

Minneapolis Charter Commission Minutes

Regular Meeting

Wednesday, April 2, 2008 - 4:00 p.m.

Room 317 City Hall, Minneapolis, Minnesota

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

Commissioners Excused: Dolan, Klassen, Metge

Also Present: Lisa Needham, Assistant City Attorney

1. Roll Call

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

2. Adopt Agenda

Commissioner Rubenstein moved adoption of the agenda. Seconded.

Adopted upon a voice vote.

3. Approve Minutes of March 5, 2008

Commissioner Lazarus moved approval of the minutes of March 5, 2008. Seconded.

Adopted upon a voice vote.

Unfinished Business

4. Report by Former Commissioner Melendez and possible consideration of the 10th Draft of the Revised Charter.

Chair Bernstein stated that he had spoken with former Commissioner Brian Melendez via e-mail and was under the impression that he would be present at the meeting today. He then requested the City Attorney's position on the second review of the proposed revision.

Lisa Needham, Assistant City Attorney, stated that she had spoken with Barret Lane, outside counsel hired by the City Attorney's Office to review the proposed revised Charter, and Deputy City Attorney Peter Ginder. The City Attorney's Office will not be recommending any further review of the existing draft. In the event that the Charter Commission sends the draft forward to the City Council, the City Attorney's Office would then take direction from the City Council as to any further analysis the Council might wish to undertake.

Commissioner Lazarus inquired if that meant the City Attorney's Office had no objections and would recommend the revised Charter to the City Council.

Ms. Needham stated the concerns of the City Attorney's Office with the project remain the same. Former Commissioner Melendez has been fantastic about responding to some of the individual concerns that were raised. However, given the sheer amount of drafts and the re-drafting that has occurred since then, the subsequent changes may raise new issues for the City Attorney's Office.

Commissioner Rubenstein stated that it appeared that there was a conflict of interest because the Commission and the City Council are both being advised by the City Attorney's Office. Would the Commission need independent counsel in the event that the Charter Commission approves the tenth draft, and the City Attorney's Office advises the City Council that it is not acceptable for some reason?

Ms. Needham responded that the matter regarding outside counsel would be a policy matter, not a legal matter.

Commissioner Ferrara felt that a comprehensive review of the draft could only be done right now by Mr. Melendez, but the Commission should consider thinking about an alternative. The Commission should do a comprehensive review of the draft, take a vote, and then move on.

Commissioner Bujold stated that he had gone through the side-by-side and would like the opportunity to raise some questions. He requested that Commissioners raise any questions they have about the draft and forward those questions to Mr. Melendez.

Commissioner Ferrara cautioned the Commission not to spend a lot of time and effort without the benefit of Mr. Melendez' level of experience and depth of knowledge.

Chair Bernstein believed that Mr. Melendez would appreciate knowing the Commission's questions in advance.

Commissioner Bujold raised the following questions:

Section 1.3(5): "a 'citizen' means an inhabitant who resides within the City, regardless of whether he or she is a citizen within the meaning of the federal or state constitution or any other law." Would this be considered a substantive change?"

Section 1.5(6)(b): "Jurisdiction. The district court has jurisdiction — " The existing Charter states that the District Court of Hennepin County has exclusive jurisdiction in any legal dispute arising out of the Charter and/or ordinances, which is consistent with state law. The proposed change seems to state that the District Court would have jurisdiction, but doesn't identify Hennepin County's District Court. That would mean, for example, if a merchant in Bemidji, Minnesota, had a dispute with the City of Minneapolis, the merchant could commence an action in the District Court for Beltrami County. Is there a good reason to expand jurisdiction from Hennepin County to state-wide jurisdiction?

Section 2.2(c): Redistricting. (2) Redistricting Commission. With the elimination of the Library Board member, the Redistricting Commission will have only six, instead of seven, members. If the City Council has anticipated that situation and is taking steps to correct it, then it is not a concern.

Section 3.1(b): "Voting Method. The voters elect the City's elected officers by single transferable voting. The City Council must provide by ordinance the method of counting the votes and of breaking a tie." The language, as adopted by the electorate, includes "sometimes known as Ranked Choice Voting or Instant Runoff Voting." Why is there a need to eliminate the adopted language?

Section 5.3(b): Quorum. Each board's quorum is a simple majority of its membership..." What is the definition of "simple majority"?

Section 5.3(f): Legislative acts. This section states that the effect of legislative acts are admissible in evidence. Why is a rule of evidence being created in the Charter when there are state-adopted rules of evidence?

Commissioner Ferrara requested that page numbers be added to the draft.

Commissioner Clegg moved to adopt Draft 10A as the current draft of the proposed Charter. Seconded.

Chair Bernstein stated that the Commission would not yet transmit the draft to the City Council because some clarifications are still needed. In adopting the draft, the Commission is making Draft 10A the draft that they will be working from going forward. The next step will be fine-tuning, adopting the final draft, and transmitting the final draft to the City Council.

Commissioner Street asked the purpose of adopting the draft as opposed to waiting until there was a final draft to transmit to the City Council.

Chair Bernstein stated that at this point, Draft 9 is the last draft adopted by the Commission. Since then there have been a number of changes. The action adopts Draft 10A as the current draft, and makes all the older drafts no longer valid.

Commissioner Clegg was confident that Mr. Melendez would be able to answer the Commission's questions and few, if any, changes would be made to the draft.

Commissioner Connell stated that his purpose in seconding the motion was to express his support for the draft as it is currently written. He was confident that Mr. Melendez would answer the questions raised today to the Commission's satisfaction. He agreed that it was time to get a new draft on the table so the Commission had something to discuss officially.

Commissioner Ferrara stated that he would abstain from voting until he has spoken with Mr. Melendez. He didn't think the Commission should vote on the draft until Mr. Melendez was able to review the latest changes. He also had questions concerning exactly what was resolved regarding issues raised by Mr. Lane.

Lazarus called the question. Seconded.
Adopted upon a voice vote.

Commissioner Clegg's motion to adopt Draft 10A, as presented, as the current draft of the proposed Charter, was adopted upon a voice vote.

Commissioner Lazarus moved to adjourn. Seconded.
Adopted upon a voice vote.

The meeting was adjourned at 5:01 p.m.

Peggy Menshek
Charter Commission Coordinator