

Charter Reform Process

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SAINT PAUL
MINNESOTA

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Agenda

- Background
- Amending the Charter
- Areas of Potential Amendment
- Next Steps



Background – Home Rule Charter City

- Saint Paul is a home rule charter city – creature of state statute. Any city in Minnesota that has adopted a charter, the process is regulated by M.S. Chapter 410. Of the 853 cities, 107 currently operate under a voter-approved charter.
- Home rule charter cities can exercise any powers in their locally-adopted charters so long as they do not conflict with state laws. Conversely, charter provisions can specifically restrict the powers of a city, which results in voters in home rule cities having more control (at the outset and throughout) over their cities' governing powers.
- The City Charter is 57 pages, covering 18 chapters



Background – Strong Mayor system

- The strong mayor plan is used by only four home rule charter cities: St. Paul, Duluth, St. Cloud, and Minneapolis which recently became a strong mayor system. Under this plan, the mayor is responsible to the council for the operation of all administrative agencies.
- The mayor can generally appoint and remove subordinates, is not a councilmember but can veto council legislation, and prepares and administers a budget that is subject to council approval. The chief functions of the council are to legislate and approve the budget.



Background – Charter Commission

- The charter commission's statutorily prescribed duty is to study the local charter and government. The commission is required by law to meet at least once each calendar year.
- In addition, the commission must meet upon presentation of a petition signed by at least 10 percent of registered voters, according to the last annual city election, or by resolution of a majority of the city council.
- The charter commission is like a standing constitutional convention. It has the power to propose charter changes at any time. If the city's charter does not work or proves to be faulty in operation, it is the commission's duty to propose improvements.



Amending the Charter – By Proposal

- Two methods by which amending the charter may occur: Amendment by proposal and amendment by ordinance.
- Amendment by proposal is process where Charter Commission may propose amendments to the charter at any time or a Citizen petition which equals five percent of total votes cast at the previous state election in the city.
- The amendment goes to the City Clerk, who notifies the council. The council provides for the election.



Amending the Charter – by Ordinance

- The second method of amending the city charter is the council proposing an **amendment by ordinance**.
- The city council submits the ordinance proposing an amendment to the charter commission, which has 60 days for review (and may be extended for an additional 90 days by filing a resolution with the city clerk determining additional time is necessary).
- After the review period, the commission returns the amendment or its own substitute amendment to the council. The council then submits to the voters either the amendment it originally proposed or the commission's substitute amendment.



Amending the Charter – by Ordinance

City Charter, Section 6.03.1 Subdivision 2.

With the exception of the failure to pay fines or fees, the council may establish, alter, amend or repeal an ordinance to impose a civil penalty for each violation of a city ordinance. For each ordinance the City would like to enforce using a civil penalty, the Council must adopt or amend an ordinance (a) outlining the amount of fine and other penalties that can be imposed for a first or subsequent violation of that ordinance; and (b) describing the procedure to impose civil penalties.

1. Any civil monetary penalty amount must be imposed equitably.
2. The procedure to impose civil penalties must include notice of an ordinance violation and an opportunity to be heard through an appeal process, prior to imposition of a civil penalty. The appeal process may consider the financial circumstances of the individual or entity.
3. The district court has jurisdiction to enforce any order to pay a civil monetary penalty imposed under this section.



Amending the Charter – By Ordinance, contd.

- Charter Commission may recommend the Council amend the charter by ordinance.

(Pursuant to Minn. Stat. Sec. 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 of the proposal (containing the text of the amendment)
- The city must hold the public hearing 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 proposal
- Ordinance must be published as in the case of other ordinances, and becomes effective 90 days after passage, approval, and publication unless a later date is provided.



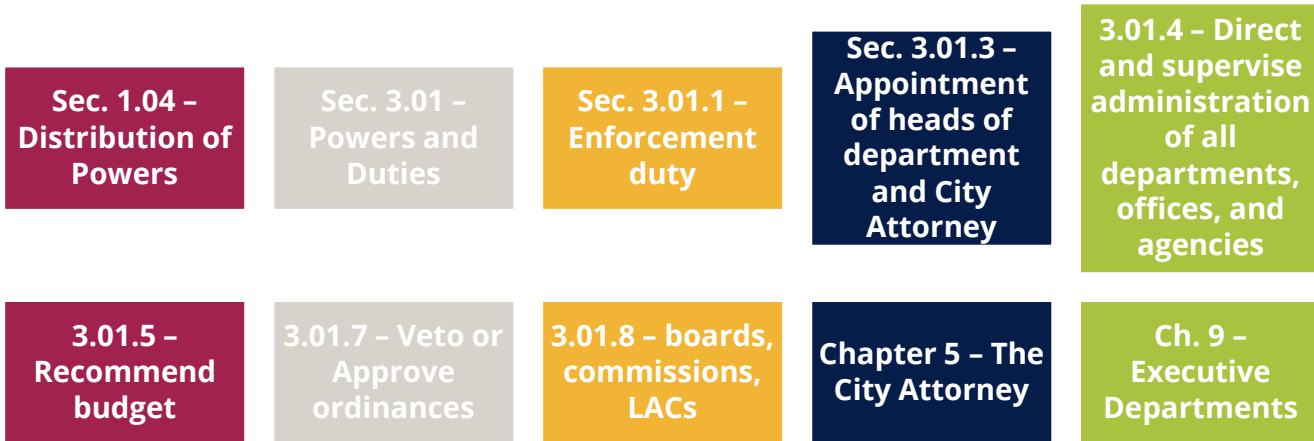
Amending the Charter – By Ordinance, contd.

(Pursuant to Minn. Stat. Sec. 410.12, subd. 7)

- Within 60 days after passage and publication, a petition signed by registered voters equal in number to at least 5 percent of the registered voters in the city, or 2,000, whichever is less, may be submitted to force a referendum on the amendment to the charter.



Governance Areas of the Charter – Executive





Governance Areas of the Charter - Legislative

Sec. 1.04 –
Distribution of
Powers

Sec. 2.01.1 – Part
time Council

Sec. 2.05 – Filling
vacancies on Council

Sec. 4.01 –
Legislative power
vested in 7
councilmembers

Sec. 4.02 – Quorum
and rules

Sec. 4.03 –
Organizational
meeting and officers

Sec. 4.04 – Business
meetings

Sec. 4.07 -
Investigations

Sec. 6.01 – Actions
of the Council –
ordinances or
resolutions

Sec. 6.03.1 –
Legislative
Ordinances

6.03.2 –
Administrative
Ordinances

Sec. 6.03.3 –
Resolutions

Sec. 6.05 –
Ordinances –
Procedures

6.06 – Emergency
ordinances

Sec. 6.07 – Effective
date of Res.

Sec. 6.08 – Adoption,
presentation to
mayor for veto or
approval

Sec. 6.09 – Line item
veto

Sec. 6.10 –
Reconsideration and
override

Sec. 6.11. – Effective
date of ordinances

Ch. 8 – Initiative,
Referendum, Recall



'Policy' Areas of the Charter

**Finance and
Budget**

Taxation

City Personnel

**Acquisition of
Property**

**Special
Assessments**

**Utilities and
Franchises**

General
Provisions

**Liquor Licenses
and Commercial
Development
Districts**



Next Steps

- Direction could come from two directions, based on Council's legislative drafting process:
 - Council President to direct Central staff to study areas of the Charter and suggest potential changes, either as standalone item of reform, or as package of changes to bring forward
 - Individual Councilmembers may connect with CPO to set a date for Policy Committee on specific subject to prepare material and proposal for Charter Commission



Questions & Discussion