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CITY OF SAINT PAUL

Charter Commission 101

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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 three home rule charter cities: St. Paul, Duluth, and St. Cloud. 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. Further, the commission must specifically convene to propose charter amendments upon presentation of a petition of at least 5 percent of the number of votes cast at the last state general election in the city. Minn. Stat. § 410.12, subd. 1.

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.



What are the Open Meeting Law 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 time members discuss, decide, or receive information as a group on issues relating to official business. Includes email, text voice mail, etc.
2. Notice of meetings:
 - a. At least one day before the meeting, mailed notice to all members stating the time and place of the meeting.
 - b. Posted written notice of the date, time, place, and purpose of the special meeting on the city's principal bulletin board at least three days before the meeting.
 - c. Publish the notice once in its official newspaper at least three days before the meeting
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.



What is the process to propose an amendment to the Charter?

1. Charter Commission can propose amendment to submit for popular vote or submit to Council to adopt by ordinance.
2. Citizens can petition for amendment, which would be subject to popular vote.
3. City Council can propose amendment.
 - Commission has 60 days for review (which may be extended by the commission an additional 90 days by filing a resolution determining that additional time is necessary with the city clerk).
 - Commission returns the amendment or its own substitute amendment to the council.
 - The council then either submits for popular vote, or adopts by ordinance.



How can a charter amendment be adopted?

1. Submit for popular vote. Requires 51 percent of the votes cast on any amendment in favor to pass.
2. Amend by ordinance.
 - City must publish notice and hold a public hearing.
 - The vote on the amendment must be unanimous, including approval by the mayor.



Questions?

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