



Charter Commission 101





Charter Commission History

Historical Perspective

The laws of 1895 and 1899 provided cities the ability to adopt home rule charters and establish their own form of local government. Prior to that time, all cities had to operate under a system established by statute unless special legislation provided a different system. The City of Rochester adopted a Home Rule Charter by election in 1904. The Charter contained 17 Chapters, 314 sections and was approximately 100 pages long. Much of the current language of the Charter was present in the early versions.

The current charter language authorizes the council to use any power provided by law (Ch. 471) and to statutory cities.

In 1985, the Common Council directed the City Attorney to recodify the Charter text. This recodification was not meant to change the meaning of the Charter provisions, but rather to make the Charter more understandable to the reader and better organized for reference of rules.





Distinction

What is a Charter & Why Might There be One?

The Minnesota Constitution permits the Legislature to establish home rule charter cities, counties, and other units of local government. State statutes enacted under this constitutional authority authorize cities to adopt home rule charters. Any city may adopt a home rule charter. Of the 853 cities in the state, 107 are currently operating under a voter-approved 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.

Home Rule Charter vs. Statutory Cities

(League of MN Cities Handbook)

HOME RULE CHARTER CITIES

- Obtain powers from a Home Rule Charter
- Organization & powers are different
- Interested in statutory code
- May tailor Charter to City's needs
- Has power to make changes by amending its Charter
- Changes are made locally

STATUTORY CITIES

- Derive powers from Minnesota Statute 412
- Organization & powers are different
- May be interested in home rule charters to solve issues under statutory city code
- Changes occur upon passing of new legislation

Charter Commission Jurisdiction

The Charter Commission is deemed an unbiased body not subject to appointment by the City Council. The actions of the Charter Commission, however, are subject to the laws of the State of Minnesota and judicial order. In general, the Charter Commission's purview is the city charter. The Charter Commission may from time to time suggest changes to the charter or may be requested to review changes and make recommendations. Actual changes must occur in a prescribed manner.





Procedures

Changing the Charter

State law provides the several processes available for amending the city charter.

1. Election (special or general), either upon request of the Charter Commission, petition of the public (5% of votes cast in the previous state election in city), or upon request of the City Council after referral to the Charter Commission for review. The governing body establishes the "form of the ballot."
2. Ordinance adopted by the City Council after recommendation by the Charter Commission. Adoption under this method requires unanimous vote of the City Council after a public hearing and the concurrence of the Mayor. Amendment by ordinance is not effective until 90 days after publication. The public has 60 days in which to file a petition objecting to the amendment. The petition must be signed by the lesser of 2,000 or 2% of votes cast in the last state election in the city.



Examples of Changes

- Subsequent to the census in 2010, Rochester became a city of the first class based on statutory definition which is based on population and that Rochester now exceeded a threshold of 100,000. In Minnesota statutes, cities of the first class have several requirements, one of which is that local elections must be partisan. The Charter Commission and City Council agreed that this change would not be in the best interest of the city. A change to the charter was therefore adopted by the City Council explicitly stating that local elections will be non-partisan.
- In 2010, the entire charter was reviewed and modifications made such that all language is gender neutral.



Membership/Staff

- Charter Commissions are created under statutory authority and members are appointed by District Court. For the City of Rochester Charter Commission, appointments are made by the Chief Judge of the Third Judicial District.
- Members serve 4 year terms.

- Staffing is provided by the Rochester City Attorney Office
 - ❖ Michael Spindler-Krage, City Attorney
 - ❖ Jody Houghton, Executive Assistant



Meetings

- Meetings are generally held the second Tuesday of each odd-numbered month beginning at 4:30 p.m. in a designated room in City Hall or via Microsoft Teams;
- At least one meeting per year must be held;
- Special meetings may be called by the Chair or at the request of at least 2 members of the Commission. The Secretary shall notify all members of the Commission by any means not less than two days in advance of such special meeting;
- Agenda items should be submitted to the City Attorney office at least 10 days prior to scheduled meeting;
- Agenda's are sent out on Tuesday/Wednesday of the week prior to the meeting.
- Annually, the City Attorney's office will send a memo to all city departments asking whether they have any issues to come before the Charter Commission.





Open Meeting Law

Minnesota Open Meeting Law

- Advisory boards are considered “public bodies.” Public bodies, boards or commissions, must comply with the Open Meeting Law. The Charter Commission falls under this definition.
- There are 3 purposes:
 - 1) to prohibit actions being taken at a secret meeting where it is impossible for the interested public to become fully informed about a public board’s decision or to detect improper influences,
 - 2) to assure the public’s right to be informed,
 - 3) to afford the public an opportunity to present its views to the public body.



Open Meeting Law Requirements

- There must be notice of all meetings.
- Meetings must be open to the public, unless the subject being discussed clearly falls into a defined exception to the open meeting law.
- Written, sound, video or digital recording of minutes are required for all meetings.



Who is Subject to Open Meeting Law?

- It is a public body;
- The group was established by formal action;
- The members have been appointed; and,
- The group has specific tasks/duties to perform.

A gathering of Board members is considered a meeting subject to Open Meeting Law if all of the following elements are present:

- A gathering of a quorum or more of members,
- Of a body subject to the Open Meeting Law
- At which the members discuss, decide or receive information as a group
- Related to the official business of that body.



Are there Exceptions?

There are limited circumstances where open meeting rules do not apply. In these meetings, only the topic that falls under one of the following categories may be discussed. No other business may be considered by the body during the meeting.

- Attorney-client privilege; limited
- Labor negotiations
- Employee evaluation
- Security issues
- Government property transactions



Penalties for violating open meeting rules

State statute provides for penalties where open meeting violations have occurred.

- A civil penalty of up to \$300 for each intentional violation.
- A person committing violations on three or more occasions forfeits the right to serve on the body for a time equal to the term the person is serving.
- The courts have ruled that the removal provision is constitutional as to the removal of elected officials only if the conduct constitutes malfeasance or nonfeasance.



Electronic Mail

- One way delivery of information to members by letter or e-mail does not implicate open meeting law
- Reply All – can change a one way discussion into a quorum of the members





Meeting During Pandemic

Meetings During Pandemic

1. Pursuant to Minnesota Statute 13D.021

- All members of the body participating in the meeting, wherever their physical location, can hear one another and can hear all discussion and testimony;
- Members of the public present at the regular meeting location of the body can hear all discussion and testimony and all votes of the members of the body, unless attendance at the regular meeting location is not feasible due to the health pandemic or emergency declaration;
- At least one member of the body, chief legal counsel, or chief administrative officer is physically present at the regular meeting location, unless unfeasible due to the health pandemic or emergency declaration; and
- All votes are conducted by roll call, so each member's vote on each issue can be identified and recorded.
- Each member of the body participating by phone or interactive technology is considered present at the meeting for purposes of determining a quorum;
- If meeting held interactively, proper notice to public on meeting location and how to access interactively shall be issued





Resources

Website

Meeting Agenda's are found in three places on City's Website:

<< Previous Month							MARCH 2022							Next Month >>						
SUNDAY		MONDAY		TUESDAY		WEDNESDAY		THURSDAY		FRIDAY		SATURDAY								
27		28		1 4:30 PM Park Board Meeting		2 6:00 PM Rochester Zoning Board of Appeals		3		4		5								
6		7 3:30 PM City Council Study Session 7:00 PM City Council Meeting		8 4:30 PM Charter Commission Meeting		9 4:30 PM Energy Commission Meeting 6:00 PM City Planning and Zoning Commission Meeting		10		11		12								

[Government](#) » [Boards and Commissions](#) » [Charter Commission](#) » [Agenda & Minutes](#) »

2022 Agenda & Minutes

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The Charter Commission meets on the 2nd Tuesday of each odd numbered months. Unless otherwise noted, all meetings are held in conference room 104 of City Hall, 201 4th Street SE, Rochester, MN 55904 from 4:30 p.m. - 6:00 p.m.

Administrative staff is provided by the City Attorney Office. Agenda items should be submitted to the City Attorney advisor at least 10 days prior to the next scheduled meeting.

[Listen to audio recordings of the meetings.](#)

2022 Agenda & Minutes

January 11, 2022 via Microsoft Teams
[Agenda](#)
[Minutes](#)

March 8, 2022 via Microsoft Teams
[Agenda](#)
[Minutes](#)

Agenda & Minutes Archive

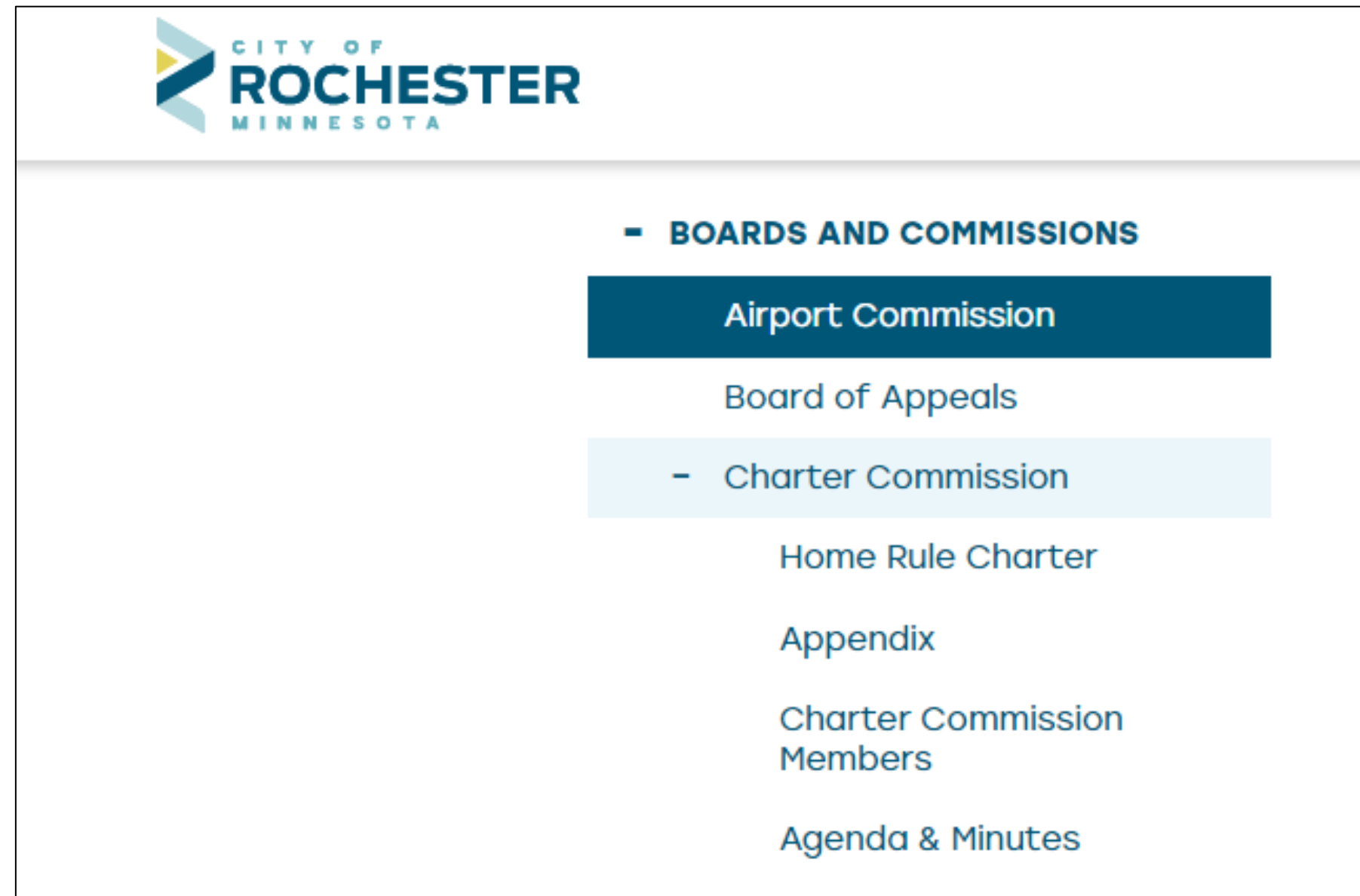
- [2021](#)
- [2020](#)
- [2019](#)
- [2018](#)
- [2017](#)
- [2016](#)
- [2015](#)
- [2014](#)
- [2013](#)
- [2012](#)

The screenshot shows the website for the Rochester Charter Commission. At the top, there is a navigation bar with links for 'Welcome', 'Meetings', 'Media', 'Notices', 'Boards+', and 'Study Session'. Below the navigation bar, the page title is 'Rochester Charter Commission'. A brief description of the commission's role is provided. The main content area features two sections: 'Upcoming Meetings' and 'Past Meetings'. The 'Upcoming Meetings' section is for 'March, 2022' and lists a meeting on 'Mar 8, 2022 4:30 PM' titled 'Regular Meeting - Room 104, City Hall'. There are also links for 'Full Calendar' and 'RSS' for both sections.

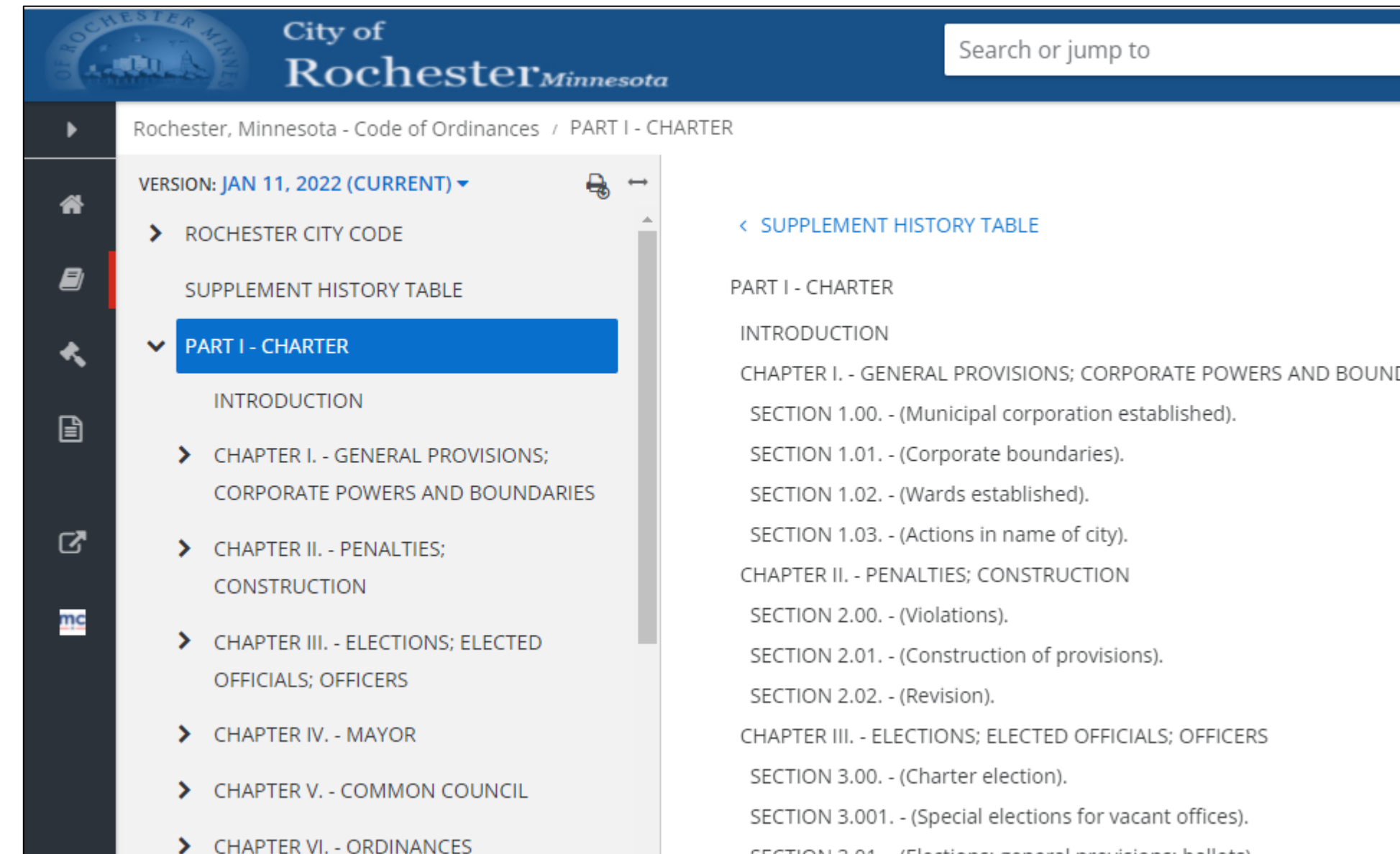


Home Rule Charter

- Charter Commission Webpage:
- <https://www.rochestermn.gov/government/boards-and-commissions/charter-commission>



- MuniCode:
- https://library.municode.com/mn/rochester/codes/code_of_ordinances?nodeId=PTICH



Questions?

If you have questions about the City of Rochester Home Rule Charter or any of the information presented in this overview, please contact the Rochester City Attorney office at (507) 328-2100. If desired, members of the public may submit written correspondence or speak to the Charter Commission at any regularly scheduled meeting during the open comment period.