

Re: CCI 23-5, CCI 23-6, Considering City Charter Commercial Development Districts Sec.17.07.1 (c) change

John Purdy <jpmn0101@gmail.com>

Thu 08/10/23 06:23 PM

To: Deb Montgomery <debmontgomery@comcast.net>; Rick Varco <rick.varco@seiuhcmn.org>
Cc: bruceclark@usfamily.net <bruceclark@usfamily.net>; jpkirr@gmail.com <jpkirr@gmail.com>; CRC Office <office@capitolrivercouncil.org>; maisuexiong@hotmail.com <maisuexiong@hotmail.com>; Shari Moore <shari.moore@ci.stpaul.mn.us>; Josh Ladd <Josh.Ladd@ci.stpaul.mn.us>; *CI-StPaul_CharterCommission <CharterCommission@ci.stpaul.mn.us>; Amy Brendmoen <amy.brendmoen@ci.stpaul.mn.us>; Brynn Hausz <Brynn.Hausz@ci.stpaul.mn.us>; darrent tobolt <darrentobolt@gmail.com>; gmcsmurtrey07@gmail.com <gmcsmurtrey07@gmail.com>; chai.lee@metc.state.mn.us <chai.lee@metc.state.mn.us>; cloyd@mcknight.org <cloyd@mcknight.org>; contact@valliantforschoolboard.com <contact@valliantforschoolboard.com>; Kristin Koziol <kristin.koziol@ci.stpaul.mn.us>

📎 1 attachments (696 KB)

Hendrickson 11-12-15 Letter of Transmittal regarding Charter Amendment to Charter Section 17 07 (1).pdf;

Rick Varco, Chair
Saint Paul MN Charter Commission
City Hall and Courthouse
15 West Kellogg Boulevard
St Paul, MN 55102

Deb Montgomery, Vice-Chair
Saint Paul MN Charter Commission
City Hall and Courthouse
15 West Kellogg Boulevard
St Paul, MN 55102

Dear Commissioners,

As additional information, kindly consider the following City Resolutions and letter from Gerald T. Hendrickson, Saint Paul City Attorney in your determination of which timelines that might govern your deliberations:

In 2015, RES 15-1801 Requesting the Saint Paul Charter Commission to review the proposed ordinance amending Charter Section 17.07 regarding On-Sale Liquor Licenses issued to restaurants.

<https://stpaul.legistar.com/LegislationDetail.aspx?ID=2479401&GUID=E87B0B7C-84B7-49AC-BA5B-8860BB88CCB6&Options=ID|Text|Attachments|&Search=15-1801>

In 2018, RES 18-1958 Requesting the Saint Paul Charter Commission to review the proposed ordinance amending Charter Section 11.03 regarding the City of Saint Paul's Property Tax Authority.

<https://stpaul.legistar.com/LegislationDetail.aspx?ID=3757443&GUID=DE2DD451-D0DF-489C-A286-4838D9D6C8C2&Options=ID|Text|Attachments|&Search=18-1958>

In 2018, RES 18-1962 Requesting the Saint Paul Charter Commission to review the proposed ordinance amending Charter Section 6.03.1 regarding an amendment to allow the City of Saint Paul to enact an ordinance that allows the imposition of civil penalties for violations of city ordinances. <https://stpaul.legistar.com/LegislationDetail.aspx?ID=3758784&GUID=89236897-7102-4E00-8D81-72DD1340889D&Options=ID|Text|Attachments|&Search=18-1962>

<https://stpaul.legistar.com/LegislationDetail.aspx?ID=3758784&GUID=89236897-7102-4E00-8D81-72DD1340889D&Options=ID|Text|Attachments|&Search=18-1962>

Each of these resolutions contains the reference: "...pursuant to Minnesota Statutes § 410.12, subd 7." which can be found at the end of the "Resolved" paragraph for each resolution.

City Attorney Hendrickson's letter dated November 12, 2015 also contains the reference, "pursuant to Minnesota Statutes § 410.12, subd 7.", as stated in the subject line and within the first and second paragraphs of the attachment.

In 2021, RES 21-720 Seeking a recommendation from the Charter Commission to amend Chapter 6.03 of the City Charter pertaining to the imposition of civil penalties for violations of city ordinances.

<https://stpaul.legistar.com/LegislationDetail.aspx?ID=4952030&GUID=F6D7F162-6CDD-43D4-B9E2-5D1D6D6C5F85&Options=ID%7CText%7CAttachments%7C&Search=21-720&FullText=1>

This 2021 resolution contains the reference: "...pursuant to Minn. Stat. Sec. 410.12, subd. 5" which can be found at the end of the "Resolved" paragraph.

City Attorney Rachel Tierney corrected this error by agreeing that the City Council's request to the Charter Commission should have been via City Council Ordinance and took responsibility for the error.

She further clarified that the Charter Commission could assign their own timeline, and the Commission's Attorney confirmed the same. (Charter Commission 9-13-21 meeting audio previously referenced.)

I offer the above as further information for the Charter Commission to consider when determining the appropriate timeline that might govern any Charter Commission deliberations.

Respectfully Submitted,

John Purdy
10 W Delos St
St Paul, MN 55107
612-804-5019

cc: Commissioners Busta, Donnelly-Cohen, Hahm, Valliant, and Wasley via chartercommission@ci.stpaul.mn.us
Note to Executive Assistant Kristin Koziol: Can you kindly post to the file, or forward to these Commissioners for whom I don't have e-mail addresses: Commissioners Busta, Donnelly-Cohen, Hahm, Valliant, and Wasley. Thank you.

On Tue, Aug 8, 2023 at 3:17 PM John Purdy <jpmn0101@gmail.com> wrote:

09.13.MP3

Rick Varco, Chair
Saint Paul MN Charter Commission
City Hall and Courthouse
15 West Kellogg Boulevard
St Paul, MN 55102

Deb Montgomery, Vice-Chair
Saint Paul MN Charter Commission
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St Paul, MN 55102

Dear Commissioners,

Congratulations to each of you on your appointments to the Saint Paul Charter Commission.

During yesterday's meeting, Chair Varco made note of the difficulty in reviewing the portion of the audio for the September 13, 2021 meeting during which City Attorney Rachel Tierney clarified the procedures for amending the Charter.

Chair Varco noted that the audio player did not allow for fast forward.

However, by downloading the file (accessible through the three vertical dots taking several seconds), your media player should then allow you to fast forward the recording to the pertinent portion of the meeting.

I've taken the time to transcribe those pertinent portions, along with the MP3 audio download, both attached herewith.

Beginning 1:25:42 of the recording, Attorney Rachel Tierney confirmed that the Charter Commission has no duty to perform under the 60 day deadline and that the instruction was the City Attorney's error.

During yesterday's meeting, City Clerk Shari Moore stated that she used a copy of an earlier Charter Amendment request drafted by Gerald Hendrickson, who retired from the City in 2016.

It's possible that Rachel Tierney's September 13, 2021 opinion was never communicated back to the City Clerk prior to Rachel's departure from the Office of City Attorney on February 18, 2022.

It is not fair for the City Council to force a 60 day Subd. 5 timeline onto Charter Commission deliberations unless the City Council: 1) submits their request as an ordinance and, 2) intends to submit that ordinance to the voters.

It is fair for the City Council to suggest a Charter amendment to the Charter Commission, but only by following Subd. 7 procedures which do not contain Charter Commission deliberative timelines.

It is not fair to the Charter Commission or to the voters they represent for the City Council to mix the 60 day timeline provision of Subd. 5 with the provisions of Subd. 7. <https://www.revisor.mn.gov/statutes/cite/410.12>

Respectfully submitted,

John Purdy
10 W Delos St
St Paul, MN 55107
612-804-5019

On Sat, Aug 5, 2023 at 2:54 PM John Purdy <jpmn0101@gmail.com> wrote:

Deb Montgomery, Chair
Saint Paul MN Charter Commission
City Hall and Courthouse
15 West Kellogg Boulevard
St Paul, MN 55102

Dear Commission Chair Montgomery,

RE: CCI-23-5 (<https://stpaul.legistar.com/LegislationDetail.aspx?ID=6306120&GUID=5835154F-2B87-4BF4-9FEE-D8FC075F1D9E&FullText=1>)

(I apologize for the earlier, unfinished email.)

The June 13, 2023 Resolution 23-839 transmittal letter from the City Clerk is in error regarding the 60 day review period. The Charter Commission has no time limits when considering the City's request.

The Chair and several of the Commissioners may recall a similar error caused by the incorrect advice given under CCI 21-7. City Attorney Rachel Tierney acknowledged during the September 13, 2021 meeting that the 60 day time requirement only applies when a Charter Amendment request is presented to the Charter Commission as an Ordinance, per Minn. Stat. 410.12, Subd.

5. <https://www.revisor.mn.gov/statutes/cite/410.12#stat.410.12.5>

Since this request is in the form of a City Council resolution, passed with no reading, no debate, no public hearing and with no intention for submitting the proposed amendment to the people as a vote, it has no statutory time requirements for deliberation by your Commission.

The City Attorney's admission of error can be heard at 1:29:40 of the audio (<https://stpaul.legistar.com/View.ashx?M=AO&ID=106347&GUID=ac0b1311-7c06-4db0-aa91-cff08645c7a3&N=MDkuMTMuMjEgQ2hhcnRlciBDb21taXNzaW9uE1lZXRpbmVkaW8%3d>).

Please allow me to speak on this matter during the Charter Commission meeting at 4:00 PM on Monday, August 7, 2023.

Sincerely,

John Purdy
10 W Delos St
St Paul, MN 55107
651-292-9651

cc: Commissioners Donley-Cohen, Hahm, Lee, Lloyd, McMurtrey, Valliant, Wasley
(via chartercommission@ci.stpaul.mn.us)

On Sat, Aug 5, 2023 at 1:50 PM John Purdy <jpmn0101@gmail.com> wrote:

Deb Montgomery, Chair
Saint Paul MN Charter Commission
City Hall and Courthouse
15 West Kellogg Boulevard
St Paul, MN 55102

Dear Commission Chair Montgomery,

The June 13, 2023 Resolution 23-839 transmittal letter from the City Clerk is in error regarding the 60 day review period. The Charter Commission has NO time limits they must adhere to.

The Chair and several of the Commissioners may recall a similar error caused by the incorrect advice given under CCI 21-7