Minneapolis Charter Commission Minutes

October 5, 2011 - 4:00 p.m.
Room 317 City Hall, Minneapolis, Minnesota

Commissioners Present: Clegg (Chair), Cohen, Dolan, Kozak, Lazarus, Lickness, Metge, Peltola, Rubenstein, Sandberg, Schwarzkopf
Commissioners Excused: Connell, Ferrara, Gerdes, Johnson
Also Present: Burt Osborne, Assistant City Attorney

1. Roll Call

Chair Clegg called the meeting to order at 4:04 p.m. Roll call was taken.

2. Adopt Agenda

Lazarus moved adoption of the agenda. Seconded.
Adopted upon a voice vote.
Absent - Connell, Ferrara, Gerdes, Johnson, Kozak.

3. Approve minutes of regular meeting of September 7, 2011

Lazarus moved approval of the minutes of the meeting of September 7, 2011. Seconded.
Adopted upon a voice vote.
Absent - Connell, Ferrara, Gerdes, Johnson, Kozak.

4. Chair's Report

Clegg reminded Commissioners that the Redistricting Group Orientation meeting would be held on October 12, 2011 at 4:00 p.m.

The Operations Committee had not met since the last Charter Commission meeting but had received ten applications for the GIS consultant position. A meeting will be scheduled to consider the applications.

Clegg would be meeting with Mike Dean of Common Cause later in the week.

Discussion

5. Plain Language Charter Revision Working Group:
Committee report.

Former Commissioner Brian Melendez was present to update the Commission on Draft 12B of the Plain Language Charter Revision. When he worked on Draft 12B, he had been unaware of correspondence between Brian Rice, representing the Park Board, and Jim Michels, representing the Board of Business Agents, with the City Attorney's Office, but he was scheduled to meet with them the following week. After the meetings and further revisions, the Commission will receive Draft 12C. He asked that Commissioners look through the draft and get back to him with comments.

Brian Rice, representing the Minneapolis Park and Recreation Board, was present and stated that Deputy City Attorney Peter Ginder had agreed to minor changes that are not in the City Attorney's Draft of the Plain Language Charter Revision. Also, correspondence from Mr. Ginder to Mr. Rice explained how the City Attorney's Office interpreted provisions in the Charter relating to preserving the power of the Park Board under any special laws that have passed. Mr. Melendez had drafted several provisions stating that special laws that grant power and authority to the City or to the Park Board would remain in effect and with that understanding, the Park Board is in support of the City Attorney's revisions with minor tweaks. They will be working with Mr. Melendez as he comes forward with a full proposal. Mr. Rice's correspondence to Deputy City Attorney Peter Ginder dated May 31, 2011 and Mr. Ginder's response dated June 7, 2011 were entered into the record.

6. Communication Committee:
Committee report.

Sandberg summarized the written report. Issues to consider include: Determining the content of the 2012 website, structural changes, updating the 2002 redistricting website, determining how the Charter Commission wishes to solicit public comment on the redistricting process, if plans developed by the redistricting group will be posted on the website, developing a plan to notice meetings, and determining if plans developed outside the redistricting group will be accepted.

Responding to a question from Commissioner Lickness regarding the use of social networking sites such as Facebook and Twitter to collect public comment, Burt Osborne, Assistant City Attorney, stated that he thought it would be inadvisable to use social media to collect public comments as it becomes troubling from a record collection perspective.

Clegg stated that he would meet with the Communications Committee, or a subset of the Committee, prior to their next meeting to develop draft website content to consider at the next meeting.

In response to a question from Commissioner Rubenstein regarding translation of the redistricting website, Casey Carl, City Clerk, stated that the City's website has a tool which allows for automatic translation of the site; however, PDF attachments cannot be translated.

7. New Charter Amendment Proposal Presentation

Former Council Member Joan Niemiec, a member of the Minneapolis City Government Task Force, was present and distributed two booklets entitled "Minneapolis Government: A Balancing Act" and "Minneapolis Government: A Balancing Act II". She summarized the background of the League of Women Voters and their study of the structure of government in Minneapolis. For the past year, she has worked with Paul Ostrow and Jay Kiedrowski to discuss whether a Charter amendment creating a city administrator should be on the 2012 ballot. During that time she was representing herself, not the League. In November, the Minneapolis League of Women Voters will discuss the proposal and decide whether to take a position on it. If it is placed on the ballot, the League will provide information regarding the proposal throughout the community to inform the electorate in a non-biased way.

Jay Kiedrowski, a member of the Minneapolis City Government Task Force, was present and summarized the proposal. The proposal creates a city administrator who would be responsible for managing all of the city's functions with the exception of the internal audit committee. The mayor would propose to the executive committee a candidate for the position of city administrator every four years at the start of the mayor's term of office. The executive committee would recommend a candidate to the city council for their approval. The city administrator would serve at the will of the mayor and only the mayor could terminate the city administrator after consulting with the executive committee. The executive committee would set the objectives, review the activities and performance, and recommend compensation adjustments for the city administrator. The city administrator would recommend department head candidates to the mayor. The mayor, if in agreement, would forward those names to the executive committee and then to the City Council. The city administrator could recommend termination of a department head, but that termination would have to go to the mayor for approval after consultation with the executive committee. The Task Force felt that this should not be a city manager form of government but a melding of the political and the managerial, giving the mayor some authority over what the city administrator did in terms of terminating a department head. The Task Force is hoping for the support of the League of Women Voters and intends to meet with other groups throughout the winter to enlist their support. They believe this proposal would improve the administration of the city and reduce the politicking that exists today between department heads, city council, city coordinator, and mayor. The current proposal creating a city administrator will be studied by the League of Women Voters, and after the Charter Commission completes its redistricting activities and the Plain Language Charter Revision, the Task Force would like the Commission to consider putting this amendment on the ballot in 2012. There is nothing in the proposal relating to the Board of Estimate and Taxation or the Park and Recreation Board. Kiedrowski stated that Commissioners could contact him with questions at the Humphrey School.

In response to a question from Commissioner Cohen regarding the process of removing the chief of police, Kiedroswki stated that the mayor would ask the city administrator to remove the police chief. If the city administrator refused that request, the mayor could terminate the city administrator. The city administrator would manage the police department and the mayor would still have authority over policy as it relates to the police department.

In response to a question from Commissioner Metge regarding the use of selection committees in the process of department head appointments, Kiedrowski stated that there was nothing in the language of the proposal that would prevent a group from being appointed to review candidates prior to selection; however, ultimately the city administrator would make the decision and the mayor and council would have to agree on the candidate.

In response to a question from Commissioner Lazarus regarding the cost savings to the city resulting from the proposed change and the fact that the Commission had rejected placing a similar proposal on the ballot two years ago, Kiedrowski stated that increased costs would be minimal. The Task Force felt that more efficient management of city functions would ultimately result in a more effective and efficient delivery of services. Also, when this issue was previously before the Charter Commission, there was more attention paid to the elimination of the Board of Estimate and Taxation and the Park Board as opposed to a careful look at this question. This is a different proposal than the proposal brought forward by Mr. Ostrow two years ago.

Former Council Member Paul Ostrow, a member of the Minneapolis City Government Task Force, was present and in response to the question on the removal of the police chief stated that by Charter, the mayor can discipline individual officers but cannot discipline or remove the police chief. A city administrator is not going to last long if he is not in sync with the mayor. During his time as council member, many department heads told him how much they would prefer having just one person to whom they are accountable. As an example, while he served as a council member he brought forward a resolution (which was unanimously adopted by the City Council) that the official position of the City was to fully explore a joint crime lab with Hennepin County, yet he was told by the City Coordinator that talks never occurred because the police chief did not support it. Also, when he brought a proposal to the Charter Commission two years ago regarding a city administrator, as well as proposals regarding the Board of Estimate and Taxation and the Park Board, the Charter Commission received a letter from Council President Johnson, Council Members Goodman and Benson, and Park Commissioner Nordyke that referred to all of the issues, but specifically to the city administrator proposal, advocating for a four-way study involving the City Council, Park Board, business representatives, and residents to see if the goals of streamlining operations and attaining greater efficiency without Charter change could be met. He didn't believe any study had ever taken place. The Task Force listened to all sides of the issue and made a proposal that they felt was uniquely suited to the political history of the city. He suggested that when this issue comes before the Charter Commission to place the question on the 2012 ballot that the question should not be what individual Commissioners think is the ideal form of government, but rather if this is a proposal that the voters of the city should have the right to decide.

Metge requested that when the Task Force returned to the Charter Commission, she would like more information about the authority of department heads because the examples given regarding the police chief still felt political. A department head has to have the authority to disagree with the council if they are going to run their department efficiently.

Kiedrowski inquired if it would be appropriate for the City Attorney's Office to put the proposal in the appropriate language/format.

Burt Osborne, Assistant City Attorney, stated that he believed the City Attorney's Office did get involved in drafting ballot language. If the Commission got so far as to have a public hearing to consider the proposed Charter change, the City Attorney's Office would need to let the Commission know what sections of the Charter and City ordinance would need to be amended. It would take a significant amount of work since the Charter would need to be amended in many areas.

Public Commentary

There was no one present wishing to address the Charter Commission.

The meeting was adjourned at 5:25 p.m.

Peggy Menshek
Council Committee Coordinator