

RAMSEY COUNTY CHARTER COMMISSION

Agenda of Monday, August 1, 2022 – 7 PM

Public Works, Marsden Room
1425 Paul Kirkwold Drive, Saint Paul, MN 55112

Meeting location and materials are also available at <https://www.ramseycounty.us/your-government/leadership/charter-commission/charter-commission-agendas-and-minutes>.

AGENDA

1. Call to Order
2. Roll Call Attendance
3. Approval of August 1, 2022 Agenda
4. Approval of May 2, 2022 Minutes (Attachment)
5. Old Business
 - A. Welcome and Introductions
 - B. Compensation for Commission Members Update (Attachment)
6. New Business
 - A. Announcement of Resignation of a District One Member and Declaration of Vacancy
 - B. Visit from Board of Commissioner Chair Trista MatasCastillo
 - C. Ramsey County Legislative Platform by Jennifer O'Rourke
 - D. Annual Election: Nominating Committee for Chair and Vice Chair
 - E. Bylaws Review (Attachment)
7. Committee Reports
 - A. Budget
 - B. Charter Review
8. Citizen Input (Approximately 8:30 PM)
9. Future Agenda Items
 - A. Ramsey County Budget Presentation
 - B. Budget Committee Input on Budget
10. Adjournment

Next Meeting: Monday, October 17, 2022 – 7 PM

Location information will be posted three days prior to each meeting date.

Attachments:

- May 2, 2022 Meeting Minutes Draft
- Compensation Opt-In Form for the Charter Commission
- Charter Commission Bylaw Amendments and Assistant County Attorney Recommendations

RAMSEY COUNTY CHARTER COMMISSION

Agenda of Monday, May 2, 2022 – 7 PM

Plato Conference Center
90 Plato Blvd West, Saint Paul, MN 55107

Meeting location and materials are also available at <https://www.ramseycounty.us/your-government/leadership/charter-commission/charter-commission-agendas-and-minutes>.

MINUTES

1. Call to Order: Chair Nancy Haas called the meeting to order at 7:03 PM.
2. Roll Call Attendance: Completed by Sia Xiong.

District	Charter Commission Member	Present	Absent
1	Ann Maslansky-Takahashi	<input checked="" type="checkbox"/>	<input type="checkbox"/>
1	Steven Reeves	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Ache Wakai	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2	Joann Knuth	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Nancy Haas	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Sallee Brandt	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Bethany Winkels	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	Sharon Garth	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Joshua (Josh) Ortiz	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5	Sebastian Ellefson	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Hoang Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Tony Parrish, Sr.	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	John O'Phelan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	William (Bill) Kempe	<input checked="" type="checkbox"/>	<input type="checkbox"/>
At Large	Angela (Angie) Thies	<input checked="" type="checkbox"/>	<input type="checkbox"/>
At Large	Jazmin Glaser-Kelly	<input checked="" type="checkbox"/>	<input type="checkbox"/>
At Large	Susan (Sue) Majerus	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Also present: Amy Schmidt, Assistant County Attorney, Ramsey County Attorney's Office
Sia Xiong, County Manager's Office Admin.

3. Approval of May 2, 2022 Agenda: Amendment to add member introductions by Joann Knuth. Motion by Sue Majerus second by Sebastian Ellefson. Unanimously approved by all members present.
4. Approval of February 7, 2022 Minutes (Attachment): Motion by Sharon Garth and second by Jazmin Glaser-Kelly. Unanimously approved by all members present.
5. Old Business:
 - A. Community Economic Development Board Workshop: Chair Nancy Haas shared the workshop recording that County Manager's Office admin Sia Xiong provided as a

resource for members who wanted to learn more about Community and Economic Development, which was a topic that came up in the previous meeting.

- B. Compensation for Commission Members Update: County Manager's Office admin Sia Xiong shared details on the new compensation opt-in process for eligible Ramsey County boards and commissions. There was an opportunity for discussion on the updates provided. Many members expressed interest and support in having the option to opt-in to receiving a gift card.

Motion by Sebastian Ellefson to have the option for Charter Commission members to opt in to be compensated and second by Bill Kempe. Unanimously approved by all members present.

6. New Business:

- A. Member Introductions: With the newly added member introduction agenda, Chair Nancy Haas started with her introductions and each member present took turns giving their introductions.

- B. Bylaw Process Review (Attachments)

- i. Charter Commission Member Attendance Records (Attachment): Chair Nancy Haas shared about the different bylaws from other jurisdictions from Assistant County Attorney Amy Schmidt. Sebastian Ellefson asked if it is difficult to fill vacancies, since there is a limit of two consecutive terms. Ann Maslansky-Takahashi expressed if there is an opportunity for people to come, so they feel valued for their time and maybe that can increase outreach. Chair Nancy Haas suggested going through each section and providing feedback.

Sharon Garth shared that a four-year term seemed long and was interested in the reason behind the length. Assistant County Attorney Amy Schmidt shared some context and background behind the Charter Commission and clarified that bylaws are focused on how the members are functioned. She found language around subsequent terms in the Charter and how amendments would be made.

Another topic was raised of how to diversify representation on the Charter Commission. A few members shared how they found out about the commission – through Facebook, Commissioners, Mayor, Ramsey County webpage, researching open commissions, newspaper, etc. Angie shared that if it is too difficult to change the charter, maybe move forward without it. Hoang Murphy asked for clarity on how to make amendments to the charter (i.e. can we do by section or by small technical things around terms, etc.). It was also revealed that was not clear if term limits were substantial or not. Agreement that the Charter Review subcommittee will dig into the details around charter items and questions.

Regarding attendance, members discussed what current potential excused absences have been, which has been based on members who notified ahead of time if they cannot attend a meeting. Members shared the importance of showing up for the Charter Commission, giving advanced notice and/or letting the Chair/Vice Chair know if a member cannot show up. There was a suggestion of if a member misses three consecutive meetings, that member would be

automatically dropped or there would be a discussion when a member's attendance is not doing well. There was a discussion of enforcement and Vice Chair Angie Thies supported the automatic removal, but suggested reaching out to a member who has not been responding or attending first. She proposed after three unexcused absence, automatic dropped, after second unexcused – for there to be a call to the member about their absences before the drop.

Suggested Amendments to the Bylaws

Under Commission Members:

- Unexcused – Defined as *notifying the Chair/Vice Chair and/or County Manager's Office before the start of the meeting via email*
- Automatic drop vs automatic drop with vote where there has to be an official notice to the judge that there is a vacancy and if the member was removed – subcommittee attendance is not considered since the role of members is to attend regular meetings
- Preference to not include language around outreach from the Chair/Vice Chair to a member who has missed two consecutive meetings and is at risk for removal (-)
- Possibly adding an emergency exception whereby vote from majority of the members, someone not be terminated (-)

Motion by Sebastian Ellefson and second by Hoang Murphy to amend the bylaws with the following: define unexcused as “not providing notice before the start of the meeting”; and add language that states the “Charter Commission may automatically remove a commission member who has three consecutive unexcused absences.” Unanimously approved by all members present.

Under Officers and Under Staff:

- Discussion around the necessity of having to elect a secretary. A County Manager's Office admin will always be present. Additionally, no clear list of duties and tasks available.

Motion by Sue Majerus and second by Bill Kempe to have the Chair and Vice Chair provide a list of duties and tasks and to eliminate the language to elect a secretary. Unanimously approved by all members present.

Under Order of Business:

- Changing the term Unfinished Business to Old Business, but Unfinished Business is a term in Robert's Rules of Order
- Adding roll call and approval of agenda as third on the agenda
- A proposal from Chair Nancy Haas that she will review the terms for alignment and come back to the charter

Motion by Sue Majerus and second by Sebastian Ellefson to have the Chair and Vice Chair review and align the bylaws current Order of Business with the current agenda practices and language. Unanimously approved by all members present.

Under Procedure:

Chair Nancy Haas expressed some background that the charter has not adopted

them as a commission and did it for the first time last year, because there were no consistencies in how meetings were run. Assistant County Attorney Amy Schmidt shared that in other bylaws, some use their own rules and go to Robert's Rules for anything that is not already addressed. Ann Maslansky-Takahashi suggested a refreshed course of Robert's Rules of Order. Hoang Murphy suggested having rules to default to since Robert's Rules is so rigid. Possibly it might be best to keep Robert's Rules but would be open for members to do research on others that may be applicable.

Motion by Hoang Murphy and second by Sue Majerus to not change the current procedures. Unanimously approved by all members present.

Under Quorum:

- Define substantive, since it's decided by the Chair and Vice Chair
- Discussed what was done previously and how quorum is based on the simple majority
- Agreements around removing votes

Motion by Hoang Murphy and second by Bill Kempe to approve the quorum based on first sentence only. Unanimously approved by all members present.

7. Committee Reports:

- A. Budget (Attachments): Vice Chair Angie Thies shared they will continue reviewing the budget and look for more information prior to August meeting. The Charter Commission received a good letter from the County Manager. Vice Chair Angie Thies provided some context and background of the committee to the new members.
- B. Charter Review: Sebastian Ellefson shared the last meeting did not occur because of low turnout. Chapter 4, 5, and 6 will be reviewed which are short chapters. He encouraged members to stop by and provide input on what should be changed. The subcommittee would eventually come back and provide recommendations section by section on what will be changed and what will not be changed.

8. Citizen Input (Approximately 8:30 PM): No residents were present, so the commission went back to the discussion of the bylaws.

9. Future Agenda Items:

- A. Ramsey County Intergovernmental Affairs
- B. Ramsey County Board of Commissioners Visit
- C. Ramsey County Budget Presentation

10. Adjournment: The meeting was adjourned at 8:59 PM. Motion by Sue Majerus and second by Bill Kempe.

Next Meeting: Monday, August 1, 2022 – 7 PM

Location information will be posted three days prior to each meeting date.

Respectfully submitted by Sia Xiong, County Manager's Office Admin.

Compensation Opt-In Form for the Charter Commission

Ramsey County will provide compensation to community members who serve on the Ramsey County Charter Commission. Members must opt-in by completing this form to receive a \$25 gift card for attending each regular meeting. Gift cards will be mailed directly to the member's provided mailing address after each meeting.

To opt-in to receive compensation, please complete this form. A full list of formal advisory boards and committees are available on ramseycounty.us/AdvisoryBoardsCommittees. Any questions or concerns may be directed to chiefclerk@ramseycounty.us.

By completing this form, you agree to the following:

- You will be compensated for regular Charter Commission meeting(s) you attend.
- You are not a Ramsey County employee or contracted vendor.
- You are representing yourself and/or acting independently during the meeting(s).
- You are not being compensated by another organization, employer or source for participating.
- If you receive over \$600 in a calendar year from Ramsey County, you will receive a 1099 form and be responsible for reporting it on your taxes (IRS rule 26 CFR 1.6041-1).

First Name

Last Name

Email Address

Phone Number

Mailing Address (House Number, Street Name, Apartment Unit)

City, State and ZipCode

Compensation will be in the form of a gift card. Please select your top **two** preferred options.

- ☐ BP gas
- ☐ Cub foods
- ☐ Holiday gas station
- ☐ Target
- ☐ Walmart

Signature

By signing your full name, you agree to the terms listed on this form and opt-in to receiving compensation in the form of gift cards.

Signature

Date



OFFICE OF THE RAMSEY COUNTY ATTORNEY
JOHN J. CHOI, COUNTY ATTORNEY

TO: Members of Ramsey County Charter Commission
FROM: James A Mogen, ACA
DATE: July 14, 2022
RE: Proposed Amendments to Charter Commission Bylaws

As part of the Charter Commission's review of its existing Bylaws, the following amendments are proposed to clarify, correct, and improve the language of the Bylaws. Black type is from the bylaws that have been adopted. **Red type** are amendments made at the last Charter Commission meeting. **Blue type** are my recommendations. Comments are my explanation or reason for the recommendation. I will address each section individually.

Commission Members

Membership is provided for in the Charter. 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 fill a vacancy and to complete an unexpired term.

[Commission Version]

A majority of the Commission members may **automatically** remove a member from the Commission if the member has three (3) ~~or more~~ consecutive unexcused absences from regularly scheduled Commission meetings. **An unexcused absence is defined as not providing notice to the Chair and/or Vice Chair before the start of the meeting.** A member may also resign prior to the expiration of the member's term.

[Counsel Recommendation]

A member may resign by delivering a written resignation to the Chair or with three (3) consecutive unexcused absences. An unexcused absence is defined as not providing notice to the Chair or Vice Chair before the the meeting. For purposes of quorum, the resignation shall take place upon delivery of the written resignation or at the adjournment of the meeting that constitutes the third absence. At its next meeting, the Commission shall declare a vacancy and request the Chief Judge appoint a member for the remainder of the 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

Commented [MJA1]: The Commission created an automatic removal and defined unexcused absence. The adopted amendment contradicted itself by declaring the removal "automatic" but also providing that the members may remove.

In addition, it is not clear what authority the Commission has to remove its members. Because the Charter Commission is unique in Minnesota, and the Charter doesn't provide the authority, there is no guidance. The Counsel recommendation attempts to rectify those questions.

Counsel recommends:

1. Clarification that membership is provided by the Charter and not the Bylaws.
2. Clarification that Chief Judge fills vacancies.
3. New resignation language. The new resignation language replaces the removal language. Instead of providing that a member is removed, the Bylaws establish the means that a member may resign – either by submitting a resignation or having 3 unexcused absences. The language also clarifies that quorum is reduced upon the resignation and provides a process for declaring the vacancy.

Commented [MJA2]: The removal of the reference to Secretary was by the Commission. Counsel has not recommendations to this section.

CIVIL DIVISION

121 7th Place E., Suite 4500 | Saint Paul, MN 55101
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An Elected Office of
RAMSEY COUNTY

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. Roll Call/[Attendance](#)
3. Approval of the Agenda
4. Approval of Minutes
5. Old Business
6. **New Business**
7. **Standing Committee Reports**
8. Citizen Input
9. Future Agenda Items
10. Adjournment

Procedure

Robert's Rules of Order, duly revised, will govern procedure, except as provided in the Bylaws. All motions will require a second, but a second does not indicate support of the motion. Discussion should follow the making and seconding of a motion in order to narrow the scope of discussion.

The Chair is the initial arbiter of procedural disputes but can be overruled by a majority vote. The Chair may make motions, second a motion, and participate in discussion as any member. In participating in discussion, the Chair should ensure that all members are being heard.

A member may offer a "friendly amendment", and if agreed to by the maker of the motion, will be deemed adopted without vote.

A simple majority of members present at a meeting is sufficient for adoption of any motion, except for a motion (1) to amend these Bylaws, or (2) to submit a proposed amendment to an election. For these votes, a majority equal to quorum is required.

Quorum

A quorum of the Commission members shall consist of ~~nine (9) members~~ a majority of the number of appointed and sworn members, but a quorum is not necessary to hold a meeting or to adjourn. ~~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.~~

Commented [MJA3]: The amendments to the Order of Business/Agenda, was adopted by the Commission. Counsel's only recommendation is to clarify that Roll Call is a method of taking attendance. If the Commission feels that Roll Call is clear, this recommendation can be discarded.

Commented [MJA4]: Counsel recommends language to help navigate the most basic questions about Robert's Rules of Order. Some clarifications don't adjust Robert's Rules, and some other language are adjustments to the procedure.

Clarifications:

1. A second does not indicate support, just that the matter should be discussed.
2. Discussion *should* be conducted upon the making of a motion so that the scope of the discussion can be narrowed to the motion itself. However, for a body the size of the Charter Commission, this practice can be laxly enforced until it becomes a problem to avoid becoming too formal.
3. Frequently, people incorrectly believe that the Chair is not voting member of the body. The Chair always participates - like any other member.
4. The easiest way to avoid concern about Robert's Rules is to recognize that the Chair is the arbiter - and that the body can overrule. This helps people realize that the Rules will be used when necessary, and that the Chair is not all powerful.
5. The most common procedural adjustment bodies use is a "friendly amendment". This lets the Commission fashion motions with a little more informality.
6. Moving the voting provision to the Procedure section seems most appropriate, as it does not belong in quorum.
7. The "substantive issues" designation is replaced by a clear delineation of what matters require a larger majority.

Commented [MJA5]: Counsel recommends adjusting quorum to equal a majority of actual members, instead of a set number. If a number of members resign, it might be difficult to perform business until brought to full strength.

See discussion above regarding moving the voting provisions.

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

Standing Committees

The Chair may create Ad Hoc 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 of the Commission may be set by the Commission, the Chair or any five (5) members. 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 delivered mailed to the address of each member of the Commission ~~last known~~. Notice shall be deemed delivered if properly mailed to the last known address or if sent by electronic mail to an address provided by the member for that purpose.

Staff

Staff Administrative support 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~~ are the official minutes of the meeting after approval at the next meeting. Until adopted, they are unofficial, but are subject to the Minnesota Governmental Data Practices Act.

Commented [MJA6]: Counsel recommends replacing Standing with Ad Hoc. A standing committee is not created, but always exists. Usually, the Bylaws would establish standing committees. This provision is really about Ad Hoc committees.

Commented [MJA7]: Counsel doesn't have any recommendations, other than removing the unnecessary and/or. However, Counsel notes that this provision puts the onus on the Chair to evaluate a potential conflict, instead of placing the decision-making on the member themselves.

Commented [MJA8]: Counsel recommends removing mention of regular vs special meetings. First, there doesn't seem any practical reason for having different procedures for setting a meeting for "regular" or "special". The language was confusing. Second, under Open Meeting Law, "special" and "regular" have particular meanings, that don't seem to match up with this provision.

The recommended language is clearer and avoids confusion with Open Meeting Law.

Commented [MJA9]: Counsel recommends allowing for notice by email. The recommended changes also address the "regular" vs "special" concern addressed above.

Commented [MJA10]: These recommended changes are for clarification.

1. Staff usually means employees. That is not the current structure of the assistance provided by the County Manager's office, so admin support is used.
2. Edits for readability have been made.
3. Clarification that, while the minutes produced by the Administrative Secretary are official, that they are not official until approved by the Commission. Also, that unofficial minutes are subject to MGDPA.
4. The removal of the reference to Secretary was by the Commission.