



22

**Request for City Council Committee Action
From the City Attorney's Office**

Date: March 2, 2004

To: Ways & Means/Budget Committee

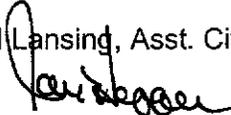
Subject: Minneapolis Telecommunications Network (MTN) – Procedures for Appointing Board of Directors

Recommendation: That the City Council receive and file this report regarding the procedures for appointment of Directors to the Board of the Minneapolis Telecommunications Network.

Previous Directives: On February 9, 2004, the Ways & Means/Budget Committee forwarded to the City Council without recommendation applications for appointment to four positions on the MTN Board of Directors. On February 13, 2004, the City Council approved appointments to three of the positions, and referred back to the Ways & Means/Budget Committee for further consideration the applications for the vacant Directorship to be appointed jointly by the Mayor and City Council.

Prepared by: Carol Lansing, Asst. City Attorney

Phone: 673-2554

Approved by: 

Jay M. Heffern
City Attorney

Presenter in Committee: Jay M. Heffern, City Attorney

Financial Impact (Check those that apply)

- No financial impact - or - Action is within current department budget.
(If checked, go directly to Background/Supporting Information)
- Action requires an appropriation increase to the Capital Budget
- Action requires an appropriation increase to the Operating Budget
- Action provides increased revenue for appropriation increase
- Action requires use of contingency or reserves
- Other financial impact (Explain):
- Request provided to the Budget Office when provided to the Committee Coordinator

Community Impact:

Neighborhood Notification
City Goals:
Comprehensive Plan
Zoning Code
Other

Background/Supporting Information

A question arose during consideration of the appointment to the vacant position (formerly held by Tomas Gonda) on the MTN Board of Directors regarding the procedure for Director appointments.

The City Attorney's Office obtained a copy of the current MTN Articles of Incorporation on file with the Secretary of State, which were filed in 1992. The 1992 Articles includes a list of the then-current Directors, and states that they "shall serve until their successor or successors are otherwise duly elected and qualified or until removed as provided by the law or the By-Laws."

The most current MTN By-Laws, adopted in May 2001, were provided by Pam Colby of MTN. The By-Laws state that there shall be nine directors. Five directors are appointed by the City Council and three directors are appointed by the Mayor. Section 3.3 of the By-Laws provides the following procedure for appointment of the ninth director:

The ninth director shall be nominated jointly by the City Council President and the Mayor. The City Council shall appoint or reject the nominee. If the nominee is rejected, the Mayor and City Council President may make further nominations to the City Council. If a ninth director has not been appointed within sixty (60) days after the end of the term of the previous director holding this seat, the Mayor shall submit up to three nominees to the City Council. The City Council shall then appoint the ninth director and may either select a nominee submitted by the Mayor which selection shall not be subject to Minneapolis City Charter, Chapter 3, Section 1; or select any other person subject to Minneapolis City Charter 3, Section 1.

John Harrison of the Communications Department has clarified that the Director position vacated by Tomas Gonda is the directorship which is to be filled jointly by the Mayor and Council pursuant to the procedure described above.

c: Gail Plewacki, Director of Communications
C. John Harrison, Communications Department