

Minneapolis Charter Commission Minutes

January 6, 2010 - 4:00 p.m.
Room 317 City Hall, Minneapolis, Minnesota

Commissioners Present: Bernstein (Chair), Bujold, Connell, Dolan, Ferrara, Kadwell, Lazarus, Lichty, Rubenstein, Stade

Commissioners Excused: Metge, Remme, Street

Commissioners Absent: Clegg, Jancik

Also Present: Dana Banwer, Assistant City Attorney

1. Roll Call

Chair Bernstein called the meeting to order at 4:09 p.m. Roll call was taken.

2. Adopt Agenda

Lazarus moved adoption of the agenda. Seconded.

Adopted upon a voice vote.

Absent - Clegg, Jancik, Metge, Remme, Street.

3. Approve minutes of regular meeting of November 4, 2009

Lazarus moved approval of the minutes of the meeting of November 4, 2009. Seconded.

Adopted upon a voice vote.

Absent - Clegg, Jancik, Metge, Remme, Street.

New Business

4. Charter Revision Work Group:

Report from Council Member Betsy Hodges on the status of the Revised Charter.

Council Member Betsy Hodges was present to update the Commission on the review and analysis of the proposed revised charter by the Intergovernmental Relations (IGR) Committee. She stated that on March 4, the Charter Commission transmitted to the City Council a proposed draft of a revised City Charter. The IGR Committee directed the City Attorney and City Coordinator to develop a process to facilitate City Council review and analysis of the proposed Charter revision. The result was the formation of a workgroup to review the proposed Charter revisions, determine the implications of the revisions on current City functions, and provide a report to the IGR Committee summarizing that review and analysis. The City Attorney's Office reviewed the document as a whole and created a memo for each of the affected city departments outlining the effects of the proposed changes on each department. Those memos were reviewed by the departments, and thoughts and concerns were brought back to the workgroup. In addition, the departments highlighted additional issues not addressed in the Revised Charter for consideration along with the other revisions. When the workgroup completed their review, the City Attorney's Office made adjustments to the memos as needed and presented the memos over a series of meetings to the IGR Committee. The IGR Committee reviewed each section, identified potential additional thoughts and concerns, and a memo was created that compiled the various issues and questions that had arisen both in the workgroup process and in the IGR Committee process. That memo had been distributed to the Charter Commission. Some of the issues included legal concerns, such as violating State Statute or bargaining

agreements, and changes to the Charter that would alter City functions in a way that staff thought would be significant. After reviewing all memos from the City Attorney's Office, the end result was a staff direction to the City Attorney's Office asking for the creation of an amended version of the proposed revised charter incorporating 48 staff directions issued by the IGR Committee and to return to Committee with the amended document by June of 2010. The level of care and attention the IGR Committee has given the project is a signal of the level of care and attention they want to continue giving to the project so that it comes a good and final conclusion. She thanked the Charter Commission for the years they had spent on the project. She also thanked Assistant City Attorney Dana Banwer for leading the project, and former Assistant City Attorney Lisa Needham who had also spent a great deal of time working on the issue. She noted that until this year, she had been the Chair of the IGR Committee. The IGR Committee is now a subcommittee of Committee of the Whole, so the entire Council will participate in the activities of the Committee, which is now being Chaired by Council Member Elizabeth Glidden.

Lazarus pointed out that former Commissioner Brian Melendez had made substantial contributions to the draft revised charter. The Charter Commission was grateful for his work and the donation by Faegre & Benson of his time. Also, Brian Rice, counsel for the Minneapolis Park & Recreation Board, had worked closely with Brian Melendez on portions of the revised charter relating to the Park Board.

Bernstein inquired if the June target date was firm.

Hodges stated that everyone will endeavor to make sure that the work gets done on time, with the caveat that there is a fair amount of work to be done.

Ferrara stated that the Charter Commission had voted on each of the changes to the draft revised charter as they were proposed. He inquired what the Charter Commission's role would be going forward when the revision is returned to the Commission by the City Council with their proposed changes. Would it be important for the Commission to go through each change, or just accept all the changes as friendly amendments?

Hodges stated that it was her understanding that once the document was transmitted to the City Council, that it was now the Council's role to consider the document and vote on it, and that depending on the outcome at the end of that process, it may be returned in some capacity to the Charter Commission.

Bernstein explained that the Charter Commission had transmitted the revision to the City Council, and it was now their document. In all likelihood, it would come back to the Charter Commission again. The Commission is hoping for a 13-0 vote on the final document. There will be no individual change-by-change adoption or rejection of the Council's proposed changes. The Commission can accept, reject, or possibly amend it.

Lazarus commended Council Member Hodges and the city staff who had worked on the project. He found many of the comments enlightening. However, he wanted to make sure the document was not returned to the Charter Commission at a point where it was too late to get it on the ballot should there not be a 13-0 vote. He inquired as to the last possible date for placement on the ballot.

Judy Schwartau, Minneapolis Elections Department, stated that she did not know the exact date of the deadline, but it would be in the first 10 to 15 days of August.

Ferrara stated that that was the essence of his previous question. The Commission's goal is that the revised charter be adopted on a 13-0 vote by the City Council. He had always hoped the City Council would be engaged in the document in this way. His preference was not to pursue any sort of ballot initiative this year.

Bernstein stated that while the decision should not be made in January, the Commission does have the option of placing it on the ballot. However, since the City Council and the City Attorney will make a good faith effort to return the document with their changes by June or July, the Commission should respect that.

5. Redistricting:

Presentation by Council Members Elizabeth Glidden and Cam Gordon.

Council Members Elizabeth Glidden and Cam Gordon were present. Gordon distributed a letter to the Commissioners explaining their proposal to study ways to improve the redistricting process. He explained that a census will be conducted this year. After all the numbers come in, the state will go through a redistricting process. Once completed, the city will go through its own redistricting process. Those who were involved in the last redistricting process might have opinions about how well or how poorly it went. He had been discussing with different people various ways to improve the process. Both he and Council Member Glidden were convinced that if there was a charter amendment regarding redistricting, it would make the most sense to take it to the voters. They believed that the people of Minneapolis would have more confidence if decisions regarding redistricting were a step away from the City Council. He was before the Commission to present an informal request, anticipating something more formal in the future, to have the Charter Commission head up an effort to examine the redistricting process. It was his assumption that there would be staff support from the City Attorney's Office, Elections Department, and Coordinator's Office to look at what is done in other cities and research best practices. He planned to bring the issue forward through the Elections Committee and to the Council with some staff direction, but didn't want to do that without the Charter Commission anticipating it and having a chance to raise any concerns or issues. He noted that he and Council Member Glidden had met with Commissioners Bernstein and Rubenstein to discuss the issue informally and decided it would be best to bring the issue forward at the first Charter Commission meeting of the year. He also noted that he was referring to amending the current Charter, not the proposed revised Charter.

Ferrara inquired if Gordon was familiar with the lawsuit that was filed after the last redistricting process, and if that had a bearing on his proposal.

Gordon stated that he was well aware of the lawsuit and had been deposed. He had been in a leadership position with the Green Party at that time, so he understood how the political parties designated people for the redistricting commission and the impact that had on the Green Party, which wasn't considered a major party at the time.

Ferrara noted that Gordon's letter did not identify what could be improved to make the process more fair and transparent.

Gordon stated that he was trying to be careful in his letter and comments not to talk about a foregone conclusion regarding a better process. Not all cities have a redistricting commission like Minneapolis. Some have city staff draw up districts that then go to a council committee. St. Paul has the Charter Commission do the redistricting. During the last redistricting process, some people wanted more time to review the final map before it was approved. He didn't really know what the best solution would be and would prefer to look at many options. It was his hope that the Commission would receive a lot of comments from the public on the various ways to improve the process.

Rubenstein stated that she had a long-time interest in redistricting and was very excited about the process being considered. She had reviewed the district court decision from the lawsuit regarding the last redistricting process and believed that there were areas that could be improved to allow people to feel that the process is fair and open.

Bernstein clarified that the Charter Commission was being asked, possibly with the help of some city staff, to develop some ideas on possible changes to the redistricting process and take public testimony on possible changes such as who should perform the redistricting, how those individuals are appointed, how many should be appointed, and if they should represent political parties or other interests. He felt the Commission should take up the request. The Commission had a responsibility to the citizens, as well as to the City Council, to look at the process thoroughly and openly and listen to the ideas of the citizens. He proposed that the Commission begin taking public testimony perhaps in March.

Bujold inquired if the Charter Commission would usurp the function of the redistricting commission.

Bernstein stated that Council Member Gordon's proposal would allow the public to make the decision whether they want to continue the same process or do it differently.

Gordon stated that it public testimony would be very important. He thought that city staff or the Attorney's Office could look at issues such as research into best practices from other cities, where there have been legal issues with certain procedures, and then perhaps participate in a report or sharing of information that could then help inform the public testimony.

Lichty applauded the effort and encouraged the Commission's involvement in it. He requested that the Chair be empowered to begin the process to start working on a timeline and get some idea of where further action by the Commission would be required, including taking public testimony.

Lazarus stated that if this goes on the ballot, it could get into a political dispute that could be skewed by a group that has more money to advocate its position than others. Why wouldn't the City Council make the change on a 13-0 vote using the experts and the input that will be received by the Charter Commission? Also, were not the council members elected to undertake this kind of evaluation as part of their responsibility, rather than defer a complicated issue to voters who will not have the understanding of the council members on the issue?

Gordon stated that it was his belief that a substantial change to the charter should go through a more public review and a vote by the citizens so they can make a decision based on the input received. It was true that there could be influences and pressures. People could also say that that could happen to the 13 council members, too. He was looking for a way that would give the people the most confidence. A 13-0 vote by the council over redistricting the boundaries of the wards they represent, possibly with many of them running for re-election, would raise concerns.

Ferrara noted that he had served on the redistricting commission ten years ago and it was a very contentious and political process, but he welcomed the opportunity to try to improve it.

Stade disagreed that a 13-0 vote by the City Council should be the preferred method. A vote by the voters would be more fair even though politics could be involved. Considering how closely the voters would be affected by any changes, it should go to the ballot. Also, it is important to keep it separate from the Charter revision activities.

Rubenstein agreed with Commissioner Stade. There is a danger that too much involvement by the City Council would undermine the goal of trying to achieve fairness.

Gordon noted that it was important that the School Board and the Park Board be involved in the process because some School Board members will now be elected by district.

Brian Rice, legal counsel for the Minneapolis Park & Recreation Board, stated that Council Member Gordon's proposal would affect both the Park Board and the School Board. On the issue of the Revised Charter, he inquired if it would come back to the Charter Commission for review or go directly to the City Council for a 13-0 vote following the incorporation of the 48 changes proposed by the IGR Committee.

Bernstein stated that it was his understanding that prior to a final vote by the City Council, it would be referred back to the Charter Commission for approval or changes before being referred back to the City Council.

Rice stated that during the revision process, the Park Board was able to work with Brian Melendez regarding any concerns. In the end, there were very few disagreements. Mr. Melendez was really the author of the revised charter and perhaps should be involved in the City Council workgroup, as well as the Park Board, so that by the time it is returned to the Charter Commission there is some sense that any issues have been worked out.

Dana Banwer, Assistant City Attorney, stated that the Charter Commission had transmitted the proposed revised charter to the City Council. Now the City Council, through the workgroup, is recommending changes and will propose amendments to the draft. While she was leading this portion of the process, she would also be consulting with the attorneys and staff from the affected departments. Although she would have to check, she felt that it would be okay with the workgroup to involve the Park Board or Mr. Melendez to keep him in the loop.

Rice was pleased to hear that. The way he understood the process, after the draft revised charter was transmitted to the City Council, they had 30 days to hold a public hearing and could have adopted it by a 13-0 vote. However, it now seemed that the IGR Committee would be transmitting a document to the Charter Commission in June or July that they felt

would receive a 13-0 vote. The Charter Commission may be reluctant to make changes to the new document in order not to lose that 13-0 vote. If that is the case, then the Park Board would like to be engaged up to that point, as they were initially.

Bernstein noted that the Commission would have the option of rejecting the proposal, as well as making amendments or asking for clarifications.

Amy Moore, Assistant General Counsel for the Minneapolis School District, was present and stated that there is a proposed bill that the School District be allowed to appoint two members to the redistricting commission, one from the majority and one from the minority. The School District will be using Park Board districts for the first year, and after that they can draw up their own districts. The School District would like to be involved in the process being proposed relating to redistricting.

Bernstein requested other Commissioners work with him on the redistricting proposal timeline. Dolan, Ferrara, Rubenstein, and Stade volunteered.

Peter Wagenius, Senior Policy Aide to Mayor Rybak, was present and stated that if the Charter Commission was interested in having the Mayor's Office play a role in the informal work group, he'd be happy to offer his services.

Ferrara inquired if a meeting would be scheduled in the next month or two. Bernstein stated that it would. Gordon stated that his office would be happy to facilitate the meeting.

7. Charter Commission 2009 Annual Report:

Receive and file the 2009 Annual Report, and direct the Clerk to submit the report to the Chief Judge of District Court.

Lazarus moved to adopt the 2009 Annual Report. Seconded.

Adopted upon a voice vote.

Absent - Clegg, Jancik, Metge, Remme, Street.

Ferrara noted that a number of Charter Commissioners' terms expire in 2010 and inquired as to the reappointment process.

The Clerk explained that Commissioners with expiring terms will receive a letter in the mail inquiring if they wish to be reappointed. If so, they should return the reappointment application, which will be included with the letter, and the Clerk will forward the application to Judge Swenson.

Bernstein requested that the letters be sent to Commissioners sixty days prior to the expiration of their appointment.

6. Election of Officers:

Elect officers (Chair, Vice Chair, and Secretary).

Chair Bernstein opened the floor to nominations.

Commissioner Lichty moved the nomination of Commissioner Bernstein as Chair, Commissioner Lazarus as Vice Chair, and Commissioner Ferrara as Secretary. Seconded.

Bernstein called for nominations three times. There being no further nominations, the nominations were closed.

Commissioner Lichty's motion was adopted upon a voice vote.
Absent - Clegg, Jancik, Metge, Remme, Street.

8. Proposed 2010 Meeting Schedule:

January 6, 2010
February 3, 2010
March 3, 2010
April 7, 2010
May 5, 2010
June 2, 2010
July 7, 2010
August 4, 2010
September 1, 2010
October 6, 2010
November 3, 2010
December 1, 2010

No changes were made to the 2010 schedule.

Lazarus moved to adjourn.

Seconded.

Adopted upon a voice vote.

Absent - Clegg, Jancik, Metge, Remme, Street.

The meeting was adjourned at 5:19 p.m.

Peggy Menshek
Council Committee Coordinator