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CITY OF SAINT PAUL

# Charter Commission 101

# ***Presented by Saint Paul City Attorneys Office***

**Megan Hafner,  
Senior Assistant City Attorney and  
Therese Skarda  
Deputy City Attorney**



**SAINT PAUL  
MINNESOTA**

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## There are 2 kinds of cities in Minnesota

Home Rule Charter City – Any city that has adopted a charter, the process is regulated under Minnesota Statutes Chapter 410. Of the 853 cities in the state, 107 are currently operating under a voter-approved home rule charter.

Statutory City – Everyone else, regulated by Minnesota Statutes Chapter 412.



## What does it mean to have a home rule charter?

Home rule charter cities can exercise any powers in their locally-adopted charters as long as they do not conflict with state laws. Conversely, charter provisions can specifically restrict the powers of a city. As a result, voters in home rule cities have more control over their city's powers.

*If a city charter is silent on a matter that is addressed for statutory cities by chapter 412 or other general law and general law does not prohibit a city charter from addressing the matter or expressly provide that a city charter prevails over general law on the matter, then the city may apply the general law on the matter. Minn. Stat. § 410.33*



## Saint Paul as a “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.



## What is a 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.



## What laws is the Charter Commission subject to?

1. Open Meeting Law.
2. Official Records, Minn. Stat. 15.17, subd 1. All officers and agencies of the state, counties, cities, towns, school districts, municipal subdivisions or corporations, or other public authorities or political entities within the state, hereinafter "public officer," shall make and preserve all records necessary to a full and accurate knowledge of their official activities.
3. Minnesota Government Data Practices Act which presumes data created or collected by the government data is public data.



# What are the Open Meeting Law and Data Practices Requirements?

1. All meetings must be open to the public. A meeting is a gathering of a quorum or more of the members at which members discuss, decide, or receive information as a group on issues relating to official business.
2. Includes Communications: such as email, texts, voice mail, etc.
3. Printed materials: At least one copy of the printed materials relating to agenda items must be made available for public inspection in the meeting room.





# **Your Rules:**

**STANDING RULES  
OF THE CHARTER COMMISSION  
OF THE  
CITY OF SAINT PAUL  
(see handout)**



# What is the process to propose and adopt an amendment to the Charter?

There are three main ways an amendment can be proposed and adopted:

1. Citizens can petition for amendment (with a petition signed by 5% of the registered voters in the last general election). The proposed amendment is then put to a popular vote. *Minn. Stat. sec. 410.12, subd. 1.*



# What is the process to propose and adopt an amendment to the Charter?

2. City Council can propose amendment to voters by Ordinance:

- Commission has 60 days (with a possible 90-day extension) to consider the ordinance.
- Thereafter, Commission rejects, approves, or suggests substitute amendment and advises City Council of its decision.
- City Council then submits to people for popular vote either the proposed amendment in its original form or the substitute amendment suggested by Commission. *Minn. Stat. sec. 410.12, subd. 5.*



## **What is the process to propose and adopt an amendment to the Charter?**

3. The Commission on its own, or at the request of others, may recommend that the Charter be amended:
  - The recommendation then goes to city council to post notice of the proposed amendment within 30 days.
  - Sometime between two weeks after the notice is published, but not more than one month, there must be a public hearing on the proposed amendment.



# What is the process to propose and adopt an amendment to the Charter?

## 3. Charter Commission proposal con't:

- If the proposed amendment is approved by all council members and approved by the mayor, it goes into effect 90 days after passage and publication.
- Unless there is a referendum petition within 60 days of passage. If that happens, the proposed amendment goes to a popular vote. *Minn. Stat. sec. 410.12, subd . 7.*



## Questions?

Therese Skarda, Deputy City Attorney      651 266-8755

Megan Hafner, Senior City Attorney      651 266-8756