

MINNEAPOLIS CHARTER COMMISSION

2015 ANNUAL REPORT

To: The Honorable Peter A. Cahill, Chief Judge
Hennepin County District Court

From: Barry Clegg, Chair
Minneapolis Charter Commission

1. MEMBERSHIP

In January, 2015, there were 15 members of the Minneapolis Charter Commission. During 2015, the following changes took place in the membership:

- Barry Clegg was reappointed to a term expiring April 15, 2019.
- Dan Cohen was reappointed to a term expiring April 15, 2019.
- Matt Perry was appointed to a term expiring March 12, 2019 (filling the expired term of Natonia Johnson).
- Toni Newborn was appointed to a term expiring June 1, 2018 (filling the unexpired term of Devin Rice).

The year ended with a membership of 15 Commissioners. Appendix A, attached, contains the Charter Commission roster as of December 31, 2015, with relevant data regarding appointments, terms, and expiration dates.

2. OFFICERS

Officers were elected on January 7, 2015, as follows:

- Barry Clegg, Chair
- Jan Sandberg, Vice Chair
- Lyall Schwarzkopf, Secretary

3. STAFF

Assistance was provided by the following City staff:

- Casey Joe Carl, City Clerk
- Burt Osborne, Assistant City Attorney
- Diana Armstrong, Council Committee Coordinator

4. MEETINGS

The Charter Commission held 7 regular meetings in 2015.

5. ATTENDANCE

Appendix B, attached, depicts the attendance record of Commissioners during 2015.

6. ISSUES CONSIDERED

- There was an update from the Committee on Revisions to review recommendations initially proposed for the Plain Language Charter but not included in the final revision (January 7, February 4, April 1).
- There was an update on petition requirements for candidate access to 2017 municipal election ballots (April 1).
- There was an update on impacts re: passage of charter and ordinance amendments removing food-to-alcohol sales requirements (April 1).
- There was discussion on the merits of a possible ballot question relative to the addition of a 7th seat on the Board of Estimate and Taxation. On motion, approved, action by the Charter Commission on the matter was deferred for up to a year (June 3, August 5, October 7, December 2).
- There was discussion providing additional information to the Charter Commission re: how the City was legally issuing debt beyond an apparent charter-imposed \$15 million limitation on capital projects (August 5, October 7).
- A Charter amendment proposal from Schwartzkopf to revise voting thresholds for Board of Estimate and Taxation functions was approved and will be brought to a public hearing scheduled for the January 6 Charter Commission meeting (October 7, December 2).

7. SPEAKERS

There were no public hearings held by the Charter Commission in 2015.

8. RULES

Appendix C, attached, contains the Rules of the Minneapolis Charter Commission, as last revised on August 7, 2013.

9. CHARTER AMENDMENTS BY PETITION

There were no Charter amendments by petition in 2015.

10. CHARTER AMENDMENTS BY ORDINANCE

There were no Charter amendments by ordinance in 2015.

11. CHARTER AMENDMENTS BY REFERENDUM

There were no Charter amendments by referendum in 2015.

APPENDIX A

2015 MINNEAPOLIS CHARTER COMMISSION ROSTER

Commissioner	Phone	Appointed Date Appointed By	Term	Expiration Date
Clegg, Barry, Chair 163 Island Avenue East Minneapolis, MN 55401 barry.clegg@gpmlaw.com barry@bfclegg.com (public)	(h) 612-378-2585 (o) 612-632-3220 (f) 612-340-7900 (p) 612-986-4889	05/2003 - Judge Burke 04/20/2007 - Judge Wieland 05/02/2011 - Judge Swenson 4/15/2015 – Judge Cahill	Serving first term Serving second term Serving third term Serving fourth term	May 1, 2007 May 1, 2011 May 2, 2015 April 15, 2019
Cohen, Dan 1215 Edlin Place Minneapolis, MN 55416 cohendan1@outlook.com	(h) 612-374-1530 (c) 612-715-0607	05/04/2011 - Judge Swenson 4/15/2015 – Judge Cahill	Serving first term Serving second term	May 4, 2015 April 15, 2019
Ferrara, Todd 3825 Upton Avenue South Minneapolis, MN 55410 todd.ferrara@standardheating.com	(c) 612-685-2095 (o) 612-436-2351	03/19/2004 - Judge Burke 07/21/2004 - Judge Burke 04/30/2008 - Judge Wieland 06/17/2010 - Judge Swenson 06/05/2014 - Judge Cahill	Filled unexpired term of Pete Rhodes Serving first term Serving second term Serving third term Serving fourth term	July 1, 2004 July 1, 2008 July 1, 2010 July 1, 2014 July 1, 2018
Garcia, Jill 4756 Columbus Avenue South Minneapolis, MN 55407 jbgarcia3@aol.com	612-889-6140	04/14/2014 - Judge Cahill	Serving first term	April 14, 2018
Heinle, Denny (DJ) 5104 Humboldt Avenue North Minneapolis, MN 55430 dj.heinle@tkda.com	(h) 612-387-6531 (o) 651-292-4400	06/28/2013 - Judge Cahill 06/05/2014 - Judge Cahill	Filled unexpired term of Richard Gerdes Serving first term	July 1, 2014 July 1, 2018
Kozak, Andrew 3104 East Minnehaha Parkway Minneapolis, MN 55406 kozak@nsamn.com	(h) 612-298-0888 (o) 612-379-1411	06/17/2010 - Judge Swenson 06/05/2014 - Judge Cahill	Serving first term Serving second term	July 1, 2014 July 1, 2018
Lickness, Barbara 1900 Central Avenue Northeast Minneapolis, MN 55418 blickness@yahoo.com	(h) 612-229-1142 (o) 612-673-5216	06/17/2010 - Judge Swenson 06/05/2014 - Judge Cahill	Serving first term Serving second term	July 1, 2014 July 1, 2018
Metge, Jana 2812 15th Avenue South Minneapolis, MN 55407 singdancesavetheworld@gmail.com	(o) 952-996-6490	05/2003 - Judge Burke 05/22/2006 - Judge Wieland 03/24/2010 - Judge Swenson 03/26/2014 - Judge Cahill	Filled unexpired term of Steven Johnson Serving first term Serving second term Serving third term	March 26, 2006 March 26, 2010 March 26, 2014 March 26, 2018

Commissioner	Phone	Appointed Date Appointed By	Term	Expiration Date
Newborn, Toni 1101 Main St NE, #203 Mpls, MN 55413 tdnewborn@gmail.com	(h) 205-919-7895 (o) 651-266-6493	10/26/2015 – Judge Cahill	Filled unexpired term of Devin Rice	June 1, 2018
Peltola, Jeffrey 3131 Excelsior Boulevard #913 Minneapolis, MN 55416 jahp2691@yahoo.com	(h) 651-329-7228	05/14/2010 - Judge Swenson 04/23/2014 - Judge Cahill	Serving first term Serving second term	May 10, 2014 May 10, 2018
Perry, Matt 4205 Colfax Ave S Minneapolis, MN 55409 mattp@pobox.com	(h) 612-827-5442 (o) 612-839-3320	03/12/2015 – Judge Cahill	Serving first term	March 12, 2019
Rubenstein, Andrea 5108 Bryant Avenue South Minneapolis, MN 55419 ajrrubens@aol.com	(h) 612-822-8943 (o) 612-294-2603	03/26/2006 - Judge Wieland 05/14/2010 - Judge Swenson 04/23/2014 - Judge Cahill	Serving first term Serving second term Serving third term	May 10, 2010 May 10, 2014 May 10, 2018
Sandberg, Jan, Vice Chair 1201 Yale Place #1805 Minneapolis, MN 55403 jfschartercomm@comcast.net	(c) 612-964-3324	06/17/2010 - Judge Swenson 06/05/2014 - Judge Cahill	Serving first term Serving second term	July 1, 2014 July 1, 2018
Schwarzkopf, Lyall, Secretary 4840 Bloomington Avenue South Minneapolis, MN 55417 lyall@olsons.net	(h) 612-824-9293	05/10/2010 - Judge Swenson 04/23/2014 - Judge Cahill	Serving first term Serving second term	May 10, 2014 May 10, 2018
Street, Aaron 4246 Wentworth Avenue South Minneapolis, MN 55409 aaron.street@gmail.com	(c) 612-567-3608 (o) 651-254-2113	05/10/2006 - Judge Wieland 05/05/2014 - Judge Cahill	Serving first term Serving second term	May 10, 2010 May 5, 2018

Staff: Burt Osborne Assistant City Attorney 612-673-3847 burt.osborne@minneapolismn.gov
Casey Joe Carl City Clerk 612-673-3765 casey.carl@minneapolismn.gov
Diana Armstrong Charter Commission Coordinator 612-673-2371 diana.armstrong@minneapolismn.gov

Chief Judge Peter A. Cahill 612-348-2040
Jane Ludwig (Executive Assistant) 612-596-8738
300 South 6th Street
Minneapolis, MN 55487

Appendix B

MINNEAPOLIS CHARTER COMMISSION 2015 ATTENDANCE RECORD

(Code: P = Present; E = Excused)

Name	01/07	02/04	04/01	06/03	08/05	10/07	12/02
Cohen, Dan	E	P	E	P	P	P	P
Ferrara, Todd	P	E	E	P	P	P	P
Garcia, Jill	P	E	P	E	P	P	P
Heinle, DJ	E	P	P	P	E	P	P
Kozak, Andy	P	E	P	P	P	P	P
Lickness, Barbara	P	E	P	E	P	E	P
Metge, Jana	E	P	P	E	P	P	P
Newborn, Toni	--	--	--	--			E
Peltola, Jeffrey	P	E	P	E	P	P	P
Perry, Matt	--	--	P	P	P	P	P
Rubenstein, Andrea	P	P	P	P	P	P	P
Sandberg, Jan	P	E	P	P	P	P	P
Schwarzkopf, Lyall	P	P	E	P	P	P	P
Street, Aaron	P	P	P	E	P	E	P
Clegg, Barry	P	P	P	P	P	P	P
Rice, Devin	E	P	P	P	--	--	--
Johnson, Natonia	E	E	--	--	--	--	--

APPENDIX C

AMENDED RULES OF THE MINNEAPOLIS CHARTER COMMISSION

Revised 6/12/97, 1/7/04, 2/4/04, 10/6/10, and 8/7/13

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AMENDED RULES OF THE MINNEAPOLIS CHARTER COMMISSION

Revised 6/12/97, 1/7/04, 2/4/04 and 10/6/10

Rule 1. Amended Rules of the Charter Commission (“Rules”).

1.1 Except as otherwise specifically provided in these Rules, Robert's Rules of Order as most recently revised, is adopted as rules for the procedural conduct of meetings of the Charter Commission.

1.2 Except as otherwise provided in these Rules, an affirmative vote of two-thirds of the Commissioners present and voting shall be required to suspend or amend these Rules.

1.3 Every Commissioner of the Minneapolis Charter Commission shall be furnished with a current copy of the City Charter, Minnesota Statutes §§ 410, Minnesota Statutes §§ 13D (the Minnesota Open Meeting Law) and these Rules.

1.4 All meetings and communications by and among Commissioners shall comply with the Minnesota Open Meeting Law. Unless prohibited by the Minnesota Open Meeting Law, notice relating to Commission business, but not the business itself, may be by any communication by and among the Charter Commission Coordinator and the Commissioners or by and among the Commissioners shall be lawful whether communicated in person, by phone conference, conference call, video conference, written letter, email, voicemail, or facsimile.

1.5 Any Commissioner may be considered in attendance at a regular or special meeting of the Commission if such Commissioner is off-site of the actual meeting place but is able to communicate with other Commissioners in attendance by video conference and, if a quorum exists, in physical attendance at the meeting site. All meetings must comply with the Minnesota Open Meeting Law.

1.6 A quorum shall consist of a majority of duly appointed Commissioners of the Charter Commission. If a quorum is no longer present at a duly convened meeting, the Commission may continue to receive oral or written reports and to allow speakers, but the Commission may not consider any resolution or motion or conduct any other Commission business for which a vote of the Commissioners is required.

1.7 Whenever in these Rules the signatures of Commissioners who vote in the affirmative are required, it shall be sufficient, and in lieu of such signatures when such vote is taken by roll call, if the Chairperson and the Commission Coordinator certify, on a form approved by the City Attorney, that the attached record of the roll call is an accurate account of the votes cast.

Rule 2. Meetings.

2.1 Regular Meetings.

2.1.1 The Commission shall regularly meet monthly on the first Wednesday that is not a state or federal holiday, at 4:00 p.m., at the Minneapolis City Hall, Minneapolis, Minnesota, unless the Commission selects a different time or site, or both, as coordinated by the Charter Commission Coordinator under Rule 2.1.9.

2.1.2 There shall be a set agenda for each meeting, which will be proposed by the Chairperson but which may be amended by a majority vote of the Commissioners present and voting prior to the adoption of the agenda at the beginning of each meeting or by a two-thirds majority vote of the Commissioners present and voting at any time thereafter. The proposed agenda shall be prepared by the Charter Commission Coordinator who shall use his/her best efforts to transmit such agenda to the Commissioners and post the agenda online, with the minutes of the last meeting, at least one week prior to the next Commission meeting.

2.1.3 The Commission customarily adjourns after thirty minutes if no quorum is present, but a majority of the Commissioners present may adjourn such a meeting where no quorum is present at an earlier or later time.

2.1.4 In accordance with the Minnesota Open Meeting Law, only an occasion at which a quorum is present and Commission business is discussed, shall constitute a Commission meeting.

2.1.5 Routine communications, such as excused absences which have been received by the Charter Commission Coordinator prior to the scheduled time of a Commission meeting, shall be noted and appear in the minutes of the meeting.

2.1.6 Each Commissioner shall use his/her best efforts to provide the Charter Commission Coordinator with notice of inability to attend and the reason therefore at least 24 hours prior to the time of a scheduled meeting. Excused absences may be based on, among other things, conflicts with a Commissioner's work, medical problems, a family emergency, or weather. Excused absences may be granted by the Chairperson or his or her designee within 24 hours after the adjournment of a scheduled meeting under special circumstances.

2.1.7 After three consecutive unexcused absences, the Chairperson of the Commission shall inform the absent Commissioner, by letter, of Chapter 410.05, Subd. 2, which states:

"When any member has failed to perform the duties of office and has failed to attend four consecutive meetings without being excused by the Commission, the secretary of the Charter Commission shall file a certificate with the court setting forth those facts and the District Court shall thereupon make its order of removal and the Chief Judge shall fill the vacancy created thereby."

2.1.8 If it is apparent to the Chairperson prior to a scheduled meeting that a quorum will not be able to be present at the scheduled time of such meeting, the Chairperson may cancel a scheduled meeting and direct the Charter Commission Coordinator to transmit in any available manner written notice (or an equivalent) to the Commissioners of such cancellation. The Chairperson may also coordinate through the Charter Commission Coordinator a substitute date and location for a meeting prior to the next scheduled meeting but such notice must comply with statutory requirements and be mailed or otherwise transmitted in any available manner at least five days prior to the rescheduled meeting.

2.1.9 When the Commission's regularly scheduled business is concluded or otherwise during the meeting as determined by the Chairperson, observers in the audience may be heard, provided such observer identifies herself/himself, sets forth his/her address and whether such speaker is speaking as an advocate on behalf of a third party (whose complete name and address should then be provided) or is speaking on his/her own behalf. The Chairperson may set reasonable time limits for speakers in his or her discretion. Preference shall be given to observers who wish to speak if such observers are residents of the City of Minneapolis. Thereafter, any observers who are non-residents of the City of Minneapolis will be allowed to speak if time permits at the Chairperson's discretion. The Chairperson may declare an end to the period for which observers may be heard but a majority of the Commissioners then present and voting may also by motion terminate or extend the time, or set the time limit, for observer remarks which shall supersede any declaration by the Chairperson.

2.2 Special Meetings.

2.2.1 Special meetings of the Charter Commission may be called by the Chairperson or by an affirmative written request given to the Charter Commission Coordinator by at least one-third of the Commissioners. Notice of the time and place of a special meeting must comply with statutory requirements and must be mailed or otherwise delivered at least three days prior to the special meeting.

2.3 Public Meetings.

2.3.1 Public hearings on proposals to amend the Charter conducted in accordance with Rule 5.1 may, but need not, coincide with a regular meeting of the Commission.

2.3.2 At public hearings, the Chairperson may set reasonable time limits for speakers and for the hearing, in his or her discretion, but a majority of Commissioners then present and voting may also by motion terminate or extend the time, or set the time limit for observer remarks which shall supersede any declaration by the Chairperson.

2.3.3 Any speaker must state his/her full name and address and whether such speaker is speaking as an advocate on behalf of a third party or on behalf of himself/herself.

2.3.4 Preference shall be given to residents of the City of Minneapolis desiring to speak at public hearings under Rules 2.3.2 or 2.3.3. Thereafter, non-residents of the City of Minneapolis desiring to speak will be permitted to do so if time permits at the Chairperson's discretion, or by vote of a majority of the Commissioners then present and voting which shall supersede the Chairperson's discretion.

Rule 3. Election, Duties of Officers, and Term.

3.1 Annual election of Commission officers will be held at the first meeting a quorum is present after January 1 of each year. Any officer elected shall continue until a successor is duly elected, unless removed pursuant to Rule 3.4. Candidates for officer positions may self-nominate or may be nominated by other Commissioners.

3.2 The officers of the Commission and the duties of those offices are as follows:

3.2.1 Chair: Presides over the Charter Commission and is the official spokesperson for the Commission.

3.2.2 Vice-Chair: Performs the duties of the Chairperson in the absence of the Chairperson and presides at Commission meetings when the Chairperson steps down from presiding to debate a matter before the Commission.

3.2.3 Secretary: Performs the duties of the Chairperson in the absence of both the Chairperson and Vice-Chairperson and presides when the Chairperson and Vice-Chairperson are absent or wish to debate a matter before the Commission.

3.2.4 Chairperson Pro Tem: Performs the duties of the Chairperson when other officers are absent or wish to debate a matter before the Commission; the Chairperson Pro Tem shall be the most tenured Commissioner then present.

3.3 When a vacancy occurs in any office, such vacancy will be declared at a Charter Commission meeting, and an election for such office will be held at the following Commission meeting. The Chairperson shall be responsible for communications as required with the chief judge of the district court. For this purpose, a vacancy occurs upon resignation from office or the expiration of the Commission term of such officer.

3.4 An officer may be removed by a two-thirds majority vote of Commissioners present and voting.

3.5 Upon a two-thirds majority vote of Commissioners present and voting, the Commission may create such other offices for a period of time and for prescribed responsibilities and duties as the Commission deems appropriate from time to time.

3.6 Any action related to the administration of the Commission which is not specifically provided in these Rules, may be performed by an officer of the Commission, unless otherwise prohibited by Minn. Stat. § 410.01 et seq. or by the Minneapolis Charter.

3.7 The term of office of a Commissioner shall be the maximum term allowed under Minnesota Statutes § 410.05, Subd. 2. A Commissioner shall hold the office as a Commissioner until his/her successor is appointed and qualified as provided under Minnesota Statutes § 410.05, Subd. 2.

Rule 4. Special Committees/Subcommittees.

4.1 The Chairperson of the Commission shall, from time to time, designate, subject to consent by a majority of Commissioners then present and voting, the Commissioners to serve on any subcommittee or special committee of the Commission. Any Commissioner may volunteer to serve and shall be appointed to the subcommittee subject to reasonable limits on the size of the subcommittee determined by the Chairperson. Any member of the Commission has speaking privileges at all subcommittee or special committee meetings but only members of a subcommittee or special committee can vote. All meetings of subcommittees or special committees shall be announced, and, if required, public notice given in accordance with applicable law.

4.2 A quorum of a subcommittee or special committee of the Commission is a majority of the appointed members.

4.3 In accordance with applicable law, only an occasion at which a quorum of a subcommittee or special committee is present and at which Commission business is discussed does a subcommittee or special committee constitute a "meeting."

4.4 Any special committee or subcommittee shall be automatically dissolved once the purpose for which it was formed is complete.

Rule 5. Proposing Charter Amendments to the Commission.

5.1 A request to present a proposal for Minneapolis Charter change shall be filed with the Charter Commission Coordinator prior to the scheduled meeting. The Commission may defer consideration of a proposal to change the Minneapolis Charter which is not filed with the Charter Commission Coordinator at least three business days prior to a scheduled meeting. The Commission will discuss the request at its first meeting after the notice is filed or at its next scheduled meeting thereafter. If a resolution is adopted by obtaining a majority vote of the Commissioners present and voting, the Commission shall also set a time for the resolution to be considered at a public hearing. A public hearing is required prior to placement of a proposed Charter amendment on the ballot unless two-thirds of the Commissioners present and voting vote not to hold a public hearing.

5.2 Charter amendment proposals submitted by voter petition shall be placed on the ballot if properly and timely submitted in accordance with applicable law. The Commission will consider non-petition Charter amendment proposals to be placed on the ballot submitted to it in writing before the Commission's June meeting; provided that there is no assurance that such consideration will be completed by the deadline necessary to place non-petition proposals on the ballot and persons making non-petition Charter amendment proposals are encouraged to submit them at the earliest date possible. Power to limit or extend time of scheduled presentations, other than by Commission members, will be at the discretion of the Chairperson, but a majority of the Commissioners then present and voting may also by motion terminate or extend the time, or set the time limit, for presentations, which shall supersede the Chairperson's discretion.

5.3 No non-petition proposal to amend the Charter or to place the proposed amendment on the ballot may be adopted unless such resolution is, in each case, approved by at least a majority of the Commissioners present and voting.

Rule 6. Procedure for Handling Voter Petitions

6.1 When a proposed amendment by petition is in excess of 1,000 words and a summary has been prepared as required by Minnesota Statute § 410.12, Subd. 1, the Chairperson shall call a special meeting to be held within ten days of the submission of the proposed amendment and summary, to approve the proposed amendment and summary as to form and substance. The Chairperson may appoint a subcommittee, pursuant to Rule 4, to prepare, within ten days after the receipt of the proposed amendment and the summary, revisions to the summary if the summary submitted is not acceptable to the Commission as to form and substance so that the summary fairly complies with the requirements of Minnesota Statute § 410.12, Subd. 1. Within ten days after receipt by the Commission of the proposed amendment and the summary from the proposers, the Commission shall return to the proposers the amendment and the summary with such modifications as the Commission deems necessary in order that the summary may fairly comply with the requirements of Minnesota Statute § 410.12, Subd. 1. Modification of the summary by the Charter Commission shall be signed by enough Commissioners voting in favor of such modification of the summary at the special or regular meeting to constitute the majority needed for passage.

6.2 A voter petition for a proposed Charter amendment under Minnesota Statutes § 410.12, Subd. 3 is filed when the City Clerk receives it on behalf of the Commission.

6.3 Transmittal of the petition for the proposed amendment to the Minneapolis City Council shall be made at a regular or special Commission meeting. The Chairperson shall call a special Charter Commission meeting for the purpose of acting on the transmittal if no regular meeting is scheduled within ten days of the filing.

Rule 7. Motions.

7.1 Motions to table shall be debatable.

7.2 A motion to rescind or reconsider an action of the Commission must be made no later than the next regular meeting of the Commission, except in those instances where proposals for Charter amendments already have been transmitted to the Minneapolis City Council and are no longer subject to rescission. The motion requires a two-thirds vote of the Commissioners present and voting.