

MINUTES
RAMSEY COUNTY CHARTER COMMISSION PUBLIC HEARING
April 8, 2008
6:00 p.m.

The Ramsey County Charter Commission held its fourth and last public hearing on the issue of election vs. appointment of the County Sheriff on Tuesday, April 8, 2008 beginning at 6:00 p.m. in the Council Chambers of the St. Paul City Hall/Ramsey County Court House.

MEMBERS PRESENT:

District 3: Frank Gurney
James Kilbride
District 4: Peter Hendricks
Chris Leifeld
District 5: Rod Halvorson, Vice Chair
Lyle Nelson
District 6: Russell Miller
A.L. Brown
District 7: Bud Berry
Marvin Koppen
At Large: Minoka Kitto
Beth Miller

MEMBERS ABSENT:

District 1: Sharon Klumpp
Ben Stephens
District 2: Robert Bell
Elwyn Sands
At-Large: Mike Fratto, Chair

OTHERS PRESENT:

Darwin Lookingbill, Ramsey County Attorney's Office
Bonnie Jackelen, County Manager's Office
Mark Pettit, Ramsey County Sheriff's Office

CALL TO ORDER:

In the absence of the Chair, Vice-Chair Rod Halvorson called the public hearing to order at approximately 6:10 p.m.

CITIZEN COMMENTS

Don Gerdesmeier, 3001 University Avenue S.E., Minneapolis, works for Teamsters Council 32. Previous to 1995, he was a life-long resident of St. Paul. Teamsters have about 6500 members who live in Ramsey County. They think that going to an appointed Ramsey County Sheriff is not a good idea. The citizens of Ramsey County should be able to exercise their right to vote, and they believe that system has worked very well. To his knowledge, no county in the state of Minnesota appoints their Sheriff. He has been told that out of the 3100 counties in the United States, only ten appoint their Sheriff. On behalf of the 6500 members in Ramsey County, he urged the members to take that into consideration. They believe the system has worked very well and they would like to see it continue as is.

Lyle Nelson asked how many teamsters there are in the County. Mr. Gerdesmeier responded that there are approximately 6500; about 6200 of them are active.

Lyle Nelson asked how their opinion was solicited. Mr. Gerdesmeier responded that they have not heard of any problems at all with the present system. They have representatives from every local union and in an election year there are representatives from every workplace that are involved in all of the politics that will go on this year. They have not heard anyone say they think Ramsey County should have an appointed Sheriff. Members call all the time; he gets input during the legislative session on a regular basis.

Rod Halvorson asked if there has been any official vote by the directors of the Teamsters Local. Mr. Gerdesmeier responded negatively.

A.L. Brown asked if the issue has been put to the directors. Mr. Gerdesmeier responded affirmatively. They have a quarterly meeting recently and this issue was on the agenda. We heard more from our public employees union than anybody, but there was not a lot of discussion, nor was there a lot of dissatisfaction about the way things are done right now.

A. L. Brown asked if anyone brought forth a motion. Mr. Gerdesmeier responded negatively, and added that in the past when they have done polls, a ballot is sent out to members. The problem is that they cannot be certain those are accurate. If they take 100 ballots to a place that has 100 employees we are not sure if those employees are filling out the ballots. They have not spent a lot of money on all the different issues. They have taken some informal polls in the past but have not done so on this issue.

A.L. Brown asked if his union has authorized him to be here and make the representations he is making. Mr. Gerdesmeier responded affirmatively, and said he is Political Director.

A.L. Brown asked how he had been authorized. Mr. Gerdesmeier said he told them that when he heard the public hearing was being held he was going to attend; they said that would be fine. They were at a gathering last night for Congressperson James Oberstar, and most of the leadership was there. He asked again at that time; they are very aware he is here and okay with this.

Vice-Chair Halvorson called three times for additional public testimony. Hearing none, he closed the public hearing portion of the meeting.

DISCUSSION

The next meeting of the Charter Commission will be the first Monday of May, May 5th. The location is yet to be determined.

Rod Halvorson said that action on this issue would take place at that meeting so that the question could be on the ballot in November.

A letter was distributed from Sheriff Bob Fletcher regarding his hiring practices. Mr. Halvorson asked Bonnie Jackelen to provide information countywide to compare with the Sheriff's numbers.

Mr. Halvorson asked if there was interest in having further discussion.

Frank Gurney said there is nothing on the agenda about further discussion. Therefore, he doesn't believe it would be proper to have any type of discussion. Rod Halvorson is fine with taking no discussion, but believes the Commission can discuss anything it wants to discuss; however, action cannot be taken.

Frank Gurney said it would not be fair to the members who are not in attendance, as they would miss that portion of the discussion. Rod Halvorson said that is appropriate.

A.L. Brown said this body had not adopted the agenda; normally there would be an opportunity for the members of the existing agenda. He thinks that by holding a series of these hearings it would be helpful to know if the Commission is at a deadlock and whether or not there are issues that can be discussed prior to the next meeting or if there will simply be a vote. He believes this is an incredibly important issue; he would hate for members to show up at the next meeting and simply vote on it without having a discussion as to how we arrived at where we are – what about the process has influenced us? What testimony did we find helpful? How did we arrive where we are? Particularly with the addition of new members to the Commission, he believes a lot of discussion is warranted

Frank Gurney said there could be discussion at the next meeting; at this meeting there are several members absent tonight, and they should not miss the discussion. The entire discussion should be held at the next meeting. He has no idea how this will come out at the next meeting. He is not lobbying behind the scenes as to what is going on.

Darwin Lookingbill said it would be appropriate to hold discussion, particularly if there were items the members would like him to address prior to the next meeting.

Rod Halvorson asked if the members had a final draft of the language that we would be presenting on the ballot. He asked if all the blanks had been filled in. Darwin Lookingbill said he believes everything has been completed.

It was stated that at the next meeting, members should be able to look at a list of people who have commented at the Public Hearings with two or three columns of who is for and who is against the issue. Rod Halvorson asked if staff was planning to do a summary of the hearings. Bonnie Jackelen stated that the minutes from all the hearings would be available prior to the meeting and that she could make such a list if the Commission so desired. Rod Halvorson said that there have not been so many people who testified; he believes just the minutes are sufficient. He believes most of the people who testified were against the proposal of appointment.

A.L. Brown said the reason why he thinks the discussion tonight is important, is because if there are changes or compromises that need to be made, or if there are issues that could be worked out before the vote, it would make sense to have that prepared so the members can vote up or down on the cleanest version of whatever the proposed amendment might be, so that when we are voting, we are clear about what we are voting up or down. He is afraid that we will get to the next meeting; it will be an incredibly intense debate and then simply have the vote. While we have the time and are not rushed, let's draw out whatever the issues or concerns are on either side of the vote, let's discuss them and see how if anything can be done to deal with those.

Beth Miller said she is not as concerned; after hearing some of the testimony, she believes from the former Mayor of Roseville, who brought up a point that has been resonating with her about procedural steps we need to take this vote, and whether we should have a supermajority. She doesn't know what the charter requires. She believes that is an issue aside from the substantive issue about whether or not this should go forward. She believes that should be discussed before this committee votes forward with the vote. Mr. Halvorson is not certain, but he believes it is just a majority vote to proceed.

Darwin Lookingbill said a majority of the Charter Commission must vote for the issue, not just a majority of those present. Nine people will have to vote in favor of the issue, as there are 17 members.

Lyle Nelson asked about absent members, and if those would be no votes. Darwin Lookingbill responded affirmatively.

A.L. Brown asked if all positions on the Charter Commission are currently filled. Rod Halvorson responded affirmatively and asked the newest member, James Kilbride, to introduce himself. All members introduced themselves and described their area of representation. Rod Halvorson welcomed Mr. Kilbride and told him to feel free to contact other members of the Commission for additional information on this issue.

Russ Miller said a continuing issue for him is how this has come about, how it has been going on, and what is behind it. Whether you believe the position should be appointed or elected, in the beginning people said they did not want the issue to be political. They could not convince him before; he was a 'no' vote; and it shows how political it is when you get into this process. No one has ever given him a reason – there has been talk of policy, but the former Mayor struck something with him, too, about a supermajority needed. The votes in this Commission have all been so close, and changes from meeting to meeting. He still doesn't feel anyone has given him the reason why the Charter Commission is doing this, other than the fact that they think the Sheriff's job should be appointed versus elected.

Rod Halvorson doesn't know if any of the arguments have been convincing to Mr. Miller, but there have been dozens of arguments given over time as to why some people feel it should be on the ballot, whether they think it is administratively the right thing to do or whether it is just allowing the people to make the decision. There have been very few people who testified that gave any arguments in favor of it; however, in previous discussions several people, including himself, have made arguments of why it should be placed on the ballot. Perhaps none of those discussions had been convincing to him.

Russ Miller said whenever he had read anything, it does not refer to "sheriff" but rather "Fletcher". If you are referring to the person who holds the position, then he believes it is a political issue. If you are referring to the sheriff's position, that takes the politics out of it. Everything that he has heard, has been about "Fletcher" not about the "sheriff's position". He believes there is a great deal of politics in this.

Rod Halvorson said perhaps Mr. Miller has heard different things, but he has heard numbers of people indicate that they are in favor of placing it on the ballot and not even mention the word "Fletcher" but refer only to the position. We can disagree or agree to disagree.

Russ Miller asked who the Commission wanted to listen to. The hearings have been held; the issue has been in the paper and in the news. Are people going to see that those people who came to the hearings were not being listened to? If the overwhelming majority of testimony has been against making a change, does that mean that we are now going to take what the people have said to us and ignore what they have said to us. He doesn't understand what we are using to base our opinion on; this is what we were to have been basing our opinion on.

Rod Halvorson said he has been involved in public office and holding public hearings for over 30 years. Generally speaking, hearings are an opportunity for the citizens to come and speak on an issue before a public body. Generally speaking, the most aggravated group of people will come and speak at a much larger number than the less aggravated group, or the status quo. Each of us can measure how we take the input from the public. We can take input from what our colleagues have presented to us. We can take information from the hearings that we have had. We can take information from our public policy training over our lifetime. You can make any decision you want; you can make the decision in regard to what the testimony was before us; and you can choose to ignore the testimony that has been before us. That is the nature of public hearings for public bodies. Any individual has an opportunity to come and that is their time to try to persuade the decision makers. After the hearing is over, the decision makers can then choose how they want to take that input. They make take that advice that they received at the public hearing; they may ignore it; they may make compromises or changes; but that is how public hearings work. That is the opportunity for the public to come and speak to the decision makers. That part is over and each of us can choose whatever way we want to take that input.

A.L. Brown said Beth Miller's point is an important one. Of all the testimony we heard over the course of the hearings, he believes a lot of it was slanted, not the objective view of whether or not this is a better public policy decision. He said he takes offense to the statement that this is political, because it questions the integrity of everyone on the Commission who have said repeatedly that this is not individual-based; this is about whether or not we think this is a good idea or not; whether or not we think that we can have a better administration of county government by taking this course. Everything does not have to be political, so, he said he was offended by that notion. We heard it time and time again during the public hearings. That is not the case, at least for this Commissioner. One of the witnesses that spoke was the Mayor of Roseville; he struck a chord with him as well. Of all the witness and all the hearings, he was the one who presented an argument that caused him to think: 1) about whether or not it is a good idea to do this; and 2) whether or not there should be a certain level of support on the Commission before we move forward, above and beyond a 50% plus 1 majority. He doesn't think there is any requirement that there is anything more than a 50% plus 1, but if at all possible, he would like the Commission to reach a consensus, and if it is not possible, he will sleep just as well. He would like, if at all possible, for the Commission to reach a consensus as to whether or not to put this on the ballot. Again, that is the question – we have been asked if we are taking away the people's right to vote; whether or not this is a good idea or a bad idea; and we keep losing sight of the big picture – which is that the Commission is not making any decision that has any lasting impact that the voters can't instantly overturn. They can agree or disagree. That is what we need to keep forefront in our minds. He would like to know what everyone thinks is necessary. Do we think there should be something more than a 50% plus 1 majority? The only way to get to that answer is to have a discussion about what the issues are. We may be able to get to a 50% plus 1 or we might be able to get to a greater majority if the members would bring up their concerns. We could then have a discussion about it and possibly give it back to legal counsel to have them do some editing on it and then we could have resolved that problem. Some members may just say this is a bad idea, and decide to show up at the next meeting and vote. It is well within everyone's right to do that; but he believes it is a disservice to what is supposed to be accomplished here, which is hashing out whether or not this is a good public policy idea for the larger community to vote on.

Marvin Koppen said that if the Charter rules states a majority of 50% plus 1, that is fine, those are the rules. One of the points brought up earlier, lots of the testimony did refer to "Fletcher" rather than "sheriff", which puts the wrong slant on it. That was a valid point. He requested confirmation that the appointment would be by the County Manager. Rod Halvorson affirmatively confirmed that appointment would be by the County Manager, with the approval by the County Board.

Lyle Nelson responded to comments made by Mr. Brown. He thinks that if, when we vote, we were setting the policy, there would be some merit to having a supermajority vote, but all we would be doing is putting the question on the ballot. The people will set the policy. He doesn't see any great significance to a supermajority.

A.L. Brown said that if folks just want to show up at the next meeting and vote, we should adjourn now. However, he believes it should be taken more seriously. He tried to be open, flexible and present to hear the various arguments. He thinks that what the Mayor of Roseville said gave him some concern. He would like to be able to ferret that out; but if folks are recalcitrant and convinced, then why are we here? He is hoping for a discussion about the substance of the procedure of putting it on the ballot and in order to do that we have to have a discussion about the substance and what have we learned during the course of the hearings that has had an impact on the substance. At least for him, there have been very few people who have testified, in part because of what the Chair noted – the folks that are more agitated show up and those who are less agitated don't show up. Most folks aren't very excited about this issue, unless it directly impacts them or someone they know. We need to have a discussion about whether or not we have heard anything during the course of the testimony, seeing that there is no one else testifying, that has an impact on our decision, and whether or not this

Commission can do something to address those, before we have the vote. That is the discussion he believes is important, otherwise the public hearings have been just window-dressings for meeting.

Rod Halvorson wanted to go back to what Frank Gurney previously said, which was that we would have to debate all of this at the next meeting, so it seems like most of the things that have been said will have to be repeated at the next meeting. He doesn't see how the Commission could accomplish what Mr. Brown would like to do, without a motion before the Commission, amendments can't be offered. Therefore, what he would like to try to do, before the meeting is adjourned, is that if anyone has any suggestions for staff to work on any particular language, either as amendments or suggestions, let's entertain that situation where we would like to direct the staff to come up with some language or changes. Otherwise, we will just repeat the same arguments again at the next meeting in trying to convince people to vote for or against placing this on the ballot. There is no reason to do it twice. He asked if anyone had anything for the County Attorney to address.

Russ Miller said it has been brought up that people make it sound like all we are doing is bringing it to the people for a vote. That is how the public hearings came about, with one vote, to at least bring it to the table so we can discuss it and make it fair. This is a change in the policy; this is to do a major change. Rod Halvorson added that if the people adopted it, it would be a major change. Russ Miller said it starts with a major change by this Commission, which he doesn't believe that a simple majority should do. Is there any call for a supermajority vote within the Charter?

Rod Halvorson said he doesn't see any reason to consider the possibility of a change; if there are nine people who want to vote in favor of sending this to the people for a vote, he assumes those nine people would vote against any supermajority; he certainly would recommend against it. He doesn't see any reason why we would ask for anything more than what the Charter requires. The Charter requires the majority vote of this Commission to take action. The people get to back that up with their vote. They can either vote to agree with the Charter Commission or disagree with the Charter Commission. For a supermajority, he believes it is a bad idea – he doesn't believe in supermajorities and that it is not a democracy – so he would argue against it at the next meeting. If there were a supermajority to raise the need for voting, then the proposal would not go to a vote of the people anyway. He doesn't understand the need, the desire, or the comment from the Mayor, why we need a supermajority. The Charter speaks to exactly what is required.

A.L. Brown agrees to Mr. Halvorson's statements in substance, he believes that if there are members of this Commission whose vote is contingent upon there being a supermajority, we should know that, so we can resolve those concerns. If there are members of the mindset that he/she will not vote for it because there is not enough support on the Commission, that is helpful to know, then we could again have that discussion on the substance. He recognizes the same discussion will take place at the next meeting but he can almost predict with a certainty that comes from seeing these meetings over the course of years he has been on this Commission and seeing the votes counted – they come very quickly and people have made up their minds and there is not much discussion. He believes that is where we are headed next month, and if that is the will of the Commission, so be it. He believes that to say it will all be debated at the next meeting, he doubts it.

Lyle Nelson said he likes the idea of letting people vote on something like this. He has not been around where people got to vote on this issue. It is an exciting political science exercise to have this vote, no matter which way it goes. It would be educational for the people. Why would we deprive them of the opportunity to do that?

ADJOURNMENT

Upon duly made motion, the meeting was adjourned.