



**CHARTER COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
1616 HUMBOLDT AVENUE, WEST ST. PAUL, MN 55118**

**Thursday, October 12, 2023
5:30 PM**

1. Call To Order

2. Roll Call

3. Adopt Agenda

4. Adopt Minutes

4.A. Adopt May 11, 2023 Charter Commission Minutes

Documents:

[20230511 CHARTER COMMISSION MINUTES.PDF](#)

5. New Business

5.A. Charter Commission Appointment Process

Documents:

[CITY MANAGER MEMO - CHARTER COMMISSION APPOINTMENTS.PDF](#)
[2023 CHARTER COMMISSIONER LISTING.PDF](#)

5.B. Proposed Charter Amendment - Authority For Expenditures

Documents:

[CITY ATTORNEY MEMO - AUTHORITY FOR EXPENDITURES.PDF](#)
[ORDINANCE - AUTHORITY FOR EXPENDITURES.PDF](#)
[ATTACHMENT - PUBLIC PURPOSE EXPENDITURE POLICY.PDF](#)
[CITY MANAGER MEMO - AUTHORITY FOR EXPENDITURES.PDF](#)
[CITY ATTORNEY MEMO - BOARDS AND COMMISSIONS
COMPENSATION.PDF](#)

6. Old Business

6.A. Charter Commission By-Law Change

Documents:

CITY MANAGER MEMO - CHARTER COMMISSION BY-LAWS.PDF
20231009 - CHARTER COMMISSION BYLAWS DRAFT.PDF

6.B. Section 5.02 - Initiative And Referendum, Expenditures By Petitioners

Documents:

CITY ATTORNEY MEMO - SECTION 5.02.PDF
ORDINANCE - AMENDING CHARTER SECTION 5.02.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 at least 5 business days prior to the meeting
www.wspmn.gov EOE/AA*

MINUTES
WEST ST. PAUL CHARTER COMMISSION
Thursday, May 11, 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, Mark Tessmer, Kae Jae Johnson, Chair Doug Fromm

Commission Tim Valento joined as a non-voting participant from Olde Hickory Country Club, 14670 Olde Hickory Blvd, Ft. Myers, FL via TEAMS as Council Member Valento was out of town.

MEMBERS ABSENT:

None

OTHERS PRESENT:

City Manager Nate Burkett, City Attorney Pamela Whitmore, 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 Tessmer/Probst to adopt the agenda. Motion passed unanimously.

4. ADOPT MINUTES

Motion by Probst/Ball to adopt the minutes of the October 6, 2022 charter commission meeting. Motion passed 10 in favor, Tessmer abstaining due to absence.

5. NEW BUSINESS

5a. Introduction to new City Attorney

5b. Election of Officers

Slate presented by Commission consensus for Fromm as Chairperson and Tessmer as Vice Chairperson

Motion by Tessmer/Probst to approve the slate of candidates. Motion passed unanimously.

5.C. Bylaw Amendments

The Commission discussed addressing timing concerns related to discussions, education and engagement surrounding redistricting and ward configurations. Commission directed the City Attorney to draft additional bylaw language to add an additional Charter Commission Meeting in odd numbered years.

5.D. Charter Amendments

Commission considered the following amendments to the Charter:

- The Commission voted to amend Section 4.08 of the Charter to align the Charter with statutory changes related to Special Elections. The amendment provides additional language that states the procedure for special elections shall conform with state law requirements.

Motion by Friesen/Gevara to approve the amendment to Section 4.08 and recommend the amended Section 4.08 to the Council for consideration. Motion passed unanimously.

- The Commission voted to amend Section 12.05 regarding the sale of real property to allow the City Council to dispose of real property by resolution, rather than ordinance.

Motion by Johnson/Keyes-Ferrer to approve the amendment to Section 12.05 and recommend the amended Section 12.05 to the Council for consideration. Motion passed unanimously.

5.E. Boards And Commissions Appointments

- General discussion about the appointment process by Council to City boards and commissions and the viability of a Charter provision outlining a process. The Commission determined that addressing this process was better suited for City policy. However, the discussions reflected a desire of the Commission to promote inclusivity in City boards and commissions to further DEI efforts and directed the City Attorney explore the possibility of a Charter amendment authorizing Council to provide compensation to board and committee members. The Commission further requested additional information of other charter cities approach to compensating board and commission members.

6. OLD BUSINESS

6.a. Section 3.03 Rules Of Procedure And Quorum

- At the last meeting, the Commission directed the City Attorney to prepare an amendment to Section 3.03 to allow the presence of appointed officials of the decision-making body to count towards quorum for that body.

Motion by Schempp/Keyes-Ferrer to approve the proposed Section 3.03 and recommend the amended Section 3.03 to the Council for consideration. Motion passed unanimously.

6.b. Section 5.02 Initiative And Referendum, Expenditures By Petitioners

- At the last meeting, the Commission discussed issues raised related to Section 5.02. At that time, the Commission agreed with the recommendation to repeal Section 5.02 related to the prohibition for compensation paid to petition circulators. The proposed amendment recommended the repeal of Section 5.02 in its entirety and the Commission discussed whether it had been the intent of the Commission for a complete repeal. Section 5.02 currently reads: “**Section 5.02. Expenditures by Petitioners.** No member of any initiative, or referendum committee, no circulator or a signature paper, and no signer of any such paper, or any other person, shall accept or offer any reward, pecuniary or otherwise, for 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.” Section 5.02 represents a common provision in Charters in Minnesota. There is a United States Supreme Court case that may call into question the constitutionality of prohibiting organizers of committees gathering signatures related to Charter initiatives or referendums to offer a reward, pecuniary or otherwise for services rendered in connection with getting signatures. However, the remaining portion of the Section, which prohibits providing such pecuniary gains or rewards to individuals signing a petition, does not appear to have the same potential constitutional concerns. The Commission directed the City Attorney to research the provision further and come back to the Commission with a recommendation. It should be noted that the typographical error in the current Section would also be addressed.

Motion by Johnson/Friesen to table discussion on Section 5.02.

7. SET NEXT MEETING DATE

The Commission decided to hold the next meeting on October 12, 2023 at 5:30 pm.
Upcoming Agenda items: Various Charter Amendments.

8. ADJOURNMENT

Motion to adjourn by Friesen/Ball Unanimous. The meeting was adjourned at 6:47 p.m.

To: Charter Commission

From: Nate Burkett, City Manager

Cc:

Date: October 12, 2023

Subject: Charter Commission Appointment Processes

There are four members of Charter Commission with terms expiring in 2024. Terms expiring in 2024 technically expire on 2/28/2024 but if new appointments are not made by then, Commission members continue serving in that capacity until new appointments are made.

The Charter Commission has the authority to recommend appointment of members to the Chief Judge of the District Court, who is the ultimate appointing authority for Charter Commission.

The members with expiring appointments in 2024 are:

- Tim Haubrich
- Kimetha (KaeJae) Johnson
- Mark Tessmer
- Tim Valento

In 2022, the last time the Charter Commission had expiring appointments the following process was used:

1. 2/24/2022 – the Commission asked members with expiring appointments if they wished to be reappointed. Two out of four members indicated that they would like to be reappointed. Members seeking reappointment did not need to formally re-apply and the Commission informally agreed to reappoint members seeking
2. 6/9/2022 – Two members seeking reappointment were reappointed. Commission decided to interview all Charter Commission applicants for the two vacant seats.
3. 7/28/2022 – Commission interviewed all applicants and recommended two for appointment.

Staff is suggesting the following process for 2023:

1. 10/12/2023
 - a. Determine if members seeking re-appointment must formally re-apply. If so – proceed to Step 2.
 - b. If members seeking re-appointment will not be required to re-apply either;

- i. Ask members with expiring terms to indicate their intention immediately and informally agree to their reappointment, or
 - ii. Ask members with expiring terms to indicate their intention no later than November 17, 2023 to the Chair, and delegate the authority to the Chair to informally agree to their reappointment.
2. Early December 2023 – City Staff will begin recruitment for Charter Commission members (along with all City Boards and Commissions)
3. Early February 2023 – Charter Commission meeting to interview all Charter Commission applicants, make recommendations for appointment.

WEST ST. PAUL CHARTER COMMISSION

NAME OF COMMISSIONER	TERM EXPIRES	WARD NUMBER	DATE APPOINTED BY COURT
Ball, Michelle	02.28.25	1	08.03.22
Friesen, Andrea	02.28.26	3	08.03.22
Fromm, Douglas (Chair)	02.28.25	1	03.01.21
Gevara, Chris	02.28.26	3	08.03.22
Haubrich, Tim	02.28.24	3	12.23.20
Johnson, Kimetha (KaeJae)	02.28.24	1	01.25.21
Keyes-Ferrer, Carol	02.28.26	2	08.03.22
Probst, James	02.28.26	2	08.03.22
Schempp, Matthew (Vice Chair)	02.28.25	3	03.01.21
Tessmer, Mark	02.28.24	2	12.23.20
Valento, Tim	02.28.24	3	12.23.20

Updated: 03.17.23

COUNCIL LIAISON

Councilmember

Julie Eastman

jeastman@wspmn.gov

**MEMBER
TERM**

4 Years

**TERM
LIMIT**

None

RECORDING SECRETARY

City Attorney

COMMISSION MEETS

As Called

To: Charter Commission

From: Pamela Whitmore, City Attorney

Through: Nate Burkett, City Manager

Date: 10/2/2023

Subject: Authority for Expenditures

II. New Business

- A. Expenditures.** City has had instances when it wants to expend money or even fundraise for the good of the community or to further a public purpose but there has been no specific authority to do so under state law or Charter. The Council and staff asked me to research possible charter provisions to provide City with authority for these types of community strengthening/public purpose efforts.

To further these types of goals, many charter cities have adopted the following charter provision:

“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”

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. _____

**AN ORDINANCE ADDING SECTION 7.15 OF THE WEST ST. PAUL CITY CHARTER
REGARDING AUTHORITY FOR EXPENDITURES**

The City of West Saint Paul does ordain:

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.

SECTION 2. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul, Minnesota, this _____ day of _____, 2023.

Ayes:

Nays:

Attest:

David J. Napier, Mayor

Nicole Tillander, City Clerk

Approved by
City Council

History

Adopted: September 3, 2002

Amended: November 8, 2021

A. Authority

Every City of West St. Paul expenditure must be valid based upon the public purpose for which it is purchased and the specific or implied authority for the expenditure found in the City Charter.

West St. Paul City Charter Section 1.02 states that the City shall have all powers which it may now or hereafter be possible for a municipal corporation in this State to exercise in harmony with the constitution of this State and of the United States.

The West St. Paul City Council has determined that the following expenditures are valid expenditures and serve a public purpose. The specific authority to approve this policy is found in the West St. Paul City Charter Section 1.02.

B. Employee Recognition Program

The City of West St. Paul City Council recognizes the hard work and service performed by the employees of the City of West St. Paul through a formal Employee Recognition Program. The City Council believes the benefits of attracting, retaining and motivating employees through an Employee Recognition Program support employee job satisfaction, which in turn impacts cooperation and productivity. The result is to provide excellent public and customer service to better serve the interests of the citizens of the community.

The Employee Recognition Program is considered “additional compensation” for work performed by employees but is entirely dependent on receiving funding from year-to-year. No provisions of this policy, or its administration, shall be subject to review under the grievance or arbitration provisions of any collective bargaining agreement.

The Program will include:

- Employees reaching 5, 10, 15 years of service will receive a certificate thanking them for their dedicated years of service to the Community. The City Manager and Department Head will present these certificates to the employee on their designated shift and thank them on behalf of the West St. Paul City Council.

- Employees reaching 20, 25, 30 and above years of service will receive a plaque thanking them for their additional dedicated years of service to the Community. The City Manager and Department Head will present these plaques to the employees at an employer sponsored reception at which refreshments will be served.
- Annually, the City will sponsor an Employee Recognition Meal and Program at which employees reaching the above work milestones will be recognized. The Program will also include the City Council, City Manager, and Department Heads recognizing department and City accomplishments through the year and other individual accomplishments as will be determined.
- Annually, the City will sponsor an Employee/Commission Picnic to promote teamwork and coordination amongst the City Council, Department Heads, Commission/Committees, and employees.
- The City may provide for refreshments at employee/community gatherings for retiring employees.
- The City supports other events that are planned and paid for by employees. Examples of such events include the holiday party, golf and bowling tournaments.

The cost of the elements of the Employee Recognition Program will be included as a separate line item in the City of West St. Paul Human Resources Department Budget. This line-item will be approved annually by the City Council as a part of the overall budget approval process which includes a public hearing on the proposed budget.

C. MEETING FOOD/MEALS

The City Council recognizes that situations in which City business needs to be discussed can and do occur during meal hours (i.e. luncheon meetings). In addition, there are public and employee meetings and events in which reasonable refreshments may add to the success of the meeting and/or event and create a more productive work force. The following items are deemed to meet the Council definition of public purpose expenditures in regards to food and meals.

- Meals and refreshments are allowed at City meetings and events that have a purpose of discussing City issues. These meetings would normally have a pre-planned agenda.
- Meals and refreshments are allowed at employee meetings and events that have a purpose of discussing City issues or are a part of an employee training. These meetings would also normally have a pre-planned agenda. This does not include routine staff meetings.
- Meals and refreshments are allowed when they are part of a breakfast/lunch/dinner meeting for official city business when it is the only practical time to meet. Usually these meals involve meeting with City

Councilmembers, Committee/Commission members, or local business/fraternal organizations.

- During official meetings of the City Council, council committees, advisory boards/commissions, and taskforces.
- Travel expenses for employees are outlined in the West St. Paul Personnel Policy.
- No purchase of alcoholic beverages is allowed.

The cost of these meals is included in the departments' travel/conferences line-item in the West St. Paul Budget. These line-items are approved annually by the City Council as a part of the overall budget approval process which includes a public hearing on the proposed budget.

D. MEMBERSHIP AND DUES

The City Council has determined that the City will fund memberships and dues in professional organizations and City social and community organizations when the purpose is to promote, advertise, improve or develop the City's resources and advantages and not personal interest or gain.

The cost of memberships/dues is included in the departments' memberships/dues line-item in the West St. Paul Budget. These line-items are approved annually by the City Council as a part of the overall budget approval process which includes a public hearing on the proposed budget.

E. CITY COUNCIL CLOTHING ALLOWANCE

1. Policy

- The Mayor and all Councilmembers are authorized up to \$100 per year to purchase city approved logo items through the city vendor to include shirts, vests or jackets and/or name badges with their name, title and current, official city logo
- The Mayor and all Councilmembers may use all or a portion of the annual stipend to have the city logo embroidered by the city's approved vendor on items not purchased at the city's approved vendor. The stipend may not be used to purchase clothing items outside of the city vendor's catalogue.
- Items purchased or embroidered under this policy become the property of the Mayor or Councilmember.

2. Procedure

- From time to time staff will be making purchases from the city-approved vendor; at that time, staff will ask the Mayor and Councilmembers if they desire to purchase items with their stipend.
- If a staff member is making a trip to the vendor site, staff may pick up items ordered, or drop off items for embroidery. However, staff will not make extra trips to the vendor.
- The city's vendor will bill the city directly for all purchases. In the event the Mayor or a Councilmember exceeds their stipend, staff will prepare an invoice for reimbursement to the city.

To: Charter Commission

From: Nate Burkett, City Manager

Date: October 12, 2023

Subject: Authority for Expenditures

The City Attorney has prepared a draft charter modification that requires the Council to adopt a public purpose expenditure policy. The primary purpose is to ensure that the City is in full compliance with the law relative to certain expenditures.

Many of the expenditures this policy would cover are expenditures that the City has been making for quite some time, and most other cities make in one form or another. The attached public purpose expenditure policy is the current policy in force. The charter amendment just makes the authority more clear and firmly based in the law.

As an example of what this charter amendment may change; one of the ideas that brought this amendment to the forefront is that of restrictive covenants. The Council has some interest in helping property owners in the city remove these restrictive covenants. There is no explicit authority in statute, but this language would give the Council the ability to determine that the City may expend funds, and therefore staff time, in furtherance of the goal of assisting in removal of restrictive covenants.

The Charter Commission is asked to consider adoption of this charter amendment and for it to be forwarded to the City Council for their consideration.

The Charter Commission also previously requested further discussion and information on compensation of members of boards and commissions. Since there is a nexus between this item and the potential for compensation of boards and commission members, the City Attorney's memo on the matter is included.

Should the Charter Commission wish to address compensation for members of boards and commissions directly, the City Attorney has recommended language in the attached memo.

To: Charter Commission

From: Pamela Whitmore, City Attorney

Through: Nate Burkett, City Manager

Date: 10/2/2023

Subject: Boards and Commissions Compensation

I. Old Business

- A. **Boards And Commissions Appointments.** At the last meeting, the Commission engaged in a general discussion about the appointment process by Council to City boards and commissions and the viability of a Charter provision outlining a process. The Commission determined that addressing this process was better suited for City policy. The Commission discussion also uncovered an interest in promoting inclusivity on City boards and commissions through possible compensation and directed the City Attorney to explore the possibility of a Charter amendment authorizing Council to provide compensation to board and committee members.

Most cities do not compensate their board or commission members since doing so is subject to scrutiny under employment laws. Employment law clearly states that in order for cities to treat commission or committee members as volunteers, then the individuals cannot receive anything but “expenses, reasonable benefits or a nominal fee” for the work they perform. “Nominal fee” is not specifically defined in the law; however, the closer compensation is to minimum wage, the less likely it will be viewed as “nominal.”

Currently, Section 2.02 of the West St. Paul Charter provides general authority for Council to provide parameters for boards and commissions through ordinance, by stating “[t]he City Council shall by ordinance, establish a Planning Commission and a Board of Appeals and Adjustments that shall have the powers and duties imposed by the Municipal Planning Act. *The City Council may by ordinance, resolution or in any other manner prescribed by state law, create or abolish any other commissions or boards and appoint the members thereof, with advisory power to investigate any subject of interest to the City and to prepare any recommendations for consideration by the City Council.*”

If the Commission wants to entertain ways to provide authority for the Council to compensate board or commission members, the Commission could consider amending Section 2.02 to add an additional sentence stating, “[t]he duration, membership, purpose, nominal fees for services, if any, and functions of these other boards or commissions shall be identified within the ordinance or resolution.”

To: Charter Commission

From: Nate Burkett, City Manager

Cc:

Date: October 12, 2023

Subject: Charter Commission By-law Change

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 Charter Commission could also amend the by-laws to state “In every odd numbered year, the Charter Commission shall meet prior to November 1. In all years ending in 1 (i.e. 2031, 2041) the Charter Commission shall discuss process, roles and guidance of the Charter Commission 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. In all years ending in the number 1 (i.e. 2031, 2041) the Charter Commission shall meet to discuss the process, role and guidance of the Charter Commission related to redistricting.
- 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

To: Charter Commission

From: Pamela Whitmore, City Attorney

Through: Nate Burkett, City Manager

Date: 10/2/2023

Subject: Charter Amendment, 5.02

The Commission discussed issues raised related to Section 5.02 of the City Charter and whether the Commission supported a total repeal of Section 5.02 or a partial repeal. As noted by the previous city attorney, there is a United States Supreme Court case that calls into question the constitutionality of prohibiting organizers of committees gathering signatures related to Charter initiatives or referendums to offer a reward, pecuniary or otherwise for services rendered in connection with getting signatures. However, the remaining portion of the Section, which prohibits providing such pecuniary gains or rewards to individuals signing a petition, does not appear to have the same potential constitutional concerns. Based on this finding, the City Attorney has prepared the attached amendment to Section 5.02 (as opposed to a complete repeal) for the Commission's review which complies with the Supreme Court case but prohibits "buying" signatures.

**CITY OF WEST ST. PAUL
DAKOTA COUNTY, MINNESOTA**

ORDINANCE NO. _____

**AN ORDINANCE AMENDING SECTION 5.02 OF THE WEST ST. PAUL CITY CODE
REGARDING IINITIATIVE AND REFERENDUM**

The City of West Saint Paul does ordain:

SECTION 1. West St. Paul City Code Section 5.02 relating to Initiative and Referendum is hereby amended and adopted as follows:

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.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the four-fifth's vote of City Council and shall be published in lieu of publishing the entire ordinance:

[insert summary here]

SECTION 3. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the City Council of the City of West St. Paul, Minnesota, this _____ day of _____, 2023.

Ayes:

Nays:

Attest:

David J. Napier, Mayor

Nicole Tillander, City Clerk

