

Charter Commission Minutes

June 2, 2010 - 4:00 p.m.
Room 317 City Hall, Minneapolis, Minnesota

Commissioners Present: Bernstein (Chair), Clegg, Connell, Ferrara, Lazarus, Lichty, Metge, Peltola, Rubenstein, Schwarzkopf, Stade
Commissioners Excused: Bujold, Jancik
Commissioners Absent: Dolan, Kadwell

1. Roll Call

Chair Bernstein called the meeting to order at 4:06 p.m. Roll call was taken.

2. Adopt Agenda

Commissioner Clegg moved to amend the agenda to consider Item 5 prior to Item 4. Seconded. Adopted upon a voice vote.
Absent - Bujold, Dolan, Jancik, Kadwell.

Commissioner Lazarus moved adoption of the agenda, as amended. Seconded. Adopted upon a voice vote.
Absent - Bujold, Dolan, Jancik, Kadwell.

3. Approve minutes of regular meeting of May 5, 2010 and community meetings of May 25, 2010 and May 27, 2010.

Commissioner Lazarus moved approval of the minutes of the meetings of May 5, May 25, and May 27, 2010. Seconded. Adopted upon a voice vote.
Absent - Bujold, Dolan, Jancik, Kadwell.

Introduction of New Charter Commissioners

Bernstein welcomed two new Charter Commissioners and asked that they introduce themselves to the Commission.

Jeffrey Peltola

Commissioner Peltola stated that he had been involved with a wide range of civic groups and professional associations. He ran for County Commissioner ten years ago as an Independent. He cares a lot about process. Last year, he was a Fellow on Capital Hill, sponsored by the American Society of Civil Engineers, and worked in the office of Senator Mark Pryor. While there he saw how process dysfunction can tie up an important body in knots. He looked forward to being involved in the on-going maintenance of healthy processes in Minneapolis.

Lyll Schwarzkopf

Commissioner Schwarzkopf stated that he had served in the Legislature for 10 years, as Minneapolis City Clerk for 14 years, as Minneapolis City Coordinator for 10 years, and he had been the Chief of Staff for Governor Arne Carlson. He had also worked with the Metropolitan Council for two years managing the Long Range Planning Department. He was pleased to be appointed and looked forward to working with the Charter Commission.

Bernstein noted that it was Commissioner Lichty's last meeting and thanked him for his years of service to the Charter Commission. Commissioner Lichty stated that it had been a great

pleasure and honor to serve, and he looked forward to watching as the Commission continued its great work.

New Business

5. Proposed Charter Amendment:

Consider request for proposed amendment to the Minneapolis City Charter giving the Charter Commission the responsibility for redistricting.

City Council Member Gary Schiff, 9th Ward, was present and read a letter to the Charter Commission signed by ten members of the Minneapolis City Council requesting that the Charter Commission consider amending the City Charter relating to the redistricting process giving the Charter Commission the responsibility for redistricting.

Ferrara inquired what Council Member Schiff felt were the fundamental flaws in the current Charter that would be addressed by the proposed change.

Council Member Schiff stated that he thought that the rules embedded into the existing Charter for the membership of the Redistricting Commission made it an overtly partisan exercise for a non-partisan set of office holders and that type of partisanship seemed out of place for the way the city of Minneapolis operates on a day-to-day basis. In the brief review provided to the Redistricting Task Force of the redistricting process undertaken by other cities throughout the country, there was no other city whose redistricting process was governed by memberships of political parties. Instead redistricting was either done overwhelmingly by the elected body itself or by an entity such as the Charter Commission or the Planning Commission. During the last redistricting process he remembered a lot rancor, partisanship, and ultimately a sense of mistrust from citizens related to the process.

Metge inquired if Council Member Schiff knew why three Council Members did not sign the letter.

Council Member Schiff stated that Council Member Hofstede was comfortable with the current process. Council Member Lilligren felt changes should come from the voters in a grassroots process and didn't feel comfortable as a Council Member directing changes to the Charter. Council Member Colvin Roy was perhaps somewhere between the two, less definitively pro or con and not expressing an opinion.

Peltola inquired if Council Member Schiff saw any need for a proposed Charter change to lay out some rules for the redistricting process or if it should be left up to the Charter Commission itself to decide how it would perform the redistricting.

Council Member Schiff stated that he would respectfully defer to the Charter Commission's expertise as to how specific they wanted the Charter language to be regarding redistricting. The Redistricting Task Force has been looking at the process in detail for several months, and they have suggestions for a process regarding the number of public hearings, how to gain diversity on the Redistricting Commission, whether it should be a subcommittee of the Charter Commission, etc.

Stade distributed proposed amendment language which he stated left a lot of the redistricting process to ordinance. The proposal spelled out some basic rules for an advisory subcommittee

that would be created by the Charter Commission and comprised of at least 50% Charter Commissioners.

Lazarus suggested that if the Charter Commission chose to also sit as the Redistricting Commission, that those changes be incorporated into the Revised Charter that had been sent to the City Council and is currently undergoing review by the City Attorney's Office. He felt that the Revised Charter would not be adopted by a 13-0 vote of the City Council, and it would make sense for all concerned to put whatever redistricting amendment the Charter Commission adopts into the amended Charter and place that before the voters.

Connell spoke in favor of Commissioner Lazarus' suggestion. It was a good idea to attempt to solve the redistricting problem and the passage of the Revised Charter in the upcoming election.

Ferrara spoke against the suggestion. The Charter Commission worked many years on re-writing the Charter with non-substantive changes. Changing the redistricting process is a major and significant change. Making such a substantive charge within the limited time available was not reasonable or prudent. Although not perfect, he thought the current redistricting methodology worked well. The Charter Commission is not very diverse or representative of the communities of interest. The political parties should reach out to communities of interest and the Charter Commission needs to see to it that the communities of interest are represented. It was his opinion that cities that have their elected bodies sit as the Redistricting Commission are more partisan than the process currently used in Minneapolis.

Rubenstein stated that she was confused by Commissioner Lazarus' proposal. She didn't understand why it was assumed that the City Council would not approve the Revised Charter by a unanimous vote. The redistricting question is a substantive question and if it is buried in the Revised Charter, she was concerned that it would not get the attention it deserved.

Lichty agreed with Commissioner Rubenstein and was also unaware that it was no longer a possibility that the plain language amendments to the Charter would receive a 13-0 vote by the City Council. The Commission should continue to steadfastly guard against any substantive changes to the Revised Charter. Also, the creation of an advisory subcommittee, as proposed in Commissioner Stade's amendment language, would allow the Commission to create more diversity on the Redistricting Commission. However, if the Redistricting Commission is a subcommittee of the Charter Commission, the final determination will fall on the Charter Commission so it would be helpful to add language to the amendment clarifying what type of weight would be afforded to the recommendations of the advisory subcommittee.

Clegg moved that the Charter Commission focus their direction on Agenda Item 5, to consider a proposed amendment to the Minneapolis City Charter giving the Charter Commission responsibility for redistricting. Seconded.

Connell spoke in support of the motion. He felt that this body was the appropriate body to be seated as the Redistricting Commission and that is the direction the Commission should take their discussion. He was sensitive to the diversity issues; however, the Charter Commission is a volunteer body open to anyone who chooses to apply for a vacancy, and the Chief Judge will make decisions regarding the diversity of this body based on the applicants for the vacancies. Ferrara spoke in opposition to the motion. To take something that is inherently partisan and give that duty to the Charter Commission changes the Commission. Political parties are part of

our society, they serve a purpose, they are part of the laws and rules of fair democracy. This will politicize the Charter Commission and have a very long standing effect on the Commission.

Peltola stated that while he was passionately political, he was also passionately nonpartisan. The current amendment language was troublesome and should be fixed, but the proposal of simply having the Charter Commission become the Redistricting Commission would open up a can of worms with a lot of unintended consequences.

Rubenstein requested clarification on the motion. She thought that the motion before the Commission was the language contained in Agenda Item 5 stating that the Charter Commission would be responsible for redistricting, which is different from actually sitting as the Redistricting Commission. The language in front of the Commission opens the redistricting process to volunteers who may represent the community more broadly. There may be some Charter Commissioners who are interested and others who are not interested or don't have the available time. She supported the language of the motion as long as it was clear that by taking responsibility for redistricting, the Charter Commission can entertain requests by other individuals to be included on the redistricting body.

Clegg clarified that the Commission was voting on moving in the direction of having the Charter Commission responsible for redistricting versus Agenda Item 4 which is basically tinkering with the current Charter language to provide for representation by minority parties.

Lazarus stated that he would vote against the motion. Just stating that the Charter Commission has the responsibility for redistricting is too general. He wanted to know what the Charter Commission had the responsibility to do and wanted to see the actual amendment language.

Metge stated that she was comfortable with the motion as long as the Commission would be voting on the language as stated in Agenda Item 5, to give the Charter Commission the responsibility for redistricting. She was concerned that stating that the Charter Commission actually sit as the Redistricting Commission may not be reflective of what was heard at community meetings or reflective of the work of the Task Force.

Lichty called the question. Seconded.

Ferrara stated that he would not be supporting the motion. The Charter Commission already had tremendous responsibility in redistricting. In addition, the political parties had responsibilities. The Redistricting Task Force had proposed changes that the Charter Commission be engaged in redistricting, engage and inform the public, and determine the wishes of public so that they appoint people to the Redistricting Commission with the public's input in mind.

The Clegg motion that the Charter Commission focus their direction on Agenda Item 5, to consider a proposed amendment to the Minneapolis City Charter giving the Charter Commission the responsibility for redistricting, was adopted, Yeas, 8; Nays, 3 as follows:

Yeas - Clegg, Connell, Lichty, Metge, Rubenstein, Schwarzkopf, Stade, Bernstein.

Nays - Ferrara, Lazarus, Peltola.

Absent - Bujold, Dolan, Jancik, Kadwell.

Bernstein distributed additional proposed amendment language which he had drafted stating that it was similar to Commissioner Stade's language but clarified more procedures.

Clegg thought it would be premature for the Charter Commission to adopt language at this time. He suggested holding a special meeting to discuss specific amendment language in order to be more prepared at the July meeting.

Bernstein inquired if there was anything in the proposed amendment language that clearly violated statute or ordinance.

Dana Banwer, Assistant City Attorney, stated that she had only had an opportunity to take a very preliminary look at Commissioner Stade's amendment language. There is a whole body of law related to redistricting, and she would be loathe to give any type of off-the-cuff legal opinion without having a better idea of what was involved. There was a memo written by someone in the City Attorney's Office during the last redistricting process, and she would like to update it and be able to offer thorough information and advice to the Commission.

Schwarzkopf felt the Commission should begin with the City Council's original proposal and work from that point.

Connell inquired if Commissioner Stade's proposal originated in the office of Council Member Gordon.

Council Member Cam Gordon, Ward 2, stated that Commissioner Stade and Robin Garwood, his Policy Aide, had met to work on amendment language. They had taken into consideration the letter from the Council Members, suggestions from the Redistricting Task Force, Common Cause, and the League of Women Voters. They tried to find areas where there seemed to be consensus and drafted the amendment language with those suggestions in mind. Two versions were prepared; one containing greater detail than the other. He was not necessarily endorsing either of the approaches. Clearly, he was signed on to the idea that the Charter Commission should have responsibility for redistricting, and his intention was to be helpful.

Bernstein called a Special Meeting of the Charter Commission to be held on June 23, 2010, at 4:00 p.m. in Room 319 City Hall.

Clegg moved that the Charter Commission establish a Drafting Committee of interested volunteers to meet and determine recommended amendment language to bring to the Special Charter Commission meeting to be held on June 23, 2010. Seconded.

Adopted upon a voice vote.

Absent - Bujold, Dolan, Jancik, Kadwell.

The Drafting Committee will consist of the following Commissioners: Clegg (Chair), Connell, Lazarus, Peltola, Schwarzkopf, and Stade.

Rubenstein requested clarification from Council Member Schiff that the thrust of the letter signed by the ten City Council members was to make the redistricting process less political and partisan, and that although they were proposing that the Charter Commission become the Redistricting Commission, that they might be open to other ideas that have been discussed.

Council Member Schiff stated that the language in the letter was that the Charter Commission take responsibility for redistricting; oversee the process. The letter made no specific recommendation as to what that process should be, but left that up to the Charter Commission.

4. Proposed Charter Amendments:

Consider proposed amendments to the Minneapolis City Charter relating to redistricting as follows:

- a) Defining a “minor” party member of the Redistricting Commission; and
- b) The process to be followed should the Redistricting Commission fail to adopt a plan within the prescribed time.

Lazarus moved that Item 4 be deleted from the agenda. Seconded.

Adopted upon a voice vote. Ferrara recorded as voting "no".

Absent - Bujold, Dolan, Jancik, Kadwell.

Postponed

6. City Council Briefing:

Consider request from the Elections Committee that the Charter Commission, along with Elections staff, brief the Elections Committee of the City Council on the current redistricting process and the history leading up to it.

3/3/2010, 4/7/2010, and 5/5/2010 - Postponed.

6/2/2010 - Postponed.

Bernstein moved that Item 6 continue to be postponed. Seconded.

Adopted upon a voice vote.

Absent - Bujold, Dolan, Jancik, Kadwell.

Lichty moved that the meeting be adjourned. Seconded.

Adopted upon a voice vote.

Absent - Bujold, Dolan, Jancik, Kadwell.

The meeting was adjourned at 5:22 p.m.

Peggy Menshek
Council Committee Coordinator