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Charter Commission President Moriarty,

As the Charter Commission reviews the Duluth City Charter for potential updates, revisions, and changes, the Administration requests the consideration of practical amendments that will help modernize the charter. These include:

- **Chapter 3, Sec. 15. Same—Effective date—ordinances enacted by council.** Other than ordinances related to the annual budget, annual tax levy, local improvements and assessments, and emergency ordinances and resolutions, all other ordinances enacted by council take effect 30 days after the date of their publication. The 30-day “waiting period” for most ordinance changes is unnecessary and a hold-over from a time when notices were printed in the newspaper and not instantaneously available to the interested public. This delay no longer serves a process purpose and potentially hinders the effectiveness of enacted changes.

*We recommend removing the 30-day “waiting period” from city charter, permitting all ordinances to take effect immediately upon passage.*

- **Chapter 3, Sec. 20. Administrative departments.** The city charter stipulates that the “administration of the city shall be distributed among not to exceed nine departments.” This outdated restriction is a relic of the former commission form of government and limits the ability of city administration to adapt the structure of the city organization to effectively meet the changing needs of our residents.

*We recommend removing the “nine department” restriction. It is outdated and serves no pressing public interest.*

- **Chapter 2, Sec. 5. Salaries.** There is no established mechanism in the charter to routinely review elected official compensation. Lacking that mechanism, mayor and councilmember compensation often go years without review and adjustment. The last increase in mayoral compensation was 2013, and the last increase for city councilors was approved in 2015. Failure to routinely review and adjust compensation can be a substantial disincentive for some members of our community, and result in only candidates who can afford to serve.

*We recommend the establishment of a review committee with authority to routinely review and act on mayoral and city councilor compensation. The committee should consider peer communities as well as relevant market data. Committee recommendations would automatically take effect unless rejected by an affirmative vote of the City Council. The State of Minnesota and other regional centers already have functioning review committees which could serve as models.*

- **Chapter 7, Sec. 50. Recall.** Recall is mechanism by which elected officials are held directly accountable to the electorate. Recall provisions exist in state statute and local ordinances. The recall provisions in the Duluth City

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Charter require the City Clerk to evaluate and certify signatures on petitions for recall, initiative, and referendum within 10 days. This compressed timeline puts undue strain on City resources and staff time, making it challenging and potentially impossible to satisfy.

*We recommend adjusting the timeline and making other technical changes to this section. We also recommend reviewing whether the totality of this section of Charter complies with relevant state and federal election law.*

### **Initiative and Referendum**

- **Chapter 2, Sec. 3. Mayor and council subject to initiative, referendum and recall; officers not to hold other public offices.**
- **Chapter 7, Sec. 51. Initiative.**
- **Chapter 7, Sec. 52 Referendum.**

The Duluth City Charter allows for legislation by petition. However, as currently written this language completely bypasses the City Council and as a result lacks the mechanisms necessary to fully vet proposals, weigh pros and cons, consider fiscal impacts, or debate both intended and unintended consequences. The City Council, as an elected representative body, does the hard work of balancing interests, ranking competing priorities, and making decisions on behalf of the entire community.

Additionally, under Minnesota Rule 8205.1010, all petitions for elections in the state must include a space for signatories to provide their year of birth. Petitions must include each signatory's year of birth to confirm that each individual who signs the petition is in fact a qualified voter in the city. Upon review by the League of Minnesota Cities, it appears the Duluth City Charter provisions and/or model petition forms may not include this required field. To ensure alignment with state regulations, the League of Minnesota Cities recommends considering any necessary updates to charter language and/or petition forms.

*We recommend the Charter Commission closely review these provisions. They have existed since the Charter overhaul of 1959. Other communities in Minnesota have petition and referendum provisions, but Duluth is the only community where the City Council has no authority to revise or reject ballot initiatives.*

We also encourage the Charter Commission to examine other aspects of the city charter that might require updating to reflect modern society and 21<sup>st</sup> Century governance. Revising and updating the City Charter should be done in a routine, thoughtful, and timely manner.

Thank you for the opportunity to share these recommendations.

Respectfully,

Roger J. Reinert  
Mayor