

**MINUTES
REGULAR MEETING
MINNEAPOLIS CHARTER COMMISSION**

JULY 9, 2008

Present: Commissioners Bernstein (Chair), Bujold, Clegg, Connell, Dolan, Ferrara, Lazarus, Lichty, Remme, Rubenstein, Street

Excused Absences: Commissioners Jancik, Klassen, Metge, Stade

Also Present: Lisa Needham, Assistant City Attorney.

Chair Bernstein called the meeting to order at 4:07 p.m. in Room 317, City Hall, a quorum being present.

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1. Roll Call. 11-4

2. Adopt Agenda.

Ferrara moved adoption of the agenda.

Adopted upon a voice vote.

Absent - Jancik, Klassen, Lazarus, Metge, Stade, Street.

3. Approve Minutes of May 7, 2008.

Clegg moved approval.

Adopted upon a voice vote.

Absent - Jancik, Klassen, Lazarus, Metge, Stade, Street.

4. Reappointment of Charter Commissioners for two-year terms to expire 2010: Jim Bernstein, Tyrone Bujold, Todd Ferrara, John Klassen, Barry Lazarus, Marshall Lichty.

Bernstein announced the above terms as informational; no action was required.

5. Draft 10A of the proposed revised Charter: a) Report by City Attorney's Office on check list of concerns; and b) Updated Cover Report by Former Commissioner Melendez.

Former Charter Commissioner Brian Melendez, reported he had circulated via e-mail five documents: Revised Charter 10A, which were changes made to Draft 10 as a result of the last side by side; a red line version of Draft 10A; a proposed transmittal report to the City Council dated July 8, 2008; a red line showing the changes on the document since the Charter Commission adopted an earlier version in 2006, in which the principle change was the merger of Library Board; and another set of changes to proposed revision Section 9.5 which resulted from a conversation had with a labor leader. He reviewed Draft 10A dated July 8, 2008 and recommended adoption of Draft 10A as Draft 11.

In Section 1.3(d)(4), Mr. Melendez recommended the words "or term" be added to the underscored language as follows: "(4) the settled interpretation of any provision or term from a version of the charter before its latest revision on _____, 200__, is valid in interpreting the revised charter to the extent that the charter carries forward the interpreted provision;".

In Section 3.1(b)(Note), Mr. Melendez recommended deletion of the last sentence which read, "That option remains available until the first election using single transferable voting."

There was brief discussion about IRV and Fair Vote Minnesota.

Chair Bernstein moved to amend Section 3.1(b)(Note) by deleting the sentence that reads, "That option remains available until the first election using single transferable voting."

Adopted upon a voice vote.

Absent - Jancik, Klassen, Metge, Stade.

Mr. Melendez reviewed Draft 10A, highlighting Section 4.4(a)(3); Section 8.3(a)(3); and Section 9.5, which he explained changes which resulted from a conversation with Todd Pufal, and provided insight on certain provisions that will matter to labor in terms of their collective bargaining rights and what the City Charter provides, and specifically Section 9.5(a)(3), which more lengthy language was in the current Charter; Section 9.5(c)(1) and (2); Section 9.5(d)(2), which referred to Civil Service Rules.

There was discussion relating to Civil Service Rules-Rule 16 Definitions, the "rule of the list," State statutes, and expanded certification and whether the phrase "except as otherwise provided by law" should be added to Section 9.5(d)(2).

Lisa Needham, Assistant City Attorney, said the special law of the rule of three would trump anything that the City might wish to do absent the City making some claim or request at a federal level as to the necessity of it. She would look into more, but it did cause concern.

Clegg moved to adopt Draft 10A as Draft 11, as amended, and to also include amendments discussed to Section 9.5. Seconded.

Adopted upon a unanimous voice vote.

Absent - Jancik, Klassen, Metge, Stade.

Mr. Melendez reviewed the transmittal report to the City Council and recommended approval. Three things changed were: 1) the name; 2) recognition of the demise of the Library Board; and 3) updated numbers. He would put all the documents together for the Commission to review.

Clegg moved to adopt the transmittal letter. Seconded.

Chair Bernstein added that if anyone saw changes that were needed, to e-mail those proposed changes to him, the Clerk's office staff and Mr. Melendez.

It was acknowledged that previous commission members who worked on the revision should be added in the "acknowledgment" section of the transmittal letter, along with previous City Attorney staff.

Clegg's motion to adopt the transmission report as printed, with the understanding that there is still time to make any necessary changes because it will be presented no earlier than the first week of August, was adopted by unanimous vote.

Absent - Jancik, Klassen, Metge, Stade.

Chair Bernstein recognized audience members and provided the opportunity for testimony.

Cheryl Luger, Minneapolis resident, congratulated the Commission on the final product and suggested inclusion of the Clerk's office staff in the acknowledgments.

Michael Catch, 3737 - 12th Ave S, Minneapolis, cited discrepancies in the Board of Estimate and Taxation composition, and Section 6.5 relating to borrowing power in relation to the vote of 5/7 of its membership and the board membership of six. He cited Section 10.3(a)(4) relating to maximum taxation and a number conflict with State law.

There was discussion on issues of:

Mr. Catch's comments, as well as Section 10.4(b)(f) relating to public utilities;

Not making substantive changes to the charter;

Previous Board of Estimate and Taxation discussion;

Seeking guidance on the how to resolve the issue of the Library Board vacant seat in the Charter;

Pursuing separately the issue/discussion, outside of Charter revision, regarding members of the Board of Estimate and Taxation and bonding/renewable energy references in the Charter.

Goal of getting the Charter revision to the City Council no later than September;

Asking Council leadership to schedule a study session for review of the Charter revision.

Clegg moved that the process of moving forward with submittal of the revision, assignments for individual commission members, tactics and strategies, be placed on the next Charter Commission agenda. Mr. Melendez was invited to attend the next meeting. Seconded.

Adopted upon a voice vote.

Absent - Jancik, Klassen, Metge, Stade.

Clegg moved to adjourn at 5:45 p.m. Seconded.

Adopted upon a voice vote.

Absent - Jancik, Klassen, Metge, Stade.

Respectfully submitted,

Irene M. Kasper
Council Committee Coordinator