



MAYOR AND COUNCIL COMMUNICATION

DATE: 10/20/15
REGULAR
ITEM #: 11

AGENDA ITEM: Appointment of Committee/Commission members
SUBMITTED BY: Clark Schroeder
THROUGH: Clark Schroeder
REVIEWED BY: **Clark Schroeder**

SUGGESTED ORDER OF BUSINESS:

- Introduction of Item..... Clark Schroeder
- Report/PresentationStaff
- Questions from Council to Staff..... Mayor Facilitates
- Public Input, if Appropriate..... Mayor Facilitates
- Call for Motion..... Mayor & City Council
- Discussion Mayor & City Council
- Action on Motion Mayor Facilitates

PUBLIC POLICY BEING MADE: COUNCIL IS BEING ASKED TO SET POLICY FOR APPOINTING COMMITTEE/COMMISSION MEMBERS

BACKGROUND AND STAFF REPORT: The city has a couple citizens that wish to serve on the HR. committee and one individual that wishes to serve on the Planning Commission. The Administrator has received conflicting accounts as to what the standard practice is for appointment members for Lake Elmo. One method is to have commission/committees vet candidates and recommend to the full council for appointment. The other method is for the council to vet candidates and appoint without consideration from the committees/commissions.

The League of Minnesota Cities does not have overall specific guidance that would apply to all committees, boards, or commissions.

For the planning Commission their handbooks states:

State statute does not establish a process for the appointment of planning commissioners. As a result, the city ordinance or charter provisions should specify who has the authority to appoint commission members. Generally, appointing authority is vested in the city council as a whole. In the alternative, cities may vest appointment power in the mayor exclusively, or may vest in the mayor the power to appoint commissioners, subject to council approval. Some city charters may already contain provisions related to general appointments to city boards and commissions. In these cities, the charter provisions preempt local ordinance. Cities also should consider adopting a policy for the recruitment and retention of commission members. The

policy may be adopted as a resolution and need not be in ordinance form. Adopting the policy via resolution will allow more flexibility in developing and amending the ordinance. Although state law does not require the following, the policy may wish to include information regarding: Sample Advertisement. Sample City Application Forms. Sample Interview Questions. • The advertisement period for open positions. • The submission of letters of interest and a statement of qualifications for board positions, or a city application form. • An interview process prior to appointment. More information can be found at the web site below.

http://www.lmc.org/media/document/1/planning_commission_guide.pdf?inline=true

For the HR committee and any other committee's state statute allows cities the authority to have discretionary committees created to lessen the work load of the council members.

412.111 DEPARTMENTS, BOARDS.

The council may create departments and advisory boards and appoint officers, employees, and agents for the city as deemed necessary for the proper management and operation of city affairs. The council may prescribe the duties and fix the compensation of all officers, both appointive and elective, employees, and agents, when not otherwise prescribed by law. The council may require any officer or employee to furnish a bond conditioned for the faithful exercise of duties and the proper application of, and payment upon demand of, all moneys officially received. Unless otherwise prescribed by law, the amount of the bonds shall be fixed by the council. The bonds furnished by the clerk and treasurer shall be corporate surety bonds. The council may provide for the payment from city funds of the premium on the official bond of any officer or employee of the city. The council may, except as otherwise provided, remove any appointive officer or employee when in its judgment the public welfare will be promoted by the removal. This provision does not modify the laws relating to veterans preference or to members of a city police or fire civil service commission or public utilities commission.

<https://www.revisor.mn.gov/statutes/?id=412.111>

In conversation with the LMC they say it is allowable for cities to review applicants at the committee level, but they have never seen it. They see council first and only as the method of appointment.

RECOMMENDATION:

Staff recommend the City Council follow precedent set by other cities and recommended by the LMC.

All committee/commission members shall be appointed by the council without committee/commission review.