

**MINUTES**  
**RAMSEY COUNTY CHARTER COMMISSION**  
**May 7, 2007**  
**7:00 p.m.**

The Ramsey County Charter Commission met on Monday, May 7, 2007, at 7:00 p.m. at the Maplewood City Hall in Maplewood, MN.

**MEMBERS PRESENT:**

District 1: Sharon Klumpp  
Ben Stephens  
District 2: Robert Bell  
District 3: Frank Gurney  
District 4: Chris Leifeld  
District 5: Lyle Nelson  
Rod Halvorson  
District 6: A.L. Brown  
Russell Miller  
District 7: Bud Berry  
Marvin Koppen  
At Large: Mike Fratto  
Minoka Kitto  
Beth Miller

**MEMBERS ABSENT:**

District 3: Charles Aguirre

**OTHERS PRESENT:**

Commissioner Tony Bennett  
David Twa, Ramsey County Manager  
Bonnie Jackelen, County Manager's Office  
Darwin Lookingbill, County Attorney's Office  
Bob Fletcher, Ramsey County Sheriff  
Mark Pettit, Ramsey County Sheriff's Office

**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 February 5, 2007 Charter Commission meeting.

**CITIZEN INPUT/COMMENTS:**

**Terry Nyblom:** Distributed handouts consisting of his presentation. His grievance is summarized briefly. He is frustrated with the way the child support program is administered in Ramsey County. He asked the Charter Commission to fulfill their responsibility to the citizens of Ramsey County by supporting him in an investigation of this program and its misuse of taxpayers' dollars. This program, known as IV-D, is subject to several state and some federal statutes. Several Commission members commented on the jurisdiction of the Charter Commission and that this grievance should be taken up with State and Federal legislatures. Mr. Nyblom was told that he would receive a written response from the Charter Commission stating the action that would or would not be taken by the Charter Commission.

**OLD BUSINESS** – How to proceed with the proposed Charter Amendment pertaining to the election vs. appointment of the Ramsey County sheriff and the Ramsey County Attorney

**Sharon Klumpp** discussed the proposed charter amendment regarding the election vs. appointment of the Ramsey County Sheriff and Ramsey County Attorney. She shared with the newest member, Beth Miller, that the Charter Commission has been debating this issue for the last three or more years. She believes that the Commission has had a lot of beneficial discussion, however, she hoped that they could come to some means of moving forward. She believes this decision should not be based on whether something is “broken”, but on whether there is a means of being more effective. She brought to the attention of the Commission the correspondence that had been received from Robert Bell and A.L. Brown regarding this issue.

**Robert Bell** believes that the Commission should discontinue indefinitely the discussion of the appointment vs election of the County Attorney; however, the Commission should continue the discussion on the appointment vs election of the County Sheriff. That being said, he also believes that the Commission should not go forward with a question on the ballot without first consulting with the County Board. He believes that without the approval of the County Board the proposed amendment would be a failure.

**Robert Bell** MOVED to postpone indefinitely any discussion on the appointment vs election of the Ramsey County Attorney. MOTION was SECONDED.

**Rod Halverson** asked if this, under parliamentary procedure, is meant to “table indefinitely”.

**Mike Fratto** explained that a “move to table” would require a motion by someone to “take it off the table”, and that technically the Commission would be removing this issue from discussion of this specific Ramsey County Charter Commission, but it would not prevent any future board from taking it up again.

**Frank Gurney** understood that if something is “tabled” then someone on the prevailing side could take it off the table.

**David Twa** explained that the difference between a motion to postpone indefinitely and a motion to table is that a motion to table is only good until the next meeting, however a motion to postpone indefinitely is a motion to “kill” the discussion.

**Russell Miller** asked if would take a simple majority to carry a motion to postpone indefinitely.

**David Twa** responded affirmatively; however a motion to postpone indefinitely is debatable.

**A.L. Brown** said he has come to the conclusion, through the ongoing discussion by the Commission, that the position of County Attorney does have a quasi-policy making role in government and agreed with the current motion. However, he does not agree with the idea of consulting with the County Board before moving forward. He explained that it is not the Charter Commission’s responsibility to find out whether a proposed amendment would pass or fail before putting it on the ballot. He believes it is the Charter Commission’s responsibility to survey the needs of Ramsey County citizens and make decisions based on those needs.

**Russell Miller** said that this discussion is focusing in on one department and gives an appearance of trying to pinpoint on that position.

**Sharon Klumpp** explained that this decision is based on continuing research of the two positions and the idea of a policy-making role vs an implementation role. Based on information received from both departments, there is a quasi-policy-making role involved with the County Attorney's office, which makes it more acceptable to remain an elected position. She pointed out that with other positions, such as auditor or treasurer, decisions have previously been made that those should be professionally appointed positions rather than elected positions based on their role in government. She hoped this would clarify that this discussion is not to single out one department, but to look at these issues in relation to different positions.

**Russell Miller** believes that if the reason to move forward with this discussion is to make this position "non-political" then it is not going to be so, and that this position will always be political whether appointed or elected.

**Sharon Klumpp** said that also depends on whether the County Board is the appointing committee or not.

**Lyle Nelson** asked if the Ramsey County Bar Association has taken a position on this issue.

**Robert Bell** stated that he does not have information on the Ramsey County Bar Association's position on this issue.

**A.L. Brown** stated that the Commission brought this issue before the Ramsey County Bar Association and they did not respond.

**Beth Miller** agreed with Russell Miller that the appointment of these positions seems very political and believes that there should be as many elections as possible for county officials. She thinks that, logistically, if the positions were initially appointed, with a retention process by the voters, then the official would have to campaign regardless. She believes that it makes more sense for the official to campaign against an opponent rather than him/herself. She believes the process is flawed and that it takes away the public's ability to choose a government official.

**Mike Fratto** discussed a report brought to the Commission about the position of the County Sheriff. During the discussion on that issue, the County Attorney was brought up, so to take that position out of discussion really only goes back to where the Commission started and is not meant to pinpoint a position. He also commented on Beth Miller's discussion of the retention process, and stated that the language is proposed and not set in stone. He believes that as the Commission moves ahead they will come up with a ballot question, and the appointment process, if this includes a retention process as described in Beth Miller's discussion, then it may include campaigning. He pointed out that this is not the first time this issue has been discussed by the Charter Commission. At this point they are not discussing the process, but are trying to move forward with the issue and hopefully bring it to the public's attention for some feedback.

**A.L. Brown** pointed out that this discussion is not based on the person who holds the position in debate, but on the position itself. He explained that there is a rationale behind the decision to move forward with the discussion of the position of the County Sheriff and not to move forward with discussion on the County Attorney. That rationale is that the County Sheriff does not and should not hold a policy-making role in government, whereas the County Attorney does have some policy-making responsibilities.

**Sharon Klumpp** brought the Commission back to the MOTION to postpone indefinitely the discussion of the County Attorney.

**In Favor:** Bell, Gurney, Brown, Berry, Fratto, Stephens, Leifeld, Halvorson, Kitto, B. Miller, Klumpp

**Opposed:** Nelson, R. Miller, Koppen

**Robert Bell** MOVED to request the opinion of the County Board on this issue before moving forward. The MOTION was SECONDED for discussion purposes.

**Robert Bell** believes that everyone should give serious consideration to the appointment of the County Sheriff. Years ago there were several elected government positions that were later changed to appointed positions. He asked Commissioner Tony Bennett to take this issue and discuss it with the other County Commissioners and get back to the Charter Commission with their opinion. He believes that if the County Board supports the proposed amendment it would pass and if the County Board does not support the proposed amendment, it would not pass.

**A.L. Brown** disagreed with this motion strongly, and reiterated that the Charter Commission should not pass their responsibilities onto the County Board. He reiterated that it is not the Charter Commission's responsibility to make sure an amendment would pass, but to make sure that the citizens of Ramsey County have the opportunity to discuss and vote on an issue that the Charter Commission deems worthy of change. He stated that the Commission does not have the authority to change the Charter, but only to put an idea before the people. This responsibility should stay with the Charter Commission and not be passed onto the County Board.

**Mike Fratto** spoke against the motion because Robert Bell did not indicate timing on this proposed consultation with the County Board and that during the public hearings there would be ample opportunity for anyone, including County Board members, to give their opinion on the issue. He added to the point made by A.L. Brown that the County Board would probably resent the Charter Commission attempting to put this responsibility on them. He believes that the County Board would not want to bring politics into giving their opinion to the Charter Commission, and that individual input from County Commissioners would be beneficial. The Charter Commission should not take the opinion of the entire sitting Board.

**Commissioner Tony Bennett** said it is the Charter Commission's prerogative to bring these issues to the public independent of the opinion of the County Board. He agreed with A.L. Brown that it should not be about the person in the office, but rather the position itself. In his opinion, there are other issues that arise with the positions of County Attorney and County Sheriff, including the ability to appeal to the courts on budget decisions made by the County Board. He believes these positions should be able to set their own budget. He also brought up the ability of these positions to sue for their salary, which he agrees with. He said that each Commissioner is likely to be asked their opinion on this issue, but he does not think that the Board as a whole should be responsible for that decision.

**Russell Miller** brought up the issue of the County Board being mentioned in the language as a member of the appointing committee for the County Sheriff, and said that if this were so, then the County Board would have to take a stand on whether or not they support this decision.

**A.L. Brown**, speaking as one member of the sub-committee who had drafted the original language, explained that the issue of who does the appointing has not been decided, and that the motion at hand is actually whether or not the Commission should ask for the approval of the County Board before moving forward with discussion on the appointment of the County Sheriff. He pointed out that Commissioner Bennett had mentioned that he did not agree with this motion.

**A.L. Brown** called the question.

**In Favor:** Bob Bell

**Opposed:** All others

**MOTION** failed.

**Marvin Koppen** MOVED to indefinitely postpone the question of appointment of the County Sheriff. **Frank Gurney** seconded the MOTION.

**Lyle Nelson** said that if the County Manager would not be the appointing official set forth in the language, then he would not vote in favor of the MOTION.

**Rod Halvorson** explained that he agreed with Lyle Nelson and that the current “Blue Ribbon Commission” may be too convoluted. He asked County Manager David Twa to speak on how the other department heads of Ramsey County are appointed.

**County Manager David Twa** explained that he appoints most of the department heads, aside from the County Attorney and County Sheriff. He has the authority to hire and fire department heads. He also explained that some of the department heads, by law, have term limits. For example, the County Engineer has a four-year term limit.

**Rod Halvorson** said he believes in having elected officials hold government accountable to the citizens. However, if there are elections of too many positions, it can compromise the validity of the election because citizens may not be the best entity to put these positions into office since they may not know anything about the department or what it takes to run it. He believes there should be elections for policy makers, but other than that, only the Attorney General, and at the County level, the County Attorney, should be elected. If a department head is truly an administrative position then someone who can be held accountable should appoint it. For example, if the County Manager appoints the County Sheriff and something goes wrong, then the County Manager can be held accountable. He believes the Sheriff is an administrative role and the position should be appointed. He agreed with Lyle Nelson in hoping that the County Manager would be the appointing official in the language for the ballot question.

**A.L. Brown** did not think that at this point the discussion of the language and the decision of who should be the appointing official stated in that language is really relevant to the MOTION at hand. However, because that one facet of the language seems to cause such animosity he believes that maybe that should be changed. He said the MOTION at hand is to postpone indefinitely the discussion of appointing the County Sheriff and he thinks that this would be a bad idea for several reasons. He explained that this Commission has put diligent effort into this debate, and it is not the only Charter Commission to discuss this issue. He pointed out a few different counties in Washington and Pennsylvania will have the issue brought to a ballot in the coming elections. He reiterated his point that it is not the Charter Commission’s position to change the Charter, however, the responsibility of the Commission is to bring the issues to the people for a vote. He referred to his conversation with Commissioner Jim McDonough, who is the Vice Chair of the Minnesota Association of Counties; he pointed out that the same discussion has come up at those meetings as well. A.L. stated that Commissioner McDonough believes that if the positions of County Sheriff and County Attorney were appointed, the County could save approximately 25%. A.L. explained Commissioner McDonough’s reasoning for this number as the fact that these positions, because they are elected, have the ability to race each other for their budget. He also points out the ability

of these positions to create programs which are virtually the same, however, do not interact, and therefore cost tax payers extra money. A.L. believes that it is the Charter Commission's responsibility to the citizens to go forward with this issue. He said that by having the County Sheriff an elected position, the pool of qualified successors is limited; for example, if a Deputy Sheriff wanted to run for Sheriff against the current Sheriff, there are obvious political barriers brought up against him/her if they lose. He said this undeniably limits the ability for the people within the department to go after this position. Also, having the position appointed may widen the pool of qualified applicants to outside Ramsey County.

**Russell Miller** believes that this vote should not be a simple majority, because it is such a strong issue. He said that holding one person accountable for this position's action might cause other problems. He said that as far as eliminating elected positions, he thinks that judges should be the first positions to be discussed and he wonders how this issue can move forward when there is always such a close vote.

**A.L. Brown** asked Russell Miller if he would feel the same way about this if the idea were rejected with a simple majority.

**Russell Miller** said that because it is a vote to change something, it should take more than a simple majority.

**Beth Miller** asked how the Commission could put this to a vote if they don't fully understand the substance of the issue in the first place.

**Darwin Lookingbill** explained that once the Charter Commission decides to put this issue to a vote, the members would have to decide on the proper language and the Amendment that will be brought with the ballot question. He said he would draft the question.

**Beth Miller** explained that she meant that if the Charter Commission moves forward and decides to bring this issue to the voters, what would happen if certain members of the Commission were dissatisfied with the specific language being brought forward.

Others explained that there would be further votes on this issue before it is placed on the ballot.

**Sharon Klumpp** said that this issue has had many years of debate and that in the last couple of meetings it has moved forward faster; many members of the Commission may have similar questions.

**Bob Bell** agreed with A.L. Brown that it is important to go forward with the appointment of the County Sheriff and said that the appointing official should be the County Manager, subject to the approval of the County Board of Commissioners.

**Mike Fratto** spoke against the MOTION and said that although it has been discussed for three years, the Charter Commission only meets 4 times a year. He said that the Commission is going through a process; the next step should be deciding on the proposed language and then moving forward to public hearings. After those public hearings, they would make a decision as to whether or not to move forward.

**Frank Gurney** said there have already been motions made as to whether the Commission should move forward on this issue and it has already been decided to do so. He believes that this Commission should either abandon the issue at this point or move forward with full force and get it

done. His personal belief is that there should be elections for all officials, because that makes a democracy; however, he would vote against the current MOTION because the decision has already been made.

**In Favor:** R. Miller, Berry, Koppen, B. Miller

**Opposed:** Bell, Gurney, Nelson, Brown, Fratto, Stephens, Leifeld, Halvorson, Kitto, Klumpp

**MOTION** failed; the appointment of the County Sheriff will continue to be discussed.

**Bob Bell** MOVED to appoint A.L. Brown to draft language for the ballot question to be approved by Darwin Lookingbill.

**Mike Fratto** said the Commission should examine other options for the ballot language; however, Mr. Lookingbill should draft the final version because of his experience.

**A.L. Brown** said that he appreciated the offer, however, he thinks that the Commission can discuss as a whole how the language should be drafted and that it should be brought to the public. He said there are ways to use the public as a means to finding appropriate language.

**MOTION** died for lack of a second

**Sharon Klumpp** said the Commission should have some solid language before moving forward with public hearings.

**Chris Leifeld** said it is important to note that the MOTION that failed was the negative, so now the Commission has the responsibility to move forward and focus solely on the County Sheriff. He asked about the requirements of public hearings.

**Darwin Lookingbill** explained that there is nothing that mandates the manner in which the Commission brings issues forward to the public, however, public hearings have been used in the past and there has been clearly defined language created prior to those hearings, in addition to some campaigning on the issue.

**Rod Halvorson** MOVED to have a referendum brought to the public to have the County Sheriff's position be appointed by the County Manager similar to other appointed department heads, with the one exception that the appointment would be subject to the approval of the Board of Commissioners. He defended this MOTION by saying that there would be a similarity to the rest of the departments in the County and it would be a simple method of bringing this issue to the public. By adding the requirement of the approval of the Board of Commissioners, the people may feel less reluctant to completely give their vote up to the County Manager's discretion.

**Darwin Lookingbill** clarified that the MOTION is to have a public hearing on the earlier stated system of appointment.

**Frank Gurney** asked the County Manager, David Twa, about the process to hire and fire the department heads.

**County Manager David Twa** explained that he is able to hire and fire at his own discretion; however although he can fire a department head for virtually no reason, he cannot fire a department head for a discriminatory reason. He stated that he fires department heads based on their performance.

**A.L. Brown** said there should be a term of four years included in the language being brought to the public hearing. He would speak against the MOTION for the simple reason that he believes there should be a slightly different process in hiring and firing the position.

**Sharon Klumpp** asked Mr. Twa what influence the County Board has in the hiring and firing of the department heads.

**County Manager David Twa** explained that he is able to essentially hire and fire these positions without the approval of the County Board. He then explained that there are three positions that have four-year terms and that statute states that during that four-year term, the position could only be terminated for a cause. He explained that outside of those three exceptions, he does not have limitations on hiring and firing department heads.

**Sharon Klumpp** asked Mr. Twa if he seeks opinions from the County Board on his decision to hire and fire department heads.

**County Manager David Twa** stated that he absolutely does seek those opinions, although it is not required.

**Mike Fratto** MOVED to amend the current MOTION to add a four-year term with the ability to terminate by cause. MOTION is seconded subject to the amendment.

**Sharon Klumpp** asked, in regard to the amendment, how the four-year term could fit in the original idea to have the language closely related to the appointment of the other department heads in the County.

**Mike Fratto** explained that the County Manager had listed three positions with this four-year term limit and that every one of those positions has some technical background for that position, which is also so with the County Sheriff, in that the position requires some specific qualifications.

**Darwin Lookingbill** pointed out the difference between the statutory limitations that require term limits for the three stated positions, and the term limit being proposed for the possible appointment of the County Sheriff.

**Sharon Klumpp** asked if this should be researched to find out if there are statutory limitations for the position of County Sheriff.

**Darwin Lookingbill** said there are no limitations. He then reiterated that the earlier positions stated need specific qualifications put forth by the state and therefore have required term limits, whereas the County Sheriff is not mandated in this way.

**Rod Halvorson** spoke against the amendment to his original MOTION; he believes that the original MOTION is clearer. If the amendment to his MOTION passes he would support it and understands the reasoning behind it.

**Commissioner Tony Bennett** asked if the current Sheriff's term would be affected by this decision should it pass in a vote.

**Darwin Lookingbill** said there would have to be an effective date stated in the language.

**Rod Halvorson** said he believes they should move forward with the current motion and then add an effective date in further discussion.

Vote on an amendment to add a four-year term limit to the original MOTION

**In Favor:** All Others

**Opposed:** Rod Halvorson

**A.L. Brown** MOVED to amend the original motion to add an effective date to not interfere with the current Sheriff's term. SECONDED by Chris Leifeld.

**In Favor:** All

**Opposed:** None

Questions arose as to what this MOTION will entail. It was explained that this is a motion to bring the language proposed by Rod Halvorson and amended by Mike Fratto and A.L. Brown, to public hearings in order to obtain public opinion on this issue.

**Russell Miller** asked how many public meetings would take place on this issue. It was explained that the Commission would have to come to an agreement on the number of meetings to be held.

**Russell Miller** asked if members of the Charter Commission could speak against the issue at a public hearing.

**Mike Fratto** believes it would be inappropriate for any member of the Charter Commission to make statements at the public hearing, as the purpose of those meetings would be to obtain input from the public and not to necessarily debate the issue. The input of the public would be used in the debate within the confines of the Charter Commission meetings.

**Sharon Klumpp** said that if this MOTION passes, it means that the Charter Commission would then begin the process of moving it forward to the public.

The original MOTION was restated -- To bring forth language regarding the appointment of the County Sheriff by the County Manager, subject to the approval of the Board of Commissioners, and amended to include a four-year term and an effective date to not interfere with the current Sheriff's position

In Favor: Bell, Gurney, Nelson, Brown, Fratto, Stephens, Leifeld, Halvorson, Kitto, B. Miller, Klumpp

Opposed: R. Miller, Berry, Koppen

**It was decided that language should be drafted by July 6, 2007.**

**Minoka Kitto** stated that in the future, the people attending the meeting to discuss issues, outside of the business of the appointment of the County Sheriff, should be put on the agenda to speak first.

**NEW BUSINESS – Ramsey County Board Update**

**Commissioner Tony Bennett** left the discussion open to questions, and asked the Commission to consider the idea of how to pass a pay raise for County Commissioners more effectively and with less public scrutiny.

**Mike Fratto** said this is a valid problem, and that members of the public commonly disagree with the salaries of public employees. He considered putting these salary increases into statute.

**Commissioner Bennett** said that Ramsey County, specifically, is not able to put this into statute because the Charter does not allow it.

**Mike Fratto** asked if this is an issue that could be taken up by the Charter Commission.

**Commissioner Bennett** responded affirmatively and said that it has not been successful through other avenues.

**Lyle Nelson** asked if Commissioner Bennett would be opposed to term limits in his office.

**Commissioner Bennett** said he does not believe that term limits serve a valid purpose, and that they also cause issues in understanding the budgets.

**NEW BUSINESS – Ramsey County Strategic Plan Update**

**County Manager David Twa** discussed his strategic plan for performance measures for department heads. He distributed three handouts related to this discussion. The handouts lay out the mission of the County Manager's Office to serve the citizens of Ramsey County to its best ability. He explained each handout briefly, calling attention to such issues as the dispatch center and how to increase effectiveness of the calls for service centers. He said that performance measures would have to fit within the six specific goals set forth by the County Board. A question was asked about the city and county dispatch centers being combined. Mr. Twa explained that it remains separate because of record keeping contract issues brought forward by the city of St. Paul, but he believes that it will eventually move to being combined.

**County Manager David Twa** asked to present the report on the Post Employment Benefit issues at the next meeting.

**NEXT MEETING DATE**

The next meeting is set for August 6, 2007, with the location to be determined.

**ADJOURNMENT**

By duly made motion, the meeting was adjourned at approximately 9:10 p.m.