



## Request for City Council Committee Action from the Department of City Clerk

Date: January 15, 2008

**To:** Ways and Means/Budget Committee

**Subject:** Open Appointments Ordinance Amendments

**Recommendation:** Amend Title 2, Chapter 14 of the Minneapolis Code of Ordinances, specifically 14.180, the model citizen participation procedure appointing citizens to boards and commission.

**Previous Directives:** The City Council created the “open appointments” ordinance in 1976 and has amended the ordinance numerous times since, the last amendments occurring in 1994.

Approved by: Steve Ristuben Presenters in Committee: Steven J. Ristuben
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**Financial Impact:** No financial impact

**Supporting Information:** The City Attorney recommended that the requirement requiring Minneapolis residency to serve on boards and commissions be clarified.

As residency requirements were being clarified, the City Clerk polled staff of all other boards and commissions to determine if they desired any changes in the ordinance. Capital Long Range Improvements Committee (CLIC) staff suggested that the 3 week minimum a position is open be modified to a shorter period, if necessary, to accommodate the seating of ward representatives quickly.

Community Engagement staff were also given the opportunity to provide input but had nothing to add at this time.

In addition to the clarification of residency and allowing shortening the period a position had to be open, non substantive housekeeping changes were made.

**By Ostrow**

**Amending Title 2, Chapter 14 of the Minneapolis Code of Ordinances  
relating to Administration: In General.**

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 14.180 of the above entitled ordinance be amended to read as follows:

**14.180. ~~Community engagement through city b~~Boards, commissions, committees, task forces or similar organizations: Creation and Appointment Process.** ~~(a) Principles:~~ The city shall create and support organizations that enhance ~~public involvement~~ community engagement in the city's decision-making process ~~and shall, whenever appropriate, use an open process to select members.~~ The city shall have a clear and easily accessible appointment system, available to all interested parties, and a recruitment process that ensures diversity of representation and ideas and takes into consideration the city's commitment to civil rights, affirmative action and geographic distribution wherever possible.

~~(b) Responsibilities:~~ ~~The following shall have authority to develop procedures to carry out the administration of the open appointments process.~~

~~The city clerk shall administer the open appointments process, develop procedures and standards and assist departments with the creation of organizations and processing of appointments.~~

~~Departments are responsible for supporting organizations under their jurisdiction according to the standards established by the city clerk. This includes recruiting and coordinating appointments, staffing board meetings, evaluation of the boards accomplishments and record keeping.~~

~~The appointing authority is responsible for oversight of the recruiting and screening of applicants, selection processes used to make appointments evaluation and recognition of accomplishments.~~

- ~~(1) The city council shall determine whether to use the city's open appointment process or make direct appointments.~~
- ~~(2) The Mayor and City Council, as the appointing authorities, are responsible for oversight of the recruiting and screening of applicants, and evaluation and recognition of accomplishments.~~
- ~~(3) The city clerk shall administer the open appointments process, develop procedures and standards and assist departments with the creation of organizations and processing of appointments.~~
- ~~(4) Departments shall support organizations under their jurisdiction according to the standards established by the city clerk. Support includes recruiting and coordinating appointments, staffing meetings, evaluating accomplishments and keeping records.~~

~~(a)~~(c) *Creation of city boards, commissions, committees, task forces or similar organizations: When Council actions creating such organizations, ~~the city council and the mayor~~ shall state:*

Organization

- (1) The name, purpose and total number and type of members of the organization.
- (2) The city department or division that will assist the organization.
- (3) Resource requirements including~~The~~ budget for the organization, if any.
- (4) Reporting requirements and a date when a final report, if any, will be due.
- (5) When the organization will cease to exist (sunset provision) if applicable.
- (6) How the chairperson and other officers will be selected.

Membership

- ~~(7) Whether members will receive compensation or privileges.~~
- ~~(8) Any meeting attendance requirements to retain membership.~~
- ~~(9) Limitations on reappointment, if any.~~
- ~~(10) The appointments process to be followed: open appointments or other method.~~
- ~~(11)~~(1) Who appoints or designates original and succeeding members.
- ~~(12)~~(2) What special membership qualifications are necessary or desirable.
- ~~(13)~~(3) Whether exemptions to the residency is requirement are necessary required.
- ~~(14)~~(4) If a public hearing is required for prospective appointees.
- ~~(15)~~(5) The term of office of each member, including the day, month and year the term expires.
- (6) Whether members will receive compensation or privileges.
- (7) Any meeting attendance requirements to retain membership.
- (8) Limitations on reappointment, if any.

~~(b)~~(d) *Open appointments process for city boards, commissions, committees, task forces or similar organization:*

~~(1)~~ Application process.:

- a.(1) A minimum of three (3) weeks time shall be allowed for the filing of applications and a reasonable time for the consideration of any applications. The application period may be shortened by mutual consent of the board staff and the appointing authority.
- b.(2) Citizens may nominate themselves or other persons, as candidates.
- c.(3) Incumbents seeking reappointment ~~need to~~ must fully complete a re-application form.
- d.(4) Incumbents maintain their member status until a successor is appointed unless specifically precluded by the bylaws of the organization or city council action.

e.(5) If there are additional vacancies within twelve (12) months after closing the original application process, the appointing authority(s) may fill the vacancies from among the original applicants without reopening the process.

~~(2)~~–Selection process:–

a.(1) Applicants wishing to withdraw from consideration during the selection process must submit a letter to the city clerk.

b.(2) Appointments must have council approval unless otherwise specified in the originating resolution.

e.(3) Upon appointment, before assuming full member rights and responsibilities, all members are required to sign an oath of office administered by the city clerk per the City Charter, Chapter 2, Section 18 and Minnesota Statutes 358.05.

~~(3)~~–*Extension of the selection process:*–

a.(1) If necessary to achieve greater geographical or protected class representation, the appointing authority may extend the application period or re-advertise vacancies.

b.(2) If the appointing authority determines there are an insufficient number of qualified applicants for a vacancy, it may either reopen the process or suggest applicants who must file an application form prior to action by the city council.

~~(4)~~–Residency requirements and exemptions for the open appoints

process: All appointments made under ~~this section~~ the open appointments process shall be made from persons who are residents of the City of Minneapolis. Continuing residence within the corporate limits of the City of Minneapolis shall be a condition of all appointees under this section process to hold the office or position to which they were appointed. *Exemptions:* No appointment of a nonresident under ~~this clause~~ the open appointments process will become effective unless a waiver of residency has been approved by a majority vote of the city council. The residency requirement may be waived when:

a.(1) The appointment is by law or by practice and custom made by another organization or unit of government; or

b.(2) The person otherwise eligible for appointment is an officer or director of a business or organization that pays property taxes to the City of Minneapolis; or

e.(3) The appointment relates to a person whose knowledge or expertise provides a unique or special benefit to the board, commission, committee, task force or similar organization, if residency is waived by the city council.