The strength of our committees is in being representative of our community. Renters, BIPOC (Black, Brown, Indigenous and People of Color), LGBTQ+ and all West St. Paul residents interested in influencing the community in a positive manner are strongly encouraged to apply.

Thank you for your interest in serving the City of West St. Paul on a volunteer advisory board, committee or commission.

Applications for boards and commissions are accepted year-round. As seats become vacant, the City of West St. Paul will consider all active applications for appointment. Applications are considered active for one year from submission date. To remain active after one year, applicants must re-apply.

The next round of interviews for open committee seats is scheduled for the second week of February 2024.

First Name\*

Last Name\*

Address1\*

Address2

City\*

State\*

Zip\*

Ward

Don't know your Ward?

[Click here to view West St. Paul's Ward and Precinct map.](#)

Email\*

Phone Number

**On which committee are you MOST interested in serving? \***

Charter Commission ▼

**On which committee are you second most interested in serving?**

-- Select One -- ▼

**On which committee are you third most interested in serving?**

-- Select One -- ▼

### More Info

[Learn more about each Board and Commission here...](#)

**The only requirements to serve on a board or commission are being 18 years old, currently live in West St. Paul and have an interest in participating. We only ask the following questions to get to know you a little better. Responses are not required to apply.**

**How many years have you lived in West St. Paul?**

- 0-5 Years
- 6-10 Years
- Over 10 Years

We value the opinions and perspective of recent and tenured residents equally.

**Why are you interested in serving on a board or commission?**

I am interested in serving on the Charter Commission for two primary reasons. First, I am generally interested in the mechanics of good governance. I feel that my experience, skills, and knowledge would help me to be a productive member of the Commission. Second, in the time that I have lived in West St. Paul there have been instances in which I feel that a lack of clarity within the City Charter has made it more difficult for residents to understand the functioning of the Council and other aspects of city governance.

**What skills, experience, or interests do you have that could be helpful in serving on a board or commission?**

I really enjoy living in West St. Paul and seek to work collaboratively with others to help the City serve its residents. I am an attorney and work for a state government agency with experience in the operation of a board comprised of appointed members. I have experience interpreting and applying a variety of statutes and rules applicable to elections, campaign finance, lobbying, disclosure of economic interests of officials, the Open Meeting Law, and the Minnesota Government Data Practices Act. I have served as an election judge in a different city since 2018. I previously served in volunteer leadership roles within a nonprofit organization and helped organize multiple candidate forums, forums concerning various public policy issues, and meetings featuring speakers addressing issues of concern to members of the organization and the general public. In those roles I also helped monitor proposals considered by the Dakota County Board, the Metropolitan Council, the Minnesota Legislature, and various city councils and school boards, in Dakota County.

**Conflict of Interest**

No
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If yes, please provide details.

**Data Practices Advisory**

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**Thank you again for your interest in serving the City of West St. Paul!**

To: Charter Commission

From: Nate Burkett, City Manager

Cc:

Date: February 15, 2024

Subject: Charter Commission By-law Change

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The Charter Commission expressed interest in a by-law change to ensure that future charter commission members were aware of their role in the redistricting process, as well as ensuring that there was time to make changes to ward boundaries if so desired.

The attached by-law change specifically requires a meeting prior to November 1 in every year that ends in “1”, which would be prior to the redistricting process by several months.

The Commission discussed this matter and tabled the change to a future meeting. The following language is proposed based on comments at that meeting:

*Article VII – Meetings. Section A. Regular meetings is amended to read: The Charter Commission shall meet at least once during each calendar year to hold an annual organizational meeting. Prior to June of every even-numbered year, the Charter Commission shall meet to review the salaries of the Mayor and City Council pursuant to Charter Section 2.07 subd. 2. In all years ending in the number 1 (i.e. 2031, 2041) the Charter Commission shall meet prior to November 1 to discuss the process, role and guidance and methods to obtain public input related to redistricting.*

**CITY OF WEST ST. PAUL  
CHARTER COMMISSION  
BYLAWS**

**ARTICLE I  
NAME AND PURPOSE**

The name of this organization shall be the West St. Paul Charter Commission. The purpose and responsibility of the West St. Paul Charter Commission (Charter Commission) shall be to consider the form of municipal government which best meets the needs of the people and to frame and amend a charter for the City of West St. Paul (City) in furtherance of those purposes as provided by law.

**ARTICLE II  
MEMBERS**

The Commission shall consist of eleven (11) qualified voters of the City.

**ARTICLE III  
APPOINTMENTS, TERMS, VACANCIES**

- A. Appointments. All appointments shall be made by order of the Chief Judge of the First Judicial District.
- B. Term. Members of the Charter Commission are appointed for a term of four (4) years. Members shall hold office until March 1 of their expiring terms or until their successors are appointed and qualify.
- C. Vacancies. A vacancy may occur by expiration of a term, death, resignation, disqualification, disability or removal. A member with four (4) or more absences in a year or who fails to perform the duties of office shall be subject to removal by the district court upon certification of the facts to the court by the Charter Commission. When a vacancy occurs, the Charter Commission shall review applications and make a recommendation for appointment to the Chief Judge of the First Judicial District.

**ARTICLE IV  
OFFICERS**

The Charter Commission will elect a chair and vice-chair from among its members for a term of one year. The chair, or in the absence of the chair, the vice-chair, presides at meetings so as to keep them moving as rapidly and efficiently as possible and shall remind members and guests to only address the subject matter on the published agenda.

## **ARTICLE V DUTIES**

The Charter Commission shall have all powers and duties as provided by law.

## **ARTICLE VI STAFF**

The Charter Commission may employ attorneys, consultants, a secretary and other persons as necessary to assist the Commission in its work. Funding of Charter Commission expenses shall be taken care of as provided by law.

## **ARTICLE VII MEETINGS**

- A. Regular Meetings. The Charter Commission shall meet at least once during each calendar year to hold an annual organizational meeting. Prior to June of every even-numbered year, the Charter Commission shall meet to review the salaries of the Mayor and City Council pursuant to Charter Section 2.07 subd. 2.
- B. Special Meetings. A special meeting may be called by the chair or any three (3) members of the Charter Commission.
- C. Notice of Meetings. Written notice of any special meeting stating the time, place and the purpose shall be posted at least three (3) days in advance. Charter Commission members shall be provided at least eight (8) days' advanced notice of the time, place and purpose of the meeting.
- D. Minutes of Meetings. The Charter Commission shall keep minutes of its meetings. Copies of all minutes, motions and resolutions shall be available to the public upon request, unless such information can be considered nonpublic data pursuant to the Minnesota Government Data Practices Act.
- E. Quorum. A quorum of six (6) members must be present to conduct business.
- F. Voting Requirements. There must be an affirmative vote of no less than six (6) members to pass action on matters that would result in a Charter amendment, to adopt or amend bylaws or to suspend a specific rule of the bylaws. For all other matters, an affirmative vote of no less than a majority vote of the members present is required.

**ARTICLE VIII  
RULES OF PROCEDURE**

- A. Roberts Rules of Order. The most current edition of Robert’s Rules of Order shall govern the conduct of Charter Commission meetings so long as they are not inconsistent with these bylaws.
- B. Amendments to Bylaws. The Charter Commission may make, amend or repeal bylaws at any regular or special meeting by an affirmative vote of no less than six (6) members, provided, that the proposed amendment was sent to the Commission not less than eight (8) days in advance of the meeting at which action thereon is to be taken.
- C. Temporary Suspension of the Bylaws. In special circumstances, the Charter Commission may suspend a specific rule of the bylaws by 2/3 vote of the members present, or by 6 votes, whichever is more.

**ARTICLE IX  
ANNUAL REPORTING REQUIREMENTS**

On or before December 31 of each year, the Charter Commission shall submit to the Chief Judge of the First Judicial District and to the Clerk of the City an annual report outlining the Charter Commission’s activities and accomplishments for the current calendar year.

Section 5.01 Amended 2/13/97  
Sections 4.00 and 5.01 Amended 5/18/99  
Section 3.00 Amended 10/14/04  
Section 3.00 Amended 2/3/05  
Section 4.02 and 5.04 Amended 3/12/08  
Section 3.00, 4.02 and 5.04 Amended 5/3/12  
Section 3.03 added 12/1/15  
Section 3.02 Amended 5/22/18  
Complete Revision 9/11/18