

MEMORANDUM

TO: Rich Kramer  
Chair, St. Paul Charter Commission

FROM: Jerry Hendrickson  
Deputy City Attorney, Office of the City Attorney

RE: Process for Amending the Charter by Ordinance and Waiving Second Reading

DATE: October 20, 2016

It is my understanding that the city government is asking the Charter Commission for a recommendation to amend the St. Paul City Charter with regard to liquor licensing. You have asked for a brief summary of the process for the Charter Commission. In particular, you asked about the Commission's ability to waive its standard process of two readings of a proposed amendment.

As you know, state law provides several methods for amending the City Charter. State law provides, "Upon recommendation of the charter commission the city council may enact a charter amendment by ordinance." Minn. Stat. § 410.12. In this case, the city government, by resolution adopted by the Council and approved by the Mayor, has asked the Charter Commission recommend an amendment to the Charter by a unanimous vote of the Council and approval of the Mayor. The Charter Commission may consider this request and recommend or not recommend the amendment as it sees fit.

The process of the Charter Commission is governed by the Standing Rules of the Charter Commission of the City of Saint Paul, as revised and adopted on June 19, 2000. Rule 5 of these rules provides,

The adoption of any proposed changes in language to the Charter shall be final when passed by a majority vote of all members of the Commission. No such vote shall be taken until the proposed changes in language have been presented in written form and have been read at two(2) separate meetings of the Commission.

In my opinion, the Commission may suspend this rule and allow a final vote after one reading. Rule 4 of the Standing Rules provides that motions will be governed by Robert's Rules of Order. Robert's provides that a rule of order may be suspended by a two-thirds vote. RONR (10<sup>th</sup> ed.) p. 256, l. 15-25.