

MINUTES
RAMSEY COUNTY CHARTER COMMISSION
May 4, 2009
7:00 p.m.

Vadnais Heights City Hall
800 East County Road E
Vadnais Heights, MN 55127

MEMBERS PRESENT:

District 1: Jim Schottmuller
Ben Stephens
District 2: Rick Moses
District 3: Bryan Olson
District 4: Christopher Leifeld
Peter Hendricks
District 5: Rod Halvorson (Chair)
Lyle Nelson
District 6: A. L. Brown
Russ Miller
District 7: Bud Berry
Marvin Koppen
At-Large Mike Fratto

MEMBERS ABSENT:

District 2: Vacant
District 3: Frank Gurney (unexcused)
At-Large: Beth M. Miller (excused)
Minoka Kitto (excused)

OTHERS PRESENT: Commissioner Toni Carter; Julie Kleinschmidt, County Manager; Joe Murphy, Vadnais Heights City Councilperson, and Aide to Commissioner Tony Bennett; Kathryn Pearson, Assistant Professor, University of Minnesota; Darwin Lookingbill, County Attorney's Office; and Bonnie Jackelen, County Manager's Office;

CALL TO ORDER:

Chair Halvorson called the meeting to order at 7:00 p.m. and noted that a quorum was present.

APPROVAL OF MINUTES:

Mr. Fratto moved, seconded by Mr. Nelson, to approve the minutes of the October 27, 2008 and February 2, 2009 meetings of Charter Commission. MOTION CARRIED.

INTRODUCTION OF MEMBERS

Three new members were present at tonight's meeting. Chair Halvorson requested that everyone introduce themselves and state where they live and what they do for a living.

A.L. Brown, District 6, attorney
Lyle Nelson, District 5, retired
Mike Fratto, At Large, retired
Bud Berry, District 7, retired
Marv Koppen, District 7, self employed

Jim Schottmuller, District 1, owner of remodeling company
Ben Stephens, District 1, self-employed
Russ Miller, District 6, self-employed, hair stylist and real estate
Peter Hendricks, District 4, attorney
Rick Moses, District 2, data analyst, Thompson Reuters
Bryan Olson, District 3, multi-media designer
Chris Leifeld, District 4, Executive Director, Minnesota Catholic Conference
Rod Halvorson, District 5, Executive Director, Minnesota Social Service Association

CITIZEN INPUT:

There was no citizen input.

NEW BUSINESS

COUNTY BOARD/COUNTY MANAGER UPDATE:

Commissioner Toni Carter introduced herself and Julie Kleinschmidt, County Manager.

Ms. Kleinschmidt thanked the Charter Commission for the opportunity to meet with them. Ms. Kleinschmidt said the County is heading into a difficult period but is as well-positioned as it could possibly be because the County Board has made really tough decisions along the way.

Ms. Kleinschmidt provided information on her background. She is a Certified Public Accountant and started her career by working with a small CPA firm. She then went to Hennepin County where she was the County Controller. She has been Director of Finance for Ramsey County for the past nine years, until being named County Manager in January 2009.

Commissioner Carter spoke of the 2009 Minnesota Legislative session, and said that health care and human services are taking a beating at the Legislature. She provided an update on the Central Corridor and Union Depot – this project is on track. The majority of people favor a multi modal transit system.

Commissioner Carter spoke of the JDAI (Juvenile Detention Alternatives Initiative) project and said the County is working with the Annie E Casey Foundation and the Burns Institute on this project, which has lowered juvenile detention by about 40%.

Mr. Nelson shared his frustration that he doesn't believe the Charter Commission is needed because there have not been any major changes made to the Charter since he joined the Commission. Commissioner Carter said the County is doing good work and that the Charter seems to be relevant as it currently stands.

Mr. Halvorson invited County Commissioners to make recommendations to the Charter Commission regarding any areas in the Charter that they see as perhaps needing a revision in order to have the County work better. The mission of the Charter Commission is to have the best possible Charter that makes for better workings of the County.

Ms. Kleinschmidt said that staff does study the Charter. She said a previous revision to the Charter regarding design/build has given the County flexibility in the purchasing area, which in turn has reduced the cost of capital improvements.

Mr. Hendricks brought up the issue of the setting of Commissioners' salary and stated that Hennepin County has been talking about reducing their salary in light of today's economic conditions. He asked if the Ramsey County Board has had a similar discussion. Commissioner Carter said that the Board has not yet had any conversations about their salary, but will be discussing it soon as it needs to be set by the end of June, which is the timeframe prescribed within the Charter.

Ms. Kleinschmidt said currently there is a soft hiring freeze with County government, and that a furlough is not currently being discussed, as it is a short-term fix. Reduction of employee salaries has not been looked into. There will be tougher discussions and decisions to be made in the next biennium, 2010-2011. Much of the discussion will be about which services the County will not be able to continue providing. However, the County Board has been planning for a downturn for some time, which puts Ramsey County in a much better position than many other entities.

Mr. Schottmuller asked if any Commissioners have decided to forego their pay raise. Commissioner Carter responded that the discussion on salaries has not yet occurred, but will take place in the near future, as the ordinance process for 2010 salaries must be completed prior to July 1st.

Mr. Halvorson told Commissioner Carter and Ms. Kleinschmidt that if there are any recommendations for an amendment to the Charter, the Charter Commission would eagerly receive those suggestions.

PRESENTATION BY KATHRYN PEARSON

Kathryn Pearson, Assistant Professor of Political Science at the University of Minnesota was present to discuss the setting of term limits. Following is her complete written presentation.

"I am here tonight to provide some insight into the effects of term limits based on political science research. I hope it will be helpful as you consider the issue of term limits.

Term limits prevent government officials from serving more than a specified number of terms in a particular office.

Debates over term limits are not new to American politics. Under the Articles of Confederation, the first Congress was term limited. This experience, however, prompted the Founders to reject the idea of term limits for the U.S. Congress at the Constitutional Convention because it was perceived that the terms limits had made the Congress weak. The president of the United States is, of course, has been limited to two terms in office since 22nd Amendment in 1951, and 34 state governors are term limited, along with many mayors.

The term limits that have provoked the fiercest debate, led to the most empirical research, and have had the most profound effects in American states have been the term limits on state legislators in many states. In some respects, state legislative term limits are also the most similar to the term limits that you are considering, as the role of the US president and state governors as chief executive is distinct from the role of members of a governing body.

The argument typically used by supporters of term limits is that they will bring fresh perspectives to government, while proponents bemoan the cost of losing knowledgeable veterans in office.

Thad Kousser, a political scientist at UC San Diego who has written book on term limits called "Term Limits and the Dismantling of State Legislative Professionalism," published by Cambridge University Press in 2005, writes that views on term limits reflect "the manner in which citizens envision their leaders: either as temporary servants of the public who rotate relatively quickly into and out of office, or a corps of experts who remain in power as long as they earn majority support from voters."

For most of American history, it was hard to systematically examine the effects of term limits. But beginning in 1990, enthusiasm for term limits began to spread. In 1990, voters used the initiative process in California, Colorado, and Oklahoma to term limit their state representatives. Two years later, ten more states joined them – all through the ballot initiative process. By 2000, 21 states had passed term limits. In four of the states, judges overturned the initiatives on technical grounds, and legislators repealed them in Utah and Idaho. The term limits remaining in 15 states vary in their length and severity, ranging from six years in each house total to twelve years in one house with a one year intermission before running again.

These reforms have given political scientists the chance to evaluate the consequences of term limits at the state legislative level, research that I will detail shortly. But first, I want to lay out the arguments made by both proponents and opponents of term limits.

Political scientists note that those who favor term limits argue that they promote the ideal of a citizen legislator who is closer to the people, and after serving the people, would quickly leave to rejoin the people. Mandating turnover, then, would replace entrenched incumbents with new people. Indeed, incumbents typically win at very high rates in part because they have advantages over anyone who would challenge them, helping them to scare off would be challengers. These new people, according to proponents of term limits, would bring new ideas and a closer understanding of the people to government instead of connections to interest groups or bureaucracies. Because new lawmakers would only be in office a short time, they would not be tied to "special interests" and instead make decisions with the citizenry in mind, knowing they would soon return to its ranks.

Opponents of term limits argue that they aren't necessary; regular elections give voters the opportunity to remove representatives who aren't serving the people. Opponents bemoan the loss of legislators with decades of institutional knowledge and policy expertise. These losses result in inferior policy, and they make the legislature less powerful compared to the executive

branch and the bureaucracy. Opponents argue that lobbyists and unelected staff would fill the void, leaving votes poorly represented.

Several political scientists have been studying the effects of term limits in state legislatures. The scholarly consensus is that term limits have fundamentally altered the operation of state legislatures in several negative ways without changing the type of lawmakers who serve in them or the competitiveness of state elections

As Kousser reports, the scholarly findings about the types of people serving in legislatures and the competitiveness of their elections reveal that term limits did not have their intended effect. Elections did not become more competitive and the new members voted in are similar to their predecessors who were termed out both in terms of demographic characteristics and in terms of their ambition for a career in government.

Of course, term limits greatly increased turnover. But term limits did NOT lead to more electoral competition: term limits did not cut into the average margin of victory in elections. The average margin of victory in legislative contests in term limits states is 26.8%, compared to 26.8% percent in previous years in these states and instates unaffected by term limits. Term limits did not lead to more seats changing party hands. The rate at which seats change parties is 7.6 percent under term limits and 7.7 percent without them.

The increase in the number of open seats has been outweighed by the decrease in the competitiveness of both open seats and races with incumbents. Before term limits, seats often became open in competitive districts, after term limits these openings occurred more randomly. In seats held by incumbents, qualified challengers are reluctant to challenge incumbents until they are termed out, making those races less competitive.

Turning to the effects on voters, an analysis of California legislative elections from 1976-2004 shows that voter turnout declined after term limits were enacted in California.

By definition, term limits have resulted in more new people entering the state legislature each session since they went into effect—but not new types of people entering the legislature.

Some advocates of term limits argue that term limits should increase gains in representation for racial minorities and women. But, in the states that enacted term limits, this has generally not been the case. In California, Latino representation increased, but African American representation actually decreased. In other states, there were minimal gains or no gains at all.

There has not been an increase of women in state legislatures with term limits compared to other states, and in some cases, term limits actually reduced the number of women serving in states, particularly the lower house.

Other advocates of term limits argued that career politicians would be replaced by citizen legislators who behaved differently. To assess this question, a national survey of legislators was conducted by a project organized by the National Conference of State Legislatures, the Council of State Governments, and the State Legislative Leaders Foundation.

The survey found that very few term-limited legislators planned to return to private life, the overwhelming majority planned to run for another elected office, become a lobbyist, or try to get an appointed office. State legislators who are termed out are more likely to run for Congress than state legislators who aren't termed out.

A second type of political science research on term limits focuses on what goes on in state capitols. The bottom line is that shorter time horizons make it less likely that legislators become policy experts, and legislatures with term limits suffer as a result.

The Joint Project on Term Limits surveyed legislative staff, executive agency staff, former legislators, lobbyists, and reporters in states with term limits and without them. They asked how much legislators know about statewide issues, the legislative process, and the issues before their committees, compared to members ten years earlier.

Those legislators in term limited states are much more likely to indicate that there has been a decline in expertise and institutional knowledge in states with term limits, findings that have been corroborated by other studies.

The tenure of party leaders and committee chairs has obviously declined, leading to a decentralization of power and changes in the process. To win leadership positions, there has been an increased emphasis on fundraising skills for leadership posts since less time to observe leaders. This has resulted in more power in the majority's hands, a higher legislative success rate for the majority, and more PAC contributions to the majority. Partisan conflict has increased in term limited states. There has been a decline in legislators' adherence to norms, meaning less collegiality, especially across the aisle, as members don't treat colleagues as part of their future.

Committees have become less specialized and members on them know less about policy. Members are also less collegial and courteous in committee, and fewer members are concerned about clarity and precision in legislation and are likely to follow parliamentary procedure on the floor. Committees give bills less scrutiny. (The same is true for House committees because of term limits on committee chairmen).

Opponents of term limits feared that staff would become overly powerful, but there has been little change in staff influence or interest group influence, but research has found no effect on power of interest groups.

Voters in states with term limits are less likely to be able to name their state legislators, and are less likely to contact them.

On surveys, legislators indicate that they spend less time "keeping in touch with voters" and "working to solve constituent problems" compared to those who don't face limits, and in California study, legislators in their final term spent less money on constituency outreach than those in other terms.

Surveys of legislators reveal that legislators in term limited states think more about statewide concerns than the needs of their districts compared to legislators in other states.

As feared by term limits opponents, term limits have indeed reduced the power of the legislative branch. Governors exert more influence crafting budgets after term limits than they did before term limits, and policies coming out of state capitols with term limits look more like the governors' plans. Bureaucracies implement laws with less oversight from the legislature.

One way this was measured was by examining how much the governor's budget proposal was amended by the legislature before and after term limits in CA, CO, ME, and OR. Term limits led to a dramatic drop in the percentage of the governors' budget that was altered by the legislatures in the four states studied.

Political scientists have found that legislation that emerges from statehouses with term limits is less innovative. One study compared the number of lines in a bill in states before and after term limits, and they declined significantly after term limits, indicating fewer policies were changed or created. Note that this has nothing to do with the size of government, but rather the level of policy detail in the legislative language.

Despite evidence that term limits do not fundamentally alter the types of politicians elected to state legislatures, evidence that voters in states with term limits are less likely to know their legislators, contact them, vote, and have their views taken into consideration, and the fact that term limits have had a negative effect on policy making process, voters have been unwilling to rescind limits or to extend the number of years permitted when they have had the chance to do so in recent state initiative elections.

Nonetheless, the drive for term limits has subsided. The spread of term limits in state legislatures has stopped because they have been passed in nearly every state with an initiative process. Term limits for Congress are unlikely, and in 1995 the Supreme Court has made it clear that states cannot impose term limits on their own members of Congress in the SC case *US Term Limits v. Thornton.*"

EXCUSED/UNEXCUSED ABSENCES

None.

MINNESOTA OPEN MEETING LAW

Mr. Lookingbill spoke of the Open Meeting Law as it pertains to email usage. At a previous meeting there was some interest in the use of emails among members, between meetings. Mr. Lookingbill said there are no case laws or opinions from the Department of Administration regarding this issue, however, some interest has been shown. He urged members not to use emails as a substitute for a meeting, as he would not want the Ramsey County Charter Commission to be a test case.

COUNTY COMMISSIONER'S SALARY PROCESS

Mr. Moses said that he would like bring language to the next Charter Commission meeting regarding the setting of Commissioners' salaries. Mr. Moses said he would also like to amend the Charter making the Charter Commission a more powerful body.

Mr. Fratto asked for the timeline to get something on the next ballot. Mr. Lookingbill said any amendment would have to be finalized by August 2010.

Mr. Brown moved, seconded by Mr. Berry, to study whether the Charter adequately addresses the issue of Commissioner's salaries, and to begin the process of considering language to amend the Charter as it relates to Commissioner's salaries. MOTION CARRIED with one dissent.

Mr. Olson asked for a list of County employee salaries, from lowest to highest. Mr. Fratto said that information is available on the Star Tribune website. The link will be made available to members.

Mr. Brown moved, seconded by Mr. Leifeld, to have the Charter Commission study and focus on the following three issues in an attempt to get an amendment to the Charter on the 2010 ballot: 1) term limits for Ramsey County Commissioners; 2) Ramsey County Commissioners salary process; and 3) Online County checkbook.

Mr. Halvorson relinquished the Chair and commented that he does not favor limiting discussion to only three items. Furthermore, he would rather do nothing, than do something wrong. He took back the Chair.

Mr. Miller suggested forming a subcommittee to do work between regular meetings. The motion on the table gives an opportunity to focus on topics.

Mr. Schottmuller moved to amend the motion to add the issue of having the Commissioner's schedule online. Mr. Stephens seconded the motion to allow discussion. Mr. Halvorson relinquished the Chair and said he believes this suggestion does not rise to the level of a Charter Amendment. He believes it is a good idea that Commissioners were to keep a public schedule. He took back the Chair. MOTION TO AMEND FAILED with only one member voting in the affirmative.

The main MOTION CARRIED with three dissenters.

Mr. Miller asked if a future guest could be found who is in favor of term limits. Mr. Halvorson asked if anyone would be willing to find such a person. No one offered. Mr. Brown suggested that a subcommittee is perhaps the best way to go. Mr. Leifeld said the Bylaws call for standing committees which could be formed to address specific issues as required. Mr. Halvorson said the committee could bring back one of two things: come forward with ideas or have a specific worded amendment to the Charter, including language that would be stricken and added. Mr. Lookingbill offered to assist in the writing of that language. Mr. Koppen asked

if the Charter could cap the salary. Mr. Halvorson said the Charter Commission is only to pose amendments to the Charter. The ideas should be discussed in committee meetings.

Mr. Brown moved, seconded by Mr. Fratto, that there be two standing committees formed and to come back to the next regular meeting with a proposal: one to discuss salary and term limits, and the second to study the issue of an online County checkbook. MOTION FAILED.

Mr. Brown moved, seconded by Mr. Moses, that there be three standing committees formed: 1) to discuss the salary issue; 2) to discuss term limits; and 3) to study an online checkbook; and to come back to the next meeting with a proposal. MOTION CARRIED.

The following subcommittees were formed:

SALARY	TERM LIMITS	ONLINE CHECKBOOK
Lyle Nelson (convenor)	A.L. Brown (convenor)	Ben Stephens (convenor)
Bud Berry	Chris Leifeld	A.L. Brown
Peter Hendricks	Russ Miller	Jim Schottmuller
Rick Moses	Jim Schottmuller	
Bryan Olson		

Mr. Halvorson asked that all Commission members be made aware of the standing committee meetings and everyone is invited to attend should they so desire.

BYLAWS

Discussion of the Bylaws was tabled.

NEXT MEETING

It was requested that guests not be invited to present to the Charter Commission at their next meeting so that the time can be spent discussing the three issues at hand. However, guests are always welcome to attend.

ADJOURNMENT

There being no further business, Chair Halvorson declared the meeting adjourned.

Submitted by Bonnie Jackelen