

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."

Charter Commission
250 Courthouse
15 West Kellogg Blvd.
Saint Paul, MN 55102
Phone: (651) 266-8000
Fax: (651) 266-8039
www.ramseycounty.us

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.
- A Charter may take care of problems associated with capital improvement and infrastructure, but how?
- 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 the 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.