

**MOORHEAD CHARTER COMMISSION
MEETING MINUTES/NOTES
May 16, 2006**

Members Present: Jeff Frider, Bill Palma, Jay Haiby, Roger Buscher, Laurie Hoium, Eileen Hastad, Larry Nordick, Peter Marinucci, and Rick Stotts

Members Absent: Tammy Norgard, Morrie Lanning, and Betsy Vinz

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

Other Participants: Mark Hintermeyer

Jeff Frider, Chair, called the meeting to order at 7:04 a.m. He then noted for the record that Mary Davies would no longer participate as a member of the Commission as she had recently relocated. Commissioner Buscher noted that Mary's performance as Chair of the By-laws Subcommittee was outstanding and that he appreciated all of the time and effort she gave towards that project.

Commissioner Palma made a motion to approve the minutes from the April 18, 2006 meeting. Commissioner Haiby requested that an amendment be made to the minutes. Specifically, he requested that the words "or nonfeasance" be inserted after the word "malfeasance" in the second paragraph of the second page. The amendment was then included in the motion and the motion was seconded by Commissioner Haiby and was approved by unanimous consent.

The next item discussed was Item 3. City Attorney Updates. Asst City Atty. Shockley updated the Commission regarding two questions that he was directed to research concerning voluntarily giving notice prior to vacating a Council position and the status of recalls as a mechanism for removing public officials from office in the State of Minnesota. In regards to the second question, John explained that, according to State law, recalls could only be used in response to malfeasance and/or nonfeasance in office. Recall is not mentioned in the Moorhead City Charter, probably because it is not seen as an effective mechanism due to restrictions based on State law and because it could be used for political purposes.

Next, the Commission discussed Item 4. A. Amendment Requests, **Question 3**, which asks:

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

Chair Frider requested that Council Member Mark Hintermeyer relay his concerns to the Commission that a pandemic or other mass casualty situation may further complicate the process of filling Council vacancies. Chair Frider suggested that the Commission might consider a separate process for filling Council vacancies during mass casualty situations.

In regard to **Question 3**, the staff recommended no change to the current procedure, but reiterated that it remained the prerogative of the Commission. Commissioner Haiby suggested that the Commission consider a supermajority requirement for the appointment of new Council

Members. Commissioner Palma argued that the remaining Council Member in the affected Ward should have a greater influence, compared to the other Council Members, regarding the choice of appointment. Commissioner Hoium expressed her concern that such a policy may stifle the diversity of ideological views of a Ward's representation. Chair Frider felt that if the remaining Council Member from the affected Ward is respected by the rest of the Council, then their views regarding appointment candidates will be very influential in those deliberations.

Commissioner Nordick suggested the Commission examine an application process for filling vacancies. Commissioner Marinucci was supportive of this concept, but felt it was important that vacancies on the Council be adequately advertised so that all eligible citizens have an opportunity to apply. Commissioner Marinucci made a motion that all vacancies on the City Council be publicized by way of a standard public notification process and that any appointment to the City Council be restricted to the pool of candidates who have followed the application process. The motion was seconded by Commissioner Buscher and passed with unanimous consent. Staff was directed to hold this particular amendment from the council until the Commission was finished with their discussion of **Question 3**.

Commissioner Marinucci returned to the question of whether to require a supermajority for Council appointments. Commissioner Haiby made a motion, seconded by Commissioner Marinucci, to require a two-thirds supermajority for all Council appointments. Chair Frider expressed his concern that a supermajority requirement would give too much power to a minority and would increase political gamesmanship. Commissioner Marinucci agreed that is a legitimate concern, but that a quality candidate should be able to overcome that obstacle. Commissioner Nordick felt that currently existing voting procedures for the Council are already too complex already. Commissioner Haiby felt comfortable that Council has adequate staffing to deal with such complexity. Commissioner Haiby made a motion, seconded by Commissioner Marinucci, to remove their original motion from table pending further discussion.

The meeting was adjourned at 8:43 a.m.