

Commissioners signed in via check-in sheet

Chair Brian Alton: We are calling to order the meeting of the Charter Review Committee, the Saint Paul Charter Commission on today's date January 14, 2019. We are going to call the roll; Kathi Donnelly-Cohen is here, Brian Alton is here, Gary Unger is here, Matthew Freeman is here, Rick Vargo is not, Debbie Montgomery is here, Carrie Wasley is here, so we have a quorum and the first item on the agenda is the election of a committee chair.

Commissioner Matthew Freeman: I would move to reelect Brian Alton as committee chair.

Commissioner Carrie Wasley: 2nd

Chair Alton: Any other nominations? If not, nominations are closed. All those in favor of electing Brian Alton as chair of the meeting say "Aye"

Aye: Unanimous

Opposed. (none)

Chair Alton: The motion is carried. Thank you. Ok now we are getting to the substance of the meeting. We have three items to consider today. First is recommending the amendment to Chapter 4.04 of the Saint Paul Charter pertaining to City Council business meetings, and everybody has a copy of the proposed resolution this was proposed resolution, this was forwarded to us from the city council and we're here to consider that amendment to the section 4.04. Anybody have discussion items regarding that?

Commissioner Freeman: I raised a couple question with folks at the last meeting and in-between meetings. Just trying to determine exactly what this would mean. I understand from the staff report it sounds like there would be a conflict in 2020 regarding Inauguration or swearing in and the first meeting of the year and that thus council is looking for the ability to cancel meetings. I'm just concerned as to why it would be such a broad opportunity to cancel meetings. It looks like the charter as it is written is pretty prescriptive that they will meet every week except for under very specific circumstances looks like there may be opportunity for us to amend that to identify this particular instance or other particular instances but the amendment that has been proposed seems to allow council to create their own rules for when and how they would cancel meetings and that leave me a little bit uncomfortable about why such a broad authority would be needed and in addition exactly what they had laid out as ideas for what permeators they would put. So I know Sherri Moore had sent forward some suggestions, some language and maybe she can share that with the other members as well for additional context.

Chair Alton: Thank you. So we have the City Clerk here, Sherri Moore, Sharie we'd be happy to have you give us a summary and then perhaps address Mr. Freeman's questions.

City Clerk Moore: Sure. As I've said at the last meeting there are occasions where the council would have liked to have the ability to be able to cancel a meeting but because of the

parameters of the charter their not able to do that the January meeting or the first week of January meeting of 2020 was one example I gave another one would be if the council members would choose to all go to a conference, The National League of Cities is something that their never able to all attend at the same time because of the restrictions on when they meet and how. One thing I would like to point out the council is, in my opinion, not going to be wanting to cancel a lot of meetings because they pay for it then at their next meeting. If any of you look at the council agendas it's easy for us to have well over a hundred up to, I think our largest agenda in recent years was two hundred and six items. So if you start doubling those by canceling meeting, they're going to pay for it and there items that you know do need to be dealt with in a timely manner. So, it's not something we're looking at, that the council would think lightly of canceling meetings the language that we are proposing in the administrate code would provide for the council to cancel a meeting with at least ninety days ahead of time, so this wouldn't be a last minute "lets cancel next week's meeting" It would be a case of something that's well thought out. So that all notifications could still be going out in a timely manner and that that council would still, I would assume, still meet on their, most years on their normal dates, just a rarity of once in a while being able to cancel if they wanted to again more than ninety days in advance.

Chair Alton: So, thing like zoning cases that have to be decided within sixty days sometimes 120 days there would be a procedure in place where there wouldn't be a risk that the council wouldn't be meeting when that deadline is coming up or something like that.

City Clerk Moore: I would sure think so because right now there are meetings that they don't, you know the fifth Wednesdays and those holidays weeks and so this would just be something else that would be added to it but then again it would be well in advance if a meeting was canceled. And it would be done by resolution which would have to be a super majority vote of five, a vote in favor at least and it would also be subject to the mayor's veto. I don't know if Trudy has anything to add but, she is the director of the

Director Trudy Molony: I'm Trudy Molony, the Director of City Council, no, I think Sherri Covered it. We don't consider this, it would be, I think in the next year the only date that would probably be canceled is the one for the ignoration. For the following year it's hard for me to see when they would want to cancel a meeting. This is just so that in a way, we don't have to keep coming to the Charter Commission with say, well, a National League of Cities meeting or that kind of thing. It's to allow a little bit of flexibility, but it will be handled in a very proven manner.

Chair Alton: Commissioner Unger.

Commissioner Unger: Mr. Chair, in other words, where we've got the holidays right now are causing a lot of this, I guess, stacking meetings would in a normal year where the holidays come at a weekend holiday schedule, I guess, call it something else, we wouldn't be in this in this kind of predicament so this would really just kind of give them leeway during this busy, busy time.

City Clerk Moore: Yes, that'd be correct.

Commissioner Unger: Every four years or so that would happen? Something like that.

City Clerk Moore: Right. And in those cases where when a holiday falls more like a weekend or for maybe a Friday or something like that it's usually at the discretion of the Council President to set our calendar as to when, weather the council is going to meet that week or not and sometimes then they will add a public hearing date to it, so that if too many weeks are skipped without public hearing, because of those zoning issues, and other things where they have to get done in timely manner then sometimes they will add in a 5:30 public hearing where it wouldn't normally occur because normally the major, the big public hearings occur on the first and third Wednesday of the month

Commissioner Unger: Thank you.

Chair Alton: Thank you. Any other questions? Any other comments from anybody?

Commissioner Freeman: I have one other question. We're lucky to have a former councilmember on our board. Was this something that you ran into problems while you were, what would your recommendations be?

Commissioner Deborah Montgomery: No, we didn't have. When I looked at this I thought similar to what you thought that, you know, it seems to be awful broad, but I assume that there is no way to narrow that language down to the specifics verses the general because there may be other things that come up, that why I understand that. But, no, we didn't have any issues of the time I was on the council.

Chair Alton: That's a good perspective, thank you. And the ordinance, assuming this charter amendment passes the council consider the ordinance which would contain the provisions for when they could cancel.

City Clerk Moore: Yes. It would be once piece of a larger ordinance. Right now the council rules and procedures are part of the appendix of the administrative code and those are actually just adopted by resolutions. So, we are actually putting some teeth into those and we're going to replace that section with an ordinance with updated language because again, you know, times change, things change. So, we are going through those now and that would be part of that larger ordinance. And again, it would go through an ordinance.

Chair Alton: Anything else? If not, our action today is to make a recommendation to the larger Charter Commission as to whether or not we would recommend it after our hearing today.

Commissioner Freeman: Just a clarifying question. What fully are our options? So, we can take this language as it is and pass that forward do we have the ability on this committee to amend that language and pass that forward? Or do we have the ability to turn down? I just want to make sure I understand the full spectrum of

Chair Alton: That's a great question. Yeah. Pass it, not pass it. Or recommend passing it or recommend not passing it. Or recommending something alternatively.

Commissioner Freeman: Does that amend the timeline in any way or the process in any way? It would still pass on to the next meeting of the larger Charter Commission for their evaluation and pass on to council does it change anything in the council's process if it comes back differently than what they sent it as?

Chair Alton: I don't think it would, but I don't know the answer to that.

City Attorney Rachel Tierney: I don't think that it would I mean I think as a general matter the issue has been referred here and if you made minor amendments that would certainly be within your timeline. If the council didn't like your amendment they could simply not adopt that ordinance and then they could come back to you for more or they could decide to put it toward a vote. I mean, I think whatever this body decides to recommend to the council is what will be before the council.

Commissioner Freeman: And again I apologize for the questions being new to the council, but if we pass a recommendation of this language out back to the Charter Commission is the Charter Commission then able to amend that language if they so choose at the next meeting?

Chair Alton: Yes.

Commissioner Freeman: ok

Commissioner Montgomery: And the ninety days part is in the other part of the resolution?

Chair Alton: It would be a separate council amendment, ordinance that the charter would not come before the Charter Commission.

Commissioner Freeman: But what you're saying is that considerably we could put ninety-day notice into this language because that the part that I'm

Commissioner Montgomery: That's the part I was thinking about to because I didn't know how that would impact what they want but I was at the same place you were at on this.

Commissioner Freeman: And it sounds like at least on the issues for the instances that have been brought up the goal is not to be able to act quickly and respond to those but, to be able to plan further out in advance so I don't think that would be outside the scope and the recommendations of the or the idea of the meaning behind why they are bringing it before us so and I would feel more comfortable with that language in there

Chair Alton: That's certainly an option. I suppose the question would then become would that restricts the council in adopting the ordinance that maybe sixty days is the right number, ninety, maybe it's one hundred and twenty or maybe it's a hundred and sixty, whatever they need. So, only that would be the one restriction if we were to add something like that.

City Clerk Moore: Yeah, I mean that would we would have to come back and do another charter amendment if we found that wasn't an easy number to work with or we didn't give enough

notice as you said maybe it would be that we figure out at some point that no, this doesn't work because of this timeline and maybe we do need to extend it out further that would then cause another charter amendment.

Commissioner Freeman: Now I don't expect our existing council to have procedural tom foolery to put off hearings or other pieces but I think part of our charge is to evaluate what, you know hypothetical future council may be able to utilize this for and this is pretty prescriptive in saying they have to meet every week except for the those very specific instances so I continue to have some challenges with this with the broadness of this but I would be comfortable if this group is willing to bring that reservation forward at the larger charter. I don't feel I have language that I would necessarily propose unless other members had a specific language they would suggest

Commissioner Unger: Mr. Chair, I think if we put a time restriction on it like a ninety-day notice or something in there would stop any mambey pambey lets take next week off. You need to restrict that that. I think by sitting down with a calendar and looking at what's falling in place would give the council more guidelines to look at their calendars, to look at the placement of holidays and such and plan it at the beginning of the year verses, "oh next week I want to take off, let's all take off" I think that's what you're getting at.

Commissioner Freeman: Yeah. I think so.

Chair Alton: So, question for I think they make a great point and maybe we take your suggestion and pass it as is and then relay at the full Charter Commission meeting these comments.

Commissioner Freeman: Yeah, and then we would have opportunity at that larger Charter Commission meeting to or before that larger Charter Commission meeting to get additional feedback if there is a specific timeline that we think would be appropriate or council could share that as well. So that we would not be going against their necessary wishes or at least have their input. That would be my recommendation.

Chair Alton: So, with that are you going to or would you move approval of the ordinance as prepared, as drafted?

Commissioner Freeman: I'll move that.

Commissioner Unger: 2nd

Chair Alton: Any further discussion? All those in favor say "Aye"

Unanimous "Aye"

Opposed: none

Chair Alton: Motion carries. Thank you very much.

City Clerk Moore: Thank you.

Chair Alton: The next item on the agenda is Recommending the amendment to Chapter section 11.03 of the Saint Paul Charter pertaining to the City of Saint Paul's tax authority. And if you recall at the last Charter Commission meeting that the discussion was regarding that related to updating antiquated language

John McCarthy; Chair Alton and Commission Members, John McCarthy for the City's Office of Financial Services. The main change is that OFS is proposing here are related to the City's property tax authority, it's really technical in nature and their meant to update the Charter to make it consistent with current state law. The specific changes include eliminating reference to the property tax mill rates which no longer exist in Minnesota since the property tax system getting rid of references that just state statues that have been repealed and getting rid of the County's Board of Public Welfare which no longer exist either. So, it is really technical in updating language.

Chair Alton: There is not policy questions at all?

McCarthy: No I don't think so but I can answer any questions you have.

Chair Alton: Anybody have questions for Mr. McCarthy? Thank you very much. Is there a motion, any discussion? And is there a motion to approve

Commission Unger: Moves to approve

Commissioner Donnelly-Cohen: 2nds

Chair Alton: All those in favor say "Aye"

Unanimous "Aye"

Opposed: none

Chair Alton: The motion carries, thank you very much. The next item on the agenda is recommending the amendment to Chapter 6.03.1 of the Saint Paul Charter pertaining to the imposition of civil penalties for violations of city ordinances. We have, at the last meeting we had Travis Bistodeau from DSI up here, give us summery of that Mr. Bistodeau you going to do that again or are you going to let your bosses watch you while you do that?

Travis Bistodeau: No pressure and he is right where I can see him. Mr. Chair and Commissioners, good afternoon my name is Travis Bistodeau I am one of the deputy directors for the Department of Safety and Inspections. The Department of Safety and Inspections strongly supports the proposed charter amendment before you this amendment is foundational in establishing the ability for the City to use administrate citations to property owners who fail to comply with the City's legislative code. Currently and very generally speaking DSI has three tools at our disposal to bring properties into compliance with relative ordnances. If the property owner fails to bring that property into compliance we come back on 30 days or 45 days or whatever the timeline is on the corrective order and issue another administrate

inspection fee. Just to give you some sort of ball park, typically they are in the \$100 to \$150 dollar range, it depends on the type of certificate of occupancy property we are talking about and the size of that property but their relatively small finical pantiles that we apply to property owners that don't bring their property into compliance. They're not very effective or challenging on ongoing cases. We have a case on the North side that received, I believe the number is 24 of these, inspection fees from our code enforcement division last year and basically with think that this property owner in particular who happens to be paying their taxes is simply absorbing that cost as a cost of doing business in the City of Saint Paul. So they just get that \$100, or they know they will get that \$122 dollar fee from code enforcement once a month and they just go about business. So we are not bringing that property into compliance with that particular tool. So that's the first tool we currently have at our disposal, the second is, we can condemn a property or revoke a certificate of occupancy, so if you fail to comply, first we can threaten to revoke your certificate of occupancy or condemn that property but often times we end up not following through. This tool is highly effective in terms of getting folks' attention but can have unintended consequences. So, we might revoke a certificate of occupancy for a rental property owner who is not correcting some difficulty like replacing a roof, or residing a garage or something like that but the consequence is, once we revoke that certificate of occupancy the occupants lose their home and are basically are pushed out of their residents through no fault of their own. So, although it is effective it is a little bit too heavy handed. And then our third tool that we generally have at our disposal is a criminal citation. So, again if we have an owner that fails to bring that property into compliance we will work with our City's Attorney's Office through a relatively laboris process to charge that responsible party with a misdemeanor offence. The burden of proof is very high for these types of citations, and as a result, and to be perfectly honest, we don't use that tool very often, because it takes us so long to utilize it and then on top of it, it often times is dismissed by the court system. So it is not a very effective tool and that is where administrate citations could maybe fill on our needs in terms of tools. Administrate citations will provide a right sized enforcement tool that will be more effective and equitable for our customers and citizens. This system would allow for a verity of city departments, not necessarily just DSI, to administer finical penalties to customers who fail to comply. It would allow city departments to set escalating penalties for noncompliance so rather than that "wash, rinse and repeat cycle" that we have for some of our reinspection fees we could go \$200, \$400, \$800, \$1600 and then cap it out at some set amount which is what other municipalities do and then every 30 to 45 days we at least have the ability to issue that administrate citation on a routine bases to get that property owner to get their attention and to get their property into compliance. Nonpayment would result in a tax assessment just like our existing fees do so we do have a tool there to capture that payment if it, the property owner does not pay that fine, and this would be a supplemental tool to those existing tools we have in place. We are not saying we wouldn't use reinspection fees that light touch is often time appropriate, we would still use criminal citations for some of those violations that are most noteworthy and have the greatest impact on health and safety and we would continue to revoke certificates of occupancy and vacate properties as we need to, and again only in those

most extreme cases. Where the safety of the residents would be in jeopardy. So, in terms of an implementation plan, like I said, this charter change is the foundational of the first step, once we move beyond this we will be collaborating with the City's Attorney Office to identify where in our origination we would like to implement this tool first and then we will develop the subsequent ordinances, policies and procedures we will need to use to make that change or to use this tool as part of our daily business. It is my goal, that our first administrative citation would be issued in some point in 2019, so, yet this year. And then Mr. Chair you had asked me the costs, as part of our budget requests this year to the Mayor's Office, we did request one FTE as an administrative function an individual who administered the assessment process as well as the appeal processes around these new types of citations. And then we have an additional 15 thousand dollar of cost a year, that's an estimate, based on what we think that first years' worth of work load would be, to hire a third party hearing officer to hear these appeals. With that I can take any questions.

Chair Alton: Are there any questions? Commissioner Freeman.

Commissioner Freeman: Just one question on, kind of focusing on, I think you got most of my questions answered on it, but just worrying about how this might affect particularly communities of color or targeted groups that criminalization kind fines or adding up of fines on particular populations and criminalizing poverty in our institution. I wonder if you could talk at all about what things might be put into the ultimate ordinance that would prevent levying or escalating fines from disproportionately impacting groups of people in Saint Paul?

Mr. Bistodeau: So that's actually one of the flaws of the existing system, I would argue, is that often times we are criminalizing violations of ordinance that I don't think maybe the average citizen or even employee of DSI believes it needs to go to that criminal level when we issue a criminal citation. I have a case that came across my desk just last week where we issued a criminal citation to a property manager of a downtown building and this individual is relatively innocent in this particular case and I would rather she was not receiving this criminal citation because she doesn't really have the wherewithal to bring that property into compliance. She is a property manager for a large building and the company that owns the building is in California and really is dragging their feet bringing that property into compliance. We use this as kind of a last resort saying we are serious; we need someone to bring this property up to code. But the current set of tools, I think, actually criminalizes a lot of the behavior that we are seeing. We are trying to move away from that so administrative fine, penalties are a notch below. Does that answer your question?

Commissioner Freeman: I think so. Are there instances where, you know, I'm trying to apply it to examples that I've seen, like not shoveling your walk ends up being charged back to you, is this giving additional ability to do those types of things?

Mr. Bistodeau: No. Mr. Chair, Commissioner, that's a great question. We have good tools for things that are abatable, we have a summary of abatement, if it's a violation that we can

quickly address like snow on a sidewalk, tall grass and weeds or garbage on a front lawn, and we will continue to use the same tools that we have now. We will issue an order to correct, if you fail to correct we will send a work crew out there to correct the violation for you and make the problem go away. We don't anticipate that this tool would be use in addition to the enforcement tools we have in place for something of that nature. This is really, how I see this and where I think this is most relevant in DSI is property maintenance types issues, zoning type issues, where we don't have something that we can abate and fix. It's almost a behavior that we are trying to change.

Commission Freeman: Thank you.

Chair Alton: You mentioned the hearing officer, a little about the due process aspect of this, so could you tell us how that works?

Mr. Bistodeau: I have worked for a number of cities that have this same tool at their disposal and really what we're talking about doing is mirroring a similar process. So, how other municipalities use this is they hire a third party hearing officer and basically they have a list of attorneys or of former judges, or whomever. They cycle through as they work through these appeals. One week it might be Mr. Johnson and the next week it Miss. Smith and that individual would hear each one of these cases. I believe Minneapolis has a similar process and their meeting every two weeks to handle their administrative citations and that workload, but it would be administrative through that third party.

Chair Alton: So it would be outside of the legislative hearing process that the City has now, that goes through the council meetings

Mr. Bistodeau: That is correct, although we are not saying we would replace that process and those appeals necessarily often times those are very nuance appeals with regards to the intent of the property maintenance code where it makes sense for our City's legislative hearing officer to kind of oversee that and provide some feedback and some extensions as needed. But, there is certainly a third level that seems like it need additional tool to move it forward.

Chair Alton: So there would be a decrease in the number of cases brought to the legislative hearing officer?

Mr. Bistodeau: Well, Mr. Chair, that's a really good question and it remains to be seen.

Chair Alton: I see Trudy Smiling back there and hoping that the answer is "yes"

Mr. Bistodeau: I am hoping to say "yes" but to be perfectly honest I think once we have this new tool at our disposal I think we will actually be taking in more enforcement action than we have in the past. So We certain divisions like the zoning and our construction services division they don't have a very effective tool to bring properties into compliance. So, I think the overall quantity of enforcement is likely to increase a little bit, but there will, no doubt, where the property owner who received 24 of our reinspection fee last year, that would be one that

would fall out and move towards an administrative citation where we could issue escalating fines.

Chair Alton: And then, because I'm a lawyer, I have to ask the due process questions. So you have a legislative hearing process, what's the appeal to that? What's the property owner's or the person who has been given the administrative citation, what's the appeal process after, if they are dissatisfied with the result?

Mr. Bistodeau: Mr. Chair and Commissioners, are you talking about the existing?

Chair Alton: No. With this new process.

Mr. Bistodeau: I would have to defer to my council; I believe it is the State Board of Appeals, isn't it? Doesn't that roll to?

City Attorney Tierney: I think that Commissioner Alton, I think that is still a little bit in the works but I think ultimately I think we would appeal to the City Council and then the Court of Appeals. The goal would be to resolve these at the hearing level, but ultimately everything we do ends up at the Court of Appeals, so it will make its way there, exactly what the path will be is kind of yet to be determined.

Chair Alton: Right, just some there is something built in that.

Mr. Bistodeau: A process.

Chair Alton: Commissioner Montgomery.

Commissioner Montgomery: I know where you're going but in the past are the minority folks that are being impacted?

Mr. Bistodeau: Mr. Chair and Commissioners, so, as part of this process we did map out our 2017 administrative citations and panicles to see where they were occurring and to be honest it pretty wide spread across the city, although I would say there are a couple small area that appear to be slightly over represented than other areas but generally speaking it is wherever the highest level of concentration of people are and residential properties is where we see the highest number of use.

Chair Alton: And the example that you gave where it would be used within DSI was zoning and property code violations are there any other projected uses?

Mr. Bistodeau: Mr. Chair and Commissioners, internally I think we're anticipating zoning would be a target area, code enforcement would be a target area and fire certificate of occupancy. As I mentioned construction services is need of an additional enforcement tool, so there are definitely opportunities there as well as other divisions within DSI. And I should mention that this has been identified as a possible tool that other departments within the city could utilize, so, earned sick and safe has been a topic that has come up where administrative citations could

be used. PED is looking at an energy bench marking initiatives where property owners would need to provide energy consumption information to the EPA and those property owners that didn't follow that requirement could receive a penalty. It's pretty wide open where this tool could be used.

Chair Alton: What other cities in the metropolitan area have used this?

Mr. Bistodeau: So, Mr. Chair, Commissioners, based on our initial round of research we identified, Minneapolis, Duluth, Bloomington, Saint Cloud, West Saint Paul, Woodbury, Coon Rapids, Brooklyn Center, Brainerd and Metropolitan Airports Commission all utilize a similar tool. And I don't believe that list is comprehensive.

Commissioner Freeman: Do they constrict anyway what they can use that on?

Mr. Bistodeau: Mr. Chair, Commissioners, I don't, I am not aware of it, if there is a limitation

Chair Alton: Any other questions for Mr. Bistodeau? Any comments, questions? Commissioner Montgomery.

Commissioner Montgomery: I'm trying to focus on the, when you mention PED are using that on some of the energy consumption and things like that, I dealing with a senior high rise right now where they ran into those charges and they passed those along to the seniors and those are a vulnerable group of people maybe these would indirectly, They just added it so I am trying to navigate through because I'm just trying to figure out how its there.

Mr. Bistodeau: Sure.

Chair Alton: Commissioner Unger.

Commissioner Unger: Yes, Chair, I make the motion to accept the resolution as written

Chair Alton: Alright, is there a second to that motion? Commissioner Wasley, thank you. Is there any other discussion? I have one question, so, the cost to administer this program is one FTE plus additional money, what's the revenue?

Mr. Bistodeau: So, Mr. Chair, Commissioners, we estimate a \$250 thousand dollars in new revenue could be generated for DSI through this program and that's what we presented to the mayor's office. That is what we utilized to justify the FTE to the mayor's office.

Chair Alton: Thank you. Any other discussion? If not, all those in favor of the resolution sitting in front of use say "Aye"

Unanimous "Aye"

Opposed: none

Chair Alton: The motion carries, Thank you Travis. Mr. Manske is here, the item on or agenda now is "other" so, the "other" is this maybe close to the last time we see Mr. Manske at one of our meetings I understand.

Mr. Manske: At least in this capacity Mr. Chair. So, for those of you who don't know I'm going to be actually retirement is probably the wrong word to use, I don't I have been telling people I'm going to stop working full time as of March 15th but suspect that I'll still be around at some capacity. At least for now as a full time staff person I am now at your beck and call.

Chair Alton: Thank you for your past service and good work. So, now, go ahead.

Mr. Manske: And Mr. Chairman as I think we were talking about at the previous, the charter commission meeting we have just a couple of technical revisions that we would like to have you consider dealing with petitions of the proposed amendment the section 8.02 would simply clarify when we determine how many signatures you would need for either a initiative petition or a referendum petition and you may recall, I think this has already been over a year with the Ford petition there was some controversy of exactly when we were supposed to that number because that petition was submitted to us very close to the city election and this language would resolve that definitely and then the proposed amendment section 8.03 would simply make sure that all of the materials that we were using and the process that we used to inspect petitions is completely open to the public and that we would only use documents that the public had access to and that after we were done inspecting a petition that we could then turn the materials over to the petitioner so that they could see and review the work that we did while reviewing their petition. I'd be happy to answer any questions about either of those two items.

Chair Alton: I don't think I recall anybody having any major concerns with those issues. I think we should probably plan to put that on our agenda for passage on the next charter commission review meeting or the full Charter Commission meeting

Mr. Manske: Mr. Chairman, I think was Commissioner Freeman who brought this up in 8.02, this is my language on the City Attorney's language, although I don't know if we are fully committed to it, we're proposing that the business about the initial petition were close to an election and we give the petitioner the choice of using the immediate election, that had just occurred or the one that occurred previous that one, our proposal is that had the fewer voters and I think was the, Commissioner Freeman that asked "could we make it go the other way around and have the greater number of voters?" and not going to speak for my attorney, I don't know if we have a strong position there but I think our view or that my view is that the thing that makes it easier is probably to the benefit of the petitioner, I have no strong commitment to either way.

Chair Alton: That there is a standard to the petitioner needs to meet and you don't want to make that standard too high but you want to make it fair.

City Attorney Tinery: And clear. It is a little bit ambiguous at this point and so it, it was tough to say no when they had obtained the number of signatures that they thought they needed and the answer was no because we had a big election turn out in the middle of.

Mr. Manske: and when they spoke to us it was unclear because of the closeness that the started the petition, which of these two numbers was ultimately going to apply because we didn't know when the petition was going to arrive in our office but this way, that will no longer be an issue.

Commissioner Freeman: And I think my only concern on that is if we're working off of, yeah I would, it seems only fair to allow folks to understand what threshold they need to pass in order to bring forward the petition. Conceivably if there is a higher amount of a petition threshold in a previous election then that new election is lesser my understanding would be that the expectation would be that they would probably have met that previous or they should expect that they met that previous election threshold and so if they, if there a lower turnout in the most recent election it would seem they didn't meet the understood expectation.

Mr. Manske: Mr. Chair and Commissioner Freeman, is it possible that there will be some gamesmanship going on when a petition is being circulated very close to election and however, whatever crystal ball they are looking at to determine this upcoming election, this week will have a lower turn out four years ago, remember at this point our immediate past election had a relative high turnout in recent years. Will some of that go on? Certainly a possibility and that is why I will defer to you, this group to determine whether you feel it is most appropriately to go with of the two documents the one that had the fewer number or the greater number and remember, in fairness, that this is a balancing test like very thing that we are involved in and on the one hand we do want to insure that the voters and the citizens have an opportunity to place questions on the ballot, on the other hand the legislative process is not trivial and I think there is a good reason to have a reasonable procedure in place to insure that whatever goes on the ballot for the voters to ultimately make a decision is something is worthy.

Commissioner Freeman: Just to clarify, the new language in section two about access to that public list, what would be something that is not currently granted to petitioners? Additional transparency an additional tool for them to be able to double check their work, make sure they have the correct number of signatures that is not currently being afforded to them

Mr. Manske: Mr. Chairman, Commissioner Freeman, What this would do is, it would require us to do what we are currently doing, but again since I am leaving I do not know what administrative decision my successor would use. You can then bind my successor with this language. Not that I want to make life difficult but that's one way to do that.

Chair Alton: Ok. Very good. Commissioner Unger.

Commissioner Unger: Mr. Chair, just a simple fact you had a starting place and you have number and you have an ending place, that's the time you have to get it there, really is in all

fairness is a better thing for this to be done to anybody. I mean you could go out there and break your rear end trying to get a petition together. And because you don't know how many you need you could fall 10 short and all your efforts down the drain. So I think you want to be as I guess as transparent as you can with your needs.

Chair Alton: Objective rather than subjective.

Commissioner Unger: Yea yea yea objective

Mr. Manske: Precisely Mr. Chairmen and my honor we would like we would like it absolutely clear to the petitioner well before they even contemplate getting their first signature on the petition exactly what the rules are

Chair Alton: Sure.

Mr. Manske: Rights to the materials uhh that they can use frankly to check our work and that they should be able to do that and that everything that we work with on the petition should be public documents that we can turn over to them.

Commissioner Freeman: One more clarifying just from the language um it says using this list it says the city clerk should match the name, address and your year of birth for each corresponding voter signing the petition. We talked a little bit at the last meeting if I remember correctly about the opportunity to appeal umm specific signatures. This doesn't bind more tightly that constrains again it would still be able to present that information if there address changes and there still eligible even though it doesn't match that list. A determination could be made that that is a viable signature still.

Mr. Manki Uh yea Mr. Chairmen uh Commissioner Freeman that is exactly right this does not constrain the ability of the commissioner to come in and talk to us during the 10 day period that they can provide additional signatures and my view is and uh that 1 way of providing additional signatures is to point out an error we might have made and of course we can facilitate that process by completely handing over all the material that we used to inspect our petition but we're not proposing to make it more difficult to were not proposing to add anything that is not already required by the charter.

Chair Alton: Great any other questions or comments? If not thank you very much. So I think that is something we should take up at the next charter meeting.

Commissioner Freeman: Does it need so since this wasn't on our agenda today is that able to be passed out with recommendations today or does it need to go back to uh this council?

Chair Alton: It would have to get an opinion from our attorney at a latter day

City Attorney Tierney: I'm sorry

Commissioner Freeman: Since this wasn't on the written agenda was this something that we are able to pass out on the same timeline as the existing resolutions or is this something that uh notice and convince or just something that the charter commission can take action on at our next meeting without a recommendation from us.

Chair Aton: and I don't know if we have to have the answer to that question right now

Commissioner Freeman: Yeah

City Attorney Tierney : The adoption that any proposed changes in recommendation to the charter shall be final when passed by majority of the vote of all commission any and all no such vote shall be taken until the proposed changes in language have been presented in written form and have been read at two separate meetings of the commission.

Commissioner Freeman: So our work here is irrelevant today.

City Attorney Tierney: Your work here well I suppose there is no um requirement that if you wanted you could give the recommendation to the commission and they could have a first reading at the next hearing and just have a follow up, a second, they wouldn't you all could waive having to do all this again.

Commissioner Freeman: When it was on the commissions agenda sorry commissions agenda for the previous meeting and so again whether that counts as a

City Attorney Tierney: Was it in writing

Yeah

Commissioner Freeman: Yeah it was

City Attorney Tierney: If it was read at the commission in writing then that you could make I'm sorry I just don't recall

Commissioner Freeman: Yeah it says that under new business it was a staff report with new attachment so it wasn't a formal presentation of the resolution but it's on the it's on the attached agenda documents including the memo, the amendments, and the public comment that came with it. So

Inaudible??

Commissioner Donnelly-Cohen: Is it passable in here that it wasn't on our agenda today?

Chair Alton: Well no because it wasn't

Commissioner Donnelly-Cohen: Because it was just a staff recording

Chair Alton: Yeah

Commissioner Freeman: I just want to know if we can take action on it today to keep it on the same timeline. If we don't need to do anything then we can have that discussion or do that research before the next meeting. I just didn't want us to not take action if the body felt we should.

Chair Alton: No I appreciate that, it's great

City Attorney Tierney: Well I mean I think that it's up to this group. I mean if it was in front of the commission at the hearing in writing um that that's what the rules require. Um the changes have to be presented in written form and read at two separate meetings at the commission I suppose that there's an argument that what happened is that there wasn't a reading um but it's a pretty technical argument so I think that it is up to this group if you want to be able to for that to move forward and the commission can vote at the next hearing. Then I think that you should make a recommendation of the hearing and the vote you think they should make.

Commissioner Unger: Mr. Chair in other words if we make a recommendation to the vote committee then it is in writing going forward. Correct

City Attorney Tierney: If it was already the issue is that it needs to be in writing at two separate meetings and so the real question and I don't know how the rest of the commissioners will feel on this but I think that there is probably an argument to be made that if it was in writing before the commission in part of the agenda at one hearing that that's sufficient for that to be a reading and then.

Commissioner Unger: but ours is just a recommendation going back

City Attorney Tierney: Well that's just what you are doing on all of them anyways

Commissioner Unger: Yeah I know but. We are not pouring any cement today.

Chair Alton: I think we should just leave it as is personally.

Commissioner Freeman: and then we can discuss with the chair about whether it is included on the next agenda

Chair Alton: If it's determined that we have it on the next meeting we will do that.

Commissioner Unger: It's sufficient for me.

Chair Alton: Ok, any other discussion. 55 minutes I predicted 25

Commissioner Freeman: and we had a tentative hold for another date in January but I just don't think we need that right?

Chair Alton: That's correct

Commissioner Freeman: and then it will be up to the commission to call the next meeting

Chair Alton: Correct and that date has not been established or has it?

Inaudible maybe February 11th?

Commissioner Freeman: Can we get a copy of the draft meeting?

City Attorney Tierney: February 11th at 4:30pm

Commissioner Freeman: I know that we talked about that when we set that meeting timeline.

Chair Alton: Yeah, I'm not sure what state they're in but I'll check.

Chair Alton: February 11th at 4:30pm?

City Attorney Tierney: Do you want to vote on canceling that meeting just so it's clear that the committee meeting scheduled for January 28th ?

Chair Alton: Sure, don't we have to do the 90 day?

Group Laughter

Commissioner Unger: It's only a recommendation at this point.

Commissioner Donnelly-Cohen: and Mr. Chair was that February 11th at 4:30 or 3:30.

Chair Alton: We usually meet at 4:30

City Attorney Tierney: According to my calendar it is 4:30.

Commissioner Freeman: I went online to try and look at the minutes but it's pretty crummy.

Chair Alton: Ok so there is a scheduled meeting of the charter review tentatively in addition to the one we are completing for January 28th, 2019 and Commission Donnelly-Cohen made a motion to cancel that meeting.

Commission Donnelly-Cohen: Cancel that meeting Yes

Chair Alton: Is there a second to that

Commissioner Montgomery: Seconded

Chair Alton: Seconded to cancel that scheduled meeting. All those in favor say "AYE"

Aye

Chair Alton: Those opposed

(Silence)

Chair Alton: The motion carries and the next meeting for the full charter is February 11th at 4:30pm in a room to be determined or our usual room.

Cith Clerk Moore: Guessing I don't know if it has been scheduled

Chair Alton: Yeah

Commissioner Freeman: So one more question just from that last meeting. We had some question as to the lines of when these meetings need to be completed to be in compliance to when we need to take action on it. I think that there were some letters to be sent out. Do we know if those were sent out or I think we needed approval from council or approval from I'm not sure exactly but because there was a certain time that the charter commission must act on those recommendations as they come out of council so that is part of why we are talking about the time crunch and I am just wondering if there was an update on that.

Cith Clerk Moore: If the letters come out after the charter commission takes action then the letter is set in the past and is sent to the attorney of the city clerk that the charter commission approved the following resolutions and then that sets another timeline going so I believe that the last meeting in December the charter commission had passed resolutions extending it to I believe 90 days

City Attorney Tierney: However long it's possible to

Commissioner Freeman: Is there another body that had to take action on that?

Chair Alton: It's our decision to unilaterally make

Commissioner Freeman: that answers my question.

Chair Alton: Yea that was valid

Commissioner Freeman: So once we pass them that will be a part of what we send forward is what I'm hearing

City Attorney Tierney: and that will start a new timeline with the council and they will have a certain number of days to publish and hold a public hearing to move.

Commissioner Freeman: Ok

Commissioner Freeman: I will trust our chairs calendar finagling to make sure we fit that 90 day timeline.

Chair Alton: Not this chair

Commissioner Freeman: No the other chair
With that I think we have completed our business. Is there a motion to adjourn?

Commissioner Unger motions

Commissioner Donnelly-Cohen seconds

Chair Alton: All those in favor say "aye"

Aye

Chair Alton: Meeting is adjourned.