

# Minneapolis Charter Commission Minutes

*Regular Meeting*

**Wednesday, November 7, 2007 - 4:00 p.m.**

**Room 317 City Hall, Minneapolis, Minnesota**

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

Commissioners Excused: Metge, Remme

Commissioner Absent: Clegg

Also Present: Lisa Needham, Assistant City Attorney

## **1. Roll Call**

Chair Bernstein called the meeting to order at 4:05 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 September 5, 2007**

*Commissioner Lazarus moved approval of the minutes of September 5, 2007.*

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.**

Former Commissioner Brian Melendez stated that he had met with Jay Heffern, City Attorney; Lisa Needham, Assistant City Attorney; Barret Lane, outside counsel hired by the City Attorney's Office to review the proposed revised Charter; and the City Finance Officer, to sort out his confusion regarding some of the provisions in the Charter.

Mr. Melendez then summarized the latest changes he had made to the draft Charter revision.

Article I, §1.3(d) was amended to add a Subd. (5) to provide a definition of the word "citizen" as "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."

Commissioner Lazarus pointed out that Subd. (1) referred to the "Minnesota" constitution, while Subd. (5) referred to the "state" constitution. He suggested that the

same term be used throughout the Charter. Mr. Melendez stated that he would make that change using the term "Minnesota" constitution.

Commissioner Bujold inquired if there was any concern that the definition would make an illegal alien a citizen. Mr. Melendez stated that an illegal alien residing within the City limits is a citizen for the purposes of the Charter and would enjoy rights and benefits under the Charter.

*Commissioner Lazarus moved that the word "lawfully" be added to §1.3(d)(5) to read as follows: "(5) a 'citizen' means an inhabitant who lawfully 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." Seconded.*

Commissioner Stade spoke in opposition to the proposed amendment. The Minneapolis Police Department does not conduct INS searches, and he didn't think the Charter Commission should take a position on whether someone does or does not lawfully reside within the City.

Commissioner Klassen spoke in opposition to the proposed amendment. In the Minneapolis Civil Rights Ordinance, illegal aliens are covered under the same civil rights as other citizens of the United States in regard to employment and other civil rights.

Commissioner Rubenstein spoke in opposition to the amendment. Homeless individuals do not have a legal domicile and would therefore not be considered lawful inhabitants of the City. Further, she didn't think the Commission was in a position to decide whether people are legally or illegally residing within the City.

Commissioner Street spoke in opposition to the amendment. Inserting the word "lawfully" would fundamentally change some of the rights and responsibilities of people who are currently covered in the Charter. Since the current Charter does not distinguish between legal and illegal aliens, that determination would not be within the scope of the revision.

Commissioner Lazarus stated that within the Charter there are references to numbers that are based upon the number of citizens in the City. He felt that without inserting the word "lawfully", those numbers may be at odds with the census.

Chair Bernstein stated that the U.S. census counts all individuals regardless of whether they are or are not citizens.

Mr. Melendez stated that in §9.3(a)(d) there is a reference to the police department requiring 0.0017 of an officer per citizen. That count must be based upon the federal census.

*Commissioner Lazarus withdrew his motion.*

Mr. Melendez stated that the changes he had made to §2.6, pertaining to Special Districts, were a result of City Attorney Heffern pointing out that there may be instances where City infrastructure may extend beyond the strict City limits without the City designating a special district.

§11.4(a)(2) was changed as follows: “Whenever the City acting under this charter issues bonds, borrows money, or otherwise pledges its credit, then its contract with the bondholder or other creditor incorporates this section 11.4’s provisions and creates an obligation that no subsequent amendment or other action by the City can impair. Any debt contracted or engagement entered into before this charter’s latest revision is as valid against the City under this charter as under any prior version of this charter.” The City Finance Officer had explained to Mr. Melendez at their meeting that the City may issue bonds, borrow money, or otherwise pledge credit based on other authority, for example statutory authority. The sentence added at the end of the paragraph will make it clear that by revising the charter, any of the obligations to bondholders are still in effect. City Attorney Heffern felt that this provision would prevent anyone from questioning the validity of the City’s bonds or trying to undermine the City’s credit as a result of the provision.

§11.6(2) was changed to delete the word “City” in the second reference to the City Council in order to be consistent with the rest of the draft. Commissioner Lichty noted that the same would apply to §11.4(b)(2)(B). Mr. Melendez stated that he would make that change, also.

§11.6(b) had been restructured to reflect that there are two sewer taxes, one mandatory and one optional.

In §3.1(b) pertaining to Elections, there is an implementation delay in the Single Transferable Vote (STV) amendment so that the City Council can delay the first STV election by certifying that the City is not yet ready to do so. A note was added to Draft 9D containing the exact language from the amendment and stating that the provision would terminate once the transition occurred. Jeanne Massey and Tony Solgard of FairVote Minnesota are both comfortable with the language in the Note.

Commissioner Street stated that even with the Note, it was not clear to him how the Charter would govern elections in the event that the City Council determines that Single Transferable Voting cannot be implemented.

Mr. Melendez stated that the Note should also have a reference stating that the prior version of the Charter will govern until the transition occurs. He stated that he would make that change by adding language such as: “the last prior version of this Charter before the latest revision remains in effect”.

Commissioner Connell inquired if Draft 9D is approved and ultimately accepted by either the City Council or the voters with the suggested change in the Note, and the City

Council determines and certifies that the City is not ready to implement the new voting methods, then how much of the old charter will remain in effect?

Mr. Melendez stated that all of the election provisions in the current Charter are in one Article and suggested that he include language stating that particular Article will continue to apply until the transition occurs.

Mr. Melendez requested that the Charter Commission adopt Draft 9D, with the changes discussed, as Draft 10. He will then prepare a side-by-side for Barret Lane's review.

*Commissioner Lazarus moved to adopt Draft 9D, as amended, as Draft 10 of the proposed Revised Charter, for submittal to the City Attorney's Office for review.*  
Seconded.

Adopted upon a voice vote.

Commissioner Lazarus requested that the minutes reflect that the Charter Commission was very appreciative of the perspicacious input received from the City Attorney's Office.

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

The meeting was adjourned at 4:46 p.m.

Peggy Menshek  
Charter Commissioner Coordinator