

# Minneapolis Charter Commission Minutes

*Regular Meeting*

**Wednesday, April 5, 2006 - 4:00 p.m.**

**Room 319 City Hall, Minneapolis, Minnesota**

Commissioners Present: Bernstein, Lazarus, Clegg, Bujold, Collier, Dolan, Ferrara, Klassen, Lichty, Metge, Ponsford, Thaden

Commissioners Absent: Dzedzic (excused), Melendez (excused), Theurer (excused)

Also Present: Mary Al Barber, Assistant City Attorney

## 1. Roll Call

Chair Bernstein called the meeting to order at 4:04 p.m. Roll call was taken.

## 2. Adopt Agenda

*Commissioner Bujold moved adoption of the agenda. Seconded.*

Adopted upon a voice vote.

## 3. Approve Minutes of March 1, 2006.

*Commissioner Clegg moved approval of the minutes. Seconded.*

Chair Bernstein stated that on page 4 of the minutes, Commissioner Lazarus was incorrectly identified as being invited to appear on Judy Corrao's cable television program when it was actually Commissioner Ferrara who had made that statement. The corrected minutes now read as follows:

**"Ferrara stated that he had been invited to be a guest on Judy Corrao's cable television program to talk about the Charter Commission."**

The minutes, as corrected, were adopted upon a voice vote.

Steven Bosacker, City Coordinator, was present and introduced himself to the Commission. Due to other commitments, he was unable to remain, but planned to attend a Charter Commission meeting in the future.

Chair Bernstein stated that the Commission would be happy to meet with Mr. Bosacker, at his convenience, to brief him about the Commission and the proposed Charter amendment.

## Unfinished Business

### 4. 9th Draft to City Charter Revisions (submitted February 7, 2006):

### 5. Formal Submission of Charter Amendment to the City Council:

- a) **Send an official letter to the City Council indicating that the Commission has completed the work of modernizing the Charter;**
- b) **Include in the letter the number of public hearings held;**
- c) **Include in the letter specific data on the number of hours devoted to the project, principally by Commissioner Melendez, but also by other Commissioners;**

- d) **Include with the letter statements from the Park Board, Library Board, AFSCME, and any other organizations that appeared before the Charter Commission, indicating their support, in principle, of the revision;**
- e) **Indicate to the City Council that the Commission is prepared to go to the voters in November, but only as a last resort. The Commission would prefer the Council's 13-0 vote;**
- f) **Indicate that the Commission would be happy to conduct a Study Session for Council Members and City staff at any time;**
- g) **Include the timeline so the Council understands that the Commission is open to any changes the Council wishes to make, as long as the changes are not substantial and do not change the intent of the Charter; and**
- h) **Brief the StarTribune Editorial Board on the Charter Commission's work on the revision.**

Chair Bernstein updated the Commissioners. City Attorney Jay Heffern has hired former Council Member Barret Lane as a consultant to the City Attorney's Office to review the Charter in its entirety and to make an analysis of the proposed changes, specifically to determine if there is any conflict with statutory or ordinance language. He will be working with Mary Al Balber, the Assistant City Attorney who provides counsel to the Charter Commission. However, Barret Lane will proceed only after Commissioner Melendez has completed the side-by-side review of the current Charter with Version No. 9, which he will complete in approximately two weeks. At a meeting on Monday (4/3/06) with Jay Heffern and Barret Lane, Commissioners Bernstein and Lazarus requested as speedy a review as possible; hopefully no later than by the May meeting. They also asked to receive a copy of the review in order to allow the Commission the opportunity to respond to any requested changes or questions before the revision is forwarded to the City Council. They were assured they would receive a copy. Jay Heffern is aware that the Charter Commission would like to have the City Council adopt the amendment on a 13-0 vote. He is also aware that if that doesn't occur, the Commission has a hard and fast August 15 deadline to put it on the ballot.

Commissioners Bernstein, Lazarus, and Melendez had also met with Mayor Rybak earlier today (4/5/06) to let him know where the Charter Commission is in this process. They related to the Mayor that the revision is complete and ready to be transmitted to the City Council requesting a 13-0 vote. The Mayor requested a few talking points on why this would benefit the City of Minneapolis. They informed the Mayor that the Charter Commission had taken a 19th century document, which governed a 19th century city, and streamlined, modified, and improved it so that it is now a 21st century document with 21st century language. Commissioner Melendez pointed out to the Mayor that there are at least eight times in the current Charter where the Elizabethan word "doth" is used. The revised language makes it easier for citizens to understand. The revision is significantly shorter and more organized than the existing Charter, and also removes conflicting and obsolete language.

Commissioner Lichty suggested that if there was a need for a PR effort, it would be better to have everyone on the same page. A bulleted list of the talking points would benefit the Commissioners.

Chair Bernstein stated that will be included as part of Commissioner Melendez's summary.

Commissioner Thaden asked if anyone was aware of any Committee that had been formed to support the Commission's efforts politically. No one had heard of any organized support.

Bernstein stated that in their discussion with the Mayor, they had informed him that they were not aware of any organized opposition. In fact, the Park Board, the Library Board, and the Business Agents all have had the opportunity to review the amendment and request changes, which the Commission incorporated into the revision. He was not aware of any organizations that have expressed any opposition to the revision.

Commissioner Collier suggested that the Commission continue their effort to solicit letters from the independent Boards indicating their support of the revision, as set forth in Item 5(a) through 5(h)

above. That way, when the review by the City Attorney's Office is complete, the letters will be ready to submit to the Council with the amendment.

Chair Bernstein stated that he had drafted the transmittal letter and was ready to send it out. It encompassed the items listed under 5(a) through 5(g). Both Barret Lane and Jay Heffern said the Commission could send it to the Council prior to sending them the Charter revision. He will also forward the letter to all Commissioners.

Commissioner Clegg inquired if anyone knew if legislation had been adopted that would exempt the Charter Commission from the requirement that the revision be printed in Finance and Commerce, and instead permit the revision to be available in public locations and on-line. The last time the Commission engaged in this process, at least one Council Member voted against it just because they didn't want to pay the thousands of dollars it would cost to have it printed.

Commissioner Collier thought if it had been adopted, the time limit may have expired.

Mary Al Balber, Assistant City Attorney, stated that she would investigate the matter.

Commissioner Ferrara suggested the formation of a Committee to publicly support and promote the revision.

Commissioner Lazarus stated that based on discussions with the Mayor, City Attorney, and some Council Members, they are all well aware that the Commission is prepared to go to the public for a vote, if necessary. However, everyone knows that is not the way to get this done. He felt that the two issues he believed will be debated during this process are: (1) Whether or not the changes that were made are in themselves going to be considered substantive, and what is the definition of "substantive"; and (2) Whether moving some things to ordinance, which shouldn't have been in the Charter in the first place, would be considered a substantive change because of the different votes needed to amend.

City Attorney Balber stated that an associated issue is the coordination and the time frame between the adoption of the revised Charter and when those portions are moved to ordinance.

Chair Bernstein stated that Commissioner Melendez indicated in the meeting with the Mayor that approximately 80 pages of material could be moved to ordinance, which will require significant work on the part of the City Attorney's Office. One way to deal with that would be for the Charter revision to be adopted in July 2006, with an effective date of January 1, 2007, which would allow the City Attorney's Office and City Council to enact the necessary ordinances.

Commissioner Thaden stated that in the minutes of the last meeting it noted that Commissioner Clegg would draft a letter that would be sent to the various Boards. He inquired if that had been done, as he has conveyed to the Library Board that a letter would be forthcoming.

Chair Bernstein stated that it had not been done. The letter he (Bernstein) drafted stated that the Library Board, Park Board, Business Agents, and others had proposed significant modifications to the revision and those modifications were incorporated into the revision, and that at this point the Library Board, Park Board, and Business Agents were now supporting the proposed document.

**6. Informational Update:**

**Six Charter Commissioners' appointments expired in March.**

**Two Commissioners have applied for reappointment (Dolan and Metge)**

**Six other applications were received. All have been forwarded to Judge Wieland.**

There has been no information from Judge Wieland's office as to when the appointments will be made.

*Received and filed by unanimous consent.*

## **Announcements**

### **League of Women Voters**

Chair Bernstein passed out a report from the League of Women Voters entitled, "Minneapolis Government: A Balancing Act II - The Independent Boards". The League of Women Voters did not recommend any changes to the Park Board or the Library Board, but they did recommend abolishing the Board of Estimate and Taxation.

### **Task Force – Instant Run-Off Voting (IRV)**

Commissioner Bujold stated that he had been appointed by Council Member Cam Gordon to serve on a Task Force to consider the Instant Run Off Voting System. He was pleased to accept that appointment, but wanted to make it clear that he will not be speaking on behalf of the Charter Commission. The Task Force will meet every Friday in April from 2:30 to 4:30 p.m. in Room 315 City Hall.

Commissioner Collier stated that she had been told that the Legislature had given cities permission to adopt the use of IRV.

City Attorney Balber stated that the legislation grants the authority to local governments to determine how to hold their elections, which in Minneapolis is determined by Charter. She announced that she will also be serving on the Task Force as the representative of the City Attorney's Office. The Director of Elections and representatives from the Park and Library Boards will also be serving, as well as Judge Wieland.

Chair Bernstein added that Burt Osborne had pointed out that there is a state court case that may prohibit Instant Run Off Voting.

### **Charter Supplements**

Supplements to the Minneapolis City Charter were distributed to Charter Commissioners. The Clerk will have complete copies of the Charter available at the next meeting for all Commissioners who did not receive a copy when they were appointed.

The meeting adjourned at 4:55 p.m.

Peggy Menshek  
Charter Commission Coordinator