

MINUTES
RAMSEY COUNTY CHARTER COMMISSION
November 5, 2007
7:00 p.m.

The Ramsey County Charter Commission met on Monday, November 5, 2007, at 7:00 p.m. at the Maplewood Public Library in Maplewood, MN.

MEMBERS PRESENT:

District 1: Sharon Klumpp, Chair
Ben Stephens
District 2: Robert Bell
Elwyn Sands
District 3: Frank Gurney
District 4: Peter Hendricks
District 5: Rod Halvorson
Lyle Nelson
District 6: Russell Miller
District 7: Bud Berry
At Large: Mike Fratto
Minoka Kitto
Beth Miller

MEMBERS ABSENT:

District 4: Chris Leifeld
District 6: A.L. Brown
District 7: Marvin Koppen

OTHERS PRESENT:

Commissioner Jim McDonough
Darwin Lookingbill, Ramsey County Attorney's Office
Bonnie Jackelen, County Manager's Office
Mark Pettit, Ramsey County Sheriff's Office
Bob Fletcher, Ramsey County Sheriff
Terry Nyblom, Citizen

CALL TO ORDER:

Chair Sharon Klumpp called the meeting to order at approximately 7:00 p.m.

APPROVAL OF MINUTES:

A MOTION was made, SECONDED, and CARRIED to approve the minutes of the August 6, 2007 Charter Commission meeting.

CITIZEN INPUT/COMMENTS:

Terry Nyblom: Requested clarification of Minnesota Statutes 609.456, which he has been disputing over the last two meetings. **Darwin Lookingbill** clarified that the statute does not impose responsibility on the Charter Commission as a public body. The obligation falls upon a member of the charter commission who had information of misuse of public funds by the Charter Commission; the responsibility would fall upon that individual to further investigate. The Charter Commission does not have a responsibility as a public entity to investigate misuse of funds in other public areas. **Sharon Klumpp** also explained that this request is outside of the scope of what the Charter Commission does.

NEW BUSINESS

Commissioner McDonough provided an update on Ramsey County, and spoke of Ramsey County's part in approving the transformation of the Union Depot into a transportation hub. It is projected that details with the Post Office would be finalized in February. This would be a huge economic development for Ramsey County. He then asked for questions from Charter Commission members.

Mike Fratto asked about placement of the light-rail line along the University corridor. **Commissioner McDonough** explained that there is a "cost effectiveness" factor in the federal transit administration, and some changes are needed in planning with the central corridor to get within the range for federal funding. The Met Council, which has taken over the light rail project, has proposed to not run the light rail all the way to the Union Depot. The Ramsey County Board has taken a stance against this proposal because they feel it is a very important piece to the plan of the central corridor system.

Bob Bell asked about the plans for placement of the light-rail line coming to the Union Depot and then turning around without a loop. **Commissioner McDonough** explained that there are three different placements being studied; one where the light-rail would go along the old concourse where the old trains used to go, which is what Ramsey County supports, another placement being studied is on top of the concourse.

Mike Fratto asked if one of the issues revolves around cost from the elevation difference between the concourse and being on top and the inability of the light-rail to make the climb. **Commissioner McDonough** explained that is why the Met Council had proposed to stop before getting to the Union Depot to avoid that climb, however the Board believes that it won't be an integrated transit line for Ramsey County and St. Paul.

Mike Fratto also mentioned that it could lose a lot of business by not passing through the "West Seventh" area near the Excel Center. **Commissioner McDonough** agreed and said that the Board had also looked those destination spots. Even if the light-rail does not go right past certain destination spots, there would be a bus/shuttle system to get people from the stops on the light-rail to those destination spots.

Lyle Nelson asked if the City of St. Paul is a partner in this planning. **Commissioner McDonough** explained that the light-rail lines are funded 50% by federal funding, 20% by the local (county) share and the other 30% by the state. The City does not have any funding responsibilities for this line; however, the City is invested in the economic gains that come from a transit line. The central corridor has been discussed for about 20 years and is one of the best new start lines in the county. There was a time that the proposal for a transit line on the central corridor was not supported by the City, which made it nearly impossible to pass. The County's role is to build the line itself and the City's role is to ensure that the stops are in the right places and economic development occurs along those stops.

Frank Gurney asked what impact not getting the tower had on the design. **Commissioner McDonough** explained that the tower was actually not an integral part of the design as it is very old and not well maintained, and would be very costly to tear down and does not have much development opportunity.

Elwyn Sands asked what impact the funding for this line would have on the county road system. **Commissioner McDonough** explained that there are separate funding sources for roads and transit lines. Minnesota has been trying to change how transit is funded because currently, it would be funded by bonding; property taxes may also become a piece of that funding source. The state does not feel that using this type of funding is right.

Elwyn Sands asked about whether the gas tax would be affected. **Commissioner McDonough** explained that the gas tax does not go to transit, it goes to roads. The Board supported a transportation bill with an increase in gas tax. The Board also supported a half-cent metropolitan-wide sales tax increase, from which 50% would go to transit, 25% to roads and the other 25% to either roads or transit. The Board will be asking for \$140

million in bonding from the state, which is unprecedented, and this would make other projects have to wait. This is why the Board supported that sales tax increase.

Sharon Klumpp asked about the federal funding cycle and when that can be expected to come through. **Commissioner McDonough** explained that the County must ensure that the line is viable, and make sure that the funding will be matched by federal funding. The federal government wants to see that specific funding is dedicated to the project before it agrees to match funding. This cycle in federal funding is questionable because they must have the \$140 million bonding bill signed by the governor in order for the federal side to see those dedicated funds. If the bonding bill is not signed this year, then the funding for the project would likely have to wait for another two years for the bonding cycle to come back around. The market for funding viable transit lines is very competitive.

Sharon Klumpp asked if the half-cent sales tax increase would also be for construction, operation or both. **Commissioner McDonough** said it would fund both, and that one of the agreements with the Hiawatha line was that Hennepin County pay 50% of the gap in the operation cost with property tax dollars. Part of the half-cent sales tax increase would allow the County to have some of the operation cost covered, although some would still come from property taxes.

Rod Halvorson asked about tunneling under the University of Minnesota, and whether it has been discussed to have the line go along the new I35W bridge. **Commissioner McDonough** explained that the chances of the line going along the new I35W bridge were very slim, as it doesn't make as much sense as other models. Eliminating the tunnel at the University was another way to save costs. The University is adamant about having a tunnel for safety and convenience; however, the models show that there is not a need for a tunnel and eliminating it would save many millions of dollars. The third piece being discussed for "cost effectiveness" is that going along the central corridor could include storefront-to-storefront development. However, this is also not a necessity, as it could just include curb-to-curb redevelopment. The City is interested in storefront-to-storefront development; however, the three major "cost effectiveness" issues are all being carefully examined. The County has taken the position that the line should go all the way to the Union Depot. The projected end date for the project is currently 2014, and knocking two years off could eliminate significant cost. Extra time could be important to help the community feel comfortable with the development. However, if the project could be sped up, then issues with cost concerning the length to Union Depot, the tunnel and the storefront-to-storefront development could be taken care of.

Russ Miller asked about the old jail. **Commissioner McDonough** explained that the County is trying to get off the riverfront property. There is a huge risk in demolition of the old jail. The County has proposed taking on that risk and demolishing the old jail and having the site clear for developers. County employees could be moved from the "F" building into other parts of the West building and that space could be used for development also. County employees have already begun to move across the River into a new building, which will also be much more accessible for citizens.

Elwyn Sands asked about developers coming in for that land. **Commissioner McDonough** stated that there are currently two developers being looked at, Opus and Wingfield, which have both done world wide projects and are very well known in the development circuit. The proposals would be mostly hotel, condominiums and some retail.

Bob Bell asked if the County Board has taken a position on the issue of the election vs. appointment of the County Sheriff. **Commissioner McDonough** explained that he does not recall the County Board actually taking a position on Charter Commission ballot issues. Individual members may give advice or ask questions, but the Board is not expected to approve or disapprove any of these issues.

Sharon Klumpp introduced the new member, Elwyn Sands, to the Charter Commission. She also announced the passing of a Charter Commission member, Chuck Aguirre. She spoke of his long service to the Charter Commission and thanked Minoko Kitto for her assistance in getting Chuck to and from meetings.

ELECTION OF 2008 MEMBERS

The Nominating Committee nominated **Mike Fratto** for Chairman and **Rod Halvorson** for vice chair.

A MOTION was made to accept the current nominees; the MOTION was seconded and passed unanimously.

The new Chair and Vice Chair positions will be effective at the January, 2008 meeting.

OLD BUSINESS

Sharon Klumpp asked if Sheriff Fletcher had seen the proposed ballot question language. **Sheriff Fletcher** commented that he had seen the language, but asked about the additional language regarding the effective date.

Sharon Klumpp explained that she thought it would be helpful to have the Sheriff there to ask or take questions from the Commission.

Lyle Nelson explained that initially he had been against this issue, until someone explained the principle idea of having policy makers elected and administrators appointed. The last meeting Fletcher was at, he had stated that his job was 80% administrative and 20% policy.

Sheriff Fletcher explained that he thought the question was more of how his time is spent. He explained that 80% of his time is hands-on management. However, the 20% policy could arguably be more important to the community. It comes down to what is more important to individuals, although he did not want to repeat things he has said in past meetings and feels that it is time to get on with letting the public decide. He feels that it is always a good idea to check in with the public periodically, and feels strongly that the public will continue to value the right to vote, and it is quite likely that the public will not give up that right. There is really no harm in letting the public weigh in and that the question seems worded fairly and he appreciates the extension of the effective date to the end of his term.

Peter Hendricks asked if there are any other sheriffs in the country that are appointed. **Sheriff Fletcher** explained that there are very few, and those that did make the change had the support of the sheriff.

Mike Fratto asked about campaign funding and how it affects the carrying out of duties by elected officials. He mentioned a \$50,000 contribution to the St. Paul Police Federation to help support their endorsed candidates. This large of a contribution seems like it would make an impact on expectations of the St. Paul Police by the contributor. **Sheriff Fletcher** explained that he has never really given that a lot of thought, and this is a much larger issue than the county sheriff election. The Supreme Court has ruled that it is unconstitutional to prevent private campaign contributions. This issue could potentially be impacted in the same way. However, the sheriff's race does not typically attract a lot of business and commercial contributions and it is usually hard to raise money in a sheriff's race. This issue is impacting other political races throughout the country far more than it impacts the sheriff's race.

Mike Fratto clarified that he was actually asking how contributions would impact the delegation of duties in the Sheriff's Department and possibly overlooking certain violations etc. **Sheriff Fletcher** explained that there are far more examples of political influences of police chiefs by the mayor and the city council, than there are the elected sheriff being influenced politically. As an elected sheriff, he can "call them how he sees them" and if the public does not agree, then he won't be re-elected. Political influence is seen more in appointed officials rather than elected officials.

Lyle Nelson also voiced concerns with the police federation laundering money. **Sheriff Fletcher** voiced that the Charter Commission needs to be very careful about what the concern is. The Charter Commission is supposed to be the objective judicial branch to bring a neutral perspective to public issues. This is not a place for political biases. The right to political expression is a constitutional right, and that includes spending money, if it is truly an independent expenditure.

Frank Gurney asked that the discussion get redirected back on subject.

Elwyn Sands asked about different policy decisions that Sheriff Fletcher has made. **Sheriff Fletcher** explained that he headed up an initiative to increase jail beds, to help with this, he kept pictures of all the convicts who were being released under the current system into the public. He used these pictures against the county manager in a public forum to get the new jail built. He wouldn't be able to challenge a policy as an appointed official. He also discussed the security at the Court House being made a policy discussion issue. He then listed youth intervention programs, the curfew center, the Selby Ave. office, the McDonough house, and crime prevention initiatives. The current conviction in a murder case in the press may not have been addressed without political influence. No one has brought up anything terrible that the Sheriff's Office has initiated. He continued with the current methamphetamine, school safety and sexual predator initiatives. He pointed out that when he goes up against the County Board, the bureaucracy kills progress.

Russ Miller asked if the Charter Commission members who oppose this issue could voice their disapproval at public hearings.

Sharon Klumpp said that the Charter Commission would need to come to a common understanding about how the meetings would take place.

Russ Miller explained that it could be confusing to the public if they believe that the entire Charter Commission was in agreement on an issue.

Sharon Klumpp believes that these meetings are to gather information, and they should begin with a history of the subject, including the history of division among Charter Commission members.

Frank Gurney said the Charter Commission needs to be clear that it is not there to give opinions, but it is there to answer questions from the public.

Sheriff Fletcher pointed out that the purpose of the public hearings should be about information gathering, and not necessarily about answering questions. He asked if these public hearings are to make a decision to put the question on the ballot, or if they are to get more of an understanding before making that decision.

Bob Bell explained that there has not yet been a decision to put this question on the ballot.

Darwin Lookingbill said the public hearings are to gather information about the language and the subject from the public and anyone taking a position for or against the issue at the public hearings would be premature. He said the Charter Commission should try and keep an open mind.

Frank Gurney explained that the Charter Commission should give some answers to questions, but keep them neutral.

Sheriff Fletcher suggested opening the meeting with a history and explanation of the issue and the refrain from answering questions.

Rod Halvorson pointed out that there should be a short history, such as, when this issue was first brought up, when was it voted on, information on the subcommittee and further decisions to bring the issue to public hearings. He believes that this introduction should not include opinion, but be based on facts about the process thus far that this issue has gone through. He then stated that maybe Charter Commission members could have a chance to testify if they want.

Sharon Klumpp suggested keeping the history of the issue in more recent times rather than the entire lengthy history of the issue.

Mike Fratto pointed out that because this issue has come up so many times and never made it all the way through, people want to see something happen. He said that if the issue is put on the ballot and fails, then it is put to rest, or if it is passed then the Charter Commission will move in a different direction.

Sharon Klumpp asked how difficult it would be to acquire files from the beginning of discussion on this issue. **Bonnie Jackelen** explained that this issue goes back a long way and it may be difficult to get information from the beginning. **Darwin Lookingbill** explained that he could go back two to three years to create a recent history of the issue.

Sheriff Fletcher explained that the Charter Commission may want to bring up why this issue was brought up in the first place, which was originally because it had been placed in unresolved business. He suggested that the Charter Commission explain the creation of this issue without political bias. This issue could continue to be debated with or without political or personal bias.

Mike Fratto agreed that each member could have their own personal bias, however, the Charter Commission cannot use this process as a way to get rid of certain political figures.

Russ Miller asked if an outcome of the public hearings would be that if the majority of the public is against this decision, would the Charter Commission then choose not to put it on the ballot?

Sharon Klumpp explained that the issue would still have to be discussed further even if it is one sided. There isn't a wrong or right model in this issue and both could have benefits or negative consequences. She explained that as an organizational consultant, she would choose to have the sheriff as an appointed official; however, on the other hand she sees the benefit in having this position elected. The public hearings would be to gather more information on benefits or consequences of this action and broaden the Charter Commission's understanding from the public point of view.

Sheriff Fletcher pointed out that pragmatism is important, using the example of congress as the most unpopular elected organization. If the public were given a chance to change the structure, they would jump on it; however, this does not mean that the public would make it better, just different.

Rod Halvorson asked when the Charter Commission would need to vote to have the question on the 2008 ballot or not. **Bonnie Jackelen** stated that the information would need to be decided upon by the last meeting prior to August.

Rod Halvorson proposed that the Charter Commission plan on voting on the question at its May 2008 meeting. He also asked about selecting words regarding "malfeasance or just cause" on the language.

Darwin Lookingbill stated that it would be best to decide that tonight before that first public hearing.

Rod Halvorson made a MOTION to accept the language as proposed for the ballot question. MOTION was seconded and MOTION passed.

Rod Halvorson asked for an explanation on malfeasance vs. just cause on the ballot question language. **Darwin Lookingbill** explained that he chose “just cause” because it is most typically used in an appointed office. In an elected office, he explained that there would need to be “malfeasance”, which would be a higher level of wrongdoing. He noted the attachments that explain “just cause” as failure to perform assigned duties, substandard performance, misconduct, insubordination and violation of the policies and procedures. Malfeasance has some different requirements and is typically seen in elected offices.

Rod Halvorson clarified that the use of “just cause” had just been accepted by the previous motion. He then asked about the interim period or completion of term for vacancies. **Darwin Lookingbill** explained that this is a suggestion on how to deal with vacancies should the appointed sheriff be terminated or resign.

Sharon Klumpp agreed that having an interim placement makes most sense because trying to fill the remainder of the term could be difficult. If a sheriff should leave before the end of a term and an interim was placed during the appointment process, then what happens when the newly appointed sheriff begins the term. Would the new term then go from the start date to four years from that date? **Darwin Lookingbill** explained that it could either be from the start date to four years from that date, or from the start date to the next time that position is appointed. After some discussion, he stated that he would do additional research on the issue for the January meeting.

A MOTION was made to adopt the schedule for public hearings as presented. The MOTION was seconded and passed.

Sharon Klumpp asked about advertising for the public hearings. **Bonnie Jackelen** explained that past public hearings have been advertised as ads in the newspaper and that meeting notices are broadly distributed.

Sheriff Fletcher asked if the use of cable television would be appropriate without a point-counterpoint discussion.

Mike Fratto mentioned that he wasn't sure what the purpose of the broadcast on cable television would be. **Sheriff Fletcher** explained that it would be a chance to give feedback in interviews etc. but it is important to clarify what the Commission is acting as.

Commissioner McDonough explained that the Charter Commission could take two approaches: 1) as a neutral entity to get information to the public or 2) as an advocate for the issue. It seems as though the Charter Commission does take an advocate position on the issue.

Sharon Klumpp explained that it is simply an information gathering stage and any public information should simply stress that the Charter Commission's purpose is to gather information.

Commissioner McDonough asserted that the editorial page is not used unless there is an opinion stated.

Frank Gurney agreed, and stated that the votes have always been very close.

Sheriff Fletcher suggested moving away from holding any feeling from the last election because there is a perception among Sheriff's Department employees that the decision to move this issue forward was in part because of the last election in Ramsey County.

Commissioner McDonough pointed out that Charter Commissions can become dysfunctional when they latch onto a specific issue and take a position. He suggests staying objective and neutral on issues and lay out information for the public for them to weigh in on.

Sharon Klumpp questioned the word “advocacy” and suggested that this is information gathering. In the future it should not be about advocacy, but about explaining how the Charter Commission came to a decision.

Mike Fratto agreed with leaving personal biases out of how the Charter Commission deals with the issue, and anything in the editorial page should be strictly neutral objective information.

Sharon Klumpp stated that she is troubled by the idea that this is related to political bias, and that the length of the discussion on this issue points out that it does not have to do with the recent election.

Sheriff Fletcher explained that there are members of the Charter Commission who had close affiliations with political figures who were running for office, which created a perception that there is a bias.

Commissioner McDonough stated that the Charter Commission is mostly apolitical, although it attracts highly qualified and highly motivated individuals who want to make a difference. Because the Charter Commission work is so high level, there should be as much work to do as some members may wish for.

Sharon Klumpp suggested that in the introduction at the public hearing, in addition to a history of the issue, they should include an explanation of the role of a Charter Commission. She would hope to abolish the perception of political bias among the Charter Commission members.

Commissioner McDonough recommended that the Charter Commission not engage in dialogue at the public hearings.

Sharon Klumpp explained that there would be the ability for public members to share opinions and ask questions by email.

Sheriff Fletcher asked about a time limit for people to speak. **Rod Halvorson** suggested staying with the Ramsey County standard of three minutes.

Commissioner McDonough also pointed out the issue of one side bringing many more people than the other side, and possibly having a system so that both sides get a chance to speak. He suggested that there be a limit on how many comments could be made by one side or on one certain subject.

NEXT MEETING DATE

A public hearing is scheduled for January 15, 2008.

ADJOURNMENT

A MOTION to adjourn was made, seconded and passed. The meeting was adjourned at approximately 9:00 p.m.