

Ramsey County Charter Commission
Monday, February 6, 2012

The Ramsey County Charter Commission meeting, held at the Ramsey County Court House, 15 W Kellogg Blvd, St. Paul, MN, was called to order at 7:00 p.m. by Chair Bob Benke, with the following members present:

	<u>Members Present:</u>	<u>Members Absent:</u>
District 1:		Robert Weisenburger Richard Sonterre
District 2:	Richard Moses Bob Benke (Chair)	
District 3:	Bryan K. Olson Randy Gustafson	
District 4:	Christopher Leifeld Peter Hendricks	
District 5:	Rod Halvorson	
District 6:	Michael Fratto Russell Miller	
District 7:	Bud Berry	
At Large:	A.L. Brown Beverly Aplikowski Fred Perez	Marvin Koppen

Also present: Kyle Thomas, Director, Civil Division, County Attorney's Office
Jeff Stephenson, Assistant County Attorney
Harry McPeak, Assistant County Attorney
Bonnie Jackelen, County Manager's Office
Megan Haugen, Elections Office

Approval of the February 6, 2012 agenda

Aplikowski moved, seconded by Leifeld, to approve the February 6, 2012 Agenda. Approved unanimously.

Minutes of November 14, 2011

Aplikowski moved, seconded by Fratto, to approve the minutes of November 14, 2011. Approved unanimously.

Citizen Comments/ Input

Tom Goldstein, 1399 Sherburne Ave, spoke to the Commissioners' salary issue and suggested that any future salary increase be put on the ballot. He also spoke to the County's Administrative Code and its differences with the County Charter, and to the role of the County Attorney's office with the Charter Commission and a potential conflict of interest.

Old Business

Salary Ordinance for County Commissioners

Moses introduced the salary amendment issue just discussed at the Work Session. He would like to echo the comments of Mr. Goldstein that the County Board has not always been in sync with the citizens, and the intent of this is to get back in sync. Over the break, some were discussing the 3% salary increase and are now thinking that no percentage is needed and that every raise proposed by the Commissioners be subject to a referendum.

Moses moved the following language, seconded by Olson: *"Should the Ramsey County Home Rule Charter be amended so that a salary ordinance increasing Commissioner salaries shall be subject to an automatic referendum."*

Brown spoke against the motion. He said this is not to penalize the Commissioners for wanting a raise, just to put on controls.

Gustafson spoke against the motion. He stated that either we don't trust our elected officials or we don't value them. He believes fair compensation entices good people to do the job, and that there is already protection inside the charter.

Halvorson believes a 0% increase is an inaccurate way to describe the motion, it is instead taking the control out of the hands of the Commissioners who have an inherent conflict of interest, and puts the control into the hands of the employers, the people of Ramsey County.

Olson believes that public hearings should be held to determine what percent is appropriate, and what could be passed in a referendum. He believes we should maintain the salary cap in Minnesota. He shared research from a charter system in Iowa, and of a 1972 citizen's effort petition that failed due to not enough signatures.

Fratto questioned what needed to happen at the election to get this passed. He asked if a majority meant those voting on the question. He stated that many voters do not turn over the ballot and will miss this question. He stated that Ramsey County would be the first to have the voters raise the salary, everyone else raises their own salary. The Commissioners' salary could be made parallel to the amount in the employees' contracts.

Hendricks stated that it would have to be 51 percent of those voting on the issue in order to pass the amendment.

Brown moved to amend the motion, seconded by Leifeld. The amendment reads as *"Should the Ramsey County Home Rule Charter be amended so that a salary ordinance increasing Commissioner salaries by more than 2% per annum shall be subject to an automatic referendum?"*

Brown believes that the Commissioners should not have to ask every time they would like a salary increase, and that it is fair to the public.

Moses tends to agree with Brown; and believes that 2% would give some flexibility.

Vote on the amendment as presented:

Ayes – Brown, Miller, Berry, Perez, Aplikowski, Olson, Moses, Hendricks, Fratto, Leifeld, Benke (11)

Nays – Gustafson, Halvorson (2)

Amendment passed.

Brown believes that the amendment deserves some legal scrutiny. He thinks it should be sent to the County Attorney's Office for a thorough review for legal issues before it goes to the ballot.

Fratto thinks that we can send it to the County Attorney after it passes in order to identify concerns and issues, and then make a decision in May if it cannot be placed on the ballot.

Benke recalls that a public hearing might be needed before it goes on the ballot. He would like to be consistent with past practice, and suggested the May meeting for hearing public testimony.

Aplikowski questioned how the question plays into the timeline, and asked what the process is.

Hendricks referred to section 8.06 of the Charter.

Gustafson referred to Section 2.1D1, which pertains to the salary of County Board members.

Benke stated that a proposed salary increase of more than 2% will go on the next general election ballot, and will automatically go into the election process.

Gustafson questioned if there would be a special election in odd numbered years if the commissioners raised their salary more than 2%.

Fratto suggested amending the motion to add "at the next general election."

Halvorson asked if the County Attorney's Office would like to answer if any of the ordinance changes would present legal problems if passed. He said public hearings have been held in the past for complex issues.

Harry McPeak spoke for the County Attorney's office. Currently, referendums are on the general election. He believes that this might be an issue that should be addressed in the question language.

Halvorson asked if there was anything else controversial about this language.

McPeak said that there might be an unforeseen problem that is not apparent now. He stated that it would be disappointing to have this question go through an election only to discover that there are problems after an election. They could provide assistance on the issue.

Halvorson asked who the County Attorney's Office represents when they discuss Commissioners' salary issues.

McPeak stated that there is no conflict, and that it is a seamless interaction.

Aplikowski asked who is in charge to make sure that the language gets on the ballot.

Brown believes it is a combination of the County Attorney, the County Board, the Charter Commission, the citizens - it is everyone's job. He believes that there has to be trust that the system works. He believes that the language should be approved so that it can be put before the public and the County Attorney's Office for review.

Halvorson would like to solve the question of elections and how to avoid special elections. He proposed to amend the motion, seconded by Brown *“Should the Ramsey County Home Rule Charter be amended so that a salary ordinance increasing Commissioner salaries by more than 2% per annum shall be subject to an automatic referendum to be held at the next general election?”*

Fratto doesn't believe the amendment is necessary, as it is up to the County Attorney's office to come up with specific language.

Benke sees it as a substantive policy question.

Halvorson stated that there is usually an amendment to the Charter and then the question is fashioned after the amendment, and in this case it is backwards. He believes this amendment would help pass the question on the ballot.

Brown called the question. Approved on a voice vote.

Vote on the amendment as presented:

Ayes – Brown, Miller, Perez, Olson, Moses, Fratto, Leifeld, Halvorson, Benke (9)

Nays – Berry, Aplikowski, Gustafson, Hendricks (4)

Amendment passed.

Benke asks for further discussion.

Fratto believes a major problem has been created. He believes that there might be two consecutive salary increases on the ballot.

Brown stated that it is still 2% per annum.

Halvorson asked if that means that they could be compounded.

Brown stated that it is 2% per annum.

Benke read the question again: *“Should the Ramsey County Home Rule Charter be amended so that a salary ordinance increasing Commissioner salaries by more than 2% per annum shall be subject to an automatic referendum to be held at the next general election?”*

Brown believes that it should go to the County Attorney's Office before the ballot language is approved.

Halvorson stated that it should be passed, and that it is not an amendment to the Charter, it is a question to be put on the ballot. The County Attorney will be asked to help write the amendment to the Charter.

Fratto questioned if this is passed, is there a need for a hearing.

Benke would like this to get moved through the process so that it can get on the ballot in the fall.

Moses does not object to sending the language to the County Attorney.

Benke believes it should be tabled, and thinks it is too early to vote to have it go on the ballot.

Miller questioned if anything could be added to help solve issues tonight.

Benke would not like to make any more changes currently.

Fratto suggested that instead of tabling it, the County Attorney should be directed to draft an amendment that incorporates the question, and that should be incorporated in the motion.

Aplikowski believes that there should be a vote on what is in front of the Commission.

Brown thinks it needs to go through legal counsel, and questions why it is being forced tonight.

Moses would like the County Attorney to look at it, and withdrew the motion, seconded by Olson.

Brown moved, seconded by Leifeld, that the language is offered to the County Attorney's Office for legal advice, in consultation with the Elections Office, and that a public hearing be held at the May meeting.

Halvorson amended the motion to ask the County Attorney to draft language to implement the language discussed this evening as an amendment to the charter. Brown accepted this amendment as clarification.

A voice vote was taken.

Division was called.

Vote on the motion as amended:

Ayes – Brown, Miller, Perez, Olson, Moses, Fratto, Leifeld, Halvorson, Benke (9)

Nays – Berry, Aplikowski, Gustafson, Hendricks (4)

Motion is adopted.

Mr. McPeak clarified the direction to the County Attorney's Office.

Brown requested complete legal advice on this issue.

Mr. McPeak stated that the amendment would be drafted in a way that would avoid problems, and that the objective is to draft a proposed Charter Amendment that would be as sound as possible.

New Business

Term limits issue

Benke asked if there were any questions on the memo regarding term limits. No further discussion

Administrative Code issue

Gustafson believes the County Attorney did a good job; it is a good overview of the petition process. He provided an overview of the petition process.

Brown does not believe that this is the information that was requested. He believes that the question was broader, and questioned if the Administrative Code is more onerous than the County Charter.

Halvorson believes the County Attorney's Office misunderstood what was requested. He believes that there is a conflict of interest. He believes that rules cannot be made that make the Charter harder to accomplish. For example, there is no administrative rule for a charter amendment petition. One of the administrative rules was that there is a period between a pre-petition filing and waiting for an answer from the elections office and County Attorney's Office, and signature collection had to be stopped. He believes that this is not in the Charter and is too restrictive. He believes anything that restricts more than the Charter is wrong. He stated that the administrative code is controlled by a body that does not want initiative and referendum success. He believes that all of the administrative code should be codified and that the Charter Commission should decide if the code is too restrictive.

Brown moved, seconded by Perez, to request a clarifying opinion from the Ramsey County Attorney's Office whether there are any potential conflicts between the Administrative Code and the Charter, particular to if there are any sections of the Administrative Code that are more restrictive than the Charter, the scope being limited to initiative and referendum, and charter amendments.

Halvorson moved an amendment to ask the County Attorney to separate out from the rest of the Administrative Code all of the Admin Code language that affects the Charter and present the document to the Charter Commission for their review.

Brown stated that he does not want to micro manage the County Attorney's Office, and believes that they are clear on what is requested.

Halvorson withdrew his amendment.

Motion passes on a voice vote.

Non-Agenda

Hendricks supplied the 6th edition *Guide for Charter Commissions* for distribution.

Olson questioned the decision to not televise the work session that preceded the meeting.

Gustafson stated that the work sessions are usually not televised.

Miller disagrees with the term "work session" and believes it should be titled differently.

Benke stated that the objection is noted.

Discussion was held on the date and time of the next meeting.

Halvorson moved the public hearing to be at 6:00 p.m., with the meeting following at 7:00 p.m.

Moses asked if the meeting could be moved to May 14th.

Brown said he believes that if there is no conflict, the commission should accommodate a member's request.

Halvorson moved to amend the motion to add that the meeting be held on May 14th if there is no conflict with the staff and there is a location for the 14th.

Passed on a voice vote.

The meeting was adjourned at 8:40 p.m.