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commission; and said proceedings shall be deemed public records and open to public inspection at all reasonable times.

The said commission shall have the power to obtain or employ such assistants as may be necessary and proper to enable it to perform its duties. The members of said commission shall serve without pay, but it shall be the duty of the Council to pay or authorize to be paid from the municipal treasury such reasonable and necessary expenses as are incurred by the commission in connection with the performance of its duties.

The commission shall have the power to adopt rules for its procedure and to amend the same from time to time. In such rules it shall be the duty of said commission to provide for the holding of regular and special meetings. Any vacancy in the membership of said commission for any cause shall be filled within ten days after such vacancy occurs in the manner specified for the appointment of members of said commission, such vacancy to be filled for the unexpired term of the member.

Section 389 (c) The commission, after it has met and organized, shall procure such assistance and expert advice as it deems desirable in order to select a Superintendent of Schools for the City of Saint Paul. The commission may conduct such investigations or interviews, or in any other manner determine the relative fitness of persons under consideration for the position of Superintendent of Schools; and is authorized to requisition the services and facilities of the civil service examiner and his assistants and of the Department of Education in connection with any matters relating to the performance of the duties of the commission, and it shall be the duty of civil service examiner and his assistants and of the Department of Education when so requisitioned to assist said commission and to provide such facilities as are at their disposal.

Section 389 (d) The commission shall certify the name of the candidate receiving its approval to the Commissioner of Education, or may certify the names of more than one candidate. If the name of more than one candidate be certified, the commission shall specify the order of preference among candidates. Such certification shall be accompanied by synopsis of the age, experience and qualifications of each candidate and shall state the amount of recommended compensation for the services of such candidate as Superintendent of Schools and the recommended date upon which such services shall begin; and may be accompanied, if more than one candidate be certified, with a statement of the reasons for preference which shall have been stated; but no reference shall be made to the race, color, religion, or political affiliation of any candidate.

The Commissioner of Education shall, within five days after such name or names be certified to him, transmit such certification to the Council with his own recommendations as to the order of preference among the candidates named. If only one candidate be certified, or if the order of preference among candidates be the same on the certification of the commission and the recommendations of the Commissioner of Education, the Council may, by majority vote, confirm such single candidate or the candidate of highest preference on such certification and recommendation; but to confirm any candidate other than such sole candidate or such candidate bearing highest preference, a five-sevenths vote of the Council shall be required. If the Council shall not confirm any candidate within ten days after such certification by the commission, then the candidate first listed in order of preference by the commission shall be deemed the duly appointed Superintendent of Schools in like manner as if confirmed by the Council.

Confirmation of any candidate shall constitute his appointment as Superintendent of Schools at the salary and as of the date specified therein. If no such salary or date be specified, those recommended by the commission shall

control. The Council in confirming any candidate, may require formal acceptance of such appointment within such time, not less than eight days, as it shall specify. The Mayor shall have no power to veto any act of the Council relating to the appointment or removal of the Superintendent of Schools.

Section 389 (e). The term of office of the first Superintendent of Schools appointed hereunder shall commence on the first day of August, 1947 and shall be for a term of six years from and after said date and until his successor is appointed, and shall have qualified; provided, however, that during the first year of his term of office, he may be removed by the Commissioner of Education by personal service upon him by said Commissioner of an instrument in writing terminating his office, which instrument shall be filed with the City Clerk; said removal, however, not to be effective until approved by the Council by a five-sevenths vote.

The Superintendent of Schools shall be the professional head of the public schools of the City, and continue in office for a term of six years after the expiration of a prior term, unless the Council, not earlier than ninety days nor later than sixty days before the expiration of such prior term, shall determine by four-sevenths vote to terminate his incumbency of the office on such expiration date. If the Council elects to terminate the said incumbency, it shall be the duty of the City Clerk so to notify the secretary of the commission.

In the event a vacancy occurs in the office of Superintendent of Schools, the Commissioner of Education shall forthwith designate some person in the Department of Education as acting Superintendent of Schools, whose title and salary shall not be affected thereby; and proceedings shall forthwith be conducted by said commission for the selection of a new Superintendent of Schools as herein provided; and a new Superintendent of Schools shall be selected in the manner hereinbefore set forth; provided, however, that if in the opinion of the commission the unexpired term is not of sufficient length to justify the making of a new appointment, then the commission shall notify the Commissioner of Education, and the acting Superintendent of Schools appointed by the Commissioner of Education, or any successor so appointed, shall continue as such acting Superintendent of Schools for the unexpired term and until a Superintendent of Schools has been appointed and has qualified.

Section 389 (f) The salary of the Superintendent of Schools shall be fixed by the action of the Council in approving his original appointment, or if no such approval be had, then by the said commission as certified by it to the Commissioner of Education; and the same shall not be reduced during his term of office. The limitation on salary of the Superintendent of Schools contained in Section 45 of this Charter is hereby abolished.

Section 389 (g) The Superintendent of Schools may be removed for cause by a four-sevenths vote of the Council at any time upon charges preferred by the Mayor or by any member of the Council. The hearings on said charges shall be held before the Council.

Section 389 (h) The civil service provisions of this Charter shall not be applicable to the Office of the Superintendent of Schools. All provisions of this Charter inconsistent with this amendment are hereby repealed.

Section 389 (i) This amendment shall take effect upon its passage; and, upon appointment of a Superintendent of Schools in accordance with the provisions hereof, the term of any incumbent in said office shall immediately terminate."

HARRY T. O'CONNELL,
City Clerk.

Dated St. Paul, Minn.
March 14th, 1947.
(St. Paul Pioneer Press, Mar. 15, 22, 29
and April 5, 1947.)

**PROPOSED
AMENDMENT
TO THE CITY
CHARTER**

NOTICE IS HEREBY GIVEN THAT THE FOLLOWING PROPOSED AMENDMENT TO THE CITY CHARTER OF THE CITY OF ST. PAUL, RAMSEY COUNTY, MINNESOTA, WILL BE SUBMITTED TO THE QUALIFIED VOTERS OF SAID CITY FOR RATIFICATION AND ADOPTION OR REJECTION AT A CITY SPECIAL ELECTION TO BE HELD IN SAID CITY ON TUESDAY, APRIL 15th, 1947. AMENDMENT NO. 2.

**Proposed Amendment to the City Charter.
AMEND SECTION 389 TO READ AS FOLLOWS:**

Section 389 (a) There is hereby created a commission for the purpose of selecting the Superintendent of Schools and, to the extent herein provided, determining the amount of his compensation. Said commission shall consist of five members who shall have been electors of the City for a period of at least five years preceding their appointment, at least two of whom are experienced in the field of education. No members thereof while serving on said commission shall hold any other office or employment with salary under the government of the City.

Section 389 (b) The members of said commission shall be appointed by the Mayor, subject to the approval of the Council. The first commission shall be appointed not earlier than fifteen (15) days nor later than thirty (30) days after this amendment takes effect. Two members shall be appointed for a term of two years, two members for a term of four years, and one member for a term of six years. All of said members shall hold their offices until their successors are appointed and have qualified by taking the oath required by law. Thereafter, and within ten days before the expiration of the term of any member, the Mayor shall appoint, subject to the approval of the Council, a member of said commission whose term of office shall be for six years. The terms of the members of said commission shall end on June 30 of the last year of their terms. The said commission shall appoint from among its members a president and a secretary. The secretary shall keep accurate records of all proceedings of said

STATE OF MINNESOTA)
COUNTY OF RAMSEY) SS.
CITY OF SAINT PAUL)

KNOW ALL MEN THAT THESE PRESENTS CERTIFY that the attached draft of a proposed Charter amendment to the Charter of the City of Saint Paul, in the County of Ramsey and State of Minnesota, amending the Charter of the City of Saint Paul by striking out Section 389 thereof and substituting in lieu thereof the attached proposed Section 389 as returned to the Chief Magistrate of said City of Saint Paul, Hon. John J. McDonough, Mayor, by the Board of Freeholders appointed by the Judges of the District Court of the Second Judicial District of said State, under and pursuant to the Constitution and laws of the State of Minnesota, was submitted to the qualified voters of said City of Saint Paul, Minnesota, at a special election held in said City on Tuesday, April 15, 1947, at which said election there were cast in favor of said amendment 28,025 votes out of a total vote of 43,953 votes actually cast and counted on the proposed amendment, and said amendment received votes in favor of the adoption and ratification thereof of more than three-fifths of the qualified voters voting at said special election. That all of the votes cast by the qualified voters and electors at said election upon the subject of the adoption and ratification of said amendment were duly returned and canvassed by the properly and duly authorized and official canvassing board of said City, and that said canvassing board, after such canvass, duly declared said amendment to have been duly ratified and adopted by the electors of said City; and it is hereby declared and certified that said amendment was duly and properly ratified and adopted by the qualified voters and electors of said City at said election.

Witness our hands and corporate seal this 28th day of April, 1947.

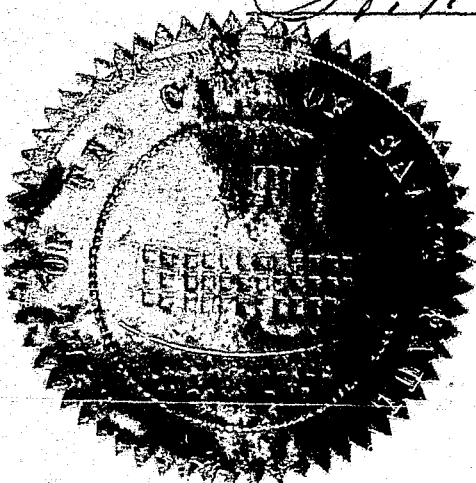
Fred M. L. Max

Acting Mayor of the City of Saint Paul

Attest

H. T. Connell

City Clerk



10195
STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
APR 28 1947

W. H. H. H. H.
Secretary of State.