

# Minneapolis Charter Commission Minutes

**Regular Meeting**  
**April 4, 2012 - 4:00 p.m.**  
**Room 317 City Hall, Minneapolis, Minnesota**

**Commissioners Present:** Clegg (Chair), Cohen, Connell, Ferrara, Gerdes, Johnson, Kozak, Lazarus, Lickness, Metge, Peltola, Rubenstein, Schwarzkopf, Sandberg

**Commissioner Absent:** Dolan (excused)

**Also Present:** Peter Ginder, Deputy City Attorney

## 1. Roll Call

The meeting was called to order at 4:02 p.m. Roll call was taken.

## 2. Adopt Agenda

*Sandberg moved adoption of the agenda. Seconded.*

Adopted upon a voice vote.

Absent - Dolan, Johnson, Kozak, Lazarus. Metge.

## 3. Approve minutes of regular Charter Commission meeting of March 7, 2012, Redistricting Group meeting of March 26, 2012, and Special Charter Commission meeting of March 27

*Ferrara moved approval of the minutes of the regular Charter Commission meeting of March 7, 2012.*

Seconded.

Adopted upon a voice vote.

Absent - Dolan, Johnson, Kozak, Lazarus. Metge.

*Schwarzkopf moved approval of the minutes of the Redistricting Group meeting of March 26, 2012.*

Seconded.

Adopted upon a voice vote.

Absent - Dolan, Johnson, Kozak, Lazarus. Metge.

*Ferrara moved approval of the minutes of the Special Charter Commission meeting of March 27, 2012. Seconded.*

Adopted upon a voice vote.

Absent - Dolan, Johnson, Kozak, Lazarus. Metge.

## 3a. Receive and file public comments received since March 27, 2012 meeting

*Sandberg moved to receive and file all public comments received since the March 27, 2012 meeting and enter them into the official record. Seconded.*

Adopted upon a voice vote.

Absent - Dolan, Metge.

## 4. Chair's Report

Clegg stated that he did not believe the court had yet ruled on the Power by the People vs. Minneapolis Charter Commission lawsuit.

All Commissioners had received the Park Board's Annual Report. It will be entered into the official meeting record.

The Park District maps have been submitted to the Park Board for comment. If no significant changes are requested by the Park Board, no further Redistricting Group meetings will be held. However, Redistricting Group meetings are scheduled if needed. The Charter Commission will hold a Special Meeting on April 25, 2012, at 4:00 p.m. for final approval of the Park Districts.

## Discussion

### 5. Plain Language Charter Revision: Update.

Clegg stated that there was a difference of opinion between the City Attorney and the Park Board Attorney relating to the wording of the section of the Charter allowing the Park Board to have their own attorney. If necessary, he will schedule a meeting with the City Attorney, the Park Board's Attorney, and former Commissioner Melendez to resolve the issue before the next Charter Commission meeting. He planned to have the final draft before the Charter Commission at the May meeting and hold at least one public hearing so the Commission could vote in June to put it on the ballot.

Lazarus stated that he thought it would be in the best interest of the city to remove the provision allowing the Park Board to have their own attorney. Cohen noted that the Commission had discussed the topic regarding the Park Board's attorney previously and did not feel it was appropriate to discuss it again. Clegg agreed stating that to discuss it again would take a motion to reconsider by someone who had voted on the prevailing side.

Ferrara inquired if the Commission would vote on each change in the latest revision. Clegg stated that former Commissioner Melendez will review the changes but rather than vote on each change, they would vote on the entire Plain Language Charter Revision.

Schwarzkopf inquired if someone made a motion to amend something in the Revision and the amendment carried, if the amendment would then go into the final revised Charter. Clegg stated that that was correct although he would urge the Commission not to amend.

Clegg requested that Mr. Ginder remind Mr. Osborne that he had requested a resolution be prepared for the adoption of the Plain Language Charter Revision providing that the Revision become effective one year after adoption to allow the City Council time to move items to ordinance.

### 6. Municipal Recall Election Referendum Proposal: Request by Bradley Conley

Clegg stated that Bradley Conley had urged the adoption of an amendment to the Charter providing for a recall of city officers. There is currently a provision in Chapter 2, Section 19, of the Charter which provides that a city officer who is guilty of a violation of law or who steals money from the city is removed from office upon conviction. He suggested that if the Commission wanted to discuss pursuing a possible amendment that a motion be made to do so. No motion was forthcoming. Clegg stated that he would advise Mr. Conley that the Charter Commission would not pursue the matter but that he could move forward on his own to seek to place an amendment on the ballot by petition.

### 7. League of Women Voters Charter Change Task Force: City Administrator Proposal

As there was no one present yet from the Charter Change Task Force, Clegg summarized their proposal to create a City Administrator position to manage all departments of the city except the audit committee. The City Administrator would be proposed by the Mayor and recommended by the Executive Committee to the full City Council. The Task Force was asking the Commission to support an independent study to be completed by March, 2013.

Cohen stated that he was not prepared to support an independent study. He was familiar with the subject from Mr. Ostrow's presentation to the Commission several months ago, as well as familiar with the issue from the standpoint of having served on the City Council. Staff and Commission time and effort should not be used on the study.

Ferrara stated that he thought the proposal was a good idea. When the Charter Commission was voting on the Park Board issue several years ago, the Commission was told that the City Council would do their own study of how the Park Board and the City Council would work together and as far as he knew, that study never took place. He felt it was appropriate for the Charter Commission to consider how the organizational structure of the city could be more efficient.

Sandberg stated that she did not have an opinion on whether the proposal was a good idea; however, she did not see the Charter Commission as having the technical expertise or background to direct and oversee this sort of study, and she was not in support of it.

Peltola stated that the study did not feel right to him at this time. It was something the Commission could look into in more depth after the Plain Language Charter Revision is on the ballot, if there is traction among Commissioners to do so at that time.

Clegg stated that if the Commission is considering placing a Charter amendment on the ballot, then doing a study beforehand would be reasonable. This request is coming from the public. The request has not been adopted by the full League of Women Voters; it is essentially coming from a few people who are former elected officials. If the Charter Commission as a whole does not have an interest in putting something like this on the ballot, then a study would be a waste of money.

Schwarzkopf stated that the Commission should probably not do anything until such time as the Charter Revision is on the ballot. Once that's done, the Charter Commission should look at things such as governance in the City. The job of the Charter Commission is not to sit back and react; their job should also be to initiate.

Kozak stated that he was not persuaded that this was the right approach to the city's governance structure. His biggest concern was that all of the suggested changes tended to take the authority away from elected officials. The City's form of government has been criticized, but it has worked. The burden of proof was on those proposing the change, but they have not shown any kind of empirical evidence that what they are suggesting is any better or what the results would be. He agreed that if the Commission was not going any further with the subject, a study should not be done. He also agreed that the Commission could discuss it at length after they concluded their immediate business with the Plain Language Charter Revision.

Rubenstein stated that she was also very much against overseeing and directing the proposed study for the reasons already expressed. Also, the Commission was about to go through a big overhaul of the Charter and also had just completely changed the way redistricting was done. Perhaps in the months and years to come the Commission could look at one issue at a time without undertaking a big, expensive, and perhaps useless study.

The Charter Change Task Force arrived and Joan Niemic clarified that the proposal was not from the League of Women Voters. She had chaired the Minneapolis League's study, but her role in this proposal was as an individual. The University of Minnesota Center for Urban and Regional Affairs (CURA) had funded an intern for her committee's project. She thought there would be a lot of interest in this topic. The League would be willing to help with neighborhood meetings and with getting information out.

Don Fraser, Charter Change Task Force, stated that he wanted to affirm the Task Force's interest in having the Charter Commission study the question of how the department heads relate to the City Coordinator and how to improve the management of the city. He thought the idea was worth pursuing and hoped that the Charter Commission would undertake a study that would explore all of the different outcomes that could result from the change.

Paul Ostrow, Charter Change Task Force, stated that he believed that the Charter Commission was both empowered and obligated to look at central issues of governance. He believed that if the Charter Commission took affirmative action expressing interest in overseeing the study, the League and perhaps members of the Commission could approach organizations that would have an interest.

Ferrara inquired if the Task Force could wait until November given the fact that the Commission had just completed redistricting and was in the process of proposing a complete rewrite of the Charter to go on the ballot. He also inquired as to who else could do the study if the Charter Commission did not do it.

Ostrow stated that if the Commission passed a motion tonight, he did not see a significant increase in terms of the amount of work for the Commission, and doing so would signal their interest in looking at the issue post-November election.

Clegg summarized what seemed to have been the consensus of the Commission before the Task Force had arrived. Most Commissioners seemed interested in waiting to take this up until after the Plain Language Charter Revision was approved. Before they requested any study, they wanted to make sure a majority of Commissioners were interested in pursuing it and discuss among themselves whether or not it was a good idea to move ahead.

Ostrow stated that there was a difference between Charter Commissioners deciding whether to do the study and the people of the city finally having the right to have a voice.

Niemic stated that she and former Mayor Fraser had discussed it, and it made sense that the Commission wanted to conclude their work on the Plain Language Charter Revision and determine the sentiment of the Commission before proceeding.

Metge stated that the Charter Commission's goal had been to complete their work on the Plain Language Charter Revision and then discuss more substantial changes. She would like to hold hearings and set up a timeline regarding the overall changes people want because there could be more substantial changes than the one presented today that may go hand in hand.

## Public Commentary

There was no one present wishing to address the Charter Commission.

*Cohen moved to adjourn. Seconded.*

Adopted upon a voice vote.

Absent - Dolan.

The meeting was adjourned at 4:46 p.m.

Peggy Menshek  
Charter Commission Coordinator