

**MOORHEAD CHARTER COMMISSION
MEETING MINUTES/NOTES
JANUARY 11, 2006**

Members Present: Jeff Frider, Roger Buscher, Laurie Hoium, Rick Stotts, Larry Nordick, Bill Palma, Peter Marinucci, Jay Haiby, Mary Davies, Morrie Lanning, Eileen Hastad, Betsy Vinz

Members Absent: Tammy Norgard

Staff Present: John Shockley, Assistant City Attorney; Ryan O'Keefe, Intern- Assistant to the City Manager

Jeff Frider, Chair, called the meeting to order at 7:00 a.m.

A motion was made and seconded to approve the minutes from the December 6, 2005 meeting. The motion was approved by unanimous consent.

Mr. Marinucci requested that the order of the agenda be amended to allow for discussion of "old business" first. No Objections were voiced so Chair Frider noted item 4-A (Old Business-Charter Preamble) as being on the table for discussion.

Mr. Nordick questioned whether the original draft of the Charter Preamble the Charter Commission sent to the City Council was ever voted on. Mr. Haiby recalled the original draft of the Charter Preamble being remanded back to the Charter Commission by the City Council for revision at the request of Council Member Danielson, but no vote by the City Council was taken in regard to that draft. Mr. Marinucci moved, seconded by Mr. Buscher, to resubmit the original draft of the Charter Preamble to the City Council, which motion failed eight to three with Mr. Marinucci, Mr. Buscher, and Mr. Haiby voting yea; Chair Frider, Mr. Stotts, Mr. Nordick, Mr. Palma, Ms. Davies, Mr. Lanning, Ms. Hastad, and Ms. Vinz voting nay; and Ms. Hoium abstaining. Ms. Hastad moved, seconded by Mr. Stotts, to submit the Charter Preamble draft proposed by City Council Member Danielson to the City Council. The motion was approved by unanimous consent.

The next item discussed was 4-B (Old Business-Charter Commission By-Laws/Handbook). Ms. Davies suggested that a sub-committee might better accomplish the development of this document. The consensus of the group was to establish a Charter Commission By-Laws Sub-Committee chaired by Ms. Davies. The sub-committee membership will also include Mr. Buscher, Mr. Marinucci, and Ms. Vinz. The sub-committee will update the Charter Commission of their progress at the next scheduled commission meeting.

The commission next discussed item 3-A (Amendment Requests-Resolution #2005-555-B).

Question 1. "Should the Moorhead City Charter be amended to modify language and/or procedures regarding the timing of special elections, especially with respect to recent

changes in state law and how such timing may impact Charter provisions relating to procedures for initiating and/or referring ordinances for voter ratification (local Initiative & Referendum)?”

Chair Frider stated that it would be inappropriate to discuss Question 1 without the City Clerk Kaye Buchholz present. It was the consensus of the group to table discussion of **Question 1** until the next commission meeting so that the City Clerk could participate in the discussion.

- **Question 2.** “Should the Moorhead City Charter be amended to include language and/or procedures reflecting implementation of initiated and/or referred ordinances as approved or enacted upon by voters, especially with respect to questions regarding Mayor and City Council authority to subsequently modify, amend, or repeal such ordinances?”

Mr. Shockley stated that there are two competing policy considerations: initiated measures as the will of the people; and, the authority of elected officials to repeal ordinances that are not in the best interest of the City. Mr. Lanning suggested that a time limit be specified to protect initiated ordinances from repeal by the City Council, after which time the City Council would have the authority to overturn it. Mr. Marinucci suggested that a provision be introduced in the Charter that would allow initiated measures to be altered by another initiated measure at the next City election. Ms. Davies suggested that an additional option be composed by the City Attorney that incorporates both Mr. Lanning’s and Mr. Marinucci’s ideas. It was the consensus of the commission for the City Attorney to do so.

- **Question 3.** “Should the Moorhead City Charter be amended to modify language and/or procedures regarding the filling of City Council vacancies?”

Mr. Lanning stated that there should be an overall discussion regarding when and how frequently special elections should be held in the City of Moorhead. This discussion should include both current Charter provisions relating to special elections as well as applicable state law. Current Charter language should be discussed in terms of whether further restrictions or expansions of those provisions would better meet the needs of the citizens. The group consensus was to add this to the next agenda as a separate item. Mr. Palma expressed concerns that restrictions on special elections would limit the ability of citizens to fill City Council vacancies. Mr. Palma suggested that City Council appointees be prohibited from seeking election to that seat in order to mitigate the advantage appointed City Council members have in their first election.

Meeting adjourned at 8:30 a.m. The next meeting of the Charter Commission was scheduled for February 7, 2006 at 7:00 a.m.