



MEMORANDUM
VIA EMAIL TRANSMITTAL

TO:
CC:
FROM: Pamela Whitmore, City Attorney
DATE: October 12, 2023
RE: City of Marshall Youth Advisory Council

The City of Marshall would like to establish a Youth Advisory Council (YAC). City leadership would like to know:

1. Have other jurisdictions established YACs?
2. What is the proper procedure for establishing a YAC;
3. What issues should city leaders consider when establishing a YAC; and
4. Does the City Attorney have recommendations for establishing a YAC?

Each question is addressed below.

1. Youth Advisory Councils (YACs) in other Jurisdictions

There are several jurisdictions across the state that have YACs in some form. Some councils/committees are related to specific topics or initiatives, and some operate in a general advisory capacity for multiple initiatives/subject areas. Also, some are more formal than others. See below for a summary list. See also Attachment A which provides a more detailed description of each council/commission/board and their websites.

A. STATE OF MINNESOTA

Minnesota Youth Council: “a collaborative of youth leaders that mobilize their fellow middle and high school peers across the state to create equitable systems through youth-led outreach, education, and advocacy.”

B. COUNTIES

1) Hennepin County

Youth Justice Council – Youth Advisory Board Subcommittee: “The youth justice council promotes community safety and produces positive outcomes for youth, their families, and communities.” The Youth Advisory Board is a subcommittee of the general membership.

2) Ramsey County

Youth Advisory Council: “The Youth Advisory Council aims to advise Ramsey County leadership on and transform Youth Justice Transformation policies, programs, and initiatives that impact youth and young adults (13-26 years old) throughout Ramsey County.”

C. CITIES

1) **City of Saint Paul:**

Saint Paul Youth Commission: “The Saint Paul Youth Commission is where young people learn to enhance their civic leadership, work in partnership with elected officials and stakeholders, represent their peers, and advocate for youth voice in decision making.

2) **Northfield**

Mayor’s Youth Council: “Comprised of 15 local youth, the Mayor's Youth Council seeks to assure youth input into civic affairs and works on initiatives to positively impact local young people.”

3) **Lakeville**

Youth Advisory Commission: “The purpose of the Lakeville Youth Advisory Commission is to serve as an advisory body to the Lakeville City Council.”

4) **Rosemount**

Youth Advisory Council: “The Rosemount Youth Commission was created by the City Council in 2009 to give the community's young people a voice in the operation of their City.”

D. QUASI-GOVERNMENTAL OR OTHER AGENCIES

1) **Minneapolis Parks & Recreation Board**

Youth Advisory Council: “Youth Council members are involved in project focused, youth-led discussions and strategies to provide feedback on MPRB programming and processes.”

2) **Saint Paul Public Housing Authority**

Youth Advisory Council (In Development): “The Council will be made up of youth living at PHA multi-family developments. This is an opportunity to offer input into PHA programming.”

2. Establishing a Youth Advisory Council

There are two clear paths to establishing a Youth Advisory Council in the City of Marshall. The procedure for establishing a YAC will depend on entity structure. If city leadership wants to create a formal Youth Commission, the procedures for so doing are outlined in the Marshall City Charter. Alternatively, if city leadership wants to create an informal YAC, such as forming a subcommittee of an existing commission, the procedures will follow the Commission rules and procedures in Chapter 2 Article VI of the Marshall Administrative Code.

A. FORMAL CITY YOUTH COMMISSION/COUNCIL

The Marshall City Charter give explicit direction regarding how the City Council can establish Boards or Commissions of the City: “The Council, by ordinance may establish, regulate, and abolish any board, commission, or administrative body which it may determine to be necessary or desirable. Every board, commission, and body shall possess only that power and authority which the City Council grants and will function as advisory or independent agency as determined by the Council.” *Chapter 2, Section 2.02 of the Marshall City Charter.*

If the city leadership wants to establish an official Youth Commission analogous to the existing city commissions, the City Council should follow the standard process of ordinance development, drafting, and finalization before submitting the ordinance for a vote to the full City Council. The Council must follow the ordinance procedures codified in Chapter 3 of the Marshall City Charter; Sections 3.06-.08 summarized here:

- 3) “Yes” and “No” votes shall be recorded;
- 4) An Affirmative vote of a quorum of the Council is required for passage;
- 5) The ordinance must be in writing and include the required enacting language;
- 6) A non-emergency ordinance may not be passed at the same meeting at which it is introduced;
- 7) At least three (3) days shall elapse between introduction and final passage;
- 8) The ordinance shall be signed by the Mayor, or City Council President in the Mayor’s absence, attested, filed, and preserved by the City Clerk; and
- 9) The ordinance must be published in the official newspaper.

The ordinance should mirror existing commission enabling ordinances outlining the purpose, membership, and duties/responsibilities of the commission. Commission operation will be pursuant to Marshall Administrative Code Chapter 2, Article VI.

B. INFORMAL YOUTH ADVISORY COUNCIL

If the city leadership wants to create a Youth Advisory Council as a subcommittee of an existing commission, leadership should review the enabling legislation of each Commission. Each Commission ordinance outlines the commission’s purpose, duties and/or responsibilities, among other items. If the existing commission is authorized to create committees, that commission could establish a Youth Advisory Council pursuant to that Commission ordinance and Chapter 2, Article VI of the Marshall Administrative Code. Chapter 2, Article VI, Section 2-142 outlines the procedures for Commission operations.¹ Any subcommittee of a city commission would be subject to the codified procedural requirements.

3. Considerations

In general, applicable laws, regulations, and policy considerations will depend on the design and scope of the Youth Commission. However, below are some high-level considerations for leadership review:

- A. AGE OF YOUTH PARTICIPANTS: Minnesota Child Labor laws do not allow minors below the age of 14 to be employed. “Employment means any occupation engaged in for compensation in money or other valuable consideration, whether paid to the minor or to some other person, including, but not limited to, occupation as a servant, agent, or independent contractor.” *Minnesota Statutes Section 181A.03*. Although labor laws generally do not apply to volunteers, and although Commissioners may not be employed by the city as outlined in the city Charter, leadership should be cognizant of any transactions that could appear to create an employment relationship between the city and the youth participant to avoid any dispute. In addition, it’s a prudent policy practice to mirror existing child labor laws.

¹ Chapter 2, Article VI, Section 2-142 outlines the purpose of commissions, it requires that: (i) prospective commission members apply for a position; (ii) the Mayor and Council review the applications; and (iii) the applicants must be interviewed. Section 2-142 also outlines commissioner terms, employment status, residency requirements, remuneration, and removal.

- B. TIME OF MEETINGS: In creating the Youth Advisory Council, leadership should be aware of the time of meetings. Minn. State. §181A.04 does not allow anyone under the age of 16 to work past 9 PM.²
- C. PARENTAL/INFORMED CONSENT: Parental consent may or may not be required by law depending on the structure and scope of the Youth Advisory Council. However, parental consent and involvement should be a policy consideration when designing the make-up and charge of the YAC.
- D. DATA PRIVACY: Data Practice issues could arise depending on the type of data collected from the youth participants.
- E. CAPACITY ISSUES: If leadership wants to or inadvertently creates a contractual relationship between a minor and the city, the age of majority in Minnesota is 18. Minors may not enter into contractual relationships.
- F. IMAGE AND LIKENESS ISSUES: This is related to the above-mentioned consent issue. Generally, minors are allowed to be photographed in public without their or their parent's consent. It is based on whether the individual has a reasonable expectation of privacy in the location where they are being photographed. However, policy makers should also weigh the parent's interest and the age of the youth when engaging in this topic.
- G. WAIVERS OF LIABILITY/PERMISSION SLIPS: Depending on the types of activities in which the youth will participate on the YAC (i.e., field trips, labor intensive activities, etc.), city leaders may want to consider issuing permission slips and/or liability waivers to the youths and/or their parents.

4. Recommendations

As the city develops this YAC, the City Attorney will be able to assist in narrowing the potential legal issues. In general, the City Attorney recommends the following:

- A. CAREFULLY DEFINE THE SCOPE OF THE YAC'S PURPOSE: This will mitigate exposure to controversial issues that may arise in discussion and problem solving.
- B. LIMIT THE AGE RANGE OF YOUTH MEMBERSHIP: This will help leadership avoid any concerns about youth working times and age limits.
- C. ENGAGE WITH PARENTS/GUARDIANS: Issue consent forms and waivers of liability to provide notice to parents/guardians and avoid disputes, especially when many topics cities consider may be upsetting to some parents. This will also be important if YAC scope is broad.
- D. DON'T COLLECT UNNECESSARY DATA: Avoid collecting data that is unrelated to the Youth's practical participation in the YAC, and issue Tennessee Warnings to the Youth and/or parents.
- E. DON'T ENTER CONTRACTS OF ANY TYPE WITH MINORS: If a contract is necessary for some reason, gain the consent of the parent or guardian beforehand. Also, review city contracting requirements prior to entering into any agreement.
- F. OBTAIN PHOTO RELEASES: If it is necessary to take photos of the YAC members, gain their consent, and the consent of the parent/guardian if the youth is under 18.

² Minn. Stat. §181A applies to employment, not volunteer work. However, it is prudent policy to align with state laws on the matter as best as practicable.