

Minneapolis Charter Commission Minutes

Regular Meeting

Wednesday, May 3, 2006 - 4:00 p.m.

Council Chamber, Room 317 City Hall, Minneapolis, Minnesota

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

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

Also Present: Mary Al Balber, Assistant City Attorney

1. Roll Call

Chair Bernstein called the meeting to order at 4:03 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 April 5, 2006.

Commissioner Lazarus moved approval of the minutes. Seconded.
Adopted upon a voice vote.

Unfinished Business

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

3/1/06 Action Taken: None. Commissioner Melendez is preparing a summary report and a side-by-side comparison of the revision with the current Charter for submittal to the City Council.

4/5/06 Action Taken: Update by Chair Bernstein.

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.

3/1/06 Action Taken: Approved.

4/5/06 Action Taken: Update by Chair Bernstein.

Chair Bernstein stated that prior to the meeting he had spoken with Commissioner Melendez who indicated that he planned to complete the side-by-side comparison on Sunday, May 7. An email from Commissioner Melendez and a letter from the City Attorney's Office were included in the Commissioner's packets. The City Attorney is requesting 60 days after the receipt of the side-by-side to allow the outside counsel, Barret Lane, to review the proposed Charter revision. This may make it impossible to present the revision to the City Council and proceed with it in time to put it on the November ballot.

Commissioner Collier suggested that someone should speak with Council President Johnson to explain the problem. If the City Council holds a Study Session soon after receiving the side-by-side, they may be able to act on it by the end of July or the first part of August.

Commissioner Clegg stated that Barret Lane will most likely return with some suggestions after the review. The Commission may have to address those suggestions before forwarding the final document to the City Council. He felt that the Commission should proceed apace and take appropriate action in July or August.

Chair Bernstein stated there would also be the issue of the 50-60 items moving to ordinance. He didn't feel it would be possible to get through the process between July 8 and August 15.

Commissioner Ferrara stated that if it was not expected that the revision would be on the November ballot, the wisest strategy would be to try to achieve a 13-0 vote by the City Council.

Chair Bernstein stated that the Commission had two strategies available to them. They could report to the City Council that it is their belief that this should be on the ballot in November, and the Commission would like to proceed to the ballot without asking the City Council to approve it. This would, in effect, be bypassing the City Council, which may not be a good tactical decision. Or the Commission could give up the hope of getting it on the ballot this year and seek the City Council's approval on a 13-0 vote, which is more likely to happen this fall than this summer.

Commissioner Ponsford inquired if any polls had been taken recently to determine where the current Council stood on the issue of the Charter revision. Chair Bernstein stated that some of the Council members are supportive. Council President Johnson currently holds the position that the voters should decide if they want to adopt it.

Commissioner Collier was extremely disappointed with the delay. If Commissioner Melendez had three months to complete the summary and side-by-side beginning in January, instead of March, it would still be possible to put it before the voters in November.

Commissioner Bujold stated that another issue is the question of Instant Run-Off Voting (IRV). He thought that the IRV issue could be a companion to the Commission's revision on the ballot was a great concern to him because the electorate may not understand it. This led him to the conclusion that there is real value in working on trying to get the City Council's unanimous vote for the revisions. If the City Attorney finds no real legal fault with the revisions, it should strongly encourage a unanimous vote by the Council.

Commissioner Klassen stated that he felt the Commission would be best served by thinking tactically as to what could be done in the short-term, whether it's a 13-0 vote by the City Council or getting the revision in front of the electorate.

Commissioner Clegg felt the Commission need not make a decision today about whether or not to put this on the ballot. If Barret Lane returns with suggestions, and the Commission decides to incorporate them, they may then not want to put it on the ballot this fall. They may prefer to make the changes and then get it passed by a 13-0 vote of the Council. If Barret Lane returns the draft with only minor changes, the Commission may then decide to put it on the ballot. But the decision does not have to be made today. It would be best to wait and see the results of the review by the City Attorney's Office.

Commissioner Lazarus stated that he didn't think the public would get very interested in the Charter revision. He also stated that the Commission had placed a great burden upon Commissioner Melendez by asking him to create the summary and side-by-side comparison.

Commissioner Metge stated that three years ago, the Commission had asked the City Attorney's Office if they would review the revisions article by article, but because of a staff shortage, they declined. It is unfortunate that the City Attorney's Office didn't hire outside counsel at that time, because then the entire document would not have to be reviewed now by someone new to the process. It would have been a good partnership to have the City Attorney conferring with Commissioner Melendez as the revision developed.

Chair Bernstein stated that there was a review done after the 6th draft. At that time, the City Attorney's position was that the Commission needed to present the revision in the form of a final document before it was reviewed.

Commissioner Clegg moved the agenda. Seconded.

Adopted upon a voice vote.

Absent - Dolan, Dziedzic, Melendez, Theurer.

Declining to Vote - Collier, Thaden.

Informational Update

6. Charter Commissioner Resignation: Resignation received from Commissioner Collier.

Chair Bernstein informed the Commissioners that Commissioner Collier had submitted her resignation. On behalf of the Charter Commission, he thanked her for her efforts, contributions, and service to the Commission.

Commissioner Collier stated that she had enjoyed her time on the Commission, and it had been a great experience. She wished the Commission luck on their future endeavors.

Update on Task Force on Instant Run-Off Voting (IRV)

Commissioner Bujold was asked to give an update on the Instant Run-Off Voting Task Force. He stated that he had made it very clear to both the Charter Commission and the Task Force that he was not reflecting the opinions of anyone. Regarding the legal issues surrounding IRV, before an amendment was attempted in the City of Duluth, their Assistant City Attorney wrote to the Attorney General for an opinion. The Attorney General stated that he did not opine on constitutionality issues and addressed their attention to the case of Brown vs. Smallwood. The Task Force has had some discussions on that issue.

Contact has been made with the election personnel in the City of San Francisco, which has instituted what they term "Ranked Preference Voting." The Task Force learned that no one had challenged the constitutionality of the system. He thought the initial cost of instituting the system in San Francisco had been approximately \$2,000,000 and also believed that there were on-going costs. All of the elections that were subject to Ranked Preference Voting in San Francisco were single-seat elections. There is no intention on the part of the Task Force to issue a report in favor of, or against, the concept of IRV.

Commissioner Clegg stated that the City Council had declined to put the medicinal marijuana provision on the ballot because it was illegal. He wondered if they would exercise the same test in looking at IRV.

City Attorney Balber stated that the City Attorney's Office will be looking at IRV again in more depth. The Director of Elections for the City of Minneapolis, Cindy Reichert, and her staff have been doing tremendous research on the costs of instituting IRV in other communities, how it was implemented, advantages and disadvantages, equipment needed, how to become certified, etc.

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

The meeting adjourned at 4:55 p.m.

Peggy Menshek
Charter Commission Coordinator