412.341 COMMISSION; MEMBERSHIP, ORGANIZATION.

Subdivision 1. **Membership.** (a) The commission shall consist of three, five, or seven members appointed by the council. No more than one member may be chosen from the council membership for a commission with three members, and no more than two members may be chosen from the council membership for a commission with five or seven members. Except for the terms of members appointed to the initial commission as provided in paragraph (b), each member shall serve for a term of three years and until a successor is appointed and qualified. Residence shall not be a qualification for membership on the commission unless the council so provides. A vacancy shall be filled by the council for the unexpired term.

(b) The members appointed to the initial commission after its establishment under section 412.331 shall serve the following terms:

(1) if the initial commission consists of three members, one member shall serve for a term of one year, one member for a term of two years, and one member for a term of three years;

(2) if the initial commission consists of five members, one member shall serve for a term of one year, two members for a term of two years, and two members for a term of three years; or

(3) if the initial commission consists of seven members, two members shall serve for a term of one year, two members for a term of two years, and three members for a term of three years.

Subd. 2. **Rules; officers, salary.** The commission shall adopt rules for its own proceedings which shall provide among other things for at least one regular meeting by the commission each month. It shall annually choose a president from among its own members. It shall also appoint a secretary for an indefinite term. The secretary need not be a member of the commission and may be the city clerk. No member of the commission shall receive a salary except as fixed by the council. The secretary shall receive a salary fixed by the commission.

Subd. 3. **Change in membership; procedures.** (a) The number of commission members may be increased or decreased by ordinance within the permitted number of commissioner members as provided in subdivision 1, paragraph (a). The ordinance modifying the number of commission members must include a provision for maintaining staggered terms for commission members, provided that if the number of members is reduced, the reduction must be effected in such a manner that all incumbent members are permitted to serve their full terms. An ordinance adopted under this subdivision must not be effective until at least 45 days after its adoption.

(b) An ordinance modifying the size of the commission shall not take effect and the question of whether to modify the size of the commission must be placed on the ballot at the next general or special election if: (1) within 45 days of the ordinance's adoption by the city council, a petition is filed with the city clerk requesting that a referendum be held on modifying the size of the commission; and (2) the petition is signed by a number of eligible voters equal to at least 15 percent of the number of electors voting at the most recent general election. The ballot question shall be substantially stated as follows:

"Shall the size of the public utilities commission be reduced (increased) from ..... members to ..... members?"

The question shall be followed by the words "Yes" and "No" with an appropriate oval or similar target shape before each in which a voter may record a choice. If a majority of the votes cast on the question are in favor of modifying the size of the commission, the ordinance shall be considered approved and shall be effective

immediately. If the majority of votes cast on the question are against modifying the size of the commission, the ordinance shall not take effect.

History: *1949 c 119 s 44; 1951 c 378 s 12; 1973 c 123 art 2 s 1 subd 2; 1986 c 444; 2025 c 39 art 6 s 11,12; 2026 c 128 art 4 s 6*