

MINUTES
RAMSEY COUNTY CHARTER COMMISSION
February 5, 2007

The Ramsey County Charter Commission met on Monday, February 5, 2007 at 7:00 p.m. at the Ramsey County Public Works building in Arden Hills, MN.

MEMBERS PRESENT:

District 1: Sharon Klumpp
District 2: Robert Bell
District 3: Frank Gurney
District 5: Lyle Nelson
District 6: A.L. Brown
Russell Miller
District 7: Bud Berry
Marvin Koppen
At Large: Mike Fratto

MEMBERS ABSENT:

District 1: Ben Stephens
District 3: Charles Aguirre
District 4: Chris Leifeld
District 5: Rod Halvorson
At Large: Minoka Kitto

OTHERS PRESENT:

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

CITIZEN INPUT/COMMENTS:

None

BOB FLETCHER, RAMSEY COUNTY SHERIFF:

Summary of discussion:

Sheriff Fletcher distributed Ramsey County Sheriff's Department history books. He referred to the last meeting he attended at which it was agreed that the Ramsey County Sheriff should remain an elected position. He said that the way that citizens receive service and the layers of appointment in civil service, creates distance between citizens and the service they are provided. In St. Paul there is an elected mayor who appoints the Chief of Police and in the County there is an appointed county manager with an elected Sheriff. In most places in the country, that is the way it works. Every time a layer of appointment is added, the ability of the public to get through to the service gets more distant because the accountability of the service provider is lessened. In that sense, the Mayor can steer resources quickly with the Chief and the Sheriff can steer resources quickly if he senses that the community so desires them. In the few places that have decided to have an appointed Sheriff, they have an elected County Manager, and he suggests that if this is decided to be a question on the ballot, there should also be a question about having an elected County Manager. He pointed out that he is not advocating that decision, but having an appointed County Sheriff requires having an elected official to appoint that individual.

He referenced the Sheriff's Office history book and its two major sections, the history of the department's growth and the vision of the Sheriff's Office today. He pointed out the many ways that the Sheriff's Office has reached out to the community and the professionalism that it holds. He pointed out that crime in a variety of fashions has been reduced through quick action to gangs and sex offenders and through a variety of

volunteer programs. He asked the committee to take notice of all the different units in the Sheriff's Office and all the great aspects that they each bring to the community, and then said that there is nothing "broken" about the department, and that each individual in the history book is proud to be a part of the department. He explained that if he had to make several checks and balances through seven county board members it would have made running the department more difficult and it doesn't make sense. He said that citizens of Ramsey County will not vote for the idea of an appointed Sheriff and there is no sense in prolonging the debate, which he pointed out, would reflect poorly on the County due to several extenuating circumstances, to ultimately yield no change.

Sheriff Fletcher asked if any members had questions for him.

Lyle Nelson: Are you in charge of the Gang Strike Force?

Sheriff Fletcher: He is not in charge of the Gang Strike Force, however he has been a chairman for five of the seven years and after its modification by the governor has become a board member of the Metro Gang Strike Force and one of the board members of the Minnesota Gang and Drug Oversight Council. There are six officers from the Sheriff's Office on the Gang Strike Force and Ron Ryan, formerly with the St. Paul Police Department, came to work for the Sheriff's Office, is the head of the Gang Strike Force.

Marvin Koppen: How much money do you get from the state for that?

Sheriff Fletcher: The Sheriff's Office receives forty thousand dollars a year for each officer assigned to the Gang Strike Force; however, with overtime and other wages each officer makes about eighty thousand so the Sheriff's Office is about half reimbursed.

Lyle Nelson: Heard one argument that policy makers should be elected, technocrats should be appointed, are you a policy maker or a technocrat?

Sheriff Fletcher: He is both, but regrets the term technocrat, and thinks what was meant is whether he is a manager or an administrator. He pointed out that his job is to run the Sheriff's Office, but there is more flexibility in steering it as an elected official. For example, he had the ability to go to legislature in 1997 and lobby extensively to build the Minnesota Gang Strike Force; he was one of the principle architects of that Strike Force and would not have been able to do that as an appointed official, due to the resistance he believes he would have received from the County Board and the debates that would have arisen about competing against other initiatives of interest to the Board itself. He said that he lobbied extensively for sexual predator registration, and that he is not only able to lobby for these issues but implement policy quickly. He pointed out the predatory offender tracking joint task force with St. Paul Police Department and the Volunteers in Public Safety, and the 64,000 hours of volunteer service they provided to the public, as examples of excellent working initiatives that have been put in place and may not have been possible had he been an appointed official. He asked the committee to realize that his policy is restricted to what is best for the citizens of Ramsey County, and a good healthy debate belongs with public safety in government. He believes that in today's world, the public deserves to weigh in on the policy being decided on their behalf, which could be compromised if the Sheriff was an appointed position. He said that the Board can make decisions that override initiatives taken by the Sheriff by cutting funding to that initiative or questioning its reasoning, as was done when the Board did not agree with the number of canine units and five were cut.

A.L. Brown: If the Board were to cut the budget on something like the canine units, you could in reality use the money as you saw fit and still keep the canine units.

Sheriff Fletcher: Explained that the Board would then cut the budget again and keep cutting it until the point got across. There is a check and balance as to what the Sheriff is allowed to do with the budget and what is good about that is that the public is able to hear the debate and benefit from that debate, and whoever has the public on their side in the debate will most likely prevail, but it is necessary to be in conjunction with the public.

Bob Bell: Spoke about when the Clerk of District Court, the County Auditor, the Recorder etc., were elected positions. When the change was made to appoint those positions, was there discussion about including the Sheriff?

Sheriff Fletcher: He said there was consideration about including the Sheriff on that change, however it was abandoned because the public did not support the idea and also the Commission did not want to compromise the home rule charter for Ramsey County at that time. He said those positions do not hold the same authority as the position of Sheriff to do such things as, arrest, detain, or shoot some one in the line of duty. The conclusion is that creating an appointed official makes the position more political and gives more to the chance that an individual could be appointed based on political friendships, which is not beneficial to public safety. He referenced the last election and that the public was aware of all of the debate and issues that would have been kept private had the position been appointed.

Bob Bell: How many County Managers are elected?

Sheriff Fletcher: He said there are not many, and where this is present it is mostly in smaller urban-based areas where the city and county have decided to merge, and pointed out that two layers of government are not needed in areas like Ramsey County.

Bob Bell: There has been a lot of discussion about merging Ramsey County and the City of St. Paul in the past; is there really a need for so many layers of government?

Sheriff Fletcher: Because of the parochial nature of the department's representation, budget issues will drive the discussion of merging layers of government. He suggested that there should be better ideas brought to the Charter Commission's attention. After observing the Charter Commission for twelve years he feels that not enough good ideas are brought to their attention, and so the Commission runs with ideas like the appointment vs. election of the Sheriff. He suggested that the Commission take a leadership role on personnel and ask the question as to why there are two sets of personnel between the city and the county. Each city in the county has its own personnel department and by merging them into one personnel department for the county as a whole, costs on personnel could be cut dramatically.

Bob Bell: Pointed out that this type of merger was done with the courts in the past, where city courts merged with county courts.

Sheriff Fletcher: There are good ideas for merging out there, but this is not a merger.

A.L. Brown: Said that he did not enjoy the last election, and does not feel that it benefited him or helped him make a decision as to whether the Sheriff could keep him safer than his opponent.

Sheriff Fletcher: Said he thinks A.L. is watching the wrong news.

A.L. Brown: Said that he watches quite a bit of news and does not feel he got any substance from the debates. He also said that this idea was not picked up by the commission due to boredom.

Sheriff Fletcher: Said that he stated that there are not enough good ideas out on the table, not that the commission is bored.

A.L. Brown: The implication is that this idea came out of having empty hands, and that this has been an extremely thoughtful process and that this is not due to being left empty-handed. This is a result of the commission giving their time to something that they perceive as a problem. He stated that he is not speaking for everyone in the commission and pointed out the difference in opinion. He does not believe in the argument to abandon the issue based on a perceived notion that the public would not agree with it because that cuts off the opportunity for the public to have input on the debate. He said that if the public rejects the idea, then the idea would be put to rest. Overall, he indicated that he does hold a tremendous respect for the work of the Sheriff and understands his passion for the office, but the idea that boredom created the current debate is offensive.

Sheriff Fletcher: Said that he never used the term boredom, but suggested that the county government is what is failing the Charter Commission by not submitting enough ideas for them to review and debate. He has watched the debate on this issue for more than twelve years, since before the Charter was adopted in 1990. He believes the County Manager's Office and the Charter Commission should go to different departments and ask what each department thinks would benefit the citizens of Ramsey County in terms of amendments to the Charter. Every department has excellent ideas to bring to the Commission for debate, but hasn't been compelled to bring these ideas forward. He said that there hasn't been enough in front of the Commission; however, this circumstance does not warrant that the current debate is a good idea.

Marvin Koppen: Referred to Sheriff Fletcher's question as to what the Commission can do to encourage cooperation among all levels of government, and agreed with Sheriff Fletcher on the question of what the

Commission could do to help the suburbs, such as Maplewood. He also agreed with the idea of Sheriff Fletcher's to encourage ways to combine testing in personnel and save taxpayer money.

Russell Miller: At every meeting this vote is split and that if this small group cannot come to a decision on this issue, then it might be a waste of time and energy. He stressed that he will continue to attend the meetings regardless, however, thinks more positive issues should be brought for debate by the commission. He specified that there are some county commissioners whose only prerequisite was thirty days in the county and those individuals would be appointing the Sheriff or County Attorney. He said that there is no way to eliminate politics in this type of government, and he would guarantee that the flavor of the board would match the flavor of the candidate.

Bud Berry: Said he is upset with how the federal government appoints its individuals and that there is not an opportunity for the public to choose these officials. He enjoys the freedom to choose to elect or not elect an official based on their performance. For these reasons and more he does not want to see the current process of electing the Sheriff and County Attorney to change.

Frank Gurney: Said he was glad that the idea of merging personnel departments came about and suggests it for a future debate. For the current debate, he feels that the result has been disappointing because the votes have been split consistently.

Sharon Klumpp: Asked Sheriff Fletcher the amount of time he spends on policy vs. administration.

Sheriff Fletcher: Said he spends about eighty percent of his time running the department and acting as chief executive and twenty percent working with policy, the legislature and other agencies with joint task forces. He also asserted that in the beginning, the job was a sixty-five hour a week job; however with appropriate leadership put in place he is able to spend approximately forty hours running the department and ten hours working with policy and initiatives.

Sharon Klumpp: Brought up a point about a gray line present as to when the policy management conducted by the Sheriff is productive and when it is not. She referenced the current debate by the Commission and that there is always a point of diminishing returns where it is time to make a decision. She believes that the best way to approach this question is to ask, as Sheriff Fletcher did, is something broken? She said that there are often many ways to get something done and sometimes all the possibilities need to be evaluated.

Sheriff Fletcher: Explained that the idea of policy sometimes swaying to the good and sometimes to the negative should be examined. He referenced a meeting he had about good government and policy, and how it all comes back to how the public gives input to the policy-making process and how the policy serves the public. He also touched on the idea that while it is being decided whether policy is good or bad, there is debate and discussion that the community can give input to.

A.L. Brown: Explained that the Commission is not discussing how the Sheriff does his job, and that he does not agree with the idea that the Sheriff's performance is affected by how he is brought into office. He said the community might not be fully aware of what the Sheriff's duties actually entail and, therefore, may not be voting on the eighty percent administration and twenty percent policy that is being discussed. He said this issue has been voted on four times and the Commission should move forward instead of continuing to discuss outside factors such as, whether the County Commissioners would be doing the appointing. He expressed his frustration that the Commission has not been doing what has been brought forward – to read the language and discuss it in order to take a vote.

Sharon Klumpp: Explained that without a quorum the Commission is not able to take a vote and that the current discussion is based on the presence of Sheriff Fletcher and the ability to take advantage of that presence to ask questions and discuss certain issues.

A.L. Brown: The Commission has only discussed the pros and cons of the appointment vs. election of the County Attorney and Sheriff, but has not discussed any specifics of any proposal to come before the Commission.

Lyle Nelson: The Commission may not have authority to merge city and county personnel departments.

Darwin Lookingbill: Explained that it is not necessarily out of the realm of the Charter Commission, however in order to make changes, the Commission would have to go to legislature, as personnel issues were not included in the enabling legislation.

Frank Gurney: Debating the language would be unnecessary because every time it has been done, it has yielded the same result, and without a quorum it would be a waste of time to debate that particular issue.

Sharon Klumpp: Pointed out that the Commission has not been moving forward with the language to fine tune the report and bring it to a public process. There has not been a vote to accept the subcommittee's report as its own. She thinks that the Commission needs to take ownership of the report that the subcommittee has brought forward for discussion and move forward with making necessary changes.

A.L. Brown: The Commission was given the responsibility to take the subcommittee report home and read through it so that each Charter Commission member could then reject, accept, or call for whatever changes deemed necessary. He asked the Commission members to take some action instead of continuing the debate about outside issues.

Frank Gurney: Noted that there is now a quorum and the Commission can legally debate the issues at hand.

CALL TO ORDER:

Chair Sharon Klumpp called the meeting to order at approximately 8:15 p.m.

APPROVAL OF MINUTES:

A MOTION was made, SECONDED, and CARRIED unanimously to approve the minutes of the November 13, 2006, Charter Commission meeting.

OLD BUSINESS:

Sharon Klumpp: The purpose of this meeting is to discuss whether or not the Commission can move forward with this issue and asked for comments and input relevant to that idea.

Lyle Nelson: The language is too convoluted, and the County Manager appoints all department heads and that he/she should also appoint the County Attorney and Sheriff.

Mike Fratto: Agreed somewhat with Lyle about the convoluted language, and pointed out that the subcommittee went for a blue ribbon panel because of the unique nature of the two positions, County Sheriff and County Attorney. He explained that one of the reasons the subcommittee wanted to stay away from simply having the County Manager appoint these positions is due to the risk of non-qualification. They believed that by the use of a blue ribbon panel, the public would have a better stake in the appointment of these two positions.

Bob Bell: Believes that the two positions should be divided, and that there is some merit to appointing a County Sheriff, but does not think that the County Attorney should be appointed. The Commission should get the blessing from the County Board on this issue before taking it forward.

A MOTION is made to separate the positions of County Sheriff and County Attorney in discussions of election vs. appointment. The MOTION was SECONDED.

A.L. Brown: MOTION to call the question due to the same MOTION being discussed in the last meeting.

Frank Gurney: In order to call the question there must be two-thirds of the Commission in agreement that the debate on the MOTION should cease.

The MOTION to call the question carried 8-1.

Sharon Klumpp: Explains that if the main motion passes, then the Commission would separate the two positions of County Sheriff and County Attorney.

VOTE is Ayes - 4; Nays - 5. The MOTION does not carry.

The Commission will continue discussion of the two positions together.

Bob Bell said the County Attorney does a lot of policy work and should be involved in campaigning.

Russell Miller is opposed to the language because it states that the current system of electing these officials is not in the best interest of the community.

Mike Fratto explained that the subcommittee is presenting its findings to the Commission for discussion and the language put forward at this time is up for debate.

Russell Miller believes that a blue ribbon panel would create a political undertone to the appointing regardless.

A.L. Brown does not agree with the level of cynicism brought forward by this idea because he believes that there are levels of the government that can be non-political.

Russell Miller said that he is here to have a voice in his community, and he is opposed to the current issue at hand.

A.L. Brown wanted to discuss the current issue.

Sharon Klumpp asked Russell Miller to elaborate on why he is opposed to the current issue of appointment vs. election.

Russell Miller explained that he thinks that the system is not broken, and pointed out that the way the Commission votes on ideas is confusing. He feels that the current system is what works best and that there are other positions that could benefit from this discussion such as judges, but he is not comfortable with the current debate.

Lyle Nelson said he thinks that it should not be stated that this decision will improve government, and that he would agree with appointment of these two positions if the County Manager did the appointing.

Bud Berry said that the members of the blue ribbon panel need to be defined such as an ethnic or racial minority, and that he had a police chief express discomfort with the idea of being on a panel to appoint the County Sheriff.

Mike Fratto said that because the police chief would be working so closely with the County Sheriff, he/she would be an integral piece of the panel to appoint that individual.

Frank Gurney said that he is opposed to the appointment of these officials and if the language is simply left as is, people will vote the idea down and it will never go through. He thinks there are several discrepancies in the language and that the subcommittee is not even in total agreement on the current language. He would eliminate numbers one and two, and the statement that the current system is not in the best interest of the citizens of Ramsey County is too guiding.

Mike Fratto asked Darwin Lookingbill to present his form of the actual question that would be place on the ballot.

Darwin Lookingbill distributed his example of a ballot question based on the subcommittee report. He said there are no restrictions on the exact language; however each question needs a title no longer than ten words. There should be a concise statement that can be answered yes or no. He explained that in addition to the ballot question there would be an example of the amendment for the public to read. Also, the Commission could prepare a position paper to go along with the amendment to say that the Charter Commission is in favor of, opposed to, or takes no position, to the ballot question.

Mike Fratto pointed out that the actual question is fairly simple, but the information is available for the public to gather on the amendment before answering it.

A MOTION is made to drop the phrase “blue ribbon” from the discussion of the members who would be appointing the two officials. MOTION is SECONDED and MOTION CARRIED.

A.L. Brown wants to discuss the issue of separating the two positions once again because he believes that the current decision is only being based on the fact that keeping them together will make the vote harder to pass. He thinks that the two positions are different and that the County Attorney should remain an elected official.

Frank Gurney said that in order to reconsider an earlier issue adopted by the Committee, the person requesting reconsideration must be on the prevailing side of the original discussion. The previous vote was to have a single ballot question.

Mike Fratto stated that if the Commission wants to keep the two positions together on the ballot, then the title of the question would need to be reworded.

Darwin Lookingbill requested clarification that Frank Gurney had expressed wanting the positions to remain together or be separated.

Frank Gurney said the Commission voted to keep the positions together.

Bob Bell said that the Commissioners should be involved in the appointment.

Sharon Klumpp asked members for their views on the appointment being in the hands of the County Commissioners vs. the County Manager's office.

Bob Bell said that the officials doing the appointing of these two positions should be elected.

Bud Berry asked about the reappointment terms and how it is laid out on the language.

Sharon Klumpp explained that the language lays out a four-year term and then a vote of confidence to reappoint.

Darwin Lookingbill explained that the question on the ballot is not everything involved but whatever the Commission believes to be the most important part of the amendment, and that there is a separate copy of the actual amendment for the voter to read.

Bud Berry asked who would write that amendment.

Darwin Lookingbill says that once he knows what the Commission wants he can help draft the language for the actual charter amendment, but he had only been going off of the subcommittee report.

Bonnie Jackelen explained that the language of the charter amendment would likely be used in the position paper and as a basis for public hearings.

Bud Berry said he would like the language to make sense because it reflects on the Commission.

Darwin Lookingbill said that the supplemental documentation is needed along with the question on the ballot.

Russell Miller expressed concern with having public hearings and that this will bring questions about who should be on the board to appoint these officials, and that people will begin to request a place on that board and what was once non-political will become political.

A.L. Brown said that the public hearing is for the purpose of deciding on the language after receiving input from the public.

Mike Fratto said that the public hearings are a way to help make a decision as to whether or not the Commission will move forward with the question on the ballot. The current discussion is to come up with language to present to the public on this issue.

Frank Gurney pointed out that the motion was made simply to move forward on discussion, not to move forward by putting a question on the ballot.

A MOTION was made by **A.L. Brown** to adopt for discussion the two questions created by Darwin Lookingbill as language to move forward with discussion. The MOTION was SECONDED by **Frank Gurney**, but only if the two positions are combined.

A.L. Brown explained that the earlier vote was not to drop the County Attorney but to separate them on the ballot.

Frank Gurney withdrew his second.

Sharon Klumpp believes that the minutes from the meeting of November 13, 2006, are parallel to the current question and that what had been decided was to combine the two positions.

Darwin Lookingbill explained that it never entered his mind to combine the two positions and so when drafting the questions he left them apart and even if he tried to combine the question he could not fit the title into ten words or less.

A.L. Brown asked why there is such discord to the idea of separating the two positions on the ballot.

Frank Gurney pointed out that the Commission has always discussed these two positions as combined and that somewhere along the line it changed, and to have two positions separated adds to confusion for the voter.

Lyle Nelson believes that it actually simplifies the question to separate the two positions on the ballot.

A.L. Brown made a MOTION to separate the two questions on the ballot, as presented by Council. MOTION is SECONDED by **Bud Berry**.

Discussion arises due to the idea that this MOTION has already been voted on and to vote again will compromise the validity of the decision.

Darwin Lookingbill pointed out that the Commission should not get hung up on this particular question, but should be discussing the actual amendment and arriving to a conclusion that the question will go through to the ballot.

Sharon Klumpp asked how the Commission could move forward, and that the discussion has come down to a question of support for an amendment to appoint the County Sheriff or an amendment to appoint the County Attorney. She stated that it is important to separate the two questions, and asked if the reason for combining the two questions is to keep the amendment from going through.

Frank Gurney explained that he feels having two separate questions is too confusing and that it will make reference to pin-pointing each position separately.

Sharon Klumpp asked if it is possible to explain this issue effectively through supplemental information so that those issues are avoided, and if it is the assumption that the public sees the two positions as a single unit.

Frank Gurney stated that he has had negative reaction from a friend on this issue, which supports his position.

Marvin Koppen agreed that separating the two positions might make it seem as though the Commission is singling out either one, which does not reflect positively on the Commission.

Lyle Nelson pointed out that since both questions are on the ballot for the voter neither position is being singled out.

Frank Gurney explained that the purpose of the Commission is to have debate and he wants that procedure to remain procedure because if it does not then the decisions made can be challenged.

Chair Klumpp addressed the MOTION and ruled that it is the same question already voted on. She said that if the questions are divided then it creates a split between the two positions, and that it can now be considered a single question in addition to dropping the phrase "blue ribbon" from the language.

A.L. Brown said he feels the original motion was made to drop the discussion on the County Attorney and only move forward with the County Sheriff and not to divide the question on the ballot.

Lyle Nelson made a MOTION to separate the questions on the ballot and said he was able to do so because he was on the prevailing side of the original MOTION.

A.L. Brown seconded the MOTION.

A discussion ensued on what the original MOTION was in reference to.

Bud Berry called the question, which was approved unanimously.

Vote on the MOTION (to have both positions on the ballot but with separate questions) is five in favor (Brown, Fratto, Nelson, Berry, Klumpp) and four opposed (Gurney, Miller, Bell, Koppen).

SET NEXT MEETING DATE:

Next meeting date is set for May 7, 2007.

ADJOURNMENT:

Due to time restrictions, a MOTION was made to adjourn the meeting, the MOTION was carried and the meeting was adjourned.