

RAMSEY COUNTY CHARTER COMMISSION

Agenda of Tuesday, January 19, 2021 – 7 PM

Pursuant to Minnesota Statutes § § 13D.021 and 13D.04, subd. 3, Chief Legal Counsel of Ramsey County has determined that an in-person meeting is not practical or prudent because of the COVID-19 pandemic. Charter Commission members will participate online via Zoom by telephone or other electronic means. Public participation is available online via Zoom with live access to the meeting at <https://www.ramseycounty.us/your-government/leadership/charter-commission/charter-commission-agendas-and-minutes>. The video recording of the meeting will be posted at the link noted above.

WORKSHOP AGENDA

1. Call to Order
2. ROLL CALL Attendance
3. Approval of January 19, 2021 Agenda
4. Workshop: Training and Orientation for Charter Commission Members
Presentation by County Attorney Jim Mogen (3 Attachments)
 - A. Charter Commission overview and duties
 - B. Basics of the Open Meeting Law
 - C. Basics of Parliamentary Procedures
5. Adjournment

Next Meeting: Monday, February 1, 2021 – 7 PM

Virtual Zoom meeting for Charter Commission members, staff, and the public.

Attachments:

- Charter Commission Home Rule Charter Overview
- Charter Commission Bylaws
- Charter Commission Roles and Responsibilities

RAMSEY COUNTY HOME RULE CHARTER OVERVIEW

INTRODUCTION

The Ramsey County Home Rule Charter was presented to the citizens of Ramsey County and on November 6, 1990, Ramsey County voters adopted Minnesota's first county home rule charter. Following a two-year enactment period, the Ramsey County Home Rule Charter became effective November 6, 1992.

CONSTITUTIONAL AUTHORITY

In 1974, Minnesota's Constitution was restructured and amended, and language regarding home rule charters was moved to Article XII, section four. This section now allows any local governmental unit, when authorized by state law, to adopt a Home Rule Charter.

Adoption of a home rule charter is a complex process that involves the state legislature, a charter commission, local government officials, legal counsel, and the county electorate. Enabling legislation is the first step toward giving a county authority to create a home rule charter.

RAMSEY COUNTY ENABLING LEGISLATION

In May 1987, the Minnesota Legislature approved Chapter 103 of the Laws of Minnesota 1987. (Minnesota Statutes Chapter 383A.551, Ramsey County; Charter Commission; 383A.552, Charter Commission; Nominations and Appointments; 383A.553, Charter Commission; Terms; Chair; Expenses and Administration; and 383A.554, Powers and Duties). This special law related solely to Ramsey County and provided for a charter commission to recommend a home rule form of county government and provided for its adoption. This legislation is referred to as the *enabling legislation providing for a Ramsey County Home Rule Charter*. Ramsey County was chosen for this pilot program by the legislature rather than going state-wide with the idea. Ramsey County is a fully developed county with very little unincorporated land and has been a pioneer in other areas as well. The legislation was amended in 1989 to allow a county charter to be adopted by the same majority vote that city charters are adopted. Both of these special laws were approved by the Ramsey County Board of Commissioners.

This enabling legislation stated "Within 30 days of the effective date of this act the Ramsey County legislative delegation shall nominate 41 persons as candidates for appointment to a charter commission to frame a charter to provide for the form of government for Ramsey County." It also stated "Within 30 days of the selection of nominees the judges of the second judicial district shall appoint the charter commission of 17 members consisting of two appointees for each county commissioner district selected from those nominated from each county commissioner district and three appointees from those nominated at large to serve at large." Members of the first Ramsey County Charter Commission were to serve in a volunteer capacity and hold office until a final report had been made to the Ramsey County Board of Commissioners.

Chapter 103 also states that "Before December 31, 1988, the charter commission shall deliver to the board of county commissioners either (1) its report determining that the present form of county government is adequate for the county and that a charter is not necessary or desirable, or (2) a draft of a proposed charter." Also included was language stating "The proposed charter may provide for any form of government consistent with the constitution of the State of Minnesota."

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WHAT IS A HOME RULE CHARTER?

(Source: *County Home Rule Comes to Minnesota* by Michele Timmons, Judy Grant, Teri Popp, and Heidi Westby, published in the William Mitchell Law Review Volume 19, No. 4 (1993))

Home Rule is a state constitutional provision or legislative action providing city or county government with a greater measure of self-government. The basic document used to carry on the function of home rule is the home rule charter. The charter becomes the constitution for local government.

THE CHARTER COMMISSION BEGINS ITS DISCUSSION AND REVIEW PROCESS

(Source: Files of Ramsey County Charter Commission meetings held in 1988 and 1989)

The newly appointed 17-person Charter Commission began meeting in November 1987, to study and discuss the desirability of a Home Rule Charter for Ramsey County or to determine if the current form of government should be retained.

One of the earliest meetings included dialogue about each member's initial understanding and thoughts of the home rule charter form of government. Comments received from members included:

- I have no preconceived ideas of what a Home Rule Charter would include.
- The Board's power has decreased over time.
- The County is overburdened by mandates.
- How may a Charter take care of problems associated with capital improvement and infrastructure?
- There may be greater citizen understanding of County's roles.
- I have no expectations.
- The County needs flexibility and latitude to carry out its duties.
- There may be more effective accountability of delivery of services under a home rule form of government.

Discussion during future meetings included the following advantages of a Home Rule Charter:

- A charter confers broad powers on the local governmental unit.
- The charter gives a county great flexibility to deal effectively with local needs and desires and provides flexibility to choose alternative approaches. This flexibility may increase efficiency in both public service and resource management.
- The charter form of government makes counties more autonomous. State legislators do not need to be involved in day-to-day county operations. County officials are not required to go to legislature with some county-specific issues. Instead, home rule allows local action at the county level.
- The charter form of government may make county government more visible and responsive to the people.

Discussion included the following disadvantages of a charter form of government:

- The scope and extent of county home rule power are not always clear. While generally home rule gives a county board powers to legislate on matters of purely county concern, federal, state or city laws may preclude regulation of certain subject matter. As a result, resolution of each issue demands a case-by-case analysis.
- Possible loss of uniformity among charter units. Home Rule power entitles a county to shape county matters as it sees fit as long as the matter involves no discernible prevailing state or city interest.
- Home Rule government may allow for direct voter involvement in county government. A potential concern is that a small number of voters may try to influence county law and policy.
- It may be difficult to adopt, amend, and abandon a Home Rule Charter, as these processes take considerable time and effort.

APPROVAL BY THE CHARTER COMMISSION TO DRAFT A CHARTER

(Source: Executive Summary of the Draft Home Rule Charter for Ramsey County, dated September 14, 1989)

In August 1988, the Charter Commission voted to draft a charter for several reasons. County government has often been referred to as the invisible government and viewed as an agent or arm of the state. However, county government has many independent roles as well. A home rule charter would provide Ramsey County with government by the people and distinguish it from state legislative control. The overarching principle of the Charter Commission was “good government”. Commission members determined that a charter would:

- Enhance the visibility of Ramsey County government;
- Improve its responsiveness to Ramsey County citizens; and
- Increase the flexibility of Ramsey County government to respond to the changing needs of Ramsey County citizens.

INTENT OF THE MEMBERS OF THE CHARTER COMMISSION

(Source: **Position Papers** which explain the intent of the Ramsey County Charter Commission in drafting the Ramsey County Home Rule Charter, dated August 16, 1990)

During 1989 and early 1990, the Charter Commission drafted a proposed home rule charter. The charter was drafted “with the intent to make county government more visible and responsive to the residents of the county and to provide ways to make county government more flexible and efficient in addressing the needs of county residents.”

Under the charter, the county and municipal powers and duties would continue to be defined by state statute. The county would have all powers necessary or convenient to conduct the affairs of the county and could exercise these powers unless they were prohibited by state or federal constitutions or laws.

To enhance the visibility and responsiveness of Ramsey County government, the draft charter proposed to give Ramsey County citizens the powers of initiative, referendum and recall. In addition, more county board actions would require public hearings to allow citizen comments on issues like park land transfers and bonding projects.

MAJOR AREAS OF DISCUSSION AND DECISIONS

Several areas of the proposed Charter were controversial and garnered a considerable amount of discussion. Those included:

- Professional management form of government – The majority of Commission members felt strongly that the County should have a professional management form of government.
- Initiative, Referendum and Recall – To engage a greater sense of power by the people, Initiative, Referendum and Recall powers were discussed at great length and placed in the proposed charter. *Initiative* is the right to propose ordinances; *Referendum* is the right to require ordinances to be submitted to a vote of the people; and *Recall* is the ability to remove an elected official from office.

To increase the flexibility of Ramsey County government, the draft charter included the following:

Municipal Powers

Section 1.04 of the Ramsey County Home Rule Charter was drafted to protect the powers of municipalities. There was no intent on the part of the Charter Commission to transfer, alter or impair any existing function, duty, or power of any municipality or political subdivision within the county in any way.

Park Property

The disposal of park and open space property was controlled by state statute. The then Director of Parks and Recreation requested that the Charter specifically ban the sale, conveyance or disposal of park and open space land. The majority of Charter Commission members felt differently; they believed there may be unforeseen circumstances in the future regarding sale, lease, conveyance or disposal of these lands. Pursuant to Section 2.02 K of the Charter, the County Board has the power to sell, lease or otherwise dispose of park property upon such terms as it considers best in the public interest. This Section allows for transfer of park property by shifting the decision-making process from the state legislature to the county board and requires at least two public hearings. If the county board decides to proceed with the transfer, it must be done by ordinance.

In 1994, the electorate approved an amendment to this section of the Charter stating that the County Board shall adopt, by resolution, a policy requiring no net loss of park, recreational or open space land and facilities before it can convert county park or open space to other uses.

Professional County Management

Section 3.01 was drafted to require the county board to have professional management. The professional manager would continue to be hired or fired by a vote of four board members, but professional management for the county would be in place, unless amended by the Charter.

Section 3.02 A authorizes the county manager to appoint, review, transfer, suspend or remove all appointive department heads and the county manager's appointive staff. This separates the board from the administrative duties generally delegated to an executive officer. The board should make policy and the executive officer should manage the county business.

Ordinance Procedures

The Charter Commission wanted to open the decision making process to more public input. One way to encourage this was to have a greater number of topics be handled by ordinance that would require public hearings and be subject to possible referendum. The charter also strengthened the process to be followed prior to adoption of an ordinance, and allows for a referendum on ordinances.

Section 5.01 outlines the areas that would be subject to an ordinance, rather than a resolution. Among others, these areas include:

- Establish, structure, merge, or abolish any county department, office, agency, board or commission, except as provided for in this charter;
- Establish the annual salary for county board members;
- Authorize the bonding and borrowing of money;
- Authorize emergency appropriations;
- Convey or lease, or authorize the conveyance or lease of any park lands; and
- Propose amendments to the Home Rule Charter.

County-wide Service Delivery and Planning Activities

Chapter 6.00 added the responsibility for county-wide coordination of operational services and strategic planning to the powers and duties of the county board. Up to this time, any planning and coordination of service delivery was done on an individual department basis. The county would be required to invite local units of government to join with the county in discussing operational services and strategic planning. Review and updating of these plans is to be done as a joint cooperative effort between the county and local units of government.

Initiative, Referendum and Recall

Initiative is the right to propose ordinance. *Referendum* requires ordinances to be submitted to a vote. *Recall* is the process used to recall elected officials.

These processes provide people an opportunity to take a direct and active role in their democracy. Initiative and referendum also allows the people some degree of check and balance to the power of the elected officials. Chapter 8 of the Home Rule Charter includes a clause that restricts the use of the initiative and referendum processes to a manner consistent with the rights protected by the state and federal constitutions and laws. The original drafting of the Home Rule Charter included a thirty (30) day time period after the county board passed an ordinance before the ordinance became effective. This was changed to forty-five (45) days through an amendment to the Charter that was approved by the citizens on November 2, 2010.

Bonding

Section 9.05 of the Charter states that by ordinance, Ramsey County may issue general or special bonds, notes, obligations, or evidence of indebtedness for any authorized corporate purpose.

Prior to the Charter, Ramsey County, like all counties in the state, was required to go to the legislature for approval of bonding authority or obtain the approval of the majority of the voters in an election. Within the five year period from 1989 to 1994, the legislature established an optional program for counties to bond for capital improvements according to a formula set by state law.

In the second year into the program, the legislature changed the formula which resulted in a 35% reduction in the authorized bonding capability the county originally had. This had the effect of curtailing many of the upgrading and replacement projects scheduled for county roads and parks.

The Charter shifted management decisions on bonding from the legislature to the county and opened the process to increased citizen participation. The County is required to use an ordinance procedure for bonding; thus citizen input is expanded through public hearings and the referendum process.

The County's capital improvement plan would be a part of the county budget which requires public hearings prior to adoption.

Amending the Home Rule Charter

Chapter 11 of the Charter provides a process for amending the Charter. Amendments may be proposed by a charter commission or by a sufficient petition of five percent of the number of voters registered as of the last previous state general election in the county.

The County Board may, by ordinance, propose charter amendments to the Ramsey County Charter Commission. After review, the Charter Commission shall approve or reject the proposed amendment or suggest a substitute amendment. The resulting amendment shall be submitted to a vote of the citizens at the next general election.

Upon recommendation of the charter commission, the county board may enact a charter amendment by ordinance by an affirmative vote of all its members after a public hearing upon two weeks published notice containing the text of the proposed amendment. Any Charter amendment shall not become effective until 90 days following passage and is subject to referendum.

Role of the Charter Commission

Chapter 11 also details the process for appointment to the Ramsey County Charter Commission. Appointments to the Ramsey County Charter Commission are made by the Chief Judge of the Second

Judicial District. Essentially, the role of the Ramsey County Charter Commission is to propose amendments to the Ramsey County Home Rule Charter, and to oversee the amendment process.

The Charter states: “The charter commission members shall periodically review the charter and propose any necessary amendments. The commission shall review any proposed amendments, declare the sufficiency of a petition, prepare a summary of any proposed amendment, recommend any revisions to proposed amendments, and submit proposed amendments to an election.”

Areas of Ramsey County government that were not changed through the Charter

Members of the Charter Commission determined that several areas of current county government were working well and were not in need of change. Those areas included:

- The provision that County Board members would continue to be elected from seven districts and serve four-year staggered terms.
- The County Attorney and Sheriff would continue to be elected.
- The County would continue to have a professional, strong manager form of administration, with a new title of County Manager.
- The Personnel Code would remain as directed within state statutes.
- The charter would not impair municipal powers.

Amendments to the Ramsey County Home Rule

The following Amendments to the Ramsey County Home Rule Charter have been adopted by Ramsey County voters:

November 9, 1994

- Section 2.02 K - “Shall the Ramsey County Home Rule Charter be amended to require the County Board to maintain a policy which provides for no net loss of park, recreational or open space land and facilities?”
- Section 7.03 - Shall the Ramsey County Home Rule Charter be amended to provide that a County Board appointment to fill a vacancy in the elected offices of County Attorney or County Sheriff continue only until the next general election, instead of for the completion of the four-year term as is presently provided?”

November 7, 2000

- Section 2.02 M - “Should the Ramsey County Charter be amended to allow the Board of Commissioners the option to competitively negotiate the terms of construction contracts including the solicitation of proposals on a design/build basis rather than only awarding such contracts to the lowest responsible bidder?”
- Section 6.01 D, E, F, and G – “Should the Ramsey County Home Charter be amended to require the Board of Commissioners to engage in periodic strategic planning and allow for input from the Charter Commission on the County’s budget and its relationship to the strategic plan?”

November 5, 2002

- Section 7.02 – “Should the Ramsey County Charter be amended to require elected officials to forfeit their office at the time they plead guilty to or are found guilty of a felony level offense instead of at the time sentencing as currently provided?”

November 2, 2010

- Section 5.02 and Section 8.06 – “Should the Ramsey County Home Rule Charter be amended to increase the time period to obtain signatures for a referendum petition from thirty (30) days to forty-five (45) days after an ordinance is published?”

Conclusion

In 1990, Ramsey County voters adopted Minnesota’s first county home rule charter. Following a two-year enactment period, the Ramsey County Home Rule Charter became effective November 6, 1992, and continues to serve as a model for other counties.

BYLAWS
RAMSEY COUNTY CHARTER COMMISSION

Commission Members

The members of the Commission shall consist of two (2) persons from each of the seven (7) Ramsey County Commissioner Districts and three (3) persons at-large for the entire County. Each member shall be appointed by the Chief Judge of the Ramsey County District Court for a term of four (4) years and may serve no more than two (2) consecutive terms. The Chief Judge shall also appoint an individual to complete an unexpired term.

A majority of the Commission members may remove a member from the Commission if the member has three (3) or more consecutive unexcused absences from regularly scheduled Commission meetings. A member may also resign prior to the expiration of the member's term.

Officers

The officers of the Commission shall consist of a Chair and a Vice-Chair. Officers shall be elected during the last meeting of each calendar year and shall serve at the pleasure of the Commission for a term of one year beginning at the first of the calendar year. A nominating committee shall be appointed before the last meeting of each calendar year that will nominate at least one individual for each office. Further nominations may be made by the Commission prior to each annual election.

The Chair shall preside at all meetings. The Vice-Chair shall preside in the absence of the Chair and during any temporary absence of that officer. A Secretary, if elected, shall maintain a record of each meeting.

Order of Business

The order of business shall be as follows:

1. Call to Order
2. Approval of the Minutes
3. Reports of Standing Committees
4. Unfinished Business
5. New Business
6. Set Next Meeting

7. Citizen Comments
8. Adjournment

Procedure

- Robert's Rules of Order, duly revised, will govern, except as provided in the Bylaws;
- All motions will require a second.

Quorum

A quorum of the Commission members shall consist of nine (9) members but a quorum is not necessary to hold a meeting. Except on substantive issues and amendments to the Charter, a majority of members present will be adequate to take action on an item.

In the case of substantive issues, including items such as changes in the Bylaws and amendments to the Charter, a majority of all of the members of the Commission will be required.

Whether an issue is substantive, or not, will be determined by the Chair or by a majority of the members present.

Standing Committees

The Chair may create Standing Committees to address specific issues, as required.

Conflicts of Interest

When a member believes that he or she has a conflict of interest in voting on a particular issue, he or she may refrain from voting and/or disclose the potential conflict to the Chair. If the Chair agrees that the potential conflict of interest is substantial or would give the appearance of impropriety, the member shall abstain from voting on the issue. If the Chair does not believe that abstention is required, the member may choose to vote or abstain.

Meetings

Regular meetings of the Commission shall be set by the Commission members or Chair. Meetings will be held both in the city of St. Paul and its suburbs.

Special meetings of the Commission may be held at the call of the Chair or any five (5) or more members of the Commission.

Notice

At least three (3) days notice, excluding Saturdays, Sundays and holidays, of each regular or special meeting of the Commission shall be mailed to the address of each member of the Commission last known.

Staff

Staff to the Commission will be provided by the County Manager's Office. The County Attorney's Office will provide legal counsel to the Commission.

~~An Administrative Secretary from the~~ County staff shall keep the records of the Commission and shall transmit all notices and messages from or on behalf of the Commission.

Minutes prepared by ~~the Administrative Secretary~~ County staff are official minutes of the meeting until and unless a Commission member is elected as Secretary at a future date.

The Ramsey County Charter and Charter Commission Procedures
Ramsey County Charter Commission Meeting
February 7, 2011

By Phil Carruthers, Civil Division, Ramsey County Attorney's Office

I. Composition and Staff of the Charter Commission under the Charter:

- A. Section 11.03 of Charter
- B. 17 member charter commission with four year terms.
- C. Appointed by the District Court.
- D. No member to serve more than two successive terms.
- E. The county board is to provide necessary funds for commission to operate.
- F. The County Attorney is the attorney for the charter commission.

II. Duties of the Charter Commission under the Charter:

- A. General description:

“The charter commission members shall periodically review the charter and propose any necessary amendments. The commission shall review any proposed amendments, declare the sufficiency of a petition, prepare a summary of any proposed amendments, recommend any revisions to proposed amendments, and submit proposed amendments to an election.” Sec. 11.03 of Charter.

- B. Budget review by the commission of the county's annual proposed budget:

- 1. Charter provision section 6.01 G.
- 2. The county manager shall provide the annual budget to the charter commission when submitting it to the county board.
- 3. The commission shall review the proposed budget.
- 4. The commission may comment as to the following:
 - a) “whether, in the view of the commission, such proposals implement the requirements set forth in the section [charter section 6.01] for strategic, tactical and public data and information systems planning.”
 - b) If the charter commission chooses to comment, their remarks must be filed with the county clerk at least three weeks prior to the board's budget adoption.

III. Bylaws of Charter Commission:

- A. Membership of the commission:
 - 1. Two persons from each of the seven Commissioner Districts and
 - 2. Three persons at-large for the entire county.
 - 3. Each member is appointed by the Chief Judge of District Court.
 - 4. Terms are four years.

- B. Attendance:
1. A majority of commission members may remove a member if the member has three or more unexcused absences from regularly scheduled commission meetings.
 2. A member may also resign.
- C. Officers:
1. A chair and vice chair elected during the last meeting of each calendar year.
 2. They serve at the pleasure of the commission for a term of one year, which begins at the first of the calendar year.
 3. A nominating committee is appointed before the last meeting of each calendar year.
 - a) The nominating committee is to nominate at least one individual for each office.
 - b) Further nominations may be made by the commission prior to each annual election
- D. Duties of officers:
1. The chair shall preside at all meetings.
 2. The chair may create standing committees to address specific issues.
 3. In the absence of the chair, the vice chair shall preside.
 4. A secretary, if elected, will maintain a record of each meeting.
- E. Procedures of commission meetings:
1. Robert's Rules of Order, duly revised (probably should be Newly Revised), govern except as provided in the Bylaws.
 2. All motions require a second.
 3. Conflicts of interest:

A member who believes he or she has a conflict of interest on an issue may:

 - (1) Refrain from voting and/or
 - (2) Disclose the potential conflict to the chair
 - (a) If the chair agrees that the conflict of interest is substantial or would give rise to the appearance of impropriety, the member shall abstain from voting
 - (b) If the chair does not believe abstention is required, the member may choose to vote or abstain
 4. Quorum:
 - a) Nine members but a quorum is not necessary to hold a meeting.
 - b) A majority of members present is sufficient take action on an item, except:
 - (1) Substantive issues requires a majority of all commission members.
 - (a) Includes changes to the Bylaws and amendments to the Charter.
 - (b) The chair or a majority of members present decide if an issue is substantive.
 - (2) Amendments to the Charter

5. Meetings:
 - a) Regular meetings will be set by the chair or the commission members.
 - b) Meetings will be held in St. Pau and the suburbs.
 - c) Special meetings at call of the chair or any five members.
 - d) Notice of meetings:

Notice of meetings shall be mailed to each member at least three days in advance, excluding the weekend and holidays.

6. Staff:
 - a) The county managers office will provide staff.
 - b) The county attorney's office will provide legal counsel.
 - c) An administrative secretary from the county manager's office will keep records and transmit notices and messages.
 - d) The minutes of the administrative secretary are official minutes unless a commission member is elected secretary.

IV. Amendments to Charter under Charter Section 11.02:

- A. Charter amendments are proposed by one of the following:
 1. The charter commission
 2. Voters through a petition
 - a) sufficient petition of five percent of the voters registered in the last previous state general election in the county
 - b) The county manager shall verify the sufficiency of the petition to the charter commission
 - c) **The charter commission is to declare the sufficiency of the petition.**
 3. The county board
 - a) This is done by ordinance—it is a proposed to the charter commission
 - b) The charter commission shall review the proposed amendment within 60 days, which may be extended to 90 days (by filing with the county manager a resolution that additional time is needed for review).
 - c) The charter commission shall approve or reject the proposed amendment or suggest a substitute amendment.
 - d) The county board is to submit the amendment as approved by the charter commission (either that as originally proposed or the substituted amendment) to a vote of the electorate.

- B. Adoption of charter amendments:
 1. Proposed amendment must be submitted to a vote in the county at the next general election.
 - a) It passes if 51 percent of the votes cast on the proposition are in favor.
 - b) It then takes effect 30 days after the election has been certified or at such other time as fixed in the amendment.

2. Alternatively, upon recommendation by the charter commission, the county board may enact the amendment by ordinance.
 - a) Requires affirmative vote of all of the board members.
 - b) The board must vote after a public hearing upon two weeks published notice.
 - c) The ordinance does not become effective until 90 days after passage.
 - d) It is subject to potential referendum vote:
 - (1) Under Charter provision 8.06, an ordinance is subject to referendum by a petition filed 45 days after publication of the ordinance.
 - (2) The ordinance is suspended as soon as the petition is found sufficient.
 - (3) The ordinance is then placed on the ballot after the next election or at a special election for that purpose called by the county board.
 - (4) To be operative, the ordinance must pass by a majority of those voting.

C. Abandonment of Home Rule Charter

In the same manner as a charter amendment, the charter can be proposed to be abandoned, with provisions for transition to a statutory county form of government.

V. Charter Provisions: Chapter 1—Powers of the County

A. General grant of powers: Sec. 11.01.

1. Unless the charter provides otherwise, Ramsey County shall have all powers possible for a county to have, as now or hereafter granted by the constitution and laws of the U.S. and state of Minnesota.
2. In the charter, no mention of a specific power is exclusive or restricts the authority the county would have if the specific power were not mentioned.
3. The charter is to be liberally construed within the limits of the constitutions and laws of the US and state of Minnesota.
4. The county shall have all powers necessary or convenient for the conduct of its affairs.
5. But no existing function, duty or power of any political subdivision within Ramsey County is transferred, altered or impaired by the charter.
6. The charter must be consistent with Minnesota Constitution article XII, section 5 regarding home rule charter commissions.
 - a) Home rule charter amendments may be proposed by a charter commission or by petition of five percent of the voters of the local government

unit and shall not be effective unless approved by the voters by the majority required by law.

b) A local government unit may repeal its home rule charter and adopt a statutory form of government or new charter upon majority vote.

7. Under Minn. Stat. Sec. 383A.554, the Ramsey County charter may not conflict with general laws as to public debt.

8. Under that same statute, personnel matters of Ramsey County employees continue to be governed by statutory provisions. Minn. Stat. Sec. 383A.554.

VI. Extent that the charter provisions control over state statutes:

A. "In matters of purely local concern, when there is no legislative preemption, home rule regulation may supersede conflicting statute statutes by enacting and enforcing conflicting or more restrictive regulations to the exclusion of the state general laws." Michele Timmons, et al, "County Home Rule Comes to Minnesota," 19 William Mitchell Law Review 811, 847 (1993) (citations omitted).

Thus the Ramsey County Charter explicitly overrules general statutes pertaining to the remaining term length for a person appointed to fill a vacancy in the positions of county attorney or sheriff. Charter Sec. 12.04.

B. However, the rule cited above applies to "purely local concern," which may be difficult to determine in a particular case. 19 William Mitchell Law Review 811, 847.

C. State statutes may preempt a subject area.

Preemption may be clearly implied or stated expressly by statute. Id. at 848-50.

D. A special law (one applicable to one political subdivision or to contiguous political subdivisions) may be modified or superseded by a later home rule charter or amendment. Minnesota Constitution article XII, sec. 2.

E. Thus the Ramsey County Charter states which special laws are expressly superseded. Sec. 12.03.

VII. Other charter provisions: a highlight of some key provisions

A. Charter chapter 2 sets the terms, qualifications, procedures and powers of the county board.

B. Powers of the county board (Sec. 2.2) include:

1. Appointing and removing the county manager.

2. Establishing, merging or abolishing county departments, offices, boards or commissions.

3. Levying taxes and special assessments. See also Charter chapter 9.
4. Issuing debt, including tax anticipation obligations and bonds.
The bonds may be issued by ordinance without an election. 9.05.
5. Setting fees.
6. Controlling the financial affairs of the county.
7. Adopting an annual budget by resolution (mandatory duty). Chapter 10.
8. Adopting a five year capital improvement plan (mandatory duty). Sec. 10.05.
9. Providing for an independent audit of county finances.
10. Adopting an administrative code.
11. Adopting ordinances by an affirmative vote of at least four members.
 - a) Under Sec. 5.01, some acts must be by ordinance rather than resolution, such as:
 - (1) Establishing or abolishing county departments
 - (2) Adopting annual salaries for board members
 - (3) Authorizing bonding or borrowing of money
 - (4) Authorizing emergency appropriations
 - (5) Providing for a fine or penalty
 - (6) Conveying or leasing park lands
 - (7) Proposing charter amendments.
 - b) Emergency ordinances requires a unanimous vote of members present.
 - (1) Applies to a public emergency, defined as a sudden or unforeseen situation in the county affecting life, health, property, public peace or public welfare that requires immediate board action.
 - (2) The ordinance is designated an emergency ordinance and must declare that an emergency exists, which is to be described specifically.
 - (3) May be effective upon passage.
 - (4) May cover emergency appropriations or revenues.
 - (5) Cannot be used to levy taxes, authorize bonds or grant or extend a franchise.
12. Passing resolutions, which require a vote of at least four board members, as to:
 - a) Adopting a budget
 - b) Adopting a tax levy issuing notes, warrants or other indebtedness
 - c) Adopting an administrative code
 - d) Approving collective bargaining agreements or setting salaries and terms of employment
 - e) Purchasing or conveying or accepting real estate, other than park land, which must be done by ordinance.
 - f) See Sec. 5.04.

13. Entering into joint powers agreements.
14. Acquiring and improving real estate.
15. Work with other governmental units to coordinate county-wide operational services, strategic and tactical planning, and public data and information systems planning, including as to land use, roads, public health, parks, transit, solid waste, public housing, emergency services, human services and law enforcement. Secs. 6.01-.02.

C. Establishes a county manager form of government, where the board sets policy, and appoints and may remove the county manager; the county manager administers the policies adopted by the board.

1. The county manager is the chief administrative officer of the county. Sec. 3.2.
2. The county manager's duties (Sec. 3.2) include:
 - a) Appointing, reviewing and removing appointive department heads. See also Sec. 4.01.
 - b) Preparing a written administrative code for adoption by the county board.
 - c) Supervising enforcement of county ordinances and compliance with leases and contracts.
 - d) Performing such other duties as necessary and appropriate to the manager's function as the head of county administration.

D. Provides for initiative and referendum in Chapter 8.

1. "The people shall have the right to propose ordinances, [and] to require ordinances to be submitted to a vote" Sec. 8.01.
2. Initiative is the process of proposing an ordinance by petition. 8.05.
3. Referendum is the process of reviewing an existing ordinance.
If a sufficient referendum petition is filed, it supersedes operation of the ordinance unless a majority of those voting in an election vote in its favor. 8.06.
4. Initiative or referendum may be initiated by a petition signed by registered voters of the county equal to ten percent of those who voted in the county for U.S. President in the last general election. Sec. 8.02.
5. The petition is to be filed with the county manager, who shall examine the petition as to its sufficiency. Sec. 8.03.
6. The county manager shall report the sufficiency of the petition to the county board within 30 days. Sec. 8.03.
7. The county board shall determine by resolution the sufficiency of the petition. Sec. 8.03.

ROLE AND RESPONSIBILITIES

Ramsey County Charter Commission and its Members

- Support “good government”, the overarching intent of the Home Rule Charter, to “...make county government more visible and responsive to the residents of the county and to provide ways to make county government more flexible and efficient in addressing the needs of county residents.”
- Have an interest in learning about and discussion of Ramsey County
- Recognize the roles of elected officials vs those of Charter Commission Members
 - Charter Commission Members are appointed by the District Court
 - County Commissioners, Attorney, and Sheriff are elected by the citizens
 - the Charter provides the mechanisms for elected County Commissioners to make the policy decisions
 - the Charter provides the mechanisms for professional staff to design, develop, and deliver services for the citizens of the County
- Periodically review the Charter
- Propose any necessary amendments to the Home Rule Charter
- Oversee the amendment process including
 - Review of any proposed amendments
 - Declare the sufficiency of a petition
 - Prepare a summary of any proposed amendment
 - Recommend any necessary revisions to proposed amendments
 - Submit proposed amendments to an election
- Attend all meetings of the Ramsey County Charter Commission
- Prepare for meetings by reading supplied documents prior to the meeting
- Notify the Chief Clerk if unable to attend a meeting (chief.clerk@co.ramsey.mn.us)