

**MINUTES OF THE
WHITE BEAR LAKE CHARTER COMMISSION
SEPTEMBER 12, 2018**

1. CALL TO ORDER AND ROLL CALL

In accordance with published notice, a meeting of the White Bear Lake Charter Commission was called to order by Chairman Tim Geck at 7:04 p.m. in the second floor conference room at City Hall. The chair announced this meeting would serve the purpose of the annual meeting requirement. The following members were present: Marc Aune, James Berry, Scott Bill, Scott Costello, Tim Geck, Dale Grambush, Robert Hafdahl, Dan Louismet, Joe Remley, Mark Sather, and Ray Smith (J. P. Barone arrived at 7:10 and Joseph Remley arrived 7:20 p.m.). Sam Emerson was excused and James Patrick Barone arrived at 7:55 p.m. A quorum was declared.

Also present was City Manager Hiniker. The Chair introduced members Marc Aune and Scott Bill who were appointed to the Charter Commission since its last meeting.

2. APPROVAL OF THE MINUTES

It was moved by Member **Smith**, seconded by Member **Louismet**, to correct the spelling of "By-Laws" in the first paragraph of page three and approve the minutes of the meeting held September 13, 2017 as otherwise presented.

The motion carried unanimously.

3. APPROVAL OF THE AGENDA

The Chair presented a draft agenda. Member Grambush proposed adding discussion of the role of the Charter Commission in determining whether a conflict of interest may exist among elected officials. With that addition as item 6A it was moved by Member **Louismet**, seconded by Member **Grambush** to approve the agenda as amended.

The motion carried unanimously.

4. OLD BUSINESS

A. Print edition of amended Charter

The Chair presented a print version of the City Charter, which includes codification of all amendments to date and explained that the codified version is maintained in digital format by the City Clerk and it may be accessed on the City's website. The Commission Secretary will work with the City Clerk to arrange for printing up to 50 copies of the updated Charter for public use.

B. History of the City Charter

In light of the recent appointment of two new members to the Commission, the Chair called upon the Secretary to present a brief description of the history of the City's Home Rule Charter. Member Sather, Secretary, explained that according

to general municipal law in the United States, each state has the authority to govern its citizens so long as its governance is consistent with the United States Constitution. Under a doctrine known as "Dillion's Rule" stemming from Federal Judge John Dillion in the 1800s, cities, or municipal corporations, only possess the authority granted by their state. Judge Dillion's Rule has been increasingly interpreted to recognize powers reasonably or necessarily implied in expressed authority.

In Minnesota throughout the nineteenth century a strict reliance on Dillion's Rule limited municipal authority to expressed powers. As cities evolved their leaders were compelled to increasingly seek special legislation granting authority to carry out desired activities which in most cases was limited to one particular municipality (i.e. to contract for residential refuse collectors, construct boardwalks, etc.).

As communities sought incorporation, a special state act was adopted granting a charter, often different from other cities. As chartered cities were unable to amend their charters, they were required to seek further special legislation that caused few if any charters to be alike. The resulting confusion led to states that defined the authority and requirements of cities with renewed reliance on Dillion's Rule.

Shortly thereafter, a legislative act was adopted allowing a means of self-government or "Home Rule" based on the premise that unless expressly prohibited, a municipality possessed the powers established in a charter adopted by its citizens. The act or statute set forth a detailed structure through which a charter commission, appointed by the District Court, may form or draft a charter and requirement for approval by eligible voters.

Of the approximately 850 cities in Minnesota, roughly 130 of them have adopted home rule charters. The remainder are governed by the general statute establishing and defining cities (referred to as "statutory cities" as opposed to "Home Rule Cities". In 1921, after operating under the original charter granted by the state legislature and authority established by a general municipal statute, White Bear Lake became the 64th city in the state to adopt a home rule charter. At that time it became the fifth city to adopt the "Council-Manager" form of local government, a relatively new concept placing administrative authority for the city in the position of a nonelected, appointed, City Manager.

Since the time the City's first charter was adopted it has undergone several amendments and revisions. Each amendment or revision was initiated by the Charter Commission and approved according to law. The Secretary referred to amendments approved over the past 20 years. Some amendments were initiated to bring the charter into compliance with state laws; others reflected the evolving needs and interests of the City and its citizens. The role of the Charter Commission is set forth in Chapter 410 of Minnesota Statute, and the commission is further governed by its Bylaws.

(Note: J.P. Barone joined the meeting during this presentation.)

5. NEW BUSINESS

A. Election of Officers

Pursuant to the Commission's Bylaws, the Chair called for nominations for three officer positions of the Commission.

Joe Remley moved to reappoint the three current officers including Tim Geck, Chair; Dale Grambush, Vice Chair; and Mark Sather, Secretary for an additional term. There were no further nominations.

It was moved by Member **Hafdahl**, seconded by Member **Barone**, to reappoint the three current officers as nominated.

The motion carried unanimously.

6. OPEN DISCUSSION

A. Commission role in addressing conflicts of interest.

The Chair explained the topic of public official conflicts of interest has been addressed by the Commission on multiple occasions and it concluded that such conflicts were defined by State Statutes.

Dale Grambush agreed but questioned the role of the Commission in enforcement of conflict of interest statutes. The Chair stated the Commission has no investigative or prosecutorial authority. He stated that enforcement is essentially the duty of the Mayor and City Council to initiate enforcement. In the absence of City Council action, citizens have the right to initiate enforcement or change the City Council.

The Secretary offered to provide copies to Commission members of the conflict of interest chapter of the Handbook for cities, published by the League of Minnesota Cities and used in elected official training.

B. Commission Vacancies

It was noted that there are two vacancies on the Commission and members again renewed their interest in seeking females interested in service as a means of improving the Commission's gender imbalance.

7. ADJOURNMENT

There being no further business to come before the Commission, it was moved by Member **Louismet**, seconded by Member **Costello**, to adjourn the meeting at 8:40 p.m.

The motion carried unanimously.



Tim Geck, Chair

ATTEST:



Mark Sather, Secretary