

## CHARTER COMMISSION

### PROPOSED AGENDA FOR NOVEMBER 10, 2020 MEETING

4:30 P.M. – via MICROSOFT TEAMS

- A. Administrative Business
- a. Call Meeting to Order
  - b. Recording of Attendance
  - c. Approve Minutes of January 14, 2020 meeting
  - d. Set Order of Agenda
  - e. Communications
    - Meeting schedule for 2021
    - Draft 2020 Annual Report
    - Draft revision of Park/Library Chapters
    - Schmitz e-mail

- B. Open Comment Period:

**Individuals wishing to join the meeting via Microsoft Teams may dial the number listed below. Please remember to mute your phone until asked to speak. Press \*6 to mute and unmute your phone. During the public comment section, the Board Chair will ask if any individuals wish to speak.**

**Call in (audio only)**

+1 347-352-4853,,92454442# United States, New York City  
Phone Conference ID: 924 544 42#

**Individuals can also submit a comment to the following e-mail address:  
[jhoughton@rochestermn.gov](mailto:jhoughton@rochestermn.gov)**

- C. Committee Reports
- Nominating Committee update by Leigh Johnson
- D. Unfinished and Deferred Business
- Review draft language of Park/Library Board Chapters<sup>1</sup>
- E. New Business
- Mayor Norton Discussion of the Mayoral role
  - Review of Oversight Commission (Schmitz e-mail)
  - Review of 2020 Annual Report

---

<sup>1</sup> This item is a courtesy copy and questions should be for clarification purposes only. Debate/voting will be held at a future meeting.

- F. Other business - as may be brought up by members
  - Member Term Expiration Reminder

G. Adjourn

charter\20agen03.docx

November 10, 2020

Honorable Jodi L. Williamson  
Dodge County Courthouse  
22 6th Street East, Dept. 12  
Mantorville, MN 55955

Re: Rochester Charter Commission Annual Report for 2020

Dear Judge Williamson:

Please accept this letter as the Rochester Charter Commission's Annual Report for 2020 as required by Minn. Stat. 410.05, subd 2. This report is sent to you in your position as Chief Judge for the Third Judicial District.

In an historic move, the Rochester Charter Commission, with the able assistance of Senator Dave Senjem and Representative Duane Sauke, successfully passed legislation changing MN Statute 410.05, subd 2-3. The change extends the time for appointments to the commission and removes the city council referral. The changes institute a more realistic timeline and reaffirm the court's responsibility for Charter Commission appointments.

A special Charter Commission committee completed proposals to alter the roles of the park and library boards. The proposed language retains the two charter boards and most of their functions, but establishes their role as advisory, similar to other city committees and boards. The proposal will be reviewed at our November 10, 2020 Charter Commission meeting and considered for adoption in 2021.

With the Covid-19 restrictions, we have only met twice in 2020 (January and November). Our November meeting was via Microsoft Teams.

We are blessed with active, engaged Charter Commission members and look forward to your future appointments as openings occur. Thank you for your support.

Respectfully Submitted,

Rochester Charter Commission  
By Fran Bradley, Chair

## CHAPTER XIV. - PARK BOARD

### SECTION 14.00. - (Park board established).

There shall be a board of park commissioners of the City of Rochester, to consist of one member from each ward and one member at large, appointed by the mayor and confirmed by the common council. They shall be residents of the city. Each shall hold office for four years. A park commissioner shall be appointed from each odd numbered ward on the second Monday in June in each odd numbered year in which the previous term has expired, and a park commissioner shall be appointed from each even numbered ward on the second Monday in June in each even numbered year in which the previous term has expired. The park commissioner at large shall be appointed on the second Monday in June in each odd numbered year in which the previous term has expired. The commissioners are subject to removal for cause by the mayor with the consent of the common council. When a vacancy exists for whatever reason, the mayor shall appoint a commissioner, subject to common council confirmation, to complete the unexpired term. The common council, through its appointment process, shall appoint a non-voting member to the board.

### SECTION 14.01. - (Organization).

Each person so appointed shall file a written oath and acceptance with the city clerk before entering upon the discharge of the duties of the office. The park commissioner at large shall, by virtue of that office, be the president of the said board. They shall, ~~as soon as this charter takes effect~~, choose from the members thereof a secretary, and at the first meeting thereof in June in each year thereafter, the members shall again so elect a secretary. ~~The board may appoint, employ and remove a director of parks and recreation subject to any employment procedures as may be established by this charter or the common council. The board shall conduct the director's annual performance evaluation and establish the director's compensation consistent with the council-approved compensation parameters. The city administrator with consultation with the park board, shall conduct the hiring, removal, performance review and recommend compensation for the director of parks and recreation.~~ The director shall employ and remove such other employees as are authorized by the common council to perform the functions of the department. These other employees are subject to all employment policies and procedures established by the charter or the common council.

### SECTION 14.02. - (General powers).

The said board shall advise and make recommendations to the director of parks and recreation and common council on management and budget for operation ~~have management and control of all parks and parkways in of the city. They # shall advise on direct all expenditures from park funds for the maintenance and improvements of parks and parkways and shall have power to provide, either directly or be lease of privileges, such conveniences, accommodations and entertainments as such board may deem proper~~ make recommendations as it may deem proper for the use, enjoyment and recreation of visitors to such parks.

### SECTION 14.03. - (Auditorium).

Municipal auditoriums and park and recreation facilities incident thereto as defined by the common council that are located in city parks shall be under the management and control of the common

council, or such person or board, whether then existing or established for this purpose, as the common council may designate.

SECTION 14.04. - (Land acquisitions; gifts).

The city may from time to time acquire lands for parks and parkways, within or without the corporate limits, in the manner provided in this charter. Lands may be so acquired in the name of the city by gift, devise, purchase or condemnation, and, upon obtaining title thereto, said board may assume possession thereof. Said board also may accept on behalf of the city bequests of donations of money or property for the use of the city, for purposes connected with the parks and parkways. Any acquisition must be approved by the common council.

SECTION 14.05. - (Land acquisitions; other).

When the board of park commissioners shall deem it to be in the public interest that any tract or tracts, parcel or parcels of land shall be condemned for use of the city for any public park or parkway, or the extension of any park or parkway within or without the limits of the city, and shall so determine by resolution signed by at least three of their number they shall present the same to the common council. The common council shall thereupon have power, upon the application of such board of park commissioners, to acquire all necessary lands for park purposes, either by purchase or condemnation. In case it shall be deemed necessary to take private property for any of the purposes herein stated, the common council may condemn such property in the same manner herein provided, or as provided by law, for the condemnation of property in the laying out, opening and widening of public streets, highways and alleys; provided, it shall not have power to take by condemnation for park purposes any portion of any public or private cemetery.

SECTION 14.06. - (Finances).

The board of park commissioners shall not in any fiscal year, create any obligation or spend any money upon parks or parkways other than the amount levied and appropriated therefore by the common council, or otherwise donated or appropriated for such use. ~~The president of such board shall audit all bills and accounts created by it, or by its superintendent, before they shall be allowed by the common council. The president shall not audit any bills or accounts, unless there is money in the city treasury belonging to the proper fund to pay such bills and accounts.~~

SECTION 14.07. - (Compensation prohibited).

The members of such board shall receive no compensation for services, but may ~~shall~~ be reimbursed for actual expenses incurred in the discharge of their duties.

SECTION 14.08. - (Expenditures, parkways).

The board of park commissioners shall have authority to expend money out of the park fund upon the boulevards of the city, when the same have been designated as such by the common council, for the purpose of improving and beautifying the same and for boulevarding the sides of such streets as are designated as boulevards, also for the purpose of planting trees on streets, but shall not otherwise have or exercise any jurisdiction or control over the same, or any part thereof.

SECTION 13.00. - (Library board established).

The common council ~~shall~~ may establish and maintain ~~within the city~~ public libraries and reading rooms within the city. There shall be a library board consisting of nine directors to be appointed by the mayor with the approval of the common council on or before the second Wednesday of January in each year. The mayor may appoint one or more directors who are not residents of the city but who reside in Olmsted County. A director shall hold office for a term of three years, from the second Wednesday in January in the year of appointment, or until a successor is appointed. A director is subject to removal for cause by the mayor with the consent of the common council. The common council, through its appointment process, shall appoint a non-voting member to the board. The county board, through its appointment process, shall appoint a non-voting member to the board.

SECTION 13.01. - (Oath).

Each person so appointed a director of the library board shall file a written oath and acceptance with the city clerk before entering upon the discharge of the duties of the office.

SECTION 13.02. - (Vacancy).

A vacancy in the board of directors of the library board occasioned by removal, resignation or otherwise, shall be reported to the mayor and common council, and the unexpired term shall be filled in like manner as an original appointment.

SECTION 13.03. - (Powers of board).

Subd. 1. Said directors shall, immediately after the annual appointment, meet and organize, by the election of one of their number, president, and another of their number secretary, and by the election of such other officers as they may deem necessary. ~~They shall take charge of, and have full possession and control of the present library building and the premises on which it is located, also the library and free reading rooms in said city as now established.~~ They shall make and adopt such by-laws, rules and regulations for their own guidance, and for the government of the library and reading rooms, or either of them as may be expedient and not inconsistent with this charter. They shall advise the common council and library director have the exclusive control of the on the expenditure of all moneys collected and placed to the credit of the library fund; or of the on construction or repair of any library building; and of the on supervision, care and custody of the grounds, rooms or buildings constructed, leased, or set apart for that purpose; and on general management and operational issues related to the library provided that all moneys received for such library shall be deposited in the treasury of the city to the credit of the library fund, and it shall be kept separate and apart from other money of the city, and shall be paid out only upon the properly authenticated vouchers of the library board.

Subd. 2. Said board shall have power to lease and provide appropriate rooms for the use of said library.

~~The board may appoint, employ and remove a library director subject to any employment procedures established by this charter or the common council. The board shall conduct the director's annual performance evaluation and establish the director's compensation consistent with the council approved~~

~~compensation parameters. The city administrator with consultation with the library board shall conduct the hiring, removal and performance review and recommend compensation for the library director. The board may delegate the performance review and compensation setting authority to the city administrator if it deems appropriate.~~—The Library Director shall employ and remove such other employees as are authorized by the common council to perform the functions of the department. These other employees are subject to all employment policies and procedures established by the charter or the common council. It shall in general carry out the spirit and intent of the provisions of this charter relating to such library board.

~~Subd. 3. Said board, with the consent of the common council, expressed by resolution or ordinance, may accept any conveyance, gift, grant, donation, devise, or bequest for library purposes, or for the establishment, maintenance or enlargement of an art gallery, or museum in connection with such library, which may be given, granted, conveyed, donated, devised, or bequeathed by any person, company, or corporation to said city for Library purposes, and may enter into any agreement with any such person, company or corporation or with their legal representatives, affecting such gift, grant, donation bequest or devise as may be proposed or imposed concerning the same, subject, however, to the limitations herein contained, and any such agreement shall have the full and binding effect of a contract between such person, company or corporation and the city.~~

SECTION 13.04. - (Property acquired).

Said board shall advise the common council on the purchase of property and construction of buildings for said library have the power, when approved by the common council, to purchase ground and erect thereon other suitable buildings for the use of said library. Any and all property given, granted, conveyed, donated, devised or bequeathed to, and any and all property purchased or acquired by the City of Rochester, for the purpose of a library or reading rooms, shall vest in and be held in the name of the City of Rochester, and any conveyance, grant, donation, devise, bequest or gift made to the library board, shall be deemed and considered as having been made directly to the City of Rochester for libraries and reading rooms.

SECTION 13.05. - (Report required).

~~Said board of directors~~ shall provide an annual report to the common council, stating the value amount of contributions received during the preceding calendar year from taxes and all other sources, the amount expended and for what purposes, the number of items on hand, the number purchased, the number loaned, and such other information as it may deem of interest.

SECTION 13.06. - (Library facilities free).

The library and reading rooms established under the provisions of this charter shall be free forever to the use of the inhabitants of the City of Rochester, subject to such reasonable rules and regulations as the library board may adopt.

SECTION 13.07 The members of such board shall receive no compensation for services, but may be reimbursed for actual expenses incurred in the discharge of their duties.