Minneapolis Charter Commission Minutes

Regular Meeting
Wednesday, May 5, 2010 - 4:00 p.m.
Room 317 City Hall, Minneapolis, Minnesota

Commissioners Present: Bernstein (Chair), Bujold, Dolan, Ferrara, Jancik, Lazarus, Lichty, Metge, Stade, Street

Commissioners Excused: Clegg, Connell, Kadwell, Remme, Rubenstein

Also Present: Dana Banwer, 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 Lazarus moved adoption of the agenda. Seconded.
Adopted upon a voice vote.

3. Approve Minutes of April 7, 2010

Commissioner Metge moved approval of the minutes of the meeting of April 7, 2010.
Seconded.
Adopted upon a voice vote.

Announcements

Bernstein announced that this was Commissioner Bujold's last meeting and thanked Commissioner Bujold for his hard work and service. He will be missed.

Bujold expressed his appreciation for the opportunity to serve on the Commission. He had a total of 20 years of service on Charter Commissions in the cities of Minneapolis, Duluth, and Plymouth and felt privileged to have been able to serve.

Bernstein announced that this was also Commissioner Street's last meeting. Commissioner Street is now involved with an electronic information source for attorneys called “Lawyerist”. He has been a voice and a conscience on the Charter Commission and will be missed.

Old Business

4. Redistricting Process:
Task Force update.

Ferrara summarized the Redistricting Task Force report dated May 3, 2010. The Task Force had no specific recommendations, but did find the following four areas that they felt should be discussed and examined by the full Charter Commission: 1) Re-evaluate the redistricting timeline; 2) Define “minor” party member; 3) Add geographical area criteria for selecting the composition of the Redistricting Commission; and 4) Change the process to be followed should the Redistricting Commission fail to adopt a plan within the prescribed time from selecting the plan by lot, to having the plan selected by the Charter Commission.

Bernstein inquired if a specific proposal for a Charter amendment would be brought to the Commission at, or prior to, the June meeting.

Ferrara stated that the Task Force had completed what it set out to do. The Task Force researched and examined the issues to bring back to the Charter Commission for consideration. The Task Force felt the Charter Commission should decide whether or not the issues rise to the level of warranting a Charter change.

Council Member Cam Gordon, Ward 2, was present and stated that he appreciated the work of the Task Force and the Charter Commission in their willingness to look at and consider this issue. He also called attention to a list of other ideas for possible improvements to the redistricting process that had been distributed to the Charter Commission. It seemed that there was consensus on the Task Force that if the Redistricting Commission was deadlocked and could not choose a plan, rather than having the City Clerk's Office choose a plan by lottery, it should go to the Charter Commission for more thoughtful consideration. One of his biggest concerns was being clear about the process that is followed, such as: when the proposal is published; how many opportunities there should be for public hearings so that people could comment; how long the final map is available before the vote; and what to do if the final map isn't approved. He was perplexed about how to move the proposals forward now. It was possible that, if instructed, the Redistricting Task Force could come forward with a recommendation if that was the will of the Charter Commission.

Ferrara noted that some of the suggestions in the Task Force report would not require a Charter change, such as the proposed meeting schedule for the Redistricting Commission. The process is very compressed, and it would be beneficial if the Charter Commission could take on the role of holding more public meetings to obtain input and establish the Redistricting Commission earlier.

Bernstein noted that the Charter Commission is only authorized to appoint certain members of the Redistricting Commission; it does not have any control over their meeting schedule or process. That authority would have to be given to the Charter Commission either by ordinance or by Charter change.

Ferrara stated that the Task Force did not feel there was any need to have a Charter change in order to hold informational and public meetings on redistricting.

Gordon noted that the Chair raised an interesting point which had come up in some of the discussions. It might be best to consult with the City Attorney and see if there are some things that could be put into ordinance, resolution, or a policy of the Charter Commission in terms of a timeline. The way it is set up now, once the Redistricting Commission is established, they then have to determine their timeline and how many meetings they will hold. If a little of that work could be done ahead of time, perhaps a better process could be developed.

Discussion ensued on when the Charter Commission would need to consider the matter in order to have the proposed amendment on the 2010 ballot.

Ginny Gelms, Interim Elections Director, stated that according to legislation that was passed this session, the deadline to submit ballot language to the County Auditor is 74

days prior to the general election (August 20). The last regularly scheduled City Council meeting to approve ballot language before that deadline is August 6.

Mike Dean, Executive Director of Common Cause Minnesota, 2323 East Franklin Avenue, Minneapolis, was present and stated that Common Cause was a non-partisan, non-profit organization that works on government reform issues. He had made a presentation at one of the Redistricting Task Force meetings with Keesha Gaskins, Executive Director, League of Women Voters. They are in the process of engaging a larger effort to reform redistricting in the state of Minnesota. Part of this is in coordination with the Humphrey School, which is trying to change the way Minnesota's system works to reduce the level of partisanship and to fix what many feel is a broken, flawed system because there is little transparency and public input involved in the process. The presentation to the Task Force outlined three areas where they felt reform was necessary: (1) The make-up of the Redistricting Commission and how those individuals are appointed; (2) Requiring more public input; and (3) More transparency in the process. The Charter Commission should consider a Charter amendment regarding the make-up of the Redistricting Commission. At the state level, it is being suggested that retired judges, who are removed from the political process, be appointed to consider redistricting. He encouraged the Charter Commission to think about looking at the current structure of the Redistricting Commission and how it is controlled by the major political parties. Also, in the past, the public did not feel like they had adequate time to review the information provided by the Redistricting Commission. Another problem is that if the Redistricting Commission cannot decide on any of the proposals in front of it, then a plan is randomly drawn by lot. This issue, at a minimum, needs to be addressed.

Lazarus inquired if it wouldn’t make more sense, in the event the Redistricting Commission did not choose a plan in the prescribed time, for the Charter Commission, as a non-political body, to assemble a plan from those plans submitted, perhaps taking pieces from each plan to form a new plan.

Dean stated that his concern was that under the current process, a random lot is drawn so no decision is made. Under the proposed recommendations put forward by the Task Force, it states that the Charter Commission should then choose affirmatively rather than the random lot that is currently in the statute. The problem with Commissioner Lazarus' suggestion is that the Charter Commission would then be re-doing the process all over again with a different group of people who are not totally educated on the issue.

Stade pointed out that if the Redistricting Commission failed to adopt a plan, there would be a time crunch which wouldn't allow time for the Charter Commission to put together a new plan. Also, if the proposed hearings were held beforehand, the Charter Commission would be more educated than in the past to be able to choose between the plans. He also felt the Charter Commission would be undermining the authority of the Redistricting Commission if it created its own plan.

Ferrara stated that the mechanics of redistricting do not permit the Charter Commission to draw its own plan. The proposed Charter amendments attempt to change the composition of the Redistricting Commission, to educate and involve the community, and further educate the people who select the Redistricting Commission. He inquired what Mr. Dean thought of the proposed changes to define a minor party and add

members, specifically a third at-large member selected by the Charter Commission, if it was in concert with the Charter Commission being more directly involved in the process of educating and gathering input.

Dean thought it was a step in the right direction and began to address some of the concerns that had been laid out. But he thought it should go a little further, especially in regard to at-large members. He would like to see the two appointments from all the major political parties reduced to one. That would allow more discretion in choosing the right individual rather than choosing from a list of seven or eight from the parties.

Ferrara noted that people interested in redistricting have political views whether they belong to a party or not. Dean agreed that anyone who was chosen would be political. However, he did not feel that the political parties should have a direct role.

Bernstein inquired if it was Mr. Dean's intent to bring forward a proposed Charter change.

Dean stated that they had been waiting for the Task Force to make recommendations. Common Cause could sit down with the League of Women Voters to discuss what would be an appropriate next step.

Bernstein stated that he had expected a proposal to come from the Task Force regarding any specific recommended changes resulting from their meetings. He inquired if the Charter Commission, as a body, was interested in proposing any amendments.

Ferrara stated that he would like to see the Charter Commission consider amendments on the recommendations proposed by the Task Force. However, there was no specific language prepared for the amendments. The Task Force didn't feel that they were expected to write specific Charter language for the Commission to vote on today. He suggested that the language be drafted and the Commission vote on it at their next meeting.

Lazarus inquired if the City Attorney's Office could assist the Task Force in drafting that language.

Bernstein noted that if the City Attorney was going to draft an amendment, it would have to be on behalf of the entire Charter Commission, not on behalf of an individual.

Dana Banwer, Assistant City Attorney, stated that she could certainly assist; however, she was not yet certain what she was being asked to draft without clear language or direction. She was willing to meet with Commissioner Ferrara and/or members of the Task Force to work on the language.

Ferrara stated that Items 2 and 4 in the report were two very specific areas where the Task Force did try to carve out some language. He suggested that the Charter Commission vote on just those two items at their June meeting.

Street noted that if the timeline was such that the Charter Commission has to pass a proposal by the July meeting at the latest, but most likely by the June meeting, it didn't

make sense to him to only put forward two of the proposals that came out of the Task Force meetings. Even if the language is not precise, notice could be given that the Commission would be voting on all of the proposals. While the language could be crafted after the fact, the policy proposals need to be decided.

Ferrara stated that Items 2 and 4 were in the best format and should be moved forward. The intention was to consider only those two issues by June. The Task Force met in good faith, and at some point had to put forward their proposals to the full Charter Commission in a limited amount of time. They put forward what they felt were reasonable and passable proposals. Items 1 and 3 involved no Charter changes.

Ferrara moved that Items 2 and 4 from the Redistricting Task Force report dated May 3, 2010, be placed on the June 2, 2010 Charter Commission agenda for consideration and that the City Attorney's Office review the proposed Charter changes. Seconded.

Banwer stated that she would work with the Task Force to prepare amendment language for the June meeting.

Stade added that there were varying opinions about the redistricting process and the four things that are in the Task Force report are those that they had reached consensus on and saw as pragmatic changes. The report contained two things that would actually be Charter changes and two things that were suggestions to the Charter Commission about doing things differently.

Bernstein called for a vote on the Ferrara motion to place Items 2 and 4 from the Task Force report dated May 3, 2010 on the June 2, 2010 Charter Commission agenda for consideration, and that the City Attorney's Office review the two proposals. The motion was adopted 5/5/2010. Yeas, 8; Nays, 1 as follows:
Yeas - Bernstein, Bujold, Dolan, Ferrara, Jancik, Lichty, Stade, Street.
Nays - Lazarus.
Absent - Clegg, Connell, Kadwell, Metge, Remme, Rubenstein.

Bernstein moved to hold two public meetings prior to the June 2, 2010 Charter Commission meeting to receive public comment on the proposed Charter changes.
Seconded.
Adopted upon a voice vote.
Lazarus recorded as voting "no".
Absent - Clegg, Connell, Kadwell, Metge, Remme, Rubenstein.

Bernstein volunteered to arrange the public meetings. Notice will be provided to the Charter Commissioners by email.

New Business

Referred by City Council 4/30/2010:

5. **Proposed Charter Amendments:**
   Consider referral from City Council to amend, by ordinance, Chapter 2 of the Minneapolis City Charter relating to *Officers - Elections*, to update Elections timelines as affected by state statute, and housekeeping corrections.

Ginny Gelms, Interim Director of Elections, summarized the proposed amendments. Legislation was passed this session that increased the time for absentee balloting in the state of Minnesota, based on federal legislation. The proposed Charter amendments are related to those timelines, as well two other housekeeping amendments found during the review.

Regarding the amendment to Section 9, Lazarus suggested that the word "and" be inserted between the final two items in the list. After further discussion, no change was made.

Ferrara moved that the Charter Commission recommend passage, by affirmative vote of all thirteen City Council Members, of an ordinance amending Chapter 2 of the Minneapolis City Charter relating to Officers - Elections, as presented. Seconded.
Adopted 5/5/2010. Yeas, 8; Nays, 1 as follows:
Yeas - Bernstein, Bujold, Dolan, Ferrara, Jancik, Lichty, Stade, Street.
Nays - Lazarus.
Absent - Clegg, Connell, Kadwell, Metge, Remme, Rubenstein.

Postponed

6. City Council Briefing:
Consider request from the Elections Committee that the Charter Commission, along with Election staff, brief the Elections Committee of the City Council on the current redistricting process and the history leading up to it.
3/3/2010 - to April 7, 2010, meeting.
4/7/2010 - Action Taken: None.

Bernstein noted that this item would be postponed until the City Council specifically requested a briefing about the proposed changes.

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

Ferrara recommended that the Commissioners read the book "*Minneapolis in the Twentieth Century: The Growth of an American City*" by Iric Nathanson regarding the history of the City and in particular the history of the Charter.

The meeting was adjourned at 5:26 p.m.

Peggy Menshek
Charter Commissioner Coordinator