

## MEMORANDUM

TO: Neighborhood and Community Engagement Commission

FROM: John Finlayson and Ami Thompson, Neighborhood and Community Engagement Commission members, Primary and Associate facilitators

DATE: September 22, 2009

RE: **Agenda Item #5: Representation**

***Requested Action:***

Discuss representation through the commission by considering the question “As a Neighborhood and Community Engagement Commission member, who do I represent?”

***Background:***

With some commission members appointed by the Mayor, City Council, and Park Board and others elected by neighborhood organizations from 8 districts, a question has been raised about representation.

Some questions to consider include:

- Who does each commission member represent and
- Is there difference between elected or appointed members?
- Does someone who was elected only represent the neighborhood organizations in their district or do they represent neighborhood organizations around the city?
- Does every member represent all neighborhood organizations or all organizations and neighbors within city?
- What does good representation mean?

As a component of the discussion about representation, the subject of alternates may be relevant. Some questions came up at the August commission meeting about alternates and the resolution that authorized the Neighborhood and Community Engagement Commission. Since [Resolution 2009R-402](#) is silent on the matter, staff previously had sought the City Attorney’s opinion, which concludes “In the absence of any language in the resolution addressing the permissibility of alternates, I believe the plain language of the resolution permits neighborhood organizations to select only eight members with no alternates.” The full opinion is attached below for your review.

TO: Steven Bosacker, City Coordinator

FROM: Peter W. Ginder, Deputy City Attorney

DATE: June 10, 2009

RE: Selection of Neighborhood Representatives to the  
Neighborhood and Community Engagement Commission

### **INTEROFFICE MEMORANDUM**

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A question has arisen regarding the process and manner of selection of neighborhood representatives to the Neighborhood and Community Engagement Commission (NCEC). On September 26, 2008, the Minneapolis City Council adopted Resolution 2008R-402 which established the NCEC. The NCEC is to make recommendations, provide feedback, and review and advise the City's Neighborhood and Community Relations Department. The resolution provides for the selection of 16 voting members with terms lengths of 24 months. The terms are staggered and are subject to term limitations. Seven of the 16 members are to be appointed using the City's open appointments process which is found in M.C.O. 14.180. One member is to be appointed by the Minneapolis Park and Recreation Board. Eight members are to be "selected by the City's officially recognized neighborhood organizations through a process defined by the officially recognized neighborhood organizations". A question has arisen regarding whether the neighborhood organizations are limited to appointing only eight members or whether they may also provide for the election of alternates who would sit in for the elected neighborhood representatives if the elected representative could not attend. Briefly, I do not believe that the resolution permits the selection of alternate members by the neighborhood organizations.

Technically, a resolution is a formal expression of the will or settled decision of a deliberative assembly, in this case the Minneapolis City Council. See, *Lindahl v. Independent School District No. 306 of Hubbard County*, 270 Minn. 164, 133 N.W.2d 23 (1965). In this case, the words of the resolution and their application to the existing situation are clear and free from ambiguity. The resolution provides that eight members are to be selected by officially recognized neighborhood organizations. The resolution does not define the process or the manner in which those eight members are to be selected. Instead the process is to be defined by the officially recognized neighborhood organizations. The resolution does not, however, provide for or contemplate any more than the eight members to be selected by the neighborhood organization regardless of the process used by them. I would note that when the Minneapolis City Council has intended to have alternates in its boards or commissions, it has specifically stated so in the language creating the particular board. (See,

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Chapter 242.10 creating a Housing Board of Appeals: “The board shall consist of a director of inspections or designee, chief of the fire bureau or designee, commission of health or designee (8) public members and (1) alternate who must be residents of Minneapolis, to be appointed by the City Council ...” That section further goes on to provide that the “public member alternate shall serve in the absence of any of the eight (8) public members.”)

In the absence of any language in the resolution addressing the permissibility of alternates, I believe the plain language of the resolution permits neighborhood organizations to select only eight members with no alternates. The process in which the eight members are selected is left to the neighborhood organizations.

PWG:hbp/m.2009memos