



City of Duluth

411 West First Street
Duluth, Minnesota 55802

Master

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**Agenda
Section:**

Committee: Public Works and
Utilities

File Created: 01/26/2016

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Final Action: 02/22/2016

Title: AN ORDINANCE MODIFYING THE TERMS OF PUBLIC UTILITY COMMISSIONERS TO EXCLUDE PARTIAL TERMS FROM TERM LIMITATIONS, AMENDING SECTION 2-184 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

Internal Notes:

Sponsors:

Enactment Date: 02/22/2016

Attachments:

Enactment Number: 10439

Recommendation:

Hearing Date:

Drafter: aconnolly@duluthmn.gov

Effective Date:

History of Legislative File

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1	City Council	02/08/2016	read for the first time				
1	City Council	02/22/2016	adopted				Pass

Text of Legislative File 16-008-O

AN ORDINANCE MODIFYING THE TERMS OF PUBLIC UTILITY COMMISSIONERS TO EXCLUDE PARTIAL TERMS FROM TERM LIMITATIONS, AMENDING SECTION 2-184 OF THE DULUTH CITY CODE, 1959, AS AMENDED.

CITY PROPOSAL:

The city of Duluth does ordain:

Section 1. That 2-184 of the Duluth City Code, 1959, as amended, is hereby amended to read as follows:

Sec. 2-184. Same--Membership.

(a) The membership of the commission shall consist of seven commissioners who

shall be appointed to the membership of said commission as hereinafter set forth. No member shall serve more than two consecutive, full three year terms, not including any unexpired term to which such member may be appointed, or portions thereof on the commission:

(1) Three members shall be city councilors appointed by the council. Initially one such councilor shall be appointed for a one year term, one shall be appointed for a two year term and one such councilor shall be appointed for a three year term. Thereafter all councilors shall be appointed for three year terms, provided, however that councilors shall serve only as long as they continue to hold such office or, unless removed from membership on the commission by the affirmative vote of a majority of the city councilors then serving on the city council, excluding the subject councilor;

(2) Four members of the commission shall be appointed by the city council. Said members shall be residents of the city of Duluth, shall be responsible to pay charges to the city for the use of at least two of the utilities regulated by the commission and shall be chosen for their expertise in the areas of utility operations, finance and utility construction or other relevant experience. Initially one such commissioner shall be appointed for a one year term, one shall be appointed for a two year term and two shall be appointed for a three year term. Thereafter all commissioners shall be appointed for three year terms. All terms shall expire on March 31 of the appropriate year. When a vacancy occurs in said commission, by means of resignation, death, or removal from the city, such vacancy shall be filled for the unexpired term. If a commissioner shall be found to have failed or neglected to perform the duties of a commissioner, the Mayor with the approval of the city council may remove such commissioner from office and the vacancy created thereby shall be filled for the unexpired term;

(b) Commissioners shall serve without compensation;

(c) Within 20 days after all of the commissioners have been appointed, the commission shall meet and organize and adopt, and thereafter may amend, such rules and regulations for the conduct of the commission as the commission shall deem to be in the public interest and most likely to advance, enhance, foster and promote the purposes of this ordinance [Article]. At such meeting and at all subsequent meetings of the commission, five commissioners shall constitute a quorum for the transaction of business, provided that at least two such commissioners shall be city councilors;

(d) The commissioners shall elect from among their membership a president and vice president and shall also elect a secretary who, may or may not be a member of said commission. No two of such offices shall be held by one commissioner. The officers shall have their duties and powers usually attendant upon such offices and such other duties and powers not inconsistent therewith as may be provided by the commission.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

STATEMENT OF PURPOSE: The purpose of this ordinance is to modify the membership limitations for the PUC so that a partial term will not be counted in determining whether a commissioner had served two terms.

Current the ordinance provides that that no member may serve more than two terms and that a partial term counts as a “term” for making that determination. The Commission had taken a position that when a commissioner has been appointed to fill an unexpired term of a commissioner who is forced by circumstances to leave the commission before his or her term is up or leaves because his or her term as a City Councilor is ended, the newly appointed commissioner should have the opportunity to serve two full terms in addition to the partial term, if the Council choses to appoint him or her.

The Commission originally addressed this issue in 2012 but it “slipped off the radar” and the need to follow through on it was only recently called to the attention of staff.

This ordinance amendment would accomplish that goal.