



Request for Council Action

TO: Mayor and City Council
THROUGH: Tim Murray, City Administrator
FROM: Heather Slechta, Assistant to the City Administrator
MEETING DATE: February 26, 2019
SUBJECT: Resolution 2019-023 Approving City Council Recommendations for City Charter Commission Appointments

Background:

The City Council recommends Charter Commission Members by Resolution. The Members are then appointed to the Charter Commission by the Chief Judge of the District Court in accordance with MSA 410.05.

As discussed at the January 15, 2019 Joint Committee meeting, the following individuals have expressed a desire to serve another term or a new term on the Charter Commission.

Kymn Anderson
Dan Behrens
Kay Duchene
John Jasinski
Pat Rice

It is the recommendation of the General Affairs Committee to appoint Kymn Anderson, Dan Behrens, Kay Duchene, John Jasinski and Pat Rice to serve on the Charter Commission. If approved by the City Council, the Charter Commission Members terms would end on December 31, 2022.

Recommendation:

Approve Resolution 2019-023, Appoint Charter Commission Members

Attachments:

- Resolution 2019-023

CITY OF FARIBAULT

RESOLUTION #2019-023
APPROVING CITY COUNCIL RECOMMENDATIONS FOR
CITY CHARTER COMMISSION APPOINTMENTS

WHEREAS, the City of Faribault Charter Commission was reconvened in 2011; and

WHEREAS, there are presently five open positions on the Faribault Charter Commission; and

WHEREAS, the City Council desires to make five appointments to the Faribault Charter Commission each for a term of four years through the date of December 31, 2022; and

WHEREAS, Minnesota Statutes Section 410.05 governs the appointment process for a charter commission; and

WHEREAS, the City has City residents interested in serving on the Faribault Charter Commission.

NOW, THEREFORE BE IT RESOLVED, that the above-referenced recitals are incorporated into this Resolution.

NOW THEREFORE BE IT FURTHER RESOLVED, that the Faribault City Council desires Chief Judge Jodi L. Williamson to appoint the following individuals to the Faribault Charter Commission each for a term of four years through the date of December 31, 2022:

- | | |
|---------------|---------|
| Kymn Anderson | 4 years |
| Dan Behrens | 4 years |
| Kay Duchene | 4 years |
| John Jasinski | 4 years |
| Pat Rice | 4 years |

NOW THEREFORE BE IT FINALLY RESOLVED, that the Faribault City Council requests that Chief Judge Jodi L. Williamson make such appointments as recommended herein and that an Order, a draft of which is set forth in Exhibit A, be accordingly filed with the Court Administrator

consistent with Minnesota Statutes Section 410.05.

Date Adopted: February 26, 2019

Faribault City Council

Kevin F. Voracek, Mayor

ATTEST:

Timothy C. Murray, City Administrator

EXHIBIT A
DRAFT ORDER
STATE OF MINNESOTA
IN DISTRICT COURT
THIRD JUDICIAL DISTRICT

ORDER APPOINTING CITY OF FARIBAULT

CHARTER COMMISSION MEMBERS

1. Under Minn. Stat. § 410.05, subd. 2, "Charter commission members shall hold office for the term of four years, and until their successors are appointed and qualify, except that of members initially appointed after July 1, 1967, eight shall be appointed for two year terms and seven for four year terms."
2. Additionally, Minn. Stat. § 410.05, subd. 2 requires that: "Upon the expiration of each term, the chief judge shall appoint new commission members. If the chief judge fails to appoint new commission members within 30 days then thereafter the governing body of the city shall, appoint new commission members, unless within the 30-day period the chief judge indicates in writing to the governing body an intention to appoint new members, in which case the chief judge shall have an additional 60 days within which to make the appointment. Appointments shall be made by order filed with the court administrator of the district court."
3. Under Minn. Stat. § 410.05, subd. 3, "A city council, a charter commission, or the petitioners requesting the appointment of a charter commission may submit to the court the names of eligible nominees which the district court may consider in making appointments to the charter commission."
4. There are five Faribault City Charter Commission positions presently open.
5. Faribault City Resolution 2019-023 recommends the following appointments and terms:

Ms. Kymn Anderson, 216 SW 4th Ave, Faribault MN	4 years
Mr. Dan Behrens, 1056 Westwood Dr, Faribault, MN	4 years

Ms. Kay Duchene, 872 SW 8 th Street, Faribault, MN	4 years
Mr. John Jasinski, 16B Greenhaven Bay, Faribault, MN	4 years
Ms. Pat Rice, 713 Ravine St, Faribault, MN	4 years

6. The four year terms would expire 12/31/2018.
7. Under Minn. Stat. § 410.05, subd. 2, individuals appointed to the Commission must accept their appointment by filing a written acceptance and oath of office with the court administrator within 30 days. "An appointee who neglects to file with the court administrator within 30 days a written acceptance and oath of office shall be deemed to have declined the appointment and the place shall be filled as though the appointee had resigned."

Order:

- a. The individuals listed in Paragraph 5 above are appointed to the Faribault City Charter Commission for the terms shown next to their names and addresses.
- b. The individuals appointed to the Commission must accept their appointment by filing a written acceptance and oath of office with the district court administrator within 30 days. If an appointee fails to submit written acceptance and oath of office within 30 days of the date of this order, he or she shall be deemed to have declined the appointment.

Date: _____, 2019.

Jodi L Williamson
Chief Judge of the
Third Judicial District