

**ANNOTATED**  
**HOME RULE CHARTER**  
**FOR**  
**RAMSEY COUNTY**  
**MINNESOTA**

**by the**  
**RAMSEY COUNTY CHARTER COMMISSION**

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**Effective Date:**  
**November 6, 1992**

## **DEDICATION**

The members of the Ramsey County Charter Commission dedicate the charter to the memory of Tom Ryan whose positive vision, support, and unfailing good humor encouraged the creation of this document for the people of Ramsey County.

## **ACKNOWLEDGMENTS**

The members would like to acknowledge former Charter Commission members Ted Collins, Janet Hollenhorst, and Andrew Shern whose contributions were greatly appreciated but who were unable to complete their terms on the Commission. The members of the Charter Commission also acknowledge and appreciate the support of the Ramsey County Board of Commissioners and the staff of Ramsey County throughout the study and drafting of this document. Finally, a special thanks go to the Charter Commission administrative staff for all their hours of dedication to the charter and its mission.

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**RAMSEY COUNTY**

**HOME RULE CHARTER**

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Rationale from the Position Papers refers to the document published by the Ramsey County Charter Commission on August 16, 1990 which explains the intent of the Charter Commission in drafting certain significant sections of the Ramsey County Charter.

Sources and Rationale are underlined.

**Charter Text is in boldface.**

## CHAPTER 1

### POWERS OF THE COUNTY

#### Sec. 1.01 General Grant of Powers.

Except as this charter expressly provides to the contrary, Ramsey County shall have all powers possible for a county to have, as now or hereafter granted or allowed by the constitutions and laws of the United States and the State of Minnesota, as fully as though each power comprised in that authority were specified in this charter.

Sources: Model County Charter Sec. 1.01.  
Oregon Model Charter Sec. 2-1.

Note: As a general rule of law, a municipal corporation possesses and can exercise powers that are granted in express words, those necessarily or fairly implied or incident to the powers expressly granted, and those essential to the accomplishment of the declared object and purposes of the corporation. The charter will change this rule and permit the county to exercise powers unless they are prohibited by the federal or state constitutions or laws.

Note Source: Michele L. Timmons, Assistant County Attorney and Director of the Civil Division in an Interoffice Memorandum on Powers and Bonds, April 19, 1990.

#### Sec. 1.02 Construction of Powers.

In this charter no mention of a specific power is exclusive or restricts the authority that the county would have if the specific power were not mentioned. This charter shall be liberally construed within the limits imposed by this charter or the constitution or laws of the United States or the State of Minnesota. The county shall have all powers necessary or convenient for the conduct of its affairs, including all powers that counties may now or hereafter assume under the home rule provisions of the constitution and laws of Minnesota.

Source: Oregon Model Charter Sec. 2-2.

#### Sec. 1.03 Exercise of Powers.

All powers of the county shall be executed as provided by this charter, or, if the charter makes no provision, as provided by ordinance or resolution of the county board.

Source: Model County Charter Sec. 1.02.

#### 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.

Source: Final Report and Proposed Home Rule Charter Allegheny County, Pennsylvania Charter Sec. 901, p. 52, March 15, 1974.

Rationale from Position Papers: This provision is designed to make it clear that municipal powers are not changed by this charter. 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.

## CHAPTER 2

### COUNTY BOARD OF COMMISSIONERS

#### Sec. 2.01 Composition: Terms, Qualifications and Compensation of Members.

- A. There shall be a Board of Commissioners of Ramsey County, (hereafter "county board"), State of Minnesota, composed of seven members elected by districts.

Sources: Model County Charter Sec. 2.01 A. Minn. Stat. 375.01 (1988).

Rationale: Both the general law and Ramsey County's special law stipulate seven county commissioners. The charter commission discussed a wide range of options for the number of county commissioners but decided to recommend a seven member county board because a larger board would reduce visibility and accountability of individual board members and decision making would tend to transfer to the administrative level. In addition, there does not appear to be a constituency demanding a larger board.

- B. Members of the county board shall be elected as provided in Chapter 7 of this charter, for terms of four years beginning the first Monday in January after their election; but members shall continue to serve until their successors have been elected and take office. The terms of the county board members shall be staggered as provided by law.

Sources: Model County Charter Sec. 2.01 B.  
The first day of office is provided for in Article 7, Section 7 of the Minnesota Constitution.

Rationale: Commissioners are currently elected from districts and serve four year, staggered terms.

The charter commission discussed the possibility of two, four or six year terms and decided to retain four year terms of office. Two year terms would necessitate frequent campaigning while six year terms would limit constituents' opportunities to vote on representation.

The charter commission also discussed limiting the number of terms an individual could serve but decided against limited terms because:

(1) The decision on how long a person remains in office should belong to the voters.

(2) Limited terms would lead to the possibility of a commissioner serving a four year term as a lame duck.

The charter commission discussed the issue of whether or not terms should be staggered. Although at various times there was much support for non-staggered terms, the commission ultimately decided to maintain staggered terms. This decision was made to maintain continuity and because testimony received by the commission from both county and municipal officials was in support of staggered terms.

**C. Qualifications.**

1. A person shall be eligible to be elected to or to hold the office of member of the county board if the person is an eligible voter of the county, has been a resident of the district from which the person is seeking election for 30 days, and has filed the affidavit of candidacy as required by state law. If a member ceases to be an eligible voter of the county or a resident of the district from which elected, or is convicted of a felony or any other offense which would create a vacancy in office as provided by the state constitution or other law, the member shall immediately forfeit the office.

Sources: Model County Charter Sec. 2.01 C.  
Ramsey County Charter Commission.  
Minn. Stat. 351.02 (1988).

Rationale: This section on eligibility and vacancies is consistent with state law. The charter commission decided to use conviction of a felony in conjunction with Minnesota Statute 351.02 which enumerates events creating a vacancy including: "...conviction of any infamous crime, or of any offense involving a violation of the official oath;..."

2. No county commissioner shall hold another elected office or be employed by the county during tenure as commissioner. No commissioner shall receive any money or other valuable thing as a condition of voting or inducement to vote for any contract or other item under consideration by the board. Every election and every contract or payment voted for or made contrary to this section is void. Any violation of this section is a malfeasance in office.

Source: Minn. Stat. 375.09 (1988) edited for clarity.

**D. Compensation.**

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.

Sources: Model County Charter Sec. 2.04 E.  
Ramsey County Charter Commission.

Rationale: The current practice is for the county board to set its members' salaries annually by resolution. Salary increases for the county board are treated like regular agenda items with limited public notice.

This language places several requirements on the county board process for setting the annual salary of its members.

The requirements include:



(1) Requiring the salary increase to be passed by ordinance with notice through public hearing as provided for in Chapter 5 of this charter. The charter commission proposes requiring passage by ordinance because it gives the public sufficient notice of the county board's action on salary increases for its members.

(2) Requiring that the ordinance be passed by July 1. This provides sufficient notice to the public, prior to elections, of the county board's intent to set its salary.

Rationale from Position Papers: The intent of the Charter Commission was to design more visibility into the entire salary process. Requiring a salary ordinance will allow increased public input to the process rather than limiting public input to reacting to a salary ordinance. An ordinance is also subject to the referendum process.

2. The salary ordinance shall not be effective until the first business day of the following January. A petition asking for an election on the proposed ordinance, signed by registered voters of the county equal in number to ten percent of those who voted at the last general election for the office of President of the United States, is to be filed with the county within 30 days following its publication. The salary ordinance, thus petitioned, shall not be effective until it has been approved by the majority of those voting on the question at a regular or special election.

Sources: Ramsey County Charter Chapter 8.  
Ramsey County Charter Commission.

Note: The county has had a reverse referendum available in its special laws, but it has never been used.

3. Salaries thus fixed by ordinance shall remain in effect until changed by similar action, except that the board may at any time by ordinance fix such salaries in a smaller amount for any year.

Source: Minn. Stat. 383A.25 (1988).

Rationale: In times of fiscal difficulties, county commissioners could reduce their salaries more quickly and would not be bound by the July 1 deadline.

4. 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.

Sources: Model County Charter Sec. 2.01 E, Note 3.  
Ramsey County Charter Commission.

Rationale from Position Papers: Current practice is to provide a mileage and parking allowance and a permanent parking space.

Under the Charter, County Board members will be required to show actual expenses for reimbursement. Any allowances for these expenses will be shown in the budget as part of the annual salary. These measures are intended to increase visibility and accountability.

5. 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.

Sources: Ramsey County Charter Sec. 2.01 D.1.  
Ramsey County Charter Commission.

Rationale from Position Papers: 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.

## Sec. 2.02 Powers of the County Board.

The county board shall be the policy-determining body of the county. Except as otherwise provided by the Constitution of the State of Minnesota, or by this charter, the county board shall have all the powers of the county. Without limitation of the foregoing grant or of other powers given it by this charter, the county board shall have power:

- A. To appoint, review, and remove the county manager.

Source: Model County Charter Sec. 2.01 (1).

- B. To establish, structure, merge, or abolish any county department, office, agency, board or commission and to prescribe the function of any county department, office, agency, board or commission, with the following exceptions:

1. That no function assigned by this charter to a particular department, office, agency, board or commission may be discontinued or assigned to any other unless the charter is amended; and
2. That this section does not alter the obligation of the county to provide services mandated by state or federal law.

Sources: Model County Charter Sec. 2.02 (2).  
Minn. Stat. 383A.20, Subd. 1 (1988).  
Ramsey County Charter Commission.

Rationale: This section maintains the current power of the county to restructure county government while at the same time protecting the duties of the various offices as assigned by the charter.

C. Subject to the limitations provided by law:

1. To levy taxes and special assessments;
2. To issue debt instruments and borrow money; and
3. To set fees and designate the collection and disposition of such fees by any county department, office, agency or board.

Source: Model County Charter Sec. 2.02 (3) and (4).

D. To adopt a budget and to make appropriations for county purposes.

E. To adopt and amend an administrative code.

Source: Model County Charter Section 2.02 (2), Note 4.

Rationale: The Charter Commission drafted the Ramsey County Charter in a constitution-like manner keeping the document short and succinct. The Charter Commission members envisioned the Administrative Code as the document to describe in greater detail the way the county functions.

F. To make investigations into the affairs of the county and the conduct of any county department, office, agency, board or commission. For this purpose, the county board may authorize the county attorney, to subpoena witnesses, administer oaths, take testimony and require the production of evidence. In the event that the office of county attorney is the subject of the investigation the county board shall obtain independent counsel. Any person who fails or refuses to obey any lawful order issued in the exercise of these powers by the county board shall be guilty of a misdemeanor.

Sources: Draft St. Paul Charter Sec. 4.07.  
Model County Charter Sec. 2.02 (5).

Rationale: This is a new power allowing Ramsey County to subpoena witnesses and take oaths necessary for the county to exercise its ability to investigate before recourse is taken in court. This is a common power granted to counties.

G. To enter into joint powers agreements as provided by state law.

Source: Minn. Stat. 471.59 (1988).

H. To require periodic and special reports concerning their activities from all county departments, offices, agencies, boards or commissions.

Source: Model County Charter Sec. 2.02 (7).

I. To provide for an independent audit of the finances of the county.

Sources: Model County Charter Sections 2.02 (8) and 5.12.

J. To adopt, amend or repeal ordinances and resolutions.

Source: Model County Charter Sec. 2.02 edited for clarity.

Rationale: Sections A, B, C, D, E, G, H, I, and J are standard powers of county boards.

- K. 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.

Rationale: Currently, the county board may only dispose of property acquired for park, recreational or open space purposes if the use of the property remains consistent with these purposes. This requirement has prohibited the county board from using park lands for such things as roadways not directly serving the park, libraries, county service centers or solid waste facilities. In order to devote park property to a different use, special legislation has been required. Conversion of park land for an inconsistent use has occurred seven times since 1971, and all of those have occurred since 1984.

The decision to sell, lease or dispose of park or open space land will require written notice to the municipality in which the land is located, 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 the ordinance is subject to a referendum by the voters. So, voters will have notice, at least one and possibly two public hearings, and the option of a referendum when the County Board proposes to dispose of any park land for a non-park purpose.

Rationale from Position Papers: Local decisions should be made by local people. There is no state-wide issue which requires state legislation in the transfer of land within Ramsey County. This is local business which should be heard and decided by the local people involved. The charter procedure requires notification and public hearings at the local level for citizen input to these transfer decisions.

- L. To acquire by gift, devise, purchase or condemnation any property on such terms as the county board deems appropriate, and to sell or lease any property of the county, as needed for the full discharge of the powers and duties of the county, subject to this charter and state law.

Sources: St. Paul Charter Sec. 13.01.  
Memorandum dated March 20, 1989 from bond counsel to Michele Timmons, Assistant County Attorney, to add this customary power.

Sec. 2.03 Organization: Officers.

The county board shall elect from among its members a chair and a vice chair, each of whom shall serve at its pleasure. The chair shall preside at county board meetings. If at any meeting, the chair is not present or is unable to act, the vice chair shall preside at that meeting.

Sources: Minn. Stat. 383A.26 (1988).  
Model County Charter Sec. 2.04.

Rationale: This establishes a line of authority for county board members. There does not appear to be a need for a second vice chair.

Sec. 2.04 Procedure: Meetings, Rules and Record, Voting.

- A. The county board shall meet at least twice each month at the times and dates established by the board at its first meeting in January of each year and on the days prescribed by the general laws of this state to transact any business that may properly come before the board.

Source: Minn. Stat. 383A.27, Subd. 1 (1988) (Ramsey County Code).

Rationale: Current law sets forth a minimum requirement for regular meetings. Current practice, as set forth in the County Board's Rules of Procedure, is for the board to hold regular meetings on the first four Tuesdays of each month, except legal holidays.

All meetings shall be public. The county board by majority vote in a public meeting may decide to hold a closed meeting to consider issues allowed by law or judicial interpretations of the law, including strategy for labor negotiations, personnel matters and litigation.

Source: Minn. Stat. 471.705 (1988) (Minnesota Open Meeting Law).

Rationale: Current state law on open meetings was incorporated into the charter to restate the open and public nature of the county board meetings and to assure that they will continue to be open regardless of changes in state law.

- B. Special meetings may be held on the call of the chair or of four or more members and, whenever practicable, upon no less than three days notice. All business conducted at the special meetings shall be confined to that stated in the notice.

Sources: Model County Charter Sec. 2.05 A.  
Draft of the St. Paul Charter Sec. 4.04.  
Ramsey County Charter Commission.  
Minn. Stat. 471.705 (1988).

Rationale: The language is consistent with the state's open meeting laws. This section emphasizes the important of the public's accessibility to the process of conducting government business. It also seeks to prevent a board from conducting business of which the public is not aware.

Emergency meetings may be held because of circumstances that, in the judgment of the county board, require immediate consideration by the county board. As soon as practicable after notice has been given to county board members, good faith efforts shall be made to give notice to each news media in the same method used to notify the board members. This notice shall include the subject of the meeting, the date, time, and location.

Source: Minn. Stat. 471.705, Subd. 1c (c).(1988).

Note: An emergency is defined in Section 5.03 of the Ramsey County Charter.

- C. The county board shall determine its own rules of procedure and order of business and shall provide for keeping a record of its official proceedings. 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.

Source: Minn. Stat. 383A.27, Subd. 2 (1988).

Minn. Stat. 375.12 (1988).

Ramsey County Charter Commission.

Rationale from Position Papers: The county board proceedings are published in the legal newspaper. The charter requires a wider distribution to the city halls and libraries which are the places people frequent when they are seeking governmental information.

- D. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the record. A majority of the county board shall be four (4) members. A majority shall constitute a quorum. No business shall be done unless voted for by a majority of the whole board, except as provided for elsewhere in this charter, but less than a majority may adjourn.

Sources: Model County Charter Sec. 2.05 C.

Minn. Stat. 375.07 (1988).

Rationale from Position Papers: A roll call vote will ensure that an accurate record of voting is available for both people attending the meeting and for the record of the proceedings.

CHAPTER 3

COUNTY MANAGER

Sec. 3.01 Appointment and Removal of the County Manager.

- A. 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.

Sources: Model County Charter Sec. 3.01 A.  
Minn. Stat. 375A.06 (1988).

Rationale: The current language used is county executive director. County manager is the standard term used in county government across the country.

Rationale from Position Papers: The county board would be required to have a professional manager unless this section of the charter was amended. The county manager would still be hired or fired by a vote of four board members, but the position could not be eliminated without amending the charter.

- B. The county board, upon the vote of four members for a resolution to remove, may remove the county manager from office at pleasure.

Source: Model County Charter Sec. 3.01 B.

Rationale: The charter commission discussed providing for a termination allowance and decided not to include such language because it is an item that could be negotiated between the county board and a candidate for the county manager position.

- C. By letter filed with the chair of the county board, the county manager may designate a qualified county administrative officer or employee to exercise the powers and perform the duties of county manager during the county manager's temporary absence or disability. If the county manager fails to make such a designation, or if there is a vacancy in the office of county manager, the county board shall designate by resolution a qualified person to perform this function.

Source: Model County Charter Sec. 3.01 C. edited for clarity.

Sec. 3.02 Powers and Duties of the County Manager.

The county manager shall be the chief administrative officer of the county and shall be responsible to the county board for proper administration of the affairs of the county and for carrying out the policies of the county board. The county manager shall:

Sources: Model County Charter Sec. 3.02.  
Oregon Model Charter Sections 4-1, 4-2 and Note 4-2 (5).

Rationale: This section, along with Section 2.02 of this charter provides for a division of authority by delineating the policy-making and administrative responsibilities: the county board is the policy-making body while the county manager is the administrative officer. This division of responsibility is common in governments with home rule charters.

- A. Appoint, review, transfer, suspend or remove all appointive department heads and the county manager's appointive staff, and authorize such department heads to appoint, review, transfer, suspend or remove subordinates in their departments, offices or agencies.

Source: Model County Charter Sec. 3.02 (1).

Rationale from Position Papers: The authority to hire and fire is an administrative duty generally delegated to an executive officer. The county board should develop policy and delegate the responsibility for policy implementation to the county manager.

Note: This section refers to the Ramsey County Code, Minnesota Statutes 383A.281 through 383A.301 (1988).

A grandparent clause was included in Chapter 12 of this Charter which applies to department heads hired prior to the enactment of this charter.

- B. Develop a proposed written administrative code which at minimum shall identify and define specific areas of accountability, delegation and reporting requirements for county departments, offices, agencies, boards and commissions, and shall enforce and maintain such administrative code after adoption by the county board by resolution.

Source: Resolution of the Ramsey County Board of Commissioners 9-26-78, #78-1220, page 2.

Rationale: The detail of administration was not included in the Ramsey County Charter but will be included in the Administrative Code.

- C. Attend county board meetings and participate in the county board's deliberations, but not vote on matters before the county board.

Sources: Oregon Model Charter Sec. 4-2 (1) and Note 4-2 (5)(a).

Rationale: This section indicates the working relationship between the county board and the county manager.

- D. Supervise the enforcement of county ordinances and compliance with the terms of all county franchises, leases, contracts, permits and licenses.

Sources: Oregon Model Charter Sec. 4-2 (1) (d) and Note 4-2 (5) edited for clarity.

- E. Provide clerk services to the county board, provide notice of and keep a record of all county board proceedings.



- F. Prepare and submit the annual budget proposal and capital improvements plan proposal to the county board.

Source: Model County Charter Sec. 3.02 (3).

- G. Examine regularly the accounts, records and operations of every county department, office and agency, board or commission; make regular reports to the county board on county affairs; keep the county board fully advised on the financial condition and future needs of the county and make such recommendations on county affairs as deemed desirable.

Source: Model County Charter Sec. 3.02 (5).

- H. Submit to the county board at the end of the fiscal year a complete report on the finances and administrative activities of the county for the preceding year and prepare and make available for distribution to the public, after the end of each fiscal year, an annual report on county affairs during that fiscal year.

Source: Model County Charter Sec. 3.02 (6).

- I. Perform such other duties and exercise such other responsibilities as may be necessary and appropriate to the county manager's function as the head of county administration.

Sources: Oregon Model Charter Sec. 4-2 (1) and Note 4-2 (5) (g).

CHAPTER 4

ADMINISTRATIVE DEPARTMENTS, OFFICES, AND AGENCIES

Sec. 4.01 General Provisions.

- A. The activities of departments, offices, and agencies shall be those established by this charter, by ordinance of the county board, or by other law. The activities of those departments, offices, and agencies shall be identified and defined in the administrative code and will be under the direction and supervision of the county manager.

Sources: Model County Charter Sec. 4.01 A, edited to be consistent with 3.02 B.

- B. Each department, office or agency shall be administered by an officer appointed pursuant to the terms of this charter, subject to the direction and supervision of the county manager.

Source: Model County Charter Sec. 4.01 B.

- C. County administrative officers appointed by the county manager may be suspended or removed by written order of the county manager. The suspension or removal shall take effect upon the signing of the order therefore; and the county manager, upon signing such an order, shall cause the officer concerned to be served immediately with a signed copy of the order. The action of the county manager in any such cases is final and shall not be subject to appeal.

Sources: Model County Charter Sec. 4.01 C.  
Ramsey County Charter Sec. 3.02 A.  
Ramsey County Charter Commission.

Note: Minn. Stat. 383A.286, Subd. (2) (1988), which states that the "affirmative action officer, personnel director, internal auditor and director of budgeting and accounting shall be positions in the classified service," is incorporated by reference.

Rationale: This section corresponds to the Ramsey County Charter Chapter 3.02 A, which gives the county manager the power to "appoint, review, transfer, suspend or remove all appointive department heads..."

With respect to all appointed department heads who are incumbents as of the effective date of this charter, the county manager may recommend removal of an incumbent to the county board for their vote on the recommendation.

Sources: Ramsey County Charter Sec. 12.02 F.  
Ramsey County Charter Commission.

- D. The foregoing provisions shall not apply to the elective offices of sheriff and county attorney.

- E. Such county officers or employees as the county board may provide shall give bond in the amount and with the surety prescribed by the county board. The premiums on such bonds shall be paid by the county.

Source: Model County Charter Sec. 9.01.

Rationale: The county board should have flexibility to determine whether or not a bond is required for a particular officer. In addition, the board should be able to determine whether the cost of obtaining a bond outweighs the risk of exposure.

- F. Ramsey County shall be an equal opportunity employer.

Sources: The Ramsey County Charter Commission.  
Model County Charter Sec. 9.05.

#### Sec. 4.02 Purchasing Officer.

- A. There may be a county purchasing officer who shall be appointed by the county manager.
- B. The purchasing officer may contract with other governmental units to promote competitive bidding, effect economies in volume buying and provide better service.

Sources: Ramsey County Charter Commission.  
Model County Charter Sec. 4.04.

Rationale: The Ramsey County Code, Minn. Stat. 383A.32 (1988), currently requires the City of St. Paul and Ramsey County to have a joint purchasing office. The charter language is permissive and gives the county the flexibility to continue the current arrangement or to set up its own purchasing office at some time in the future.

Note: The section of the Ramsey County Code on purchasing would be superseded by this provision.

- C. The purchasing officer shall require a performance bond for all contracts required to be bid by the Uniform Municipal Contracting Law as amended. The purchasing officer may require a performance bond or alternative form of security for any other contracts.

Note: Subsection C supersedes Minn. Stat., 383A.32, Subd. 3 (1988), the Ramsey County Code, on purchasing and the waiver of performance bonds.

#### Sec. 4.03 Personnel Officer.

There shall be a county personnel officer appointed to the classified service by the county manager, subject to the approval of the county board, who shall administer the personnel system of the county in accordance with the personnel law.

Source: Ramsey County Charter Commission.

Note: This section incorporates by reference Minnesota Statutes 383A.281 through 383A.301 (1988) which is the Personnel Department section of the Ramsey County Code.

## CHAPTER 5

### ORDINANCE AND RESOLUTION PROCEDURES

#### 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:

Sources: Model County Charter Sec. 2.06.  
Ramsey County Charter Commission.

Rationale from Position Papers: 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 which require public hearings and are subject to the referendum process.

1. Establish, structure, merge, or abolish any county department, office, agency, board or commission, except as provided for in this charter.

Source: Model County Charter Sec. 2.06 (1).

2. Establish the annual salary for county board members.

Source: Model County Charter Sec. 2.06 (2).

3. Authorize the bonding and borrowing of money.

Sources: Model County Charter Sec. 2.06 (8).  
Ramsey County Charter Commission.

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.

Source: Model County Charter Sec. 2.06 (3).

6. Grant, renew or extend a franchise.

Source: Model County Charter Sec. 2.06 (6).

7. Convey or lease, or authorize the conveyance or lease of any park lands of the county.

Source: Model County Charter Sec. 2.06 (9).  
Ramsey County Charter Commission.

8. Adopt, with or without amendment, ordinances proposed under the initiative power.

Source: Model County Charter Sec. 2.06 (12).

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.

Source: Model County Charter Sec. 2.06 (13).

10. Propose amendments to this charter.

Source: Model County Charter Sec. 2.06 (14).

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

#### 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.

Sources: Ramsey County Charter Commission.  
Bonnie Jackelen, Ramsey County Chief Clerk.  
Model County Charter Sections 2.08 B. and C.  
St. Paul Charter Sec. 6.05.

Note: The requirement for a public hearing incorporates by reference Minn. Stat. 375.51, Subd. 3 (1988).

All ordinances, other than emergency ordinances, shall become effective thirty (30) days after passage, unless a later date is specified therein.

Sources: Model County Charter Sec. 2.08 C  
Ramsey County Charter Sec. 8.01.

Rationale: An effective date of 30 days makes this section consistent with the Charter Chapter 8 on initiative, referendum, and recall.

#### Sec. 5.03 Emergency Ordinances.

A public emergency is a sudden or unforeseen situation in the county affecting life, health, property, or the public peace or public welfare that requires immediate county board action. The county board may adopt one or more emergency ordinances. An emergency ordinance may not levy taxes; authorize the issuance of bonds; or grant, renew, or extend a franchise; provided however, that nothing in this section is intended to prevent the county from making an emergency appropriation or raising emergency revenues as authorized in this charter. An emergency

ordinance shall be introduced in the form and manner prescribed for ordinances generally except that it shall plainly be designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists, and describing it in clear and specific terms. An emergency ordinance may be passed with or without amendment or it may be rejected at the meeting in which it is introduced. The unanimous vote of the members present shall be required for the passage of an emergency ordinance. Emergency ordinances shall be effective upon passage and approval, unless a later date is specified in the ordinance, and shall be published once in any legal newspaper.

Sources: Ramsey County Charter Commission.  
Model County Charter Sec. 2.09.

#### Sec. 5.04 Resolutions.

- A. All other acts of the county board shall be by resolution, including but not limited to, the following:

Sources: Model County Charter Sec. 2.06.  
Ramsey County Charter Commission.

1. Adoption and revision of the budget, except as otherwise provided in Chapter 10 of this charter.
2. Adoption of a tax levy.
3. The issuance and sale of notes, warrants, certificates, or other evidence of indebtedness of Ramsey County in anticipation of tax revenue from taxes levied but not collected.
4. Authorization of emergency funding as defined in this charter.
5. Adoption or amendment of the Administrative Code.
6. Approval of collective bargaining agreements, setting wages, salaries, and other terms and conditions of employment, except setting the salaries of county board members.
7. Approval or amendment of the Personnel Rules provided that such approval or amendment by resolution shall receive two readings by the county board and that such readings be at least one week apart.
8. Acquisition by gift, devise, purchase or condemnation any real or personal property, and the sale or leasing of any property of the county as needed for the full discharge of the powers and duties of the county; park land is not included in this section.

Source: Model County Charter Sec. 2.06 (9).

9. Execution of a contract or agreement with a municipal corporation.

Source: Model County Charter Sec. 2.06 (11).

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

Source: St. Paul City Charter Sec. 6.03 as edited by the Ramsey County Charter Commission.

**Sec. 5.05 Resolution Procedure.**

Every resolution shall be presented in writing and read in full before a vote is taken unless the reading of the resolution is dispensed with by unanimous consent. Resolutions shall become effective upon approval.

**Sec. 5.06 Ordinances and Resolutions.**

Each ordinance or resolution shall relate to a single subject which shall be expressed clearly in its title. The enacting clause of each ordinance shall be "The Board of Commissioners of the County of Ramsey does ordain..."

Source: Model County Charter Sec. 2.07 B.

**Sec. 5.07 Codification.**

The county board shall provide for the codification of ordinances and the compilation of resolutions. Any certified copy of any ordinance or resolution shall be prima facie evidence of its adoption and shall be admitted as evidence in any court without further proof.

Sources: Ramsey County Charter Commission.  
St. Paul City Charter Sections 6.12 and 6.13.  
Model County Charter Sec. 2.11.



## CHAPTER 6

### 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.

Sources: Model County Charter Sec. 6.01 (1).  
Minutes of the June 14, 1989 meeting of the Drafting Subcommittee of  
the Ramsey County Charter Commission and Local Government Officials  
representing the municipalities in Ramsey County.

- 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.

Sources: Ramsey County Charter Commission.  
Model County Charter Sec. 6.02.

- C. To achieve the cooperative delivery of operational services and strategic planning, the county board may join with any other governmental unit(s) in a joint exercise of power.

Sources: Ramsey County Charter Commission.  
Minutes of the June 14, 1989 meeting of the Drafting Subcommittee of  
the Ramsey County Charter Commission.  
Model County Charter Sec. 6.01.

#### Sec. 6.02 County Plan.

- A. The county plan shall specify each area for coordination and shall contain a statement of the goals and objectives and a plan for implementation. The plan shall be based on studies of physical, social, health, human services, economic, and governmental conditions and trends and shall be designed to coordinate service delivery in the county and to promote the general welfare and prosperity of its people.

Sources: Model County Charter Sec. 6.01.  
Ramsey County Charter Commission with City Managers.

- B. The planning documents in each area should be coordinated with existing planning cycles and be adopted within two years after the effective date of the charter. The plan will be reviewed and updated by the county board on a regular basis.

Sources: Model County Charter Sec. 6.06.  
Ramsey County Charter Commission with City Managers.

- C. In addition to the plans for coordination, the plan shall include an official map incorporating the comprehensive plans of the local governmental units and service sites within the county.

Source: Model County Charter Sec. 6.01 (2).

- D. The plan shall set forth the county board's policy regarding the coordination of service delivery with other units of government, including recommendations for:

Source: Model County Charter Sec. 6.01 (1).

1. A system of thoroughfares, highways, streets and other public ways;
2. A system of public open spaces, parks, and playgrounds;
3. The location, relocation, and improvement of public buildings of county-wide significance;
4. A transit system;
5. The availability and location of public and elderly housing;
6. An adequate system of drainage facilities and control;
7. A solid waste management system;

Source: Ramsey County Charter Commission.

8. An integrated law enforcement system;

Source: Ramsey County Charter Commission with City Managers.

9. An emergency services system;

Source: Ramsey County Charter Commission with City Managers.

10. A human service delivery system;

Source: Ramsey County Charter Commission.

11. A public health service system; and

Source: Ramsey County Charter Commission.

12. Such other matters as may, in the judgment of the county board, be beneficial to the county.

Sources: Model County Charter Sec. 6.08.

Ramsey County Charter Commission with City Managers.

Rationale from Position Papers: Representatives from the municipalities suggested that in the area of planning, the county should act as a facilitator to get local units of government together to discuss the coordination of service delivery in Ramsey County. The resulting discussions would define what level of service would be provided and the level of government which would provide the service. The goal of the coordination would be to construct a workable, efficient and effective system through cooperative planning.

E. The county board may also review and comment on areas of coordinating policy development including at least the following areas:

1. The coordination of land use plans within the county through the local units of government;

Sources: Ramsey County Charter Commission with City Managers. Model County Charter Sec. 6.01 (1).

2. Service delivery as it relates to development and density of development;

Source: Model County Charter Sec. 6.01 (1).

3. The general location and extent of development of public utilities and terminals, whether publicly or privately owned;

Source: Model County Charter Sec. 6.01 (1).

4. Economic development; and

Source: Ramsey County Charter Commission.

5. Such other matters which the county board deems necessary for review to protect the health, safety, and welfare of the residents of the county.

Sources: Minutes of the June 14, 1989 Meeting of RCCC Drafting Committee and local government representatives. Ramsey County Charter Commission.

## CHAPTER 7

### NOMINATIONS AND ELECTIONS

#### Sec. 7.01 Nominations & Elections

The nomination and election of any Ramsey County elected official shall be governed by state law.

Rationale: The Charter Commission discussed changing the election procedures and decided that the current procedures are regulated by state law in some detail and should continue to be used. In addition, it is appropriate to have state-wide consistency in the area of voting and election procedures.

## CHAPTER 8

### 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.

Source: St. Paul Charter Sec. 8.01.

Rationale from Position Papers: 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 allow the people degree of check and balance to the power of the incumbency. In addition, initiative, referendum and recall can provide an oversight function which the state legislature has traditionally served in monitoring the activities of the county.

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

Sources: Ramsey County Charter Commission.  
Assistant Ramsey County Attorney, Michele Timmons.

Rationale: The Charter Commission was specific about not wanting some issues, such as tax levies, to be subject to the referendum process, and limited the matters that could be the subject of an ordinance. Other matters are passed by resolution which is not subject to the referendum process.

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.

Source: Ramsey County Charter Commission.

Rationale from Position Papers: This clause was included to alert readers and potential petitioners that the rights of others citizens can not be compromised by the use of initiative, referendum, and recall.

#### Sec. 8.02 Petition.

Recall petitions shall be as provided by state law.

Source: Minn. Stat. 351.14 (1988).

Rationale: Recall is a fairly new state law and was drafted in a way that protected elected officials from the whims of the electorate by providing many constitutional procedures and a requirement of a showing of malfeasance or nonfeasance in office. An elected official cannot be removed from office because of an unpopular vote.

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.

Sources: Ramsey County Charter Commission.  
Model County Charter Sec. 8.01 (3).  
St. Paul Charter Sec. 8.02.

Rationale from Position Papers: In establishing this petition requirement, 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, and they settled on ten per cent. In addition, the presidential election traditionally has a higher number of people voting, so the petition requires a number of voters that will truly indicate support for the petition issue.

- A. A petition may consist of one or more papers, but each paper circulated separately shall contain at its head or attached to it the statement required by this charter.

Source: St. Paul Charter Sec. 8.02. 1.

- B. Signers of the petition shall sign and print their name and provide the street address of their residence.

Source: St. Paul Charter Sec. 8.02.2 and RCCC staff.

- C. Each separate page of the petition shall have appended thereto a certificate, verified by oath that each signature was affixed by the person purporting to have signed the same in the presence of the person making the certificate. The person making the certificate shall be a resident of the county.

Source: St. Paul Charter Sec. 8.02.3.

- D. Any person whose name appears on a petition may withdraw their name by a statement in writing filed with the county manager before the manager advises the county board as to the sufficiency of the petition. Any name appearing on any petition which does not comply with the foregoing requirements shall be stricken, and no names shall be counted which have not been verified.

Source: St. Paul Charter Sec. 8.02.4.

Sec. 8.03 Determination of Sufficiency.

- A. Any petition seeking initiative, referendum, or recall hereunder shall be deemed received by the county board when it is filed with the county manager, for which filing there shall be no fee. Immediately upon receipt of the petition, the county manager shall examine the petition as to its sufficiency and report to the county board within thirty days. Upon receiving the report, the county board shall determine by resolution the sufficiency of the petition.

Sources: Ramsey County Charter Commission.  
Model County Charter Sec. 8.01 (3).  
St. Paul Charter Sec. 8.03.

B. Sufficiency requires:

1. A qualifying statement,
2. Qualified signatures of registered voters,

Source: Minn. Stat. 201.014 (1988).

3. Verification of signatures, and
4. The names of petitioners who have withdrawn or have not qualified and whose names are stricken and are not to be counted.

Sec. 8.04 Disposition of Insufficient Petitions.

If the county board determines that the petition is insufficient or irregular, the county manager shall deliver a copy of the petition to the person or persons therein named to receive it, together with a written statement of its defects. The persons circulating the petition shall be given thirty (30) days in which to file additional signature papers and to correct the petition in all other particulars. If, at the end of that period, the county board finds that the petition is still insufficient or irregular, the petition shall be filed in the office of the county manager and the persons circulating the petition shall be notified of the defect. The final finding of insufficiency or irregularity shall not prejudice the filing of a new petition for the same purpose nor, in the case of an initiated or referred ordinance, shall it prevent the county board from referring the ordinance to the voters at the next regular or special election at its option.

Source: St. Paul Charter Sec. 8.08.

Sec. 8.05 Initiative.

Any ordinance may be proposed by a petition which shall state at the head of each page or attached thereto the exact text of the ordinance sought to be proposed. If the county board fails to enact the ordinance without change within sixty days after the filing of the petition with the county manager, it shall be placed on the ballot at the next general election occurring in the county. If no election is to occur within 120 days after the filing of the petition, the county board shall, within such 120 day period, call a special election on the ordinance. If a majority of those voting on the ordinance vote in its favor, it shall become effective immediately.

Sources: Ramsey County Charter Commission.  
Model County Charter Sec. 8.06.A.  
St. Paul Charter Sec. 8.04.

#### Sec. 8.06 Referendum.

Any ordinance may be subjected to referendum by a petition filed within thirty (30) days after its publication. The petition shall state, at the head of each page or in an attached paper, a description of the ordinance involved. Any ordinance upon which a petition is filed, other than an emergency ordinance, shall be suspended in its operation as soon as the petition is found 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 that purpose, as the county board shall determine. The ordinance shall not become operative until a majority of those voting on the ordinance vote in its favor.

Sources: Ramsey County Charter Commission.  
St. Paul Charter Sec. 8.05.

Rationale from Position Papers: The Charter Commission settled on the thirty day waiting period as a good compromise time period which would allow interested citizens time to circulate a petition yet which would not unduly delay the process of government and the enactment of its laws.

If a petition is filed against an emergency ordinance, the ordinance shall remain in effect, but shall be placed on the ballot at the next election or a special election called for that purpose, and shall be repealed if a majority of those voting on the ordinance vote to repeal it.

Source: St. Paul Charter Sec. 8.06.

#### Sec. 8.07 Recall.

Recall procedures will be in accordance with state law which requires a showing of malfeasance or nonfeasance in office.

Source: Minn. Stat. 351.15 (1988).



Rationale: The Charter Commission considered various criteria for recall and decided that the current state law governing the recall of county officials should be followed. It provides constitutional safeguards yet allows voters to utilize the process. In following state law, the consistency of providing a process for the public to know and utilize is an important factor, and creating an entirely new process could be confusing.

**Sec. 8.08 Repeal of Ordinances Submitted to Voters.**

No ordinance adopted by the voters on initiative or ordinance approved by referendum shall be repealed within one year after its approval.

Source: St. Paul Charter Sec. 8.06.

**Sec. 8.09 Limit on Frequency of Repetition.**

No question may be put to the electorate by initiative, referendum, or recall more than once in any 12 month period. Subsequent submissions shall be placed on the ballot at a primary or general election.

Sources: St. Paul City Charter Sec. 8.02.

Model County Charter Article 8.

Ramsey County Charter Commission.

Rationale: By limiting the frequency that an issue can be placed on the ballot and eliminating the possibility of special elections for initiative, referendum and recall, the Charter Commission recognized the cost of conducting a county-wide election and determined that an issue could be timed to be placed on a regular election ballot rather than including the expense of a special election.

CHAPTER 9

TAXATION AND 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.

Source: St. Paul City Charter Sec. 11.01.

Sec. 9.02 Taxing Authority.

The county board may levy annually on all taxable property in the county the following taxes:

1. A tax for general county purposes.

Source: St. Paul City Charter Sec. 11.03 (1).

2. Taxes required for the payment of principal and interest on bonds, levy certificates, and other obligations of the county.

Source: St. Paul City Charter Sec. 11.03 (2).

3. Other taxes authorized by law without regard to charter or statutory limitations.

Source: St. Paul City Charter Sec. 11.03 (6).

Sec. 9.03 Certification of Tax Levy.

After the adoption of the budgets as prescribed in this charter, the county board shall adopt a tax levy resolution showing the amount which must be provided by an ad valorem tax on all taxable real and personal property in the county. In addition to the amount required to be provided, the county board in the adoption of a tax levy resolution may include a reasonable allowance for uncollectibles. The tax levy resolution shall be certified in accordance with law.

Source: St. Paul City Charter Sec. 11.04.

Sec. 9.04 Tax Anticipation Obligations.

The county board, by resolution, may issue and sell notes, warrants, certificates or other evidence of indebtedness of Ramsey County in anticipation of tax revenue from taxes levied but not collected. The total amount of the indebtedness outstanding at any time shall not exceed 80 percent of the taxes levied by the county for the year before the one in which the certificates are issued. The indebtedness shall mature not later than three months after the anticipated date of receipt in full of the taxes so anticipated. The indebtedness shall be negotiable and shall bear interest before and after maturity at such rate or rates as the county board shall determine and shall otherwise be issued in accordance with this charter.

Source: Minn. Stat. 383A.04 (1988).

Rationale: Current practice.

#### 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. Such indebtedness may otherwise be issued on such terms, and at such rate or rates as the county board shall determine consistent with Minnesota Statutes relating to public indebtedness.

Sources: Minn. Stat. 475.52, Subd. 3 and 475.58 (1988).  
Ramsey County Charter Commission.

Rationale from Position Papers: The charter bonding authority shifts the public discussion from the legislature to the county level where public notice and hearings will be required and the ordinance will be subject to the referendum process.

The intent of this section 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.

The proceeds of indebtedness shall be applied to the purpose for which the indebtedness is issued and may be applied to the payment of any necessary, desirable or incidental expenses related thereto.

Source: Minn. Stat. 475.65 (1988).

Notwithstanding any provision of this charter, the county may issue indebtedness for emergency borrowing as provided in Chapter 10. The certificates of indebtedness for emergency borrowing shall not be included in the net debt of the county.

Source: Minn. Stat. 475.754 (1988).

The aggregate principal amount of indebtedness of the county outstanding at any time shall not exceed the statutory limitations on indebtedness under Minnesota Statutes, Chapter 475, for which purpose there shall not be counted any indebtedness excepted from the calculation of net debt by general or special law.

Source: Minn. Stat. 475.53 (1988).

Rationale: This provision gives Ramsey County the flexibility to issue bonds without an election, but subject to other limits and procedures established by current law in Minn. Stat. 475 (1988).

## CHAPTER 10

### BUDGET

#### Sec. 10.01 Budget.

Source: See generally Model County Charter Article V.

- A. Each year the county board shall prepare a budget for the ensuing fiscal year. The budget shall provide a complete financial plan of all county funds and activities for the ensuing fiscal year, and be in the form that the county board considers desirable. The budget shall include a clear general summary of its contents; show, in detail, all estimated income, indicating the proposed property tax levy, and all proposed expenditures, including debt service, for the ensuing fiscal year; and be arranged so as to show comparable figures for the last fiscal year expenditures, the current fiscal year approved budget, and the proposed budget for the next fiscal year. It is to indicate in separate sections:

Source: Model County Charter Sec. 5.02.  
Ramsey County Charter Commission.

1. Proposed expenditures for current operations, including debt service, during the ensuing fiscal year, detailed by offices, departments and agencies in terms of their respective work programs.

Source: Model County Charter Sec. 5.03.

2. Proposed capital expenditures during the ensuing fiscal year, detailed by offices, departments and agencies when practicable, and the proposed method of financing each such capital expenditure.

Source: Model County Charter Sec. 5.06.  
Ramsey County Charter Commission.

- B. The county board may create a tort liability fund by carrying forward an unexpended liability appropriation balance from one fiscal year to the next.

Source: 383A.451, Subd. 2 (1988).

- C. The total of proposed expenditures shall not exceed the total of estimated income.

Source: This language was adapted from Minn. Stat. 383A.45 (1988).

- D. The county board must make the proposed budget available to the public and hold a public hearing prior to adopting the budget.

Source: The Ramsey County Charter Commission.

- E. The annual budget shall be adopted by resolution of the county board.

Source: The Ramsey County Charter Commission.

**Sec. 10.02 Budget Process.**

**A. Notice and Hearing.**

The county board shall adopt its budget and tax levy after such notice and hearing as required by law.

Source: The Ramsey County Charter Commission.

Rationale: The 1988 Omnibus Tax Law added a new and very specific notice and hearing process for the adoption of local government budgets and tax levies.

**B. Appropriations and Tax Levy.**

Adoption of the budget by the county board constitutes appropriations of the amounts specified therein as expenditures from the funds indicated and constitutes a levy of the tax therein proposed.

Source: Minn. Stat. 383A.48 (1988).

Rationale: This language is carried forward from the Ramsey County Code.

**Sec. 10.03 Administration of Budget.**

**A. Ramsey County shall pay for obligations in accordance with appropriations duly made and payment shall be made in accordance with methods and procedures that the county board establishes and approves.**

Source: Model County Charter Sec. 5.11.

**B. Appropriation and Certification of Unencumbered Funds.**

**1. No payment shall be made or obligation incurred against an allotment or appropriation except in accordance with appropriations duly made and unless the county manager first certifies that there is a sufficient unencumbered balance in the allotment or appropriation and that sufficient funds therefrom are or will be available to cover the claim or meet the obligation when it becomes due and payable.**

Source: Model County Charter Sec. 5.11.

**2. An authorization of payment or incurring of obligation in violation of the provisions of this article is void and a payment so made illegal.**

**Sec. 10.04 Amendments After Adoption.**

**A. Supplemental Appropriations.**

The county board may make a supplemental appropriation of funds to a county departmental budget during the course of a budget year. This appropriation shall authorize the use and expenditure of funds accruing to the county which were not derived from taxation by the county board and not anticipated in the budget as estimated receipts.

Source: Model County Charter Sec. 5.08 A.

**B. Transfer of Appropriation.**

The county board may, by resolution, transfer part or all of any unencumbered appropriation balance or unappropriated funds from one department, office or fund to another department, office or fund.

Source: Minn. Stat. 383A.49 (1988).

Rationale: Current practice.

**C. Emergency Appropriations.**

**Declaration of Emergency:** the county board may pass an emergency ordinance which declares a public emergency to exist. A public emergency is a sudden or unforeseen circumstance in the county affecting life, health, property, public peace, or public welfare that requires immediate county board action.

Source: Model County Charter Sections 2.09 and 5.08 B.

**D. Emergency Revenues.**

Once an emergency has been declared, the following sources of revenue may be used to meet the emergency.

Source: Ramsey County Charter Commission.

1. The Board may, by resolution, transfer part or all of any unencumbered appropriation balance or unappropriated funds from any department, office, or fund to respond to the emergency.

Source: Model County Charter Sec. 5.08 B.

2. The county board may, by a unanimous vote of those present, pass a resolution authorizing the issuance of emergency notes. These notes may be renewed from time to time but the emergency notes and renewals in a fiscal year shall be paid no later than the last day of the fiscal year following that in which the emergency appropriation was made.

Source: Model County Charter Sec. 5.08 B.

3. The county board may, by a unanimous vote of those present, pass a resolution authorizing the issuance of bonds or other evidences of indebtedness without an election consistent with the legal authority Ramsey County has been given to issue bonds and other evidences of indebtedness.

These bonds or evidences of indebtedness shall become due and payable in not more than five years from the date of issue.

Sources: Model County Charter Sec. 5.08 B.  
Minn. Stat. 475.754 (1988).  
Ramsey County Charter Commission.

4. The county board may, by resolution and a unanimous vote of those present, borrow funds and pledge the credit of the county. The county may borrow either from the State of Minnesota, federal governmental sources, or from private sources. These borrowed funds may be renewed from time to time but the emergency borrowed funds and renewals in a fiscal year shall be paid no later than the last day of the fiscal year following that in which the emergency appropriation was made.

Sources: Model County Charter Sec. 5.08 B.  
Ramsey County Charter Commission.

#### Sec. 10.05 Capital Improvements Plan.

- A. The county board shall prepare a five year capital improvements plan to include:

Source: Model County Charter Sec. 5.06.

1. A clear, general summary of its contents;
2. A list of all capital improvements costing over a specified dollar amount designated by the county board which are proposed to be undertaken during the next five ensuing fiscal years with appropriate information to show the necessity for these improvements;
3. Cost estimates, method of financing, and recommended time schedules for each of these improvements;
4. The estimated cost of operating and maintaining the facilities to be constructed or acquired; and

Source: Minn. Stat. 383A.46 (1988).

Rationale: This section makes a capital improvements program mandatory.



5. The estimated cost for debt service for capital expenditures. These will be financed from current revenues in the ensuing fiscal year and shall be included in the budget as well as in the capital program. Appropriations for such expenditures shall be included in the budget.

Source: Model County Charter as edited by Ramsey County Staff and the Ramsey County Charter Commission.

Rationale: This item has been added to the provisions for a capital program contained in Minnesota Statutes so that long term capital improvements will be shown in the capital improvements budget and the debt service will be shown in the regular budget. It is desirable to have all capital improvements included in the capital program regardless of the source of funds.

B. Hearings, Date for Adoption, Submission of Capital Budget

1. Annually, the county board shall cause to be prepared a recommended capital improvements budget for the ensuing fiscal year. The proposed budget shall then become a public record.

Source: The Ramsey County Charter Commission.

Rationale: Access to the budget process from its beginning is necessary if citizens are going to be able to react to budget requests. Therefore, instead of the conventional procedure which calls for posting and publishing a budget after it has been totally drafted, it is recommended that the entire process be opened to the public.

2. The above information shall be revised and extended each year with regard to capital improvements still pending or in the process of construction or acquisition.

C. Adoption of Capital Budget.

The capital budget shall be adopted by resolution of the county board.

Source: Ramsey County Charter Commission.

## CHAPTER 11

### CHARTER PROVISIONS

#### Sec. 11.01 Charter Provisions.

An annotated version of this charter, which notes any provisions superseded by law, shall be maintained by the Ramsey County Attorney.

If any provision of this charter is held invalid, the other provisions of this charter shall not be affected thereby. If the application of the charter, or any of its provisions, to any person or circumstance is held invalid, the application of the charter and its provisions to other persons or circumstances shall not be affected thereby.

Source: Model County Charter Sec. 9.06.

Any citations to particular laws or statutes contained in this charter shall be deemed to include amendments to such laws or statutes which may be adopted subsequent to the effective date of this charter.

#### Sec. 11.02 Amendment of the Charter.

##### 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.

Sources: Minnesota Constitution Article XII, Section 5.  
Minn. Stat. 410.12, Subd. 1 (1988).

The county manager shall verify the sufficiency of the petition to the Ramsey County Charter Commission which shall declare the sufficiency of the petition.

Source: Ramsey County Charter Commission.  
Ramsey County Charter Sec. 8.03.

The county board may, by ordinance, propose charter amendments to the Ramsey County Charter Commission. Within 60 days the commission shall review the proposed amendment and may extend the time for 90 days by filing with the county manager the resolution determining that an additional time for review is needed. 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.

Source: Minn. Stat. 410.12, Subd. 5 (1988).

##### 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. It will take effect in 30 days after the election has been certified or at such other time as is fixed in the amendment.

Sources: Minnesota Constitution Article XII, Section 5.  
Minn. Stat. 383A.566 (1988) (Charter Enabling Legislation).

<sup>556</sup>  
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.

Source: Minn. Stat. 410.12, Subd. 7 (1988).

Rationale from Position Papers: This section is intended to allow housekeeping or non-substantive amendments to be made without the cost of an election; these would still be subject to the referendum process to ensure that the actions of the Charter Commission and the County Board reflect the desires of the citizens of the county.

#### C. Abandonment of Home Rule Charter.

A proposal to abandon the charter shall be presented, adopted, and become effective in the same manner as a charter amendment. The proposal shall include provisions for transition to a statutory county form of government.

Sources: Minn. Stat. 410.30 and 383A.554 (1988).

#### Sec. 11.03 Charter Commission.

A seventeen member standing Ramsey County Charter Commission shall be appointed by the District Court. Of the seventeen members appointed, one from each commissioner district shall be appointed for a two year term, and one from each district for a four year term. Two of the at-large members shall be appointed for two-year terms and one for a four-year term. All subsequent terms shall be four year terms. No person shall be appointed to more than two successive terms as a commission member.

Sources: Minn. Stat. 383A.556 and 410.05 (1988).

The county board shall provide the necessary funds for the charter commission to operate.

Source: Minn. Stat. 383A.556 (1988).

The county attorney shall be the attorney for the charter commission.

Source: Minn. Stat. 383A.556 (1988).

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.

Source: Ramsey County Charter Commission and staff.

CHAPTER 12

TRANSITIONAL PROVISIONS

Sec. 12.01 Effective Date.

This charter shall take effect two years after adoption of the charter form of government by the voters of Ramsey County. The effective date shall be November 6, 1992 if adopted at the November 6, 1990 election.

Source: Minn. Stat. 383A.556 (1988).

Sec. 12.02 Continuity.

- A. The taking effect of this charter causes no break in the existence or legal status of the county.

Source: Oregon Model Charter Sec. 7-2 (1).

- B. All rights, claims, causes of action, contracts, and legal and administrative proceedings of the county that exist just before the charter takes effect continue unimpaired by the charter after it takes effect.

Sources: Oregon Model Charter Sec. 7-2 (2).  
Model County Charter Sec. 10.01 B.6.

- C. All county ordinances, resolutions, orders, rules and regulations that are in force just before this charter takes effect remain in force after that time, insofar as consistent with the charter, without change until amended or repealed.

Sources: Oregon Model Charter Sec. 7-2 (3).  
St. Paul Charter Sec. 18.01.

- D. All elected officials of the county who are in office when this charter takes effect shall continue in office for the term for which they were elected, consistent with provisions of this charter and state law.

Sources: Model County Charter Sec. 10.01.

- E. The status of county employees shall not be affected by the taking effect of this charter. Personnel matters relating to county employees shall continue to be governed by Minnesota Statutes Sections 383A.281 to 383A.301 and Sections 197.455 to 197.48 as amended.

Sources: Model County Charter, Sec. 10.01 A.  
Minn. Stat. 383A.554 (1988).

Rationale: These are standard provisions which provide for continuity when the charter becomes effective.

- F. 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.

Sources: Ramsey County Charter Commission.  
Model County Charter Sec. 10.01.

Rationale: This grandparent clause was added to protect those appointed department heads who were hired prior to the enactment of the Ramsey County Charter.

Sec. 12.03 Special Laws Superseded.

Source: Michele L. Timmons, Director, Civil Division  
Office of the County Attorney for Ramsey County  
350 St. Peter Street, Suite 400  
St. Paul, Minnesota 55102  
(612) 298-4421

- A. The following special laws have been superseded by charter provisions:

Minn. Stat. Sec. 383A.04, relating to tax anticipation warrants, is superseded in its entirety by Charter Sec. 9.04.

Rationale: The authority to issue tax anticipation warrants will be in the charter rather than in special law. The charter clarifies the maturity date of the notes so it is clear they are to be repaid after taxes are received. Otherwise, there is no substantive change made by the charter.

- B. In Minn. Stat. Sec. 383A.06, Subd. 2, the following language is superseded in its entirety by Charter Sec. 9.05:

If the board of commissioners of Ramsey county decides to issue bonds for the relief of the poor, the board shall first submit the question of the issuance of the bonds to a referendum of the voters of the county at a special election called for that purpose, or at a general election. No bonds of this type may be issued unless a majority voting on the question at the election vote in favor thereof.

Rationale: Pursuant to the charter, all non-emergency bonding is to be done after notice, public hearing, and by an ordinance which is subject to reverse referendum during a 30-day period following passage of the ordinance. The charter in effect deleted a requirement of a prior referendum for non-emergency bonds for relief of the poor and substituted the notice, hearing, ordinance and reverse referendum procedures.

- C. Minn. Stat. Sec. 383A.06, Subd. 3, relating to the services of the St. Paul Corporation Counsel, is superseded in its entirety as unnecessary and inapplicable.

Rationale: This section of special law relates to the county's payment of the City of St. Paul corporation counsel for prosecutions relating to nonsupport and welfare. This authority is out-of-date and no longer necessary, so the charter in effect deletes it.

- D. Minn. Stat. Sec. 383A.07, Subd. 6, relating to sale or disposal of surplus tracts of park property, is superseded in its entirety by Charter Sec. 2.02 K.

Rationale: The charter provision regarding park property permits the disposition of such property for a use inconsistent with park purposes, but only after extensive notice, a public hearing, and adoption of an ordinance which is subject to a reverse referendum. Disposition for a use consistent with park purposes may still be done by resolution, as was permitted under special law.

- E. Minn. Stat. Sec. 383A.07, Subd. 15, relating to a negative referendum for park resolutions is superseded in its entirety by Chapter 8 of the Charter.

Rationale: Under Chapter 8 of the Ramsey County Charter, matters which are or may be the subject of an ordinance may be the subject of initiative and referendum. This supersedes the special law provision which states that any park resolution is subject to a negative referendum.

- F. Minn. Stat. Sec. 383A.07, Subd. 20 relating to fish hatcheries is superseded in its entirety as unnecessary and inapplicable.

Rationale: The authority to maintain fish hatcheries is no longer used or necessary, so the charter in effect deletes it.

- G. Minn. Stat. Sec. 383A.16, Subd. 4 (b) which places a \$2,500 limit on county road construction projects performed for a municipality is superseded in its entirety.

Rationale: The charter effectively deleted a \$2,500 limit on the size of a road project which the county could perform on behalf of a city, village or town without advertising for bids by the city, village or town.

- H. Minn. Stat. Sec. 383A.16, Subd. 5 relating to Lexington Avenue is superseded in its entirety.

Rationale: The charter effectively deleted old language relating to Lexington Avenue. The charter does not make any substantive change in the status quo with respect to that road.

- I. Minn. Stat. Sec. 383A.20, Subd. 1 relating to internal county reorganization is superseded by Charter Sec. 2.02 B.

Rationale: Authority for the county to establish, structure, merge or abolish county departments will be found in the charter rather than in special law. This is not a substantive change.

- J. Minn. Stat. Sec. 383A.20, Subd. 6, 7, 8 and 9, all relating to surety bonds, are superseded by Charter Sec. 4.01 E.

Rationale: The charter effectively deletes specific surety bond requirements currently in special law and gives the county board the flexibility to determine appropriate surety bonds. This flexibility was intended to provide for cost-effective use of surety bonds.

- K. Minn. Stat. Sec. 383A.20, Subd. 10, relating to automobile allowances, is superseded to the extent it is inconsistent with Charter Sec. 2.01 D.4.

Rationale: The charter limits county commissioners to receipt of actual and necessary expenses, and thus superseded the special law permitting automobile allowances insofar as it applies to county commissioners. The salary ordinance must include these expenses as actual reimbursement or as an separate item in the salary; these expenses may not be included as part of the general salary, they must be itemized.

Source: Memorandum from Michele Timmons, Assistant County Attorney, dated April 15, 1991.

- L. Minn. Stat. Sec. 383A.20, Subd. 11 relating to office space is superseded in its entirety.

Rationale: The charter effectively deleted old statutory provisions requiring the county to provide office space for certain county offices.

- M. Minn. Stat. Sec. 383A.23, Subd. 1 relating to the composition of the county board is superseded by Charter Sec. 2.01 A.

Rationale: The composition of the county board as seven members will be required by charter provision rather than special law. There is no substantive change.

- N. Minn. Stat. Sec. 383A.24 which establishes the terms for county commissioners is superseded in its entirety by Charter Sec. 2.01 B.

Rationale: The charter provides for four year terms for county commissioners, which will be staggered as already provided by general law. It does not change the status quo.

- O. Minn. Stat. Sec. 383A.25 relating to compensation for county commissioners is superseded in its entirety by Charter Sec. 2.01 D.

Rationale: Salaries for county commissioners will no longer be set annually by board resolution as provided by special law. Pursuant to the charter, they will be set by ordinance by July 1 of the year prior to the effective date of the ordinance.



- P. Minn. Stat. Sec. 383A. 32, Subd. 1 is superseded by Charter Sec. 4.02 A., in the event that Ramsey County chooses to have its own purchasing officer.

Rationale: The charter permits Ramsey County to have its own purchasing officer, thus superseding the requirements of special law that Ramsey County use the City of St. Paul purchasing office, if the county elects to have a separate purchasing officer.

- Q. Minn. Stat. Sec. 383A.32, Subd. 3 relating to performance bonds is superseded in its entirety by Charter Sec. 4.02 C.

- R. Minn. Stat. Sec. 383A.45, regarding the budget is superseded in its entirety by Charter Sec. 10.01.

Rationale: The county charter will be the source of authority for the annual county budget rather than special law. The only substantive change made by the charter is to add a public hearing requirement.

- S. Minn. Stat. Sec. 383A.46, regarding the capital program, is superseded in its entirety by Charter Sec. 10.05.

Rationale: The charter will provide authority for the capital improvements plan rather than special law. The charter makes no substantive changes.

- T. Minn. Stat. Sec. 383A.48, regarding appropriations and tax levy, is superseded in its entirety by Charter Sec. 10.02 B.

Rationale: The charter will provide authority that the adoption of budget constitutes appropriations of the amounts specified therein and constitutes a levy of the tax therein proposed. The charter makes no substantive change from the special law.

- U. Minn. Stat. Sec. 383A.49 regarding amendments after adoption is superseded in its entirety by Charter Sec. 10.04.

Rationale: The charter will replace special law regarding amendments to the county budget after adoption. The charter clarifies the procedures for obtaining emergency revenues, and removes an out-of-date dollar limit on emergency borrowing.

- V. Minn. Stat. Sec. 383A.50, Subds. 1 and 3 regarding administration of the budget are superseded in their entirety by Charter Sec. 10.03.

Rationale: Certain provisions regarding administration of the budget will be in the charter rather than special law. The charter makes no substantive changes.