

# **POSITION PAPERS**

**WHICH EXPLAIN THE INTENT  
OF THE**

**RAMSEY COUNTY  
CHARTER COMMISSION**

**IN DRAFTING THE**

**RAMSEY COUNTY  
HOME RULE CHARTER**

**SAINT PAUL, MINNESOTA**

**AUGUST 16, 1990**

# RAMSEY COUNTY CHARTER COMMISSION

356 COURT HOUSE  
15 WEST KELLOGG BOULEVARD  
SAINT PAUL, MINNESOTA 55102  
298-4111

AUGUST 16, 1990

This position paper was prepared by the Ramsey County Charter Commission to clarify the intent of the members of the Charter Commission on municipal powers. 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. The guiding principle of the drafters was to have local county decisions made by local people in a process more visible to the citizens of the county.

## MUNICIPAL POWERS

### SEC. 1.04 Municipal Powers Reserved

No existing function, duty, or power of any political subdivision within Ramsey County, other than Ramsey County and its agencies, is transferred, altered or impaired by this charter.

## PRESENT SYSTEM

Presently, county and municipal powers are defined statutorily. Municipalities have certain powers; counties have other powers. Counties may have legal authority to act in broad ways in some areas but for reasons of policy or economics have decided not to act and allow the municipalities to act on certain issues, an example is in the area of solid waste management.

The county and local units of government may and do enter into joint powers agreements.

## CHARTER SYSTEM

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

If there is a conflict between county and municipal powers, each case of a potential conflict will have to be analyzed on the basis of the particular laws, facts and circumstances applicable to the particular issue. The charter does not change the current laws governing conflicts between county and municipal powers. Conflicts between county and municipal powers are generally resolved in favor of the municipality.

#### INTENT OF RAMSEY COUNTY CHARTER COMMISSION

The language of Sec. 1.04 was added to protect the existing 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.

In an effort to increase county responsiveness and efficiency, Chapter 6, on coordination of service delivery, was drafted to require county departments to communicate and plan with local units of government in several specified areas. Local units of government would become part of the discussion in planning services in areas where the county has authority. The intent of involving the local units of government early in the process and in a continuing dialogue about the services is to provide services that are truly needed by the level of government which can best provide them and to provide an efficient, flexible, responsive service delivery system.

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This position paper was prepared by the Ramsey County Charter Commission to clarify the intent of the members of the Charter Commission on park land transfers. 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. The guiding principle of the drafters was to have local county decisions made by local people in a process more visible to the citizens of the county.

## PARK LAND TRANSFERS

### SEC. 2.02 K. PARK PROPERTY

The county board is authorized to sell, lease or otherwise dispose of park property upon such terms as it considers best in the public interest. In the event the intended use is not consistent with park purposes before disposal of any real property for such inconsistent use, the county board shall hold a public hearing as to the intended use of the property, after first providing at least twenty days written notice of the hearing date to the municipality in which the property is located and to all owners of land within 1,000 feet of the real property to be disposed.

## PRESENT SYSTEM

State statute controls the disposal of property which is consistent with park purposes. The statute is silent as to disposal for inconsistent purposes, therefore the county board must seek legislative approval for any sale, lease or other disposal of park property which is not consistent with park purposes.

Any resolution of the county board regarding park property is subject to a negative referendum which requires a petition signed by voters equal to five percent of the number of voters at the last regular election. The resolution shall not become effective until it has been approved by a majority of the votes cast on the question at a regular or special election.

### CHARTER SYSTEM

The system of sale, lease or other disposal of park property for consistent use remains the same. The process for transfer of park property for inconsistent use shifts the arena of decision-making from the state legislature to the county board and requires at least two public hearings. First, the county board is required to hold a public hearing as to the intended use of the property and must give notice to the property owners within 1,000 feet of the park property in question and notice to the municipality in which the property is located. In addition, if the county board decides to proceed after the first public hearing, the transfer must be done by ordinance. The ordinance requires notice, two public readings, a public hearing and is subject to the referendum process. Thus, there will be opportunities for two public hearings and the potential for the vote of the electorate on the issue instead of the decision being made in the legislature.

### INTENT OF THE RAMSEY COUNTY CHARTER COMMISSION

The transfer of park property should be done with the input of those affected by the transfer and give those affected an opportunity to be heard on the issue. When the decision is made at the state legislature, there is little actual opportunity for a full public debate on a local issue of this nature. When the issue is heard locally, the public has a more realistic opportunity for input to the decision. The county board has more awareness of the impact of local actions and can be held accountable for their decisions.

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This position paper was prepared by the Ramsey County Charter Commission to clarify the intent of the members of the Charter Commission in requiring a county manager. 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. The guiding principle of the drafters was to have local county decisions made by local people in a process more visible to the citizens of the county.

## COUNTY MANAGER

### 1. Appointment

SEC. 3.01 The county board shall appoint a county manager and fix the manager's compensation and terms of employment. The appointment shall be based on executive and administrative qualifications and experience. The county manager need not be a resident of Ramsey County nor of the State of Minnesota at the time of appointment.

## PRESENT SYSTEM

The county board may appoint a professional manager, called the executive director. However, the county board may either dismiss the individual or actually eliminate the position with a vote of four of the seven county commissioners. The board could then assume the management authority or decide to delegate the management authority in another way and not have professional management at all.

## CHARTER SYSTEM

The county board would be required to have professional management. The professional manager would still 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.

## INTENT OF THE RAMSEY COUNTY CHARTER COMMISSION

Professional management in Ramsey County was instituted upon the recommendation of a previous citizen study committee's work on the structure of Ramsey County government. The intent of the Charter Commission is to require that professional management exist in Ramsey County so that a resolution of the county board cannot eliminate professional management.

The Charter Commission also included the ability for the county board to fix the manager's compensation and terms of employment. This would suggest that the terms of the manager's contract are negotiable even though the manager will serve at the pleasure of the board.

The Charter Commission encouraged a wide search for candidates for the county manager position.

### 2. Hiring and Firing

SEC. 3.02 A. The county manager shall appoint, review, transfer, suspend or remove all appointive department heads and the county manager's appointive staff.

## PRESENT SYSTEM

Over the years, a more professional type of management system has evolved in which the board makes policy and the administration has the responsibility for implementing board policy and managing county business. At one time, the board had the responsibility for hiring and firing department heads. Now, the board has delegated the authority to hire department heads to the executive director. However, the board has retained the authority to dismiss department heads; the executive director may recommend a dismissal, but the board reviews the recommendation and has the final vote on the recommended dismissal.

## INTENT OF THE RAMSEY COUNTY CHARTER COMMISSION

The Charter Commission would like to see the county manager's authority include hiring and firing. This is the final phase in separating 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.

A grandparent clause was included in Chapter 12 to cover the transition to the new system. Department heads hired before the charter goes into effect will be covered by the present policy which requires board approval of a recommendation for dismissal. Department heads hired after enactment of the charter will be hired with the understanding that the county manager has the authority to hire and fire department heads.

**SEC. 12.02 F Department Heads:** All appointed department heads who are incumbents as of the effective date of this charter may be removed by the county manager only with the approval of the county board.

Civil service and personnel rules are not affected by the charter.



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This position paper was prepared by the Ramsey County Charter Commission to clarify the intent of the members of the Charter Commission on ordinances. 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. The guiding principle of the drafters was to have local county decisions made by local people in a process more visible to the citizens of the county.

## ORDINANCES

### SEC. 5.01 ORDINANCE: DEFINITIONS AND VOTE REQUIRED

- A. In addition to such other acts as this charter or any other provisions of law required to be by ordinance, those acts of the county board which shall be by ordinance include the following:
1. Establish, structure, merge, or abolish any county department, office, agency, board or commission, except as provided for in this charter.
  2. Establish the annual salary for county board members.
  3. Authorize the bonding and borrowing of money.
  4. Authorize emergency appropriations as defined in this charter.
  5. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
  6. Grant, renew or extend a franchise.
  7. Convey or lease, or authorize the conveyance or lease of any park lands of the county.
  8. Adopt, with or without amendment, ordinances proposed under the initiative power.
  9. Amend or repeal any ordinance previously adopted, except as otherwise provided in

Chapter 8 of this charter with respect to repeal of ordinances reconsidered under the referendum power.

10. Propose amendments to this charter.

B. Except as otherwise provided in this charter, ordinances shall require an affirmative vote of at least four members.

#### PRESENT SYSTEM

The ordinance procedure requires notice, a public hearing, and the ordinance is published in the legal newspaper as part of the proceedings of the board.. Ordinances are codified and are Ramsey County law.

There are presently very few ordinances because most county law comes from the legislature. Solid waste management, hazardous waste management, and administrative ordinance are recent examples of ordinances passed by the county board.

#### CHARTER SYSTEM

Ordinances require two readings which must be at least 10 days apart, a public hearing, and a 30 day period between the time the ordinance is passed and when it becomes effective to allow citizens the opportunity to petition for a referendum on the ordinance. Ordinances are published in the legal newspaper and distributed to city halls and libraries throughout the county. Ordinances are codified and are the law of the county.

Resolutions can be introduced and passed at the same meeting and generally take care of the business activities of the county. Resolutions are passed at regular board meetings. People have an opportunity to speak, but there is no public hearing. The public receives notice of the action to be considered by the board through publication of the agenda prior to the board meeting.

Under the charter, there would be a greater number of topics which would be passed by ordinance rather than by resolution.

#### INTENT OF THE RAMSEY COUNTY CHARTER COMMISSION

The Charter Commission wanted to open the decision making process to more public input; one of the ways was to have a greater number of topics be handled by ordinance with the public hearings and possible referendum. For example, public input to salaries, bonding, and conveying park land will be increased by having these issues decided by ordinance.

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This position paper was prepared by the Ramsey County Charter Commission to clarify the intent of the members of the Charter Commission on the coordination of operational services and planning. 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. The guiding principle of the drafters was to have local county decisions made by local people in a process more visible to the citizens of the county.

## COORDINATION OF OPERATIONAL SERVICES AND PLANNING

### SEC. 6.01 COUNTY COORDINATION: POWERS AND DUTIES OF THE COUNTY BOARD

A. In addition to its other powers and duties, the county board will assume the responsibility for the county-wide coordination of operational services and strategic planning.

B. The county board may coordinate this planning function through existing departments and work with local governmental units, including school districts, to establish goals, objectives, and implementation plans which will provide an efficient, effective delivery of services by the appropriate level of government.

### PRESENT SYSTEM

Any planning and coordination of service delivery is done on an individual department basis and the amount of communication on projects is largely determined by the personnel involved.

### CHARTER SYSTEM

The county will be required to invite local units of government to join with the county in discussing operational services and strategic planning. Plans for coordination of operational services will be developed as a result of the cooperative efforts of the county and the local units of government (municipalities and school boards are primarily involved, but special districts could also be involved). Review and updating of these plans will be done as a joint, cooperative effort of the county and local

units of government.

### INTENT OF THE RAMSEY COUNTY CHARTER COMMISSION

Early in the process of deciding what to put into the charter, the members of the Charter Commission discussed a variety of issues concerning local units of government within Ramsey County. Consolidation of services was discussed and the clear conclusion was that consolidation was not wanted in Ramsey County. There is nothing about consolidation in the proposed charter.

Another topic of discussion was land use planning. The discussions and testimony indicated that municipalities work with Metropolitan Council on land use issues and comprehensive planning. Therefore, the county would not serve a useful role in this area, other than to provide one central place in the county that would have all the municipal comprehensive plans.

Representatives from the municipalities suggested that a helpful role for the county to play would be that of facilitator/coordinator. The county would get local units of government together and discuss the areas of mutual interest which are listed in Chapter 6 of the charter. The belief that dialogue by the parties responsible for providing and delivering the service would be useful in constructing a workable, efficient, and effective system. Dialogue between the county and municipalities could work through issues of defining what service would be provided and by whom.

This system would increase the amount of actual input the local units of government would have into county planning activities and build in the flexibility and efficiency of continuing to update the systems so that they reflect the current needs of the population. The charter is intended to improve the delivery of services to all residents through a public partnership of coordination, cooperation and planning.

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This position paper was prepared by the Ramsey County Charter Commission to clarify the intent of the members of the Charter Commission on initiative, referendum and recall. 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. The guiding principle of the drafters was to have local county decisions made by local people in a process more visible to the citizens of the county.

## INITIATIVE, REFERENDUM AND RECALL

### SEC. 8.01 INITIATIVE, REFERENDUM AND RECALL

The people shall have the right to propose ordinances, to require ordinances to be submitted to a vote and to recall elective officials by processes known respectively as initiative, referendum and recall.

### PRESENT SYSTEM

Counties do not have initiative and referendum. Recall of elected county officials is controlled by state statute. In a recall proceeding, any registered voter may petition the county auditor requesting a removal election and setting forth facts which allege with specificity that an elected county official committed malfeasance or nonfeasance in the performance of official duties during the current or any previous term in the office, except that a petition may not be submitted during the 180 days immediately preceding a general election for the office which is held by the county official named in the petition.

The petitioner must attach to the petition documents which contain the signatures of supporters who are registered voters totaling at least 25% of the number of person who voted in the preceding election for the office which is held by the county official named in the petition. The chief justice of the appellate courts reviews the petition to determine whether the petition properly alleges facts which, if proven, constitute malfeasance or nonfeasance in performance of official duties. If the petition does, the chief justice shall assign the case to a special master for a public hearing where testimony will be taken and evidence will be presented. A determination will be made as (1) whether the petitioners have shown by clear and convincing evidence that

the factual allegations of malfeasance or nonfeasance are true; and (2) if so whether the facts found to be true constitute malfeasance or nonfeasance. The petition is dismissed at this time if the standard is not met.

If there is a finding of malfeasance or nonfeasance, the case must be certified to the county auditor for a removal election on a date to be fixed by the county auditor and held within 30 days of the order of the special master. An elected county official may be removed by a majority vote. Any resulting vacancy must be filled as provided by law. A removed county official may not thereafter hold the same office for the remainder of the term to which the official was elected.

Initiative and referendum are included in many city charters. The initiative and referendum process was offered as a constitutional amendment for the State of Minnesota in 1980 and was approved by a majority of the voters, but failed to get the required number of a majority of those voting in the election and initiative and referendum was not adopted.

#### CHARTER SYSTEM

The initiative and referendum processes apply to all ordinances and matters that may be the subject of an ordinance.

The initiative, referendum, or recall processes will be used in a manner consistent with the rights protected by the state and federal constitutions and laws.

An initiative or referendum shall be initiated by a petition signed by registered voters of the county equal in number to ten per cent of those who voted in the county for the office of President of the United States in the last general election. At the present time, August, 1990, this number required for a valid petition is 23,500.

Any ordinance proposed by a petition must be enacted by the county board within sixty days after the filing of the petition with the county manager. If the county board fails to enact the proposed ordinance, it shall be placed on a ballot at the next general election occurring in the county, or if no election is to occur within 120 days, at a special election. A majority of those voting on the ordinance vote in its favor, it shall become effective immediately.

Any ordinance may be subjected to referendum by a petition filed within 30 days after the publication of the ordinance. If a petition is filed, the ordinance is suspended in its operation as soon as the petition is found to be sufficient. If the ordinance is not thereafter entirely repealed, it shall be placed on the ballot at the next election, or at a special election called for the purpose. The ordinance shall not become operative until a majority of those voting on the ordinance vote in its favor.

## INTENT OF THE RAMSEY COUNTY CHARTER COMMISSION

The issue of initiative and referendum received considerable discussion by the members of the Charter Commission and those who appeared before the Commission to comment on the proposed drafts of the charter. The consensus decision of the Charter Commission was to include initiative and referendum in the proposed charter.

Initiative, referendum and recall are typical powers found in home rule charters. 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 incumbency. In addition, I, R, & R can provide an oversight function which the state legislature has traditionally served in monitoring the activities of the county.

The Charter Commission drafters included a clause that specifically 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. This clause was inserted to remind those reading the charter and wishing to utilize the initiative and referendum processes that the rights of other citizens can not be compromised by the use of these processes.

In establishing a petition requirement of the 10 percent of the number who voted in the county for the office of President of the United States in the last general election, the Charter Commission members attempted to strike a balance between making a petition sufficiently difficult to keep frivolous issues off the ballot while still allowing the petition process to work in a practical way.

The referendum process requires a thirty (30) day time period after the county board passes an ordinance before the ordinance becomes effective. This delay is to allow the people to circulate a petition to refer the ordinance to a vote of the electorate. This, too, was a compromise. The 30 days is intended to allow interested citizens time to circulate a petition without unduly delaying the process of government and the enactment of its laws.

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This position paper was prepared by the Ramsey County Charter Commission to clarify the intent of the members of the Charter Commission on bonding. 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. The guiding principle of the drafters was to have local county decisions made by local people in a process more visible to the citizens of the county.

## BONDING

### SEC. 9.05 BONDING

Ramsey County by ordinance and without an election may issue general or special bonds, notes, obligations, or evidence of indebtedness for any authorized corporate purpose.

## PRESENT SYSTEM

Generally, Ramsey County, like all counties in the state, must go to the legislature for approval of bonding authority or obtain the approval of the majority of the voters in an election. During a 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 and subject to the net debt limit which is also set by state law.

Ramsey County opted to participate in this program, although 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.

After the current five year capital improvements program expires, unless extended by the legislature, all counties will again require legislative approval or an election to obtain the authority to issue bonds.

## CHARTER SYSTEM

The charter would shift management decisions on bonding from the legislature to the county and open the process to increased citizen



participation through public hearings and the referendum process.

The county would be able to bond for any county purpose authorized by state law; the limit for bonding would be controlled by state law by the net debt limit. Other limiting factors would be public input, policies on tax levy limitations, and a decision to maintain the present AAA bonding rating which can only be done through sound financial practices.

The charter would allow bonding for capital improvements, within the described limits, to continue if the legislature does not extend the current five year capital bonding authorization. The capital improvement plan would be a part of the county budget which requires public hearings prior to adoption.

Bonding revenue is not part of the operating budget and is authorized for acquisition, upgrading and replacement of county assets. The debt service is paid by special levy and is subject to the net debt limit set by state law and the other fiscal restraints previously described. While there is the potential for increased debt services costs initially, it should be noted that the long term costs will actually be reduced because of the ability to manage county assets more effectively.

#### INTENT OF THE RAMSEY COUNTY CHARTER COMMISSION

The charter was written under the guiding principle that local decisions should be made by local officials who are accountable to the voters of the county. The charter bonding authority shifts the public discussion from the legislature where bonding bills are heard in committee with little local input, to the county level where public notice and hearings will be held and members of the county board are vested with the knowledge of the bonding issue. The charter requires bonding decisions to be made by ordinance which provides for notice, two public readings and a public hearing prior to adoption of the ordinance. In addition, bonding ordinances, as all ordinances, will be subject to the referendum process that allows citizens to refer any ordinance to a vote of the people of the county.

The intent was to bring the discussion about local bonding to the local level, to open the process to increased public discussion, and to vest the accountability for bonding decisions in the county board.

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This position paper was prepared by the Ramsey County Charter Commission to clarify the intent of the members of the Charter Commission on amending the 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. The guiding principle of the drafters was to have local county decisions made by local people in a process more visible to the citizens of the county.

## AMENDING THE HOME RULE CHARTER

### SEC. 11.02 A. PROPOSAL OF AMENDMENTS

Home rule 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 reviewing the proposed amendment, the charter commission shall approve or reject the proposed amendment or suggest a substitute amendment. The county board shall submit the amendment approved by the charter commission, either as originally proposed or the substituted amendment, to a vote of the electorate.

### SEC. 11.02 B. ADOPTION OF AMENDMENTS

A proposed amendment shall be submitted to a vote in the county at the next general election. The amendment shall be adopted if it is passed by the same majority required for adoption of the charter (51% of those voting on the issue.)

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. An ordinance amending the charter shall not become effective until 90 days after passage and is subject to referendum.

### PRESENT SYSTEM

Any change in the form of Ramsey County government would be governed by state general law for counties or by special law for Ramsey County. Public input would be at the legislative level rather than public hearings at the county level.

### CHARTER SYSTEM

Amendments to the home rule charter would be done locally as described in the sections above. The home rule charter would still be subject to state law if the legislature chose to prohibit actions of the county through home rule.

### INTENT OF THE RAMSEY COUNTY CHARTER COMMISSION

The reasoning of charter commission was to allow a greater number of decisions to be made at the local level with increased possibilities for citizens of the county to have input into and control over those decisions. Therefore, amendments to the charter form of government can be made by petition of the citizens. Amendments of a lesser nature, such as clarifying language of the charter, could be suggested by the charter commission or county board and be passed by the charter commission and subsequently by a unanimous vote of the county board which would still be subject to referendum. This ability to amend non-substantive parts of the charter would avoid the expense of an election and allow for housekeeping amendments to the charter; but even these would be subject to referendum to ensure that the actions of the charter commission and the county board reflect the desires of the citizens of the county.

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This position paper was prepared by the Ramsey County Charter Commission to clarify the intent of the members of the Charter Commission on county board visibility. There are 11 issues included in the charter which are intended to increase the visibility of the county processes. 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. The guiding principle of the drafters was to have local county decisions made by local people in a process more visible to the citizens of the county.

## COUNTY BOARD VISIBILITY

### 1. COMPENSATION FOR COUNTY BOARD MEMBERS

SEC. 2.01 D. 1. The county board may determine the amount of the annual salary of its members by ordinance. The ordinance shall state the dollar amount of the annual salary and shall be passed by July 1 of the year prior to the effective date of the ordinance.

This ordinance is subject to referendum.

## PRESENT SYSTEM

Currently the board sets salaries by a resolution of the board. There is no notice, public hearing, nor is a resolution subject to referendum. A resolution can be passed on the same day that it is brought to the board. The salary resolution traditionally has happened near the end of the fiscal year which is also the calendar year for Ramsey County.

## CHARTER SYSTEM

The county board would put salary changes before the voters in July by an ordinance passed by the board. This would allow ample time for public input and reaction before the salary ordinance took effect in January. The fact that the salaries would be passed by ordinance would also mean that it would be subject to the referendum process.

## INTENT OF THE RAMSEY COUNTY CHARTER COMMISSION

The Charter Commission designed more visibility into the entire salary process to allow increased public input to the process rather than limiting public input to reactions.

## 2. EXPENSES FOR COUNTY BOARD MEMBERS

### SEC. 2.01 D. 4 Actual and necessary expenses

Members of the county board shall receive their actual and necessary expenses incurred in the performance of their functions. The type and amount of expenses may be determined by the county board in the administrative code.

## PRESENT SYSTEM

Members of the county board are paid a set amount for administrative allowances and for travel. In the 1990 proposed budget, each commissioner would receive \$150/month for a transportation allowance, and \$100/month for an administrative allowance (\$200/mo. for the chair).

## CHARTER SYSTEM

County board members will be required to show actual expenses for reimbursement rather than receiving a pre-set amount for travel and administrative expenses.

## INTENT OF THE RAMSEY COUNTY CHARTER COMMISSION

The citizens should have the opportunity to see how much expenses are actually expended as costs for the elected officials. The true cost of government is before the people and they are better able to make choices about priorities for the expenditures of public resources. Listing these expenses increases visibility and accountability.

### 3. OUTSIDE COMPENSATION FOR BOARD MEMBERS

#### SEC. 2.01 D. 5 Fees, payments or other compensation

Fees, payments or other compensation paid to county board members, in exchange for representing the county, by outside boards, committees or other government agencies shall be remitted to the county treasury. Ramsey County may pay its board members additional fees for representing the county on outside boards, committees or other government agencies, provided that such payments are authorized in the annual salary ordinance.

#### PRESENT SYSTEM

The county board members presently serve on a variety of outside boards and commissions, such as the mosquito control district or light rail transit board. Members get a per diem for this service which is paid to them directly by the board or commission. The per diem amounts received by the individual board members is not a part of the annual salary which is passed by resolution of the board.

#### CHARTER SYSTEM

The per diem allowance for board members who serve will be a part of the annual salary resolution. The amount of per diem varies from one board to another and the assignments vary from year to year. A listing of the boards and the per diem paid for service will be a part of the salary ordinance. When the appointments are made, the individual commissioner's per diem compensation will be a part of the public record on board salaries.

The per diem allowance will go directly to the county treasurer and will become a part of the salary given to board members.

#### INTENT OF THE RAMSEY COUNTY CHARTER COMMISSION

Including per diem payments in the salary ordinance for service on outside boards more clearly states the entire compensation which commissioners receive in their official capacity. The public should be able to have this information in one place and available for review when the annual salaries are shown in the budget.

There was no objection to per diem being paid to county board members for actual service, and the Charter Commission members recognized the time and efforts that are given to these additional boards and commissions.. The point was to show the true and full compensation for that outside service, not to discourage that service in any way.

#### 4. PARK PROPERTY DISPOSITION

##### **SEC. 2.02 K Park Property**

To sell, lease, or otherwise dispose of park property upon such terms as it considers best in the public interest. In the event the intended use is not consistent with park purposes, before disposal of any real property, after first providing at least twenty days written notice of the hearing date to the municipality in which the property is located and to all owners of land within 1,000 feet of the real property to be disposed.

##### PRESENT SYSTEM

Park property that is to be sold, leased, or otherwise disposed of by the County Board for an inconsistent use requires the permission of the State Legislature. Conversion of park land for an inconsistent use has occurred seven times since 1971, and all of those have occurred since 1984. (The conversions included the following: the Shoreview city well and pump house; Shoreview fire station site; White Bear Township garage site; Lexington Avenue/CO RD J realignment; Old Highway 8/CO RD H realignment; Lake Owasso Park triangle; and Maplewood library site.)

##### CHARTER SYSTEM

The decision to sell, lease or dispose of park or open space land will require local notice to the municipality in which the land is located and personal notice to land owners within 1,000 feet of the real property in question and a public hearing as to the intended use of the property. This action is done by ordinance which requires an additional public hearing and is subject to a referendum.

##### INTENT OF THE RAMSEY COUNTY CHARTER COMMISSION

Local decisions should be made by local people. There is no state-wide issue in the transfer of land within Ramsey County. This is local business which should be heard and decided by the local people involved. This issue would generally be heard in committee at the legislature, but there is no notice given to anyone involved and committee hearings, although certainly

public and open, are difficult for the general public to access and attend. Visibility and responsiveness of the county board is improved when the county board holds public hearings on park use.

## 5. DISTRIBUTION OF MINUTES

### **SEC. 2.04 C. Minutes**

The official public record shall be available in the office of the county manager and shall be distributed to all city halls and public libraries throughout the county within one week of approval.

#### PRESENT SYSTEM

The county board proceedings are published in the legal newspaper for the county.

#### CHARTER SYSTEM

Wider distribution of the proceedings to places people frequent when they are seeking government related information: city halls and libraries.

#### INTENT OF THE CHARTER COMMISSION

The intent was to make the minutes of the county board more accessible to the general public through wider distribution of the minutes. The further intent was to lead to a broader involvement of the citizens of Ramsey County in the activities of the county board. This would lead to more visibility, more public oversight to the county governance process, and increase involvement by the people.

## 6. ROLL CALL VOTING

### **SEC. 2.04 D. Voting**

Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the record.



PRESENT SYSTEM

Voting is by voice vote.

CHARTER SYSTEM

Voting will be by roll call vote except on procedural motions.

INTENT OF THE RAMSEY COUNTY CHARTER COMMISSION

It is sometimes difficult to determine the vote of an individual commissioner when a voice vote is taken. Roll call voting will increase the visibility of each individual commissioner on each substantive issue.

7. ORDINANCE PROCEDURES

**SEC. 5.02 Ordinance Procedures**

Every proposed ordinance shall receive two readings: first, at the time it is presented, and second, at the time of the public hearing as required by law. Every proposed ordinance shall be read in full at the meeting at which it is presented; provided that full reading may be waived if a copy of the ordinance is supplied to each member of the county board prior to its introduction. At the first reading, a date will be set for the public hearing which shall be held no sooner than 10 days after the first reading. The second reading shall be at the public hearing and the ordinance may be passed at this meeting. All ordinances, other than emergency ordinances, shall become effective thirty (30) days after passage, unless a later date is specified therein.

PRESENT SYSTEM

A public hearing is held and the issue is heard a second time no sooner than 10 days after the first hearing, at this time the board may pass the ordinance.

## CHARTER SYSTEM

The hearing procedure is very similar to the present system. However, a greater number of issues are required to be passed by ordinance to ensure that public hearings are held on these matters and that they are open to referendum of the people. All ordinances have a 30 day period before they are enacted to allow for a petition to be circulated for a referendum.

## INTENT OF THE RAMSEY COUNTY CHARTER COMMISSION

The actions of the county board which involve issues which particularly affect the citizens of Ramsey County should be passed by ordinance. This will require a greater number of public hearings and these ordinances will be subject to the referendum process. These factors increase the visibility and responsiveness of the county board.

## 8. COORDINATION OF OPERATIONAL SERVICES AND PLANNING

### Sec. 6.01 A. Coordination of Operational Services and Strategic Planning.

In addition to its other powers and duties, the county board will assume the responsibility for the county-wide coordination of operational services and strategic planning.

## PRESENT SYSTEM

The present personnel involved in the coordination of services, such as public works, with municipalities do a very good job of communicating and coordinating on projects. Policy development on services, such as the 911 system, has included input from municipal governments.

## CHARTER SYSTEM

Coordination of operational services and strategic planning would be required by the Charter. The board would establish a plan which would set forth the county board's policy regarding the coordination of service delivery with other units of government, including the areas listed in Chapter 6. The planning would involve representatives of the local units of government. The fact of meeting and discussing these areas of mutual interest would increase the visibility of the county because of the numbers of people involved in this planning process.

There would also be increased local government input to the county process of planning operational services.

#### INTENT OF THE RAMSEY COUNTY CHARTER COMMISSION

This section was written in a joint effort by charter commission members and representatives of local units of government.

One of the first issues in this area was the idea of consolidation. Considerable testimony was taken and the reaction was very negative on the issue and the concept of consolidation was dropped. There is no provision for consolidation in the proposed charter.

Land use planning was also discussed and considered to be a function of the local units of government with direction from Metropolitan Council. The comprehensive plans for local governments will be included in a county map to assist in coordinating activities between municipalities.

Representatives of local governments suggested that the most useful role for the county in relationship to municipalities would be in the coordination of operational services and planning. The county would act as a facilitator to get local units of government together to discuss and plan who should provide which services in the various areas listed in the charter. This would be a requirement to ensure that the delivery of operational services was discussed by all the affected parties and options were explored. The example given during the drafting session related to law enforcement. Local units of government represented suggested that some of the services which required more expertise, like felony level investigations and a canine corps, could be provided as a resource by the county. Activities requiring less expertise, like patrolling, could be covered by the local municipality. Chapter 6 was written to reflect this request from local governments.

There are also areas of review and comment, such as in the area of land use and economic development. The role of the county would be to facilitate the coordination of planning and development between adjacent municipalities and to encourage communication between local governments on issues which potentially affect more than one community.

Increased communication will naturally increase county visibility and responsiveness. In this area, efficiency and flexibility will also be enhanced.

#### 9. INITIATIVE, REFERENDUM, AND RECALL

##### **SEC. 8.01 Initiative, Referendum and Recall**

The people shall have the right to propose ordinances, to require ordinances to be submitted to a vote and to recall elective officials by processes known respectively as initiative, referendum and recall.

### PRESENT SYSTEM

Presently, there is no initiative or referendum provision at the state or county level, although many cities which have home rule charters have initiative and referendum.

Recall of county elected officials is presently controlled by state law, Minnesota Statutes 351.14. This provides for an evidentiary hearing before a special master appointed by the chief justice of the state appellate courts. There must be a showing of malfeasance or nonfeasance in office to hold a recall election. The official is recalled if a simple majority of voters vote in favor of the recall. The position vacated is filled by appointment or election. An official cannot be recalled within 6 months of taking office or being up for re-election. The state statute prohibits the recalled official from candidacy for the office just vacated.

### CHARTER SYSTEM

Initiative and referendum would focus attention on the activities of the county board because of the perception of the ability of the citizens to affect those activities. Any petition filed would receive media attention and increase citizen awareness of county issues and county officials. In addition, any group wishing to petition would very probably have an opportunity for increased dialogue with the county board and affected staff in a negotiation stance attempting to avoid the need and expense of an election on the issue. This personal contact of the citizens and the members of the county board would significantly increase the visibility of the county government.

The process of getting a petition with ten percent of the number of voters voting for the office of president in the last general election would increase the visibility of the county activities and county board members. Even though limited to a single issue, the petition would generate interest in and increased awareness of county government.

### INTENT OF THE RAMSEY COUNTY CHARTER COMMISSION

County government has sometimes been referred to as the invisible government. One of the ways to enhance the visibility and responsiveness of Ramsey County government, the proposed charter gives Ramsey County citizens the powers of initiative, referendum and recall.

## 10. BONDING

### **SEC. 9.01 Authority**

The county board shall have full authority over the financial affairs of the county except as limited by the State Constitution or this charter. This authority shall include the power by resolution to assess, levy, and collect taxes on all subjects or objects of taxation, and by ordinance to issue bonds, except as limited or prohibited by the State Constitution or this charter.

#### PRESENT SYSTEM

Ramsey County has the authority to issue general obligation bonds by obtaining approval of the majority of the voters in an election, or under provisions of the law which permits the issuance of obligations by a municipality without an election but requires approval by the State Legislature.

#### CHARTER SYSTEM

Bonding would be done by ordinance, so there would be public hearings held at the local level rather than in the Legislature on the county projects being proposed and funded by issuing bonds. Bonding ordinances would be subject to referendum.

There would also be a five-year capital improvements plan which would be reviewed yearly as part of the budget process which requires public hearings and ample time for the public to review the budget.

#### INTENT OF THE RAMSEY COUNTY CHARTER COMMISSION

Both of these provisions bring public hearings and input to important financial decisions and significantly increase the opportunity citizens have to see more of the activities of the county and the plans that are being made. The Administrative Code would establish the system for eliciting public input to the development of the Capital Improvements Plan, but the intent of the drafters was to include citizens both in the development and the review of the plan. In addition, the Commission wanted to ensure that important financial decisions, such as bonding and capital improvements, have public hearings and increased county visibility to provide a realistic chance for citizens to input these decisions.

## 11. CHARTER AMENDMENTS

### SEC. 11.02 Proposal of Amendments

Home rule 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.

#### PRESENT SYSTEM

No comparable system of changing the basic governmental structure exists.

#### CHARTER SYSTEM

The voters could propose amendments to the county charter to reflect changes in society and to structure their government in such a way to allow the needs of the society to be addressed.

#### INTENT OF THE RAMSEY COUNTY CHARTER COMMISSION

The Charter Commission intended to allow the Charter to be amended in several ways to allow for flexibility in administering the affairs of the county. Proposed amendments could be suggested in several ways to allow both the large and small issues to be addressed. The people can file a petition to request a change in the charter. Five percent of the number of voters registered as of the last state general election could propose a charter amendment; presently, this number would be 17,094 names required. This is a large number of people taking an interest in a county charter issue and makes significant issues in county government much more visible.

The Charter Commission has received testimony on possible charter amendments, such as appointing the sheriff and county attorney. The Charter Commission decided not to include this issue in the proposed charter because it truly is a political issue and should be decided in an isolated way on a ballot, rather than being included in a proposed charter. These separate changes in the form of the charter are the kinds of amendments that give the charter the flexibility to reflect current society.