

# LINO LAKES CHARTER COMMISSION

## BY-LAWS

Amended July 14, 2011

### ARTICLE I - THE COMMISSION

**Section 1. Name of Commission.** The name of the Commission is the “Lino Lakes Charter Commission”. *(amended July 8, 2010)*

**Section 2. Purpose.** The purpose of the Commission is to serve as custodians of the Lino Lakes City Charter in accordance with state laws, these by-laws and rules of the Charter Commission.

**Section 3. Office of Commission.** The offices of the Commission are at the Lino Lakes City Hall for purposes of official commission business.

**Section 4. Members.** The commission is composed of 15 members. Members terms are for four (4) years starting January 1 and members shall serve their terms until their successors are appointed and have qualified, subject to state law.

### ARTICLE II - OFFICERS

**Section 1. Officers.** The officers of the Commission are the Chair, Vice-Chair and Secretary.

**Section 2. Chair.** The Chair shall call the regular meetings of the Commission, prepare, the agenda, preside at all meetings, oversee the implementation of the decisions of the Commission and act as the primary liaison with City staff. The Chair retains all the rights and responsibilities held as a member of the Commission including the right to vote. Each year on or before the April meeting, the Chair shall submit to the Commission for its approval, an annual report summarizing the activities and accomplishments of the Commission for the preceding calendar year. The annual report to the Commission may contain the Chair’s recommendation for Commission activities for the ensuing year. *(amended 4/12/2007)*

**Section 3. Vice-Chair.** The Vice-Chair shall perform the duties of the Chair during the Chair’s temporary absence, and shall perform such duties during the vacancy of that office until the Commission elects a new Chair.

**Section 4. Secretary.** The Secretary shall maintain the records, record the minutes and votes at each meeting, and submit approved minutes and relevant materials to the City Clerk for the purpose of maintaining a permanent record for public review. On or before December 31st of each year, the Secretary shall submit to the Chief Judge of the District Court, the City Clerk and the Commission members, the Chair’s approved annual report. The Commission may designate by majority voice vote an Assistant Secretary from the Charter Commission membership whose duties shall be to assist the Secretary, and to perform the duties of Secretary in the event of

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the absence or vacation of office by the Secretary until such time as the Commission elects a new Secretary.

**Section 5. Compensation; Expenses.** The members of the Commission shall receive no compensation, but the Commission may employ an attorney and other personnel to assist in amending or revising the City Charter, and the reasonable compensation and cost of the printing of such Charter, when directed by the Commission shall be paid by the City. The amount of reasonable and necessary Commission expenses shall be paid by the City, which expenses cannot exceed \$1,500.00 in any one (1) year unless the City Council authorized additional expenses pursuant to Minnesota Statutes Section 410.06, as amended.

**Section 6. Additional Duties.** The officers of the Commission shall perform such other duties and functions as may from time to time be required by the Commission or its by-laws or rules.

**Section 7. Elections.** The Chair, Vice-Chair and Secretary shall be elected from among the members of the Commission at the first meeting after January 1 in even-numbered years and shall hold office for two (2) years or until their successors are elected and qualified. The Chair shall conduct the election. Officers shall be declared elected and qualified by a simple majority vote of those present and voting. Newly elected officers shall take office at the close of the meeting in which the election is held. No officer shall be eligible to hold more than two (2) consecutive terms in the same office. In filling vacancies for unexpired terms, an officer who has served more than half of a term is considered to have served a full term in that office.

**Section 8. Vacancies.** A vacancy in the office of Chair, Vice-Chair or Secretary, including a vacancy pursuant to Minnesota Statutes, Section 410.05, shall be filled by a special election by the Commission at its next meeting with the elected successor serving the unexpired term of office.

**Section 9. Appointments.** At least four (4) months prior to the expiration of any seat on the Commission, the Chair shall notify the City Clerk the names of the incumbents and their expiration of office date so that the Clerk may publicize the availability of openings on the Commission together with a summary of the application process. The Chair shall also notify the affected incumbents. Should a member not finish his or her term on the commission, the Chair shall notify the City Clerk of that opening immediately to allow for prompt filling of that position. Following notification of the City Clerk, the Chair shall follow the appointment process for any openings on the Commission and shall ensure that the proper and timely notification be given to the new and/or returning members following their appointment to the Commission.

**Section 10. Resignations.** Persons resigning shall submit a written resignation to the commission on or before the next scheduled meeting.

### **ARTICLE III - MEETINGS**

**Section 1. Regular Meetings.** The Commission shall meet on the second Thursday of January, April, July and October of each year. When the business of the Commission cannot be

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appropriately handled at the quarterly meetings or business from a special meeting is not completed and necessitates additional meetings, the Commission shall establish, by resolution, a schedule of regular meetings. All meetings shall be held in the Lino Lakes City hall unless meeting notices state otherwise. All meetings shall comply with the Minnesota Open Meeting Law (Minnesota Statutes, Section 471.705).

**Section 2. Special Meetings.** The Chair or any two (2) members of the Commission may call a special meeting to transact any business stated in the meeting notice in accordance with state law. Notice of the special meeting shall state the time, date, place and business to be conducted at the special meeting. Notices may be delivered or mailed to the member's designated mailing address at least three (3) working days prior to the special meeting. The business to be considered at special meetings shall be limited to that stated in the meeting notice.

**Section 3. Quorum.** The powers of the Commission shall be vested in the members thereof in office from item to item. A majority of qualified and acting members shall constitute a quorum for the purpose of conducting the Commission's business and exercising its powers and for all other purposes, but a smaller number of members may adjourn from time to time.

**Section 4. Order of Business.** The Commission shall use the following order of business at its meetings:

1. Roll Call
2. Approval of Minutes
3. Reports of the Chair
4. Reports of Committees
5. Unfinished Business
6. New Business
7. Adjournment

All resolutions shall be recorded in the minutes of the Commission meetings.

**Section 5. Meeting Procedure.** The voting on all questions coming before the Commission shall be recorded in the minutes, which shall state what was done and not what was said. The votes on resolutions, unless unanimous, shall state the number of "ayes" and "nays" and "abstentions". When a quorum is in attendance, action may be taken by the Commission upon a vote of the majority of the members present unless another provision of these by-laws specifically states otherwise.

Meeting agendas are prepared by the Chair and Secretary and approved by the Commission, and are subject to change by motion and voting, as described below, at the beginning of each regular meeting. (Special meeting agendas cannot, under Minnesota law, be modified once the advance public notice has been made.)

Commissioners and other attendees speak when called upon by the Chair, and once granted the floor should not be interrupted.

Question and discussion periods begin with the Chair asking for a show of hands, and then calling upon each one until all have been called upon. The Chair shall then ask again if

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anyone still wishes to speak or ask a question, then repeat the process, with anyone who was not included in the previous round(s) coming before those who were. The Chair determines how many times this process is repeated.

The meetings are governed by the agenda, and the agenda constitutes the Commission's agreed-upon roadmap for the meeting. Each agenda item can be handled by the Chair in the following basic format:

- First, the Chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The Chair should then announce the format (which follows) that will be followed in considering the agenda item.
- Second, following that agenda format, the Chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the Chair, a member of the Commission, a staff person, or a committee chair charged with providing input on the agenda item.
- Third, the Chair should ask members of the Commission if they have any technical questions of clarification. At this point, members of the Commission may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.
- Fourth, the Chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the Chair may limit the time of public speakers. At the conclusion of the public comments, the Chair should announce that public input has concluded (or the public hearing as the case may be is closed).
- Fifth, the Chair should invite a motion. The Chair should announce the name of the member of the Commission who makes the motion.
- Sixth, the Chair should determine if any member of the Commission wishes to second the motion. The Chair should announce the name of the member of the Commission who seconds the motion. If there is no second, the motion fails.
- Seventh, if the motion is made and seconded, the Chair should make sure everyone understands the motion. This is done in one of three ways: (1) The Chair can ask the maker of the motion to repeat it. (2) The Chair can repeat the motion. (3) The Chair can ask the secretary or the clerk of the Commission to repeat the motion.
- Eighth, the Chair should now invite discussion of the motion by the Commission. If there is no desired discussion, or after the discussion has ended, the Chair should announce that the Commission will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.
- Ninth, the Chair takes a vote. If members of the Commission do not vote, then they "abstain". Unless a super-majority is required (as delineated later in these rules), a simple majority determines whether the motion passes or is defeated.
- Tenth, the Chair should announce the result of the vote and should announce what action (if any) the Commission has taken. In announcing the result, the Chair should indicate the names of the members of the Commission, if any, who voted in the minority on the motion.

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## Motions in General

Motions are made in a simple two-step process. First, the Chair should recognize the member of the Commission. Second, the member of the Commission makes a motion. The Chair usually initiates the motion by either (1) inviting the members of the Commission to make a motion,(2) suggesting a motion to the members of the Commission, or (3) making the motion. (The Chair has every right as a member of the Commission to make a motion, but should normally do so only if the Chair wishes to make a motion on an item but is convinced that no other member of the Commission is willing to step forward to do so at a particular time.)

## The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

The basic motion. The basic motion is the one that puts forward a decision for the Commission's consideration. A basic motion might be: "I move that we create a 5-member committee to plan and put on our annual fundraiser."

The motion to amend. If a member wants to change a basic motion that is before the Commission, they would move to amend it. A motion to amend might be: "I move that we amend the motion to have a 10-member committee." A motion to amend takes the basic motion which is before the Commission and seeks to change it in some way.

The substitute motion. If a member wants to completely do away with the basic motion that is before the Commission, and put a new motion before the Commission, they would move a substitute motion. A substitute motion might be: "I move a substitute motion that we cancel the annual fundraiser this year."

"Motions to amend" and "substitute motions" are often confused. But they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a "motion to amend" or a "substitute motion" is left to the chair. So that if a member makes what that member calls a "motion to amend", but the Chair determines that it is really a "substitute motion", then the Chair's designation governs.

## Multiple Motions Before the Commission

There can be up to three motions on the floor at the same time. The Chair can reject a fourth motion until the Chair has dealt with the three that are on the floor and has resolved them.

When there are two or three motions on the floor (after motions and seconds) at the same time, voting should begin on the most recent motion that is made. So, for example, assume the first motion is a basic "motion to have a 5-member committee to plan and put on our annual fundraiser." During the discussion of this motion, a member might make a second motion to "amend the main motion to have a 10-member committee, not a 5-member committee to plan and put on our annual fundraiser." And perhaps, during that discussion, a member makes yet a third motion as a "substitute motion that we not have an annual fundraiser this year." The proper procedure would be as follows:

After discussion and debate, the Chair would deal with the third (the most recent) motion on the floor, the substitute motion. If the substitute motion passed, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion

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(which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the Commission of the third motion (the substitute motion). No vote would be taken on the first or second motions.

If the substitute motion failed, the Chair would now deal with the second (now, the most recent) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be 5 members or 10 members). If the motion to amend passed, the Chair would now move to consider the main motion (the first motion) as amended. If the motion to amend failed, the Chair would now move to consider the main motion (the first motion) in its original format, not amended.

### Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the Commission. The debate can continue as long as members of the Commission wish to discuss an item, subject to the decision of the Chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the Commission to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the Chair must immediately call for a vote of the Commission without debate on the motion):

A motion to adjourn. This motion, if passed, requires the Commission to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

A motion to recess. This motion, if passed, requires the Commission to immediately take a recess. Normally, the Chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

A motion to fix the time to adjourn. This motion, if passed, requires the Commission to adjourn the meeting at the specific time set in the motion. For example, the motion might be: "I move we adjourn this meeting at midnight." It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on "hold". The motion can contain a specific time in which the item can come back to the Commission: "I move we table this item until our regular meeting in October." Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the Commission will have to be taken at a future meeting. A motion to table an item (or to bring it back to the Commission) requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I call the question." When a member of the Commission makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote". When such a motion is made, the Chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a 2/3 vote of the Commission. Note: that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the motion to limit debate requires a 2/3 vote of the Commission. A similar motion is a motion to object to consideration of an item. This motion is not debatable, and if passed, precludes the Commission from even considering an item on the agenda. It also requires a 2/3 vote.

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## Majority and Super-Majority Votes

A tie vote means the motion fails. So in a 15-member Commission, a vote of 7-7 with one abstention means the motion fails. If one member is absent and the vote is 7-7, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the Commission is taking an action which, effectively, cuts off the ability of a minority of the Commission to take an action or discuss an item. These extraordinary motions require a 2/3 majority (a super-majority) to pass:

Motion to limit debate. Whether a member says "I call the question" or "I move to limit debate", it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a 2/3 vote to pass.

Motion to close nominations. When choosing officers of the Commission (like the Chair) nominations are in order either from a nominating committee or from the floor of the Commission. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a 2/3 vote to pass.

Motion to object to the consideration of a question. Normally, such a motion is unnecessary since the objectionable item can be tabled, or defeated straight up. However, when members of a Commission do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a 2/3 vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a 2/3 vote to pass. If the Commission has its own rules of order, conduct or procedure, this motion allows the Commission to suspend the rules for a particular purpose.

## The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate, perhaps disagreement and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to a re-opener if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider. First, is timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the Commission. A motion to reconsider made at a later time is untimely. (The Commission, however, can always vote to suspend the rules and by a 2/3 majority, can allow a motion to reconsider to be made at another time.) Second, a motion to reconsider can only be made by certain members of the Commission. Accordingly, a motion to reconsider can only be made by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she can make the motion to reconsider (any other member of the Commission may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the Commission again and again. That would defeat the purpose of finality.

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If the motion to reconsider passes, then the original matter is back before the Commission, and a new original motion is then in order. The matter can be discussed and debated as if it were on the floor for the first time.

### **Courtesy and Decorum**

The rules of order are meant to create an atmosphere where the members of the Commission and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the Chair and the members of the Commission to maintain common courtesy and decorum. It is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the Chair before proceeding to speak.

The Chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the Commission. Debate on policy is healthy, debate on personalities is not. The Chair has the right to cut off discussion that is too personal, is too loud, or is too crude. The Chair should also cut off discussion that is off-topic.

Debate and discussion should be focused, but free and open. In the interest of time, the Chair may, however, limit the time allotted to speakers, including members of the Commission.

Can a member of the Commission interrupt the speaker? The general rule is "no." There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be: "point of privilege." The Chair would then ask the interrupter to "state your point." Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be: "point of order." Again, the Chair would ask the interrupter to "state your point." Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the Chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the Chair makes a ruling that a member of the Commission disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the Chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the Commission has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the Chair discovers that the agenda has not been followed, the Chair simply reminds the Commission to return to the agenda item properly before them. If the Chair fails to do so, the Chair's determination may be appealed.

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the Chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

*(Amended July 14, 2011).*



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**Section 6. Committees.** The Commission may establish and appoint committees. Each committee must designate a Chair.

**Section 7. Discharge of Members.** Any member who has failed to attend two (2) consecutive meetings without being excused by the Commission shall be discharged according to the provisions of Minnesota Statutes, Section 410.05, Subdivision 2, as amended.

## Article IV - Amendments

**Section 1. Amendment Procedure.** The Commission by-laws may be amended by a resolution, made in writing, and adopted by a two-thirds majority vote of qualified and acting members at a properly noticed meeting of the Commission. The Secretary shall number each amendment, note the date of adoption, and have it distributed to the members and the City Officers.

**Section 2. Records.** The Chair shall ensure that each member received a copy of the City Charter and the Commission by-laws. The City Charter, the Charter Commission by-laws and the Charter Commission minutes shall be kept on file at the City Offices and made available for public review.

**ADOPTED: April 28, 1994**

Amendment No. 1, July 11, 1996

Amendment No. 2, July 13, 2000

Amendment No. 3, January 8, 2004

Amendment No. 4, April 12, 2007

Amendment No. 5, July 8, 2010

Amendment No. 6, July 14, 2011

## AMENDMENT NO. 1 - JULY 11, 1996

**Article I,**

**Section 4. Members.** The Commission is composed of 15 members. **Member terms are for four (4) years starting on January 1 and members shall serve their terms until their successors are appointed and have qualified, subject to state law.**

**Article II,**

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**Section 7. Elections.** The Chair, Vice-Chair and Secretary shall be elected from among the members of the Commission at the first meeting after **January 1 in even-numbered** years and shall hold office for two (2) years or until their successors are elected and qualified . . .

“Bold” color indicates the change or changes.

### **AMENDMENT NO. 2 - JULY 13, 2000**

Section 9 of Article II was replaced. The original and replacement sections are as follows:

Original

**Section 9. Appointments.** The Chair shall notify the City Clerk-Treasurer at least three (3) months prior to the expiration of any seat on the Commission, of the names of the incumbents and their expiration of office date so that the Clerk-Treasurer may publicize the availability of openings on the Commission together with a summary of the application process. The Chair shall also notify members eligible for re-appointment at this time.

Replacement

**Section 9. Appointments.** At least four (4) months prior to the expiration of any seat on the Commission, the Chair shall notify the City Clerk the names of the incumbents and their expiration of office date so that the Clerk may publicize the availability of openings on the Commission together with a summary of the application process. The Chair shall also notify the affected incumbents. Should a member not finish his or her term on the commission, the Chair shall notify the City Clerk of that opening immediately to allow for prompt filling of that position. Following notification of the City Clerk, the Chair shall follow the appointment process for any openings on the Commission and shall ensure that the proper and timely notification be given to the new and/or returning members following their appointment to the Commission

### **AMENDMENT NO. 3 – January 8, 2004**

In Section 4 of Article II the two occurrences of City Clerk-Treasurer were replaced with City Clerk.

In Article II there are two headings labeled Section 9. The first was changed to Section 8.

### **AMENDMENT NO. 4 – April 12, 2007**

Article II, Section 2, amended as follows:

Each year ~~at the October~~ on or before the April meeting, the Chair shall submit to the Commission for its approval, an annual report summarizing the activities and accomplishments of the Commission for the preceding calendar year.

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### **AMENDMENT NO. 5 – July 8, 2010**

Article I, Section 1, is amended as follows:

Section 1. Name of Commission. The name of the Commission is the “~~City Charter of Lino Lakes, Minnesota~~” “Lino Lakes Charter Commission”.

### **AMENDMENT NO. 6 – July 14, 2011**

Article III, Meetings – Amendments to Section 2, Section 4 and Section 5 approved. Amendments relate to new meeting procedures and are lengthy; full text included in the meeting packets available in the Office of the City Clerk.

### **AMENDMENT NO. 7 – October 8, 2013**

Chapter IV, Nominations and Elections, Section 4.02, Filing for Office, Amending the Lino Lakes Home Rule Charter relating to Nominations and Elections (See Ordinance No. 04-13)

Section 8.04, Public Improvements and Special Assessments, Special Assessment Procedure (see Ordinance No. 05-13)