

RAMSEY COUNTY CHARTER COMMISSION AGENDA

Monday, May 6, 2024 6 p.m. – 8 p.m.

Ramsey County Libraries - Maplewood, Community Program Room
3025 Southlawn Drive, Maplewood, Minnesota 55109

1. Call to Order
2. Roll Call
3. Approval of May 6, 2024 Agenda
4. Approval of February 5, 2024 Minutes
5. New Business
 - a. Welcome and Introductions
 - Jo Emerson – District 7
 - Stacey D’Andrea – Assistant County Attorney, Ramsey County Attorney’s Office
 - b. Updates on Requested Opinion of the Attorney General
 - Presented by Rachel Tierney, Attorney, Kennedy and Graven
 - c. Presentation: Ramsey County Parks and Recreation – No Net Loss Charter Provision
 - Presented by Mark McCabe, Director, Ramsey County Parks and Recreation
6. Committee Reports
 - a. Chair Reports – Chair Haas
 - b. Budget Committee Reports – Chair Matthew Emerson
 - c. Charter Review Committee Report – Co-Chair Matthew Emerson and Gene Nichols
 - d. Nomination Committee Report – Chair Gene Nichols
7. Citizen’s Input (7:30 p.m.)
8. Future Agenda Item
 - a. Charter Amendment Process for City Charter and County Charter
9. Adjournment
10. Meeting Dates and Location for 2024
 - a. August 5, 2024 – Highland Park Library, 2nd Floor - Community Room
 - b. October 21, 2024 – Roseville Library, Community Program Room

Attachments:

- February 5, 2024 Minutes
- Attorney General Opinion
- Rachael Tierney - Kennedy & Graven Memo
- Ramsey County Parks and Recreation Presentation – No Net Loss Charter Provision

RAMSEY COUNTY CHARTER COMMISSION MINUTES

Monday February 5, 2024 6 p.m. – 8 p.m.
Plato Conference Center, 90 Plato Blvd West, Saint Paul, MN 55107

1. Call to Order: Chair Nancy Haas called the meeting to order at 6:06 p.m.
2. Roll Call Attendance: Completed by Jason Yang

District	Charter Commission Member	Present	Excused	Unexcused
1	Ann Maslansky-Takahashi	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1	Eugene (Gene) M. Nichols	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2	Lisa M. Laliberte – Vice Chair	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	John Niedfeldt-Thomas	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Nancy Haas - Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Prince Corbett	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Bethany Winkels	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	William (Bill) A. Lindeke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5	Jazmin Glaser-Kelly	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Gloria Bogen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Hoang Murphy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Matthew S. Emerson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7	Jo Emerson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	William (Bill) Kempe	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
At Large	Angela (Angie) Thies	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
At Large	Jonathan (Jon) Schumacher	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At Large	Allen E. Hoppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Guests:

Also Present:

James Mogen, Assistant County Attorney
Ramsey County Attorney's Office
Jason Yang, Planning Specialist,
Ramsey County Manager's Office

3. Approval of February 5, 2024 Agenda: Motioned by Bethany Winkels, and seconded by Allen Hoppe. Unanimously approved by all members present.
4. Approval of the October 16, 2023 Minutes: Motioned by Gloria Bogen and seconded by Bethany Winkels. Unanimously approved by all members present.

5. New Business
 - a. Welcome and Introductions
 - b. Workshop: Training and Orientation for Charter Commission Members
 - i. Presented by Chair Nancy Haas and County Attorney James Mogen
 - ii. James Mogen provided an overview of Open Meeting Laws, Parliamentary Procedures, the by-laws and purpose of the Charter Commission which include:
 1. Periodically review the Home Rule Charter
 2. Propose amendments to the Home Rule Charter and if approved by Charter Commission, amendments are put on an election ballot
 3. Review Ramsey County proposed budget and provide input
 4. Review proposed changes to an ordinance if the Ramsey County Board of Commissioner
 - iii. Chair Haas provided an overview of roles and responsibilities of the Charter Commission members, including how to opt-in for compensation.
 - c. Updated Request for Opinion of the Attorney General
 - i. Chair Haas provided an overview of the request that was submitted to her during the summer of 2023, then provided an update on the requested opinion of the Attorney General.
 1. Members also asked clarifying questions, but will there was no discussion until Rachel Tierney hears back from the Attorney General.
6. Citizen Input (7:30 p.m.)
 - a. None for input.
7. Committee Reports
 - a. Chair Reports – Chair Nancy Haas
 - i. Recommended each committee to develop a workplan for 2024 and to develop a proposed workplan for 2025.
 - b. Budget Committee Report – Chair Matthew Emerson
 - i. Members: Angie, Gloria, Bethany, Ann
 - ii. No new updates, committee members had an opportunity to reflect on the budget letter submitted for the 2024-2025 Ramsey County Proposed Budget and Tax Levy.
 - c. Charter Review Committee Report – Co-Chairs Matthew Emerson and Eugene Nichols
 - i. Members: Bethany,
 - ii. Members discussed new ideas for review committee:
 1. Review city-based Home Rule Charters to provide better clarity for Ramsey County’s Home Rule Charter.
 - iii. Meeting cadence is in June
 - d. Nomination Committee Report – Chair Eugene Nichols
 - i. Members: Ann,
 - ii. Members discussed the timeline for the electing the new Chair and Vice-Chair in October 2025.

8. Meeting Dates and Location for 2024
 - a. May 6, 2024 – Maplewood Library, Community Program Room
 - b. August 5, 2024 – Highland Park Library, 2nd Floor - Community Room
 - c. October 21, 2024 – Roseville Library, Community Program Room
9. Future Agenda Item
 - a. Review the petitions process for amendments between city charters and county charter.
10. Adjournment
 - a. Chair Nancy Haas adjourned the meeting at 7:51 p.m.

Next Meeting: Monday May 6, 2024 6 p.m. – 8 p.m.
Maplewood Library, Community Program Room
3025 Southlawn Drive, Maplewood, Minnesota 55109

DRAFT

VILLAGES: ORDINANCES: PUBLICATION: Zoning map is integral part of zoning ordinance. Village zoning ordinance and zoning map must be published together before ordinance becomes effective.

September 20, 1962

Handwritten initials and scribbles

Honorable Harold S. Nelson
Village Attorney
Village of Medford
Parrott Building
Owatonna, Minnesota

477 b-34

Dear Mr. Nelson:

In your letter to Attorney General Walter F. Mondale you submit the following statement of

FACTS:

A zoning ordinance has been prepared for adoption by the council of the village of Medford. The proposed ordinance provides that the boundaries of the various districts are delineated on a map on file in the village hall which is entitled "the zoning map of Medford, Minnesota" and bears the signatures of the mayor and the village clerk.

QUESTIONS:

1. Is it necessary to publish the zoning map with the ordinance, or is publication of the ordinance expressly incorporating the zoning map by reference sufficient?
2. If the zoning map must be published, is it necessary to publish the zoning map with the ordinance, or is separate publication of the zoning map subsequent to publication of the ordinance sufficient?

OPINION

Minn. Stat. 1961, Sec. 412.221, subd. 29, and Sec. 462.01 empower the council of a village to adopt zoning ordinances. Minn.

Hon. Harold S. Nelson --2

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Stat. 1961, Sec. 412.831 directs the village council to designate a "legal newspaper of general circulation in the village as its official newspaper, in which shall be published such ordinances and other matters as are required by law to be so published ***." Minn. Stat. 1961, Sec. 412.191, subd. 4 provides, "Every ordinance shall be *** published *** in the official newspaper.***" An ordinance does not become operative until it is duly adopted and published. Union Public Service Co. v. Village of Minnesota, 212 Minn. 92, 2 N.W. (2d) 555 (1942); Ops. Atty. Gen. 484E-2, December 21, 1951, 441H, July 11, 1950.

A zoning map is such an integral and essential part of a zoning ordinance that failure to publish the zoning map will invalidate the zoning ordinance. Village of Durand v. Love, 254 Mich. 538, 236 N.W. 855 (1931); Op. Atty. Gen. 59A-32, January 6, 1949, copy of which is enclosed. See also W. H. Barber Co. v. City of Minneapolis, 227 Minn. 77, 34 N.W. (2d) 710 (1948).

Minn. Stat. 1961, Sec. 471.62 authorizes a village to "incorporate in an ordinance by reference any statute of Minnesota, any administrative rule or regulation of any department of the state of Minnesota affecting the municipality, or any code. *** All requirements of statutes *** for the publication *** of ordinances shall be satisfied in such case if the ordinance *** is published *** in the required manner and if, prior to such *** publication, at least three copies of the ordinance or code are marked as official copies and filed for use and examination by the public in the office

Hon. Harold S. Nelson --3

September 20, 1962

of the municipal clerk or recorder. Provisions of the statute, rule, regulation, ordinance or code thus incorporated in such ordinance by reference shall be as much a part of the ordinance as if they had been set out in full therein. *** The term 'code' as used herein means any compilation of regulations or standards or part thereof prepared by any governmental agency or any trade or professional association for general distribution in printed form as a standard or model on the subject of building construction, plumbing, electric wiring, inflammable liquids, sanitary provisions, public health, safety, or welfare." A zoning map is not a "code" within the meaning of Minn. Stat. 1961, Sec. 471.62. Op. Atty. Gen. 88A-32, January 6, 1949. Accordingly, Minn. Stat. 1961, Sec. 471.62 does not authorize publication of a zoning ordinance incorporating by reference a zoning map.

We are of the opinion that separate publication of the zoning map subsequent to publication of the ordinance is insufficient publication within the meaning of Minn. Stat. 1961, Sec. 412.191, subd. 4. The requirement of publication is designed to furnish reasonable notice to the residents of the village. Publication on separate occasions of integral parts of an ordinance would not tend to afford reasonable notice to residents of the village.

Very truly yours

WALTER F. MONDALE
Attorney General

ROBERT A. ALBRECHT
Special Assistant
Attorney General

RAA:MR
Enc.



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May 2, 2024

VIA EMAIL ONLY

Nancy Haas, Chair
Ramsey County Charter Commission
15 West Kellogg Boulevard
Saint Paul, MN 55102

Re: Attorney General Opinion Regarding Petition Signatures

Dear Chair Haas and Ramsey County Charter Commissioners:

The purpose of this letter is to provide an update on the status of the request for an opinion from the Office of the Minnesota Attorney General regarding the number of signatures needed on a petition to amend the Ramsey County Charter (“Charter”).

As you know, my role as legal advisor to Ramsey County (the “County”) is to provide advice to the Charter Commission (“Commission”) related to the proposed amendment to Charter that was sent to the Commission by Ramsey County Sheriff Bob Fletcher. The County Attorney’s Office decided to use an outside attorney to provide legal advice to the Commission on this issue to avoid any appearance that the legal advice was biased given that the County Attorney represents the Ramsey County Board of Commissioners (“County Board”), the County Manager, and the County Sheriff.

In June 2023, Sheriff Fletcher notified the County and the Commission that a committee had been formed (the “Committee”) to circulate a petition to change how the county manager is chosen. The petition seeks to amend the Charter so that the county manager would no longer be appointed by the County Board, but rather would be an elected position. The Committee asked the Commission to identify the number of signatures required to present the amendment to voters for approval.

At the Commission meetings on August 7, 2023 and October 16, 2023 the Commission discussed certain legal questions related to applying Minnesota Statutes, section 375A, et seq. (“375A”) entitled “Optional Forms of County Government,” to the County. 375A enumerates several “plans” including both an elected executive plan and a county manager plan (appointed by a county board), outlines job duties such officials, and regulates the election process counties must follow to change from one plan to another.

The Charter and 375A include two different thresholds for determining the number of signatures required to call an election on the question:

- (1) Charter § 11.02 requires a petition of five percent of the number of voters registered as of the last previous state general election – which amounts to 15,740 signatures.

- (2) 375A requires a petition of five percent of the electors voting at the last previous election for the office of governor – which amounts to 10,904 signatures.

The Commission must resolve this conflict to determine the required number of signatures.

Ramsey County is the only home rule charter county in Minnesota. Unlike cities, no statute regulates county charter amendments. The statute permitting the County to become a home rule charter county, Minn. Stat. §§ 383A.551-383A.556 (the “Authorizing Statute”), is silent on whether 375A applies to the County, and there are no cases discussing whether 375A applies to the County. To resolve such an inconsistency, the legislature requires that “the attorney general on application shall give an opinion, in writing, to county ... attorneys on questions of public importance.” Minn. Stat. § 8.07. While attorney general opinions are not binding on courts, and are not judicial determinations, such opinion are a safeguard for state and county officers. Op. Atty. Gen., 629-A, May 21, 1945. In addition, the Minnesota Supreme Court has said that such opinions are “entitled to careful consideration” by courts. *Village of Blaine v. Independent School Dist. No. 12, Anoka County*, 138 N.W.2d 32, 39 (Minn. 1965).

On October 16, 2023, you requested that I seek an attorney general opinion. The attorney general opinion (“Opinion”) is included with this letter. In short, the Opinion determines that 375A does not apply to the County and that Charter dictates the number of signatures required to amend it.

While the request was limited to the question of the required number of signatures, the Opinion supports the conclusion that the County is not bound by 375A. The Opinion analyzes the Authorizing Statute and explains that the Authorizing Statute permits the charter to create “any form of government consistent with the Constitution of the State of Minnesota,” and establish “functions to be assumed by new elective or appointive officers.” Further, the Opinion explains that, although “the last paragraph of section 383A.554 delineates certain other statutes that continue to apply to Ramsey County . . . 375A is absent from this list”. Finally, the Opinion quotes *American Elec. Co. v. City of Waseca*, 113 N.W. 899, 901 (Minn. 1907):

[T]he provision of home rule charters upon all subjects proper for municipal regulation prevail over the General Statutes related to the same subject-matter, except in those cases where the charter contravenes the public policy of the state ... and in those instances where the Legislature expressly declares that a general law shall prevail.

For these reasons, it is my opinion that the provisions of 375A do not apply to Committee-proposed amendment to the Charter. I recommend that the Commission inform the Committee that the petition requesting the proposed Charter amendment must contain at least 15,740 signatures in order for the proposed charter amendment to be presented to voters for approval at an election.

Assuming that a petition is received, the Charter authorizes the Commission to verify that the petition contains the correct number of signatures. The Charter does not establish the general protocols for reviewing a charter amendment petition, but the Minnesota Secretary of State has established rules related to the process a unit of government must follow for any petition required for any election. Minnesota Rules, part 8205.1050, requires that the County complete verification no later than 10 working days after the petition is filed. Given that the Charter is silent on the timing issue, I recommend following the state guideline. To abide by that guideline, the Commission must schedule a meeting 10 days after receipt of the petition so the Commission can declare whether the petition is sufficient.

The Charter calls for the election on an amendment to be held at the next general election, which, of course, is November 5, 2024. Before a question makes it on the ballot, it needs a title and a question. The title must be 10 words or less and approved by the “jurisdiction’s legal counsel”. Minn. R. 8250.1810, Subp. 10. The question itself must clearly state the issue and be written in language the average voter can understand. Given the way the proposed amendment is structured, with removal and addition of language in both sections, I do not recommend including the full text of the proposed amendment on the ballot itself. Unlike City Charter amendments, there is nothing in state law (or the Charter) that identifies who needs to approve the ballot language – either the Charter Commission or the County Board. Given the lack of guidance, in my opinion, the safest route would be to have both entities approve the language. Logistically, it likely makes the most sense for the Charter Commission to approve the language first, and then have it re-approved by the board.

Finally, the Commission has the time it needs to perform this function within the election timeline. Since election day is November 5, 2024, notice must be given to the county auditor of the ballot title and question no later than August 23, 2024 (which is 74 days before the election). If it follows the traditional schedule, the Charter Commission will meet on August 5th. That would be the ideal time to adopt the ballot language and would allow enough time for the county board to approve as well and still meet the August 23rd deadline to provide notice to the County Auditor.

Please feel free to reach out with any additional questions.

Very truly yours,

KENNEDY & GRAVEN, CHARTERED

/s/ Rachel G. Tierney

Rachel G. Tierney



No Net Loss – Establishing a Baseline of Parkland Acreage

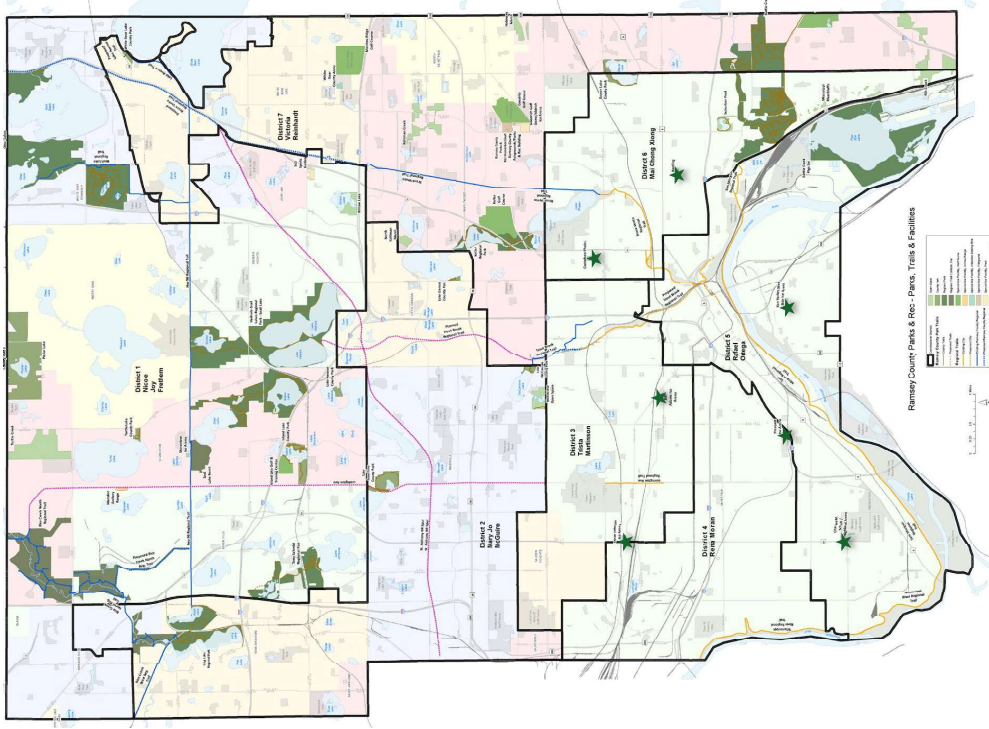
Parks & Recreation

May 6, 2024

Agenda

- Provide the Charter Commission Members a background regarding the No Net Loss Charter Provision.
- Share challenges of not having an established baseline acreage to peg the “no net loss” of parkland to.
- Communicate proposed next steps in the process to establish a baseline acreage of parkland.
- Listen to any feedback and recommendations from the Charter Commission Members.

Ramsey County Parkland



Home Rule Charter Language

- In 1992 The Ramsey County Home Rule Charter stated in section 2.02 sub.K, that **the Ramsey County Board of Commissioners has powers to “To sell, lease or otherwise dispose of park property upon such terms as it considers best in the public interest.** In the event the intended use is not consistent with park purposes, before disposal of any real property for such inconsistent use, the county board shall hold a public hearing as to the intended use of the property, after first providing at least twenty days written notice of the hearing date to the municipality in which the property is located and to all owners of land within 1,000 feet of the real property to be disposed.
- **In 1994 the Charter was amended to include the following language** “Before the sale, lease or disposal of park property for any inconsistent use, **the county board shall adopt, by resolution, a policy providing for no net loss of park, recreational or open space land and facilities.** At a minimum, the policy shall provide that park, recreational and open space land acquired for such purposes may not be converted to another use unless such land and recreational facilities are replaced in an equivalent amount and of similar quality.”

Ramsey County No Net Loss Policy

- On March 23, 1993, the County Board adopted a no net loss policy by, Resolution 93-201, that “Land acquired for Park and open space purposes shall be used solely for that purpose. Conversion of park and open space land to other public or private uses will not be considered unless no other reasonable alternative exists, or said property was **determined to be surplus at the time of acquisition**. Where in the interest of the public and no other reasonable alternative exists, park and open space land may be converted to another use provided such land and recreational facilities are replaced in an equivalent amount, in comparable location and of similar quality.”

Parks & Recreation Vision

- Parks & Recreation is working to create a “dynamic, community-centered system that provides opportunities for our ever-changing community to engage with inclusive and welcoming parks and recreation sites and programming”.
- In order to execute on this vision, Parks & Recreation needs the ability to be strategic in the acquisition of future parkland as well as disposal of non-performing assets to best serve the community and operate within the confines of available operating resources.

Challenges with Acquisition and Disposal of Parkland

- Since the policy did not list the amount of parkland, there is no reference point to determine whether or not a “surplus” of parkland exists. This creates a variety of challenges.
 - Because there is not a baseline amount of parkland and there are limited resources to be able to adequately maintain the inventory of parkland, county leadership is hesitant to acquire additional parkland that may have recreational value for residents.
 - When situations for the disposal of parkland present themselves, such as the transfer of parkland to another agency for a similar purpose, county leadership often doesn't pursue this as they don't want to violate the No Net Loss Charter Provision.

Establishing a Baseline of Parkland Acreage

- Through reviewing the 1994 Ramsey County System Plan staff were able to determine there were roughly 6,175 acres of parkland at the time that the Home Rule Charter provision was amended.
- Utilizing mapping software and after completing an inventory of parkland including lands transferred in and out of the Ramsey County Parks & Recreation system since 1994, staff were able to determine that the current parkland acreage is 6,412 acres.
- The recommendations is that a baseline of 6,385 acres of parkland be established as the amount of land that there can be no net loss of.

Proposed Next Steps

- Parks & Recreation staff would prepare a request for board action to establish the baseline amount of 6,385 acres parkland and seek the approval of the board.
- Once approved, Parks & Recreation staff in partnership with community would be in a position to think and act more strategically when opportunities to acquire parkland for public benefit or divest of non-performing parkland while maintaining the no net loss of 6,385 acres of parkland.

Feedback & Discussion