

MINUTES

Charter Commission

Regular Meeting

Wednesday, August 4, 2004 - 4:00 p.m.

Commission Members present:: Bernstein, Chair; Thaden, Vice Chair; Lazarus, Secretary; Commissioners Collier, Dolan, Dziedzic, Ferrara, Metge, Ponsford (Quorum - 8)
Excused: Bujold, Melendez, Clegg
Absent: Theurer

Also present: Kristi Lassegard, Assistant City Attorney; Susanne Griffin, Elections Department Director/Assistant City Clerk

Chair Bernstein called the meeting to order at 4:09 p.m. in the Council Chamber, Room 317 City Hall, Minneapolis, MN.

1. Introduction of newly appointed Commissioners Tyrone Bujold and Sue Ponsford

Bernstein introduced the newest member of the City Charter, Sue Ponsford. Ms. Ponsford attended the July meeting before receipt of her Acceptance and Oath of Office by the Charter Commission.

Tyrone Bujold was excused from the meeting due to illness.

2. Roll Call

3. Adopt Agenda

Lazarus moved that the agenda be amended to allow for consideration of the proposed citizen petition to amend the City Charter prior to consideration of the 5th revision to the City Charter. Seconded.

Adopted upon a voice vote.

4. Acceptant of Minutes of July 7, 2004

Lazarus moved that the Minutes be accepted. Seconded.

Adopted upon a voice vote.

5. Proposed Citizen Petition to Amend the City Charter: Discussion of City Attorney's opinion relating to the Charter amendment questions raised by the Citizens Organized for Harm Reduction (C.O.H.R.)

Also present: Susanne Griffin; Kristi Lassegard; Jason Samuels and Aaron Marcus, representing C.O.H.R.

Bernstein reported that Peter Ginder, Acting Deputy City Attorney, has provided an opinion, dated July 27, 2004, on the questions submitted by C.O.H.R. at the July Charter Commission meeting. That opinion was placed on the record.

Jason Samuels, Assistant Coordinator for C.O.H.R., stated that the City Attorney's opinion dated July 27 was as expected. The petition is scheduled to be delivered to Susanne Griffin on Tuesday, August 10, 2004, at 9:30 a.m. The process would then allow 10 actual days, not business day, for verification of signatures. It is their understanding that between the time of submission of the petition to Susanne Griffin and the 10-day window, they are not allowed to gather signatures that would count for the official petition. He has questions about the opinion stating that the City Council must, after submission of the petition, vote to place this issue on the ballot. Their Board Chair has reviewed State Statutes and understands that the City Council could prohibit the question from being placed on the ballot, but only upon a unanimous vote.

Bernstein stated that he understands the opinion to state that if the issue is inharmonious with the Constitution or the laws of Minnesota it need not be submitted to the voters. It cannot be rejected on its merits. The petition must be filed with the Charter Commission.

Samuels thanked the Charter Commissioners for submitting his questions to the City Attorney for an opinion to allow them to follow the correct legal procedure. He provided a copy of the citizen petition to each Charter Commissioner and stated that the language in the citizen petition has not changed since October 2003. It is their understanding that Susanne Griffin will accept the petition on behalf of the Charter Commission.

Kristi Lassegard reported that the citizen petition would be received by the Chair of the Charter Commission and transmitted to the City Council, which is a statutory responsibility, either at a regular or special meeting. The Charter Commission would have a receipt process and a receipt would be given to the petitioners. The Charter Commission would meet after delivery of the petition on August 10th. The Charter Commission's authority is to determine whether the language of the proposed Charter amendment is appropriate and whether it is proper for a Charter amendment. In the letter to Aaron Marcus from Joe LaBat dated October 3, 2003, the Commission stated that the form is acceptable but that the Commission disapproved the content and basically said that it is more appropriate for an ordinance. The duty of the Charter Commission is to transmit the petition to the City Council. Peter Ginder believes his opinion is consistent with the opinion provided by Assistant City Attorney Joe LaBat.

Susanne Griffin stated that they have set up a special connection with the State voter registration system in order to verify signatures. Hennepin County has not completed the data entry for the registered voters so there will be manual checking of some of the registered voters. Overtime may be required for the verification process; additional temporary staffing has been hired. There are various additional costs associated with placing this on the ballot.

Ballot language must be submitted to the County at least 53 days before the election. The rules state that the petition is to be received by the Chair, or the Vice Chair, or the Secretary if the Chair is incapacitated or out of town, and that person will sign the back of the petition. A receipt has been drafted for review by the City Attorney. The Chair of the Charter Commission needs to call a special meeting for the purpose of acting on transmittal if no regular meeting is scheduled within 10 days of filing of the petition.

Bernstein stated that the Charter Commission has an opportunity to forward with the petition the recommendation that the City Council not approve placement of the citizen petition on the ballot as, in the opinion of the Charter Commission, it is inharmonious with the laws of Minnesota. The Charter Commission must transmit the petition to the City Council. He will be present to receive the citizen petition on August 10 at 9:30 a.m.

Samuels stated that if the petition were submitted after August 10th, it would force a special election on that question alone. That is not their intention. In response to a question about approval of a summary, he stated that it is his understanding that summary approval need only occur if the text of the proposed amendment is over 1000 words; their petition is not that lengthy. He stated that the initiative itself is worded to be contingent upon State and Federal law and, therefore, in and of itself, it does not violate State or Federal law in any way. If the City had a process for initiative or referendum, it is very likely they would have used that process instead of a Charter amendment. With the Charter amendment process, they structured the petition in order to deal with the way the city governs the issue and not in terms of an actual ordinance to govern it. The initiative was tailored to require the city to take a regulatory action in the event of a change in State and Federal law. He thanked the Commissioners for taking their time to hear this issue and also for being present to receive the petition on August 10.

Collier recommends considering the responsibility of the Charter Commission relating to citizen petitions that may be inappropriate for the City Charter.

Thaden recommended consideration for legislation to amend State Statutes, Section 410, to allow the Charter Commission to determine whether a petition is inharmonious and whether or not it should be submitted to the City Council.

A special meeting of the Charter Commission was scheduled for Wednesday, August 11, 2004, at 4:00 p.m. in the Council Chamber for the purpose of transmitting the citizen petition to the City Council.

Bernstein reported that he will be present at the Intergovernmental Relations Committee meeting on August 17, 2004 to advise them of their authority and responsibility to decide

whether or not this petition goes forward or not. Other Commissions may wish to relate their concerns about this petition to the Council Members also.

6. 5th Revision to City Charter: Update on public meetings relating to the Charter revisions; Final presentation of the revisions prior to public meetings

Bernstein tentatively scheduled a public hearing on this issue for Wednesday, September 29 at 7:00 p.m. in the Council Chamber contingent upon Commissioner Melendez being able to be present.

A second public hearing was scheduled for Wednesday, October 6, at the regular meeting of the Charter Commission in the Council Chamber

Dziedzic recommended that Brett Feldman, NRP, be contacted to get a list of neighborhood organizations to notify about these public hearings.

7. Status of Vacancies: Update

Jan Hrcir reported that Chief Judge Lucy Wieland has reappointed Bernstein and Ferrara and appointed Tyrone Bujold and Sue Ponsford to the Charter Commission. There are presently two vacancies to be filled. Two additional applications have been received and submitted to the Chief Judge.

Thaden moved that the meeting be adjourned. Seconded.
Adopted upon a voice vote.

Jan Hrcir
Chief Council Committee Coordinator