

**From:** [Laura Askelin](#)  
**To:** [\\*CI-StPaul\\_Contact-Council](#); [CouncilHearing \(CI-StPaul\)](#)  
**Cc:** [vihekoronye@isaiahmn.org](#); [Max Hall](#); [Kent Eken](#); [Kera Peterson](#); [Rick Varco](#)  
**Subject:** AFSCME Council 5 Statement on Admin Citations  
**Date:** Wednesday, January 15, 2025 6:28:35 AM  
**Attachments:** [AFSCME Council 5 support for st paul administrative citations process 1.14.25.pdf](#)

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Some people who received this message don't often get email from [laura.askelin@afscmemn.org](mailto:laura.askelin@afscmemn.org). [Learn why this is important](#)

Please see attached statement from AFSCME Council 5.

Laura Askelin  
Political Organizer, AFSCME Council 5  
[Laura.Askelin@afscmemn.org](mailto:Laura.Askelin@afscmemn.org)  
651-238-5334

**American Federation of State, County and Municipal Employees**  
*One strong united voice for Minnesota workers*

300 Hardman Avenue South  
South St. Paul, MN 55075  
Council5@afscmemn.org



Phone (651) 450-4990  
Fax (651) 455-1311  
Toll Free (800) 652-9791

January 14, 2025

Dear Members of the City of St. Paul Charter Commission,

On behalf of AFSCME Council 5's more than 43,000 union members who work in state, county, city and non-profit service all across Minnesota, we write today to express our support for the St. Paul Charter Commission to amend the City's charter to enable the City Council to provide for administrative citations. This new system would provide for processes to levy citations through a civil law process, rather than only imposing misdemeanor penalties for those who violate city ordinances.

Our union represents the largest number of City of St. Paul workers who Make St. Paul Happen, including nearly 4,000 of our members from all workplaces who live in St. Paul. Our union members continue to expect that the regulations and ordinances within the City of St. Paul will be upheld and if corporations, for example, violate the City's Earned Sick and Safe Time, Municipal Minimum Wage, and Wage Theft ordinances, then they need to be held accountable. The use of an administrative citations process allows for better and more effective enforcement of, and increased compliance with, our local ordinances.

We understand the specifics of the administrative citations processes still need to be worked out, but we strongly support the Charter Commission to allow St. Paul City Council members to work out these details alongside stakeholders and our union members, as they are directly accountable to voters.

Thank you for considering our position.

In solidarity,

Bart Andersen (he/him)  
Executive Director  
AFSCME Council 5, AFL-CIO

cc: Laura Askelin, Political Organizer, AFSCME Council 5  
Kent Eken, Political Action Director, AFSCME Council 5  
Max Hall, External Relations and Planning Director, AFSCME Council 5  
St. Paul Local Union Presidents and Field Representatives  
Field Directors

**From:** [Nathaniel Gurol](#)  
**To:** [\\*CI-StPaul>Contact-Council](#)  
**Subject:** Public Comment regarding Administrative Citations  
**Date:** Wednesday, January 15, 2025 11:25:30 AM

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Good afternoon City Council Members:

As a Co-Chair of the St. Paul Labor Standards Advisory Committee (LSAC), I write in support of the Council voting in favor of authorizing the City of St. Paul to implement/utilize administrative citations.

As has been said, administrative citations are tools that are currently used by many municipalities, both larger and smaller than St. Paul, and both inside the state of Minnesota, as well as around the Country. They allow the cities that use them to add some teeth to the enforcement of ordinances that those cities have put in place in order to create the community that their community wants to live in. This is just to reiterate the point that administrative citations are not a new tool, but rather, one that has been tested in various circumstances around the State and Country for a long period of time.

Further, giving the City of St. Paul a tool like administrative citations will allow them to perform their functions more efficiently and effectively. Specifically, under the current enforcement structure, HREEO is put in the position where they regularly need to negotiate with employers that are violating City labor standards ordinances. During those negotiations, the City is regularly put into the position where the affected employees' wages/benefits need to be used as negotiating leverage in order to gain compliance from the employer violating an ordinance. This is clearly an unenviable position for City enforcement employees, as well as the employees that are having their labor rights violated. With administrative citations, HREEO will be more effective in securing compliance with City ordinances in a time-efficient manner because they will be able to use the citation fees, as opposed to wages/benefits earned by an employee, as negotiating leverage with an uncooperative employer.

Lastly, I would like to emphasize and reiterate to the Council that the decision before you, and upon which I am providing this public comment, does not concern which ordinances would carry administrative citations, but whether they are a tool that the City should have in its toolbox at all. If your body decides that administrative citations are an effective tool that the City should have at its disposal, only then would the Council have further decisions to make about which ordinances should carry this enforcement tool.

Thank you for your time considering this very important issue.

-Nate Gurol

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Nathaniel (Nate) T. Gurol, J.D.  
[ntgurol@gmail.com](mailto:ntgurol@gmail.com)  
(206) 794-0480

**From:** [Kera Peterson](#)  
**To:** [\\*CI-StPaul\\_Contact-Council](#); [CouncilHearing \(CI-StPaul\)](#)  
**Subject:** Saint Paul Regional Labor Federation support for Administrative Citations  
**Date:** Wednesday, January 15, 2025 11:44:49 AM  
**Attachments:** [1.15.25 Administrative Citations letter.pdf](#)

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Please find my letter regarding ORD 25-2 attached. Please let me know if you have any questions.

Thanks,  
Kera

**Kera Peterson**

**President**

Saint Paul Regional Labor Federation, AFL-CIO

[\(651\) 222-3787 x118](tel:(651)222-3787x118); <http://www.stpaulunions.org/>

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January 14, 2025

Saint Paul City Council  
15 Kellogg Blvd. West, 310 City Hall  
Saint Paul, MN 55102

Dear Council President Jalali and Councilmembers:

I write today on behalf of the Saint Paul Regional Labor Federation, AFL-CIO (SPRLF) to encourage you to amend the City's charter to allow for administrative citations to be levied through a civil law process, instead of only imposing misdemeanor criminal penalties. The Saint Paul Regional Labor Federation is comprised of more than 100 affiliated unions and more than 50,000 union members living in the Twin Cities East Metro, including more than 15,000 union members who live in the City of Saint Paul.

The City of Saint Paul's Earned Sick and Safe Time (ESST), Municipal Minimum Wage, and Wage Theft ordinances ensure basic standards for many workers in our city. Administrative citations are mechanisms that will allow for better enforcement of, and increased compliance with, our municipal ordinances.

As a member of the City of Saint Paul's Labor Standards Advisory Committee, I know that City staff in the Human Rights and Equal Economic Opportunity Department work hard to educate employers and workers about the municipal ordinances, and that they work hard to make sure these ordinances are applied in as fair a manner as possible. The introduction of civil administrative citations will make their enforcement efforts more fair and more efficient for workers and employers. It would allow the city to avoid burdening people with criminal convictions. And it would absolutely make a difference for low-wage workers who are not being paid fairly in our city.

This common-sense tool is used by cities across the country and throughout Minnesota, and the Saint Paul City Council should add it to its toolkit. As elected officials you have the ability, with public process, to determine how it would be implemented. Please vote yes on Ord 25-2.

Sincerely,

Kera Peterson  
President  
Saint Paul Regional Labor Federation

Opeiutc#12lt

**From:** [Nick Petrucelle](#)  
**To:** [\\*CI-StPaul\\_Contact-Council](#)  
**Subject:** Admin Citations  
**Date:** Wednesday, January 15, 2025 11:59:51 AM

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You don't often get email from nick@iron512.com. [Learn why this is important](#)

My name is Nick Petrucelle,

I am writing the St. Paul city council to let you know I am in support of Admin Citations. I feel they can be a very effective tool in the fight for Labor and fair treatment of the citizens of St. Paul when it comes to wage theft issues and those who avoid following the rules or answering to inquiries on the rules. I hope you see the importance of this and also vote in favor.

My apologies for not being able to make it in person this afternoon. I hope each one of you have a great day and an equally as great meeting this afternoon.

Thank you,

Nick Petrucelle  
Ironworkers Local 512  
851 pierce butler Route  
St. Paul, MN 55104  
612-865-3102

**From:** [Rick Varco](#)  
**To:** [\\*CI-StPaul\\_Contact-Council](#)  
**Subject:** SEIU HCMNIA Admin Citations Letter  
**Date:** Wednesday, January 15, 2025 1:47:59 PM  
**Attachments:** [SEIU HCMNIA Admin Citations Letter 01.15.25.pdf](#)

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You don't often get email from rick.varco@seiuhcmnia.org. [Learn why this is important](#)

Please include the attached letter for the hearing tonight.

Rick Varco  
SEIU Healthcare MN & IA

This communication, including any attachments, may contain information that is proprietary, privileged, trade-secret, or confidential. If you are not the intended recipient, you are hereby notified that you are not authorized to read, print, retain a copy of or disseminate any portion of this communication without the consent of the sender and that doing so may be unlawful. If you have received this communication in error, please immediately notify the sender via return email and immediately delete it from your system.



January 15, 2025

Council President Jalali & Councilmembers:

**Jamie Gulley**  
President

SEIU Healthcare Minnesota & Iowa represents over 50,000 Minnesota healthcare workers, including several thousand who live and/or work in St. Paul. On their behalf, I strongly urge you to pass the Charter Amendment to allow St. Paul to enforce city ordinances through civil administrative fines. This long overdue measure will strengthen worker protections and promote racial equality.

**Jigme Ugen**  
Executive Vice President

We have been proud to work with Mayors and City Council members over the last decade to pass landmark ordinances like Earned Sick and Safe Time, the \$15 minimum wage, rent stabilization, and the recent wage theft ordinance. But these ordinances, like a Union contract, are only as good as they are enforced.

**Phillip Cryan**  
Executive Vice President

Currently, if St. Paul staff are unable to negotiate a settlement for labor violations, they must pursue a criminal case. Wealthy corporations have the money and time to drag out these cases while workers wait and try to make ends meet without the pay, they are owed.

**Brenda Hilbrich**  
Executive Vice President

**Rasha Ahmad Sharif**  
Executive Vice President

That is why almost every other city in Minnesota and the country has the power of civil administrative fines to enforce their ordinances. If you deny St. Paul residents this power, you deny them the full benefit of their own ordinances. We fought too hard for these victories to tell our St. Paul residents that they can only get second class enforcement.

The Charter Amendment also promotes our Union's goal of racial justice. We know that "Black workers have the highest share of those who are paid the minimum wage among all major racial and ethnic groups in the United States" (Washington Center for Equitable Growth, Oct. 2020). In addition, in light of police abuse in Ferguson and Minneapolis, we strongly support efforts to move towards more non-criminal enforcement mechanisms. Failing to pass this Charter Amendment will mean more SEIU members caught up in the criminal justice system for minor city offences.

On behalf of our members, I strongly encourage you to vote Yes on Ord 25-2.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Phillip Cryan", is written over a faint, larger version of the same signature.

Phillip Cryan  
Executive Vice President  
SEIU Healthcare MN&IA

345 Randolph Avenue  
Suite 100  
St. Paul, MN  
55102

651.294.8100  
800.828.0206  
(fax) 651.294.8200  
[www.seiuhcmnia.org](http://www.seiuhcmnia.org)

PC:kjc/opei#12



**From:** [Polly Heintz](#)  
**To:** [Greg Weiner](#)  
**Subject:** FW: Administrative Citations  
**Date:** Wednesday, January 15, 2025 1:55:18 PM  
**Attachments:** [SUPC 2025 Administrative Citations Letter \(1\).pdf](#)

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**From:** Jens Werner <jens@summit-university.org>  
**Sent:** Wednesday, January 15, 2025 1:53 PM  
**To:** #CI-StPaul\_Ward1 <Ward1@ci.stpaul.mn.us>  
**Subject:** RE: Administrative Citations

**Think Before You Click:** This email originated **outside** our organization.

Hello Councilmember Bowie,

Please see the attached letter from SUPC regarding Administrative Citations.

Thank you,

Jens

--

Jens Werner  
Executive Director  
Summit University Planning Council  
651-228-1855  
[www.summit-university.org](http://www.summit-university.org)

[Like SUPC on Facebook!](#)  
[Sign up for our newsletter!](#)

Dear Saint Paul City Council Members,

I am writing on behalf of the Summit-University Planning Council, representing District 8 in Saint Paul, which encompasses the Cathedral Hill and Rondo neighborhoods. The diverse demographics of these neighborhoods have afforded us the opportunity to identify inequitable trends associated with city processes.

In recent years, we have observed that the current DSI complaint-based summary abatement order system disproportionately affects the Rondo neighborhood compared to Cathedral Hill. We have consistently voiced our concerns regarding the need for a review of this system, particularly in light of potential racial disparities. The “quasi-judicial” legislative hearings are particularly troubling, as they mimic a court process without offering adequate protections for community members.

When Administrative Citations were proposed in 2021, we opposed their implementation due to concerns that they would replicate the existing DSI process, including the “quasi-judicial” court model. We recommended conducting a racial impact study and holding community forums prior to any adoption. The U.S. Commission on Civil Rights produced a report highlighting the dangers of fines and fees, which resonates with our concerns:

*“Key findings include that unchecked discretion or stringent requirements to impose fines or fees can lead and have led to discrimination and inequitable access to justice when not exercised in accordance with the protections afforded under the Due Process and Equal Protection Clauses of the United States Constitution.”*

As we approach 2025, we are disappointed to see that the consideration of Administrative Citations has resurfaced without meaningful steps to assess the associated risks. Our opposition remains firm, and we strongly recommend that the proposal not be adopted until the following actions are taken:

- Review the U.S. Commission on Civil Rights Report: Targeted Fines and Fees Against Communities of Color.
- Conduct an equity study to analyze the current DSI system and identify potential weaknesses in the proposed Administrative Citation system that may negatively impact community members.
- Collaborate with community leaders and organizations with relevant expertise to establish safeguards that can be implemented before any changes to the charter.

We wish to express our appreciation for the intent behind this proposal and support the positive outcomes you aim to achieve. We share your commitment to holding negligent landlords and employers accountable. We recognize your genuine concern for the community, which drives this initiative forward.

Thank you for your serious consideration of these issues. We urge you to also take into account the civil liberties of your constituents and ensure that any implemented measures are thoroughly studied to prevent unintended harm.

Sincerely,

Jens Werner  
Executive Director  
Summit-University Planning Council  
jens@summit-university.org

**From:** [Polly Heintz](#)  
**To:** [Greg Weiner](#)  
**Subject:** FW: Testify on Administration Citations: Today 3:30 p.m.  
**Date:** Wednesday, January 15, 2025 2:02:20 PM  
**Attachments:** [Outlook-lqpbsoby.png](#)

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**From:** Faith Dietz <faithinthemidway@gmail.com>  
**Sent:** Wednesday, January 15, 2025 7:36 AM  
**To:** Anika Bowie <Anika.Bowie@ci.stpaul.mn.us>  
**Cc:** Biftu Adema-Jula <Biftu.Adema-Jula@ci.stpaul.mn.us>; Polly Heintz <polly.heintz@ci.stpaul.mn.us>  
**Subject:** Re: Testify on Administration Citations: Today 3:30 p.m.

Some people who received this message don't often get email from [faithinthemidway@gmail.com](mailto:faithinthemidway@gmail.com). [Learn why this is important](#)

**Think Before You Click:** This email originated **outside** our organization.

Good morning Councilmember

Thank you for your email. The Fines and Fees Justice Center has provided examples of equitable practices in their work.

There is also a model that the City of San Francisco began in 2019. There are a number of people to drive with including the Reparations Committee and members of PERC.

There are options if we can keep bridging and building.

Thank you.  
Faith Dietz  
Midway resident

On Wed, Jan 15, 2025, 7:00 AM Anika Bowie <[Anika.Bowie@ci.stpaul.mn.us](mailto:Anika.Bowie@ci.stpaul.mn.us)> wrote:

## **Good morning Residents & Community Stakeholders,**

**I am reaching out to invite you and our community to an important public hearing on Administrative Citations (Civil Fees & Fines) happening TODAY, Wednesday, January 15th, at 3:30 p.m. in the City Council Chambers (Room 300, Third Floor).**

The proposed legislation would expand the city's authority to issue fines and fees for violations of city policies and codes through civil court. This hearing is an opportunity for you and the broader community to share your perspectives and advocate for equity and reparative justice in enforcement practices.

**Ward 1 NEEDS TO ENSURE EQUITY IS PRACTICED** through a process that prioritizes:

- **Community-Driven Solutions:** Establishing a strategic working group of diverse stakeholders to review all proposed ordinance changes and prevent unintended consequences.
- **Harm Reduction:** Creating an equitable framework for fees and fines that address the root cause and specify tools for people who are unwilling versus those unable to comply with city codes.
- **Data-Informed Decisions:** Conducting a comprehensive historical analysis of the impact of

finances and fees enforcement across all city departments.

- **Reparative Justice:** Ensuring that citations are not used to generate city revenue, but rather to fund reparative practices such as rental assistance, affordable housing development, and worker protections.

## How You Can Help

- **Testify at the Hearing:** Share your voice, demands, and personal stories at the public hearing.
- **Submit a Letter:** Email your thoughts to my office at [ward1@ci.stpaul.mn.us](mailto:ward1@ci.stpaul.mn.us) by 3 p.m. on Wednesday.
- **Advocate for Change:** Push for equity in all city policies.

As your council member, I strongly believe in the need for fair enforcement tools that protect our community while upholding equity and justice. People who commit wage theft or are slumlords in our city should be held accountable and face consequences. However, history has shown us that even well-intentioned policies can have unintended negative impacts.

Now is the time to ensure our city's actions reflect its commitments to accountability, transparency, and restorative justice.

Thank you for your partnership and dedication to building a more equitable city. I look forward to seeing you at the hearing.

Sincerely,



### Anika Bowie

Ward 1 Councilmember

Pronouns: she/her

Saint Paul City Council

310 City Hall, [15 W. Kellogg Blvd.](#)

[Saint Paul, MN 55102](#)

P 651-266-8610

[Ward1@ci.stpaul.mn.us](mailto:Ward1@ci.stpaul.mn.us)

[www.StPaul.gov](http://www.StPaul.gov)

**From:** [Polly Heintz](#)  
**To:** [Greg Weiner](#)  
**Subject:** FW: Testify on Administration Citations: Today 3:30 p.m.  
**Date:** Wednesday, January 15, 2025 1:58:28 PM

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**From:** Caty Royce <caty@frogtownmn.org>  
**Sent:** Wednesday, January 15, 2025 9:05 AM  
**To:** Anika Bowie <Anika.Bowie@ci.stpaul.mn.us>  
**Cc:** Biftu Adema-Jula <Biftu.Adema-Jula@ci.stpaul.mn.us>; Polly Heintz <polly.heintz@ci.stpaul.mn.us>  
**Subject:** Re: Testify on Administration Citations: Today 3:30 p.m.

**Think Before You Click:** This email originated **outside** our organization.

A fund should be allocated that would help poor folks caught up in the city's administrative application of the ordinance pay the fine/cost of the action!

**Caty Royce, Frogtown Neighborhood Association**  
**651-276-3092**

***"There is never a moment in the future in which we will work out our salvation. The challenge is in the moment; the time is always now." James Baldwin***

**From:** [Kayla Fearing](#)  
**To:** [\\*CI-StPaul\\_Contact-Council](#)  
**Subject:** Ordinance 25-2  
**Date:** Wednesday, January 15, 2025 2:57:00 PM

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Hello Distinguished Ladies of the City Council,

I live at Saint Paul- as you know, I'm very proud of my Saint Paul roots of west 7th, my growing up on the west side, and now renting over in the north end. I am intrigued on Ordinance 25-2, as well as, deeply concerned;

Please Vote YES on Ordinance 25-2, which would amend the City Charter to use civil administrative fines to enforce ordinances.

I have testified before (September 2023) about my concerns about using criminal charges to enforce our local cannabis ordinances, and how Saint Paul treats cannabis. As a patient consultant, I strongly feel that criminal charges can have bad consequences for employments and housing. I've seen it. I've experienced it.

Amending the charter to allow civil administrative fines, would mean we could create non-criminal methods to enforces our cannabis ordinance, within Saint Paul.

Thank you for your consideration.  
Please feel free to reach out individually with any comments and concerns.

**Kayla Fearing**  
**Healing Fear Consulting**  
**651-307-9269**

*[Your Friend in HeaLTHCare](#)*

Go from Opioids to Cannabis, a Cannabinoid at a time.



[Please leave Healing Fear Consulting a review on Google](#)

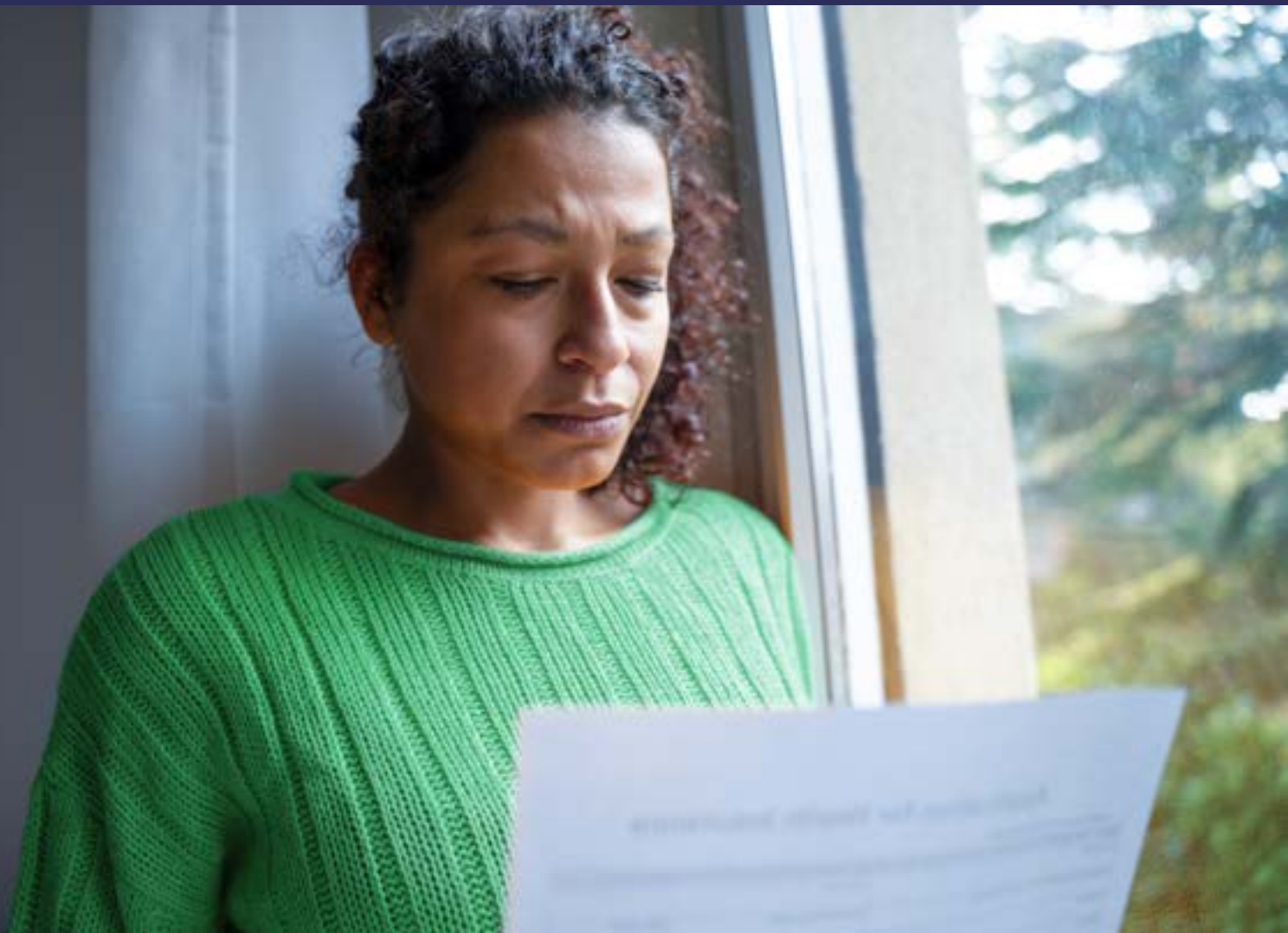


# First Steps Toward More Equitable Fines and Fees Practices

By: Shanelle Johnson

Updated September 2024

Policy Guidance on Ability to Pay Assessments, Payment Plans,  
and Community Service





# First Steps Toward More Equitable Fines and Fees Practices

Policy Guidance on Ability to Pay Assessments, Payment Plans, and Community Service

## About Us

The **Fines and Fees Justice Center (FFJC)** is catalyzing a movement to eliminate the fines and fees that distort justice. Our goal is to create a justice system that treats individuals fairly, ensures public safety and community prosperity, and is funded equitably. We work together with affected communities and justice system stakeholders to eliminate fees in the justice system, ensure that fines are equitably imposed and enforced, and end abusive collection practices. Visit [ffjc.us](https://ffjc.us) and follow [@FinesandFeesJC](https://twitter.com/FinesandFeesJC) on Twitter to get the latest updates on local, state and national fines and fees reforms.

## Contact

If you have any questions or require any more information within this report, please contact us at [info@ffjc.us](mailto:info@ffjc.us)



## I. First Steps – Not Long-Term Solutions

The Fines and Fees Justice Center (FFJC) advocates for the elimination of all fees imposed in the criminal legal system and for the imposition of fines only in cases in which the sentence does not include a term of incarceration or supervision. If imposed, fines should be both tailored to the offense and proportionate to an individual's financial circumstances. Further, no fines or fees should ever be assessed in juvenile cases.

**FFJC continues to advocate for the elimination of all fees, but where fees continue to exist, and whenever any fines are imposed, a meaningful process for assessing a person's ability to pay is critical.**

Unfortunately, fees and disproportionate fines remain a reality in jurisdictions across the country. Where fees continue to exist, and whenever any fines are imposed, a meaningful process for assessing a person's ability to pay is critical. This resource provides evidence-based guidance for jurisdictions that currently have or are looking to implement ability to pay assessments, payment plans, and/or community service as an alternative to fines, fees, or other monetary sanctions. This guidance in no way signals a retreat from FFJC's policy goals of eliminating fees in the criminal legal system and ensuring that fines are equitably imposed and enforced. FFJC also believes fines should never be imposed when other sanctions or financial obligations are also imposed in a case. However, until these reforms can be achieved, meaningful ability to pay determinations remain our next best tool towards achieving fairness and equity.

Ability to pay assessments provide a transparent and consistent framework for courts to better ensure people can afford to pay the fines and fees assessed by the court. Though many jurisdictions recognize the necessity of determining ability to pay, very few actually meet the minimum constitutional

requirements for assessing fines and fees. These guidelines are intended to show jurisdictions what meaningful and workable ability to pay systems can look like. We understand that local situations will need local customization, which is why we include localization tools and suggestions in this guide. However, further customization may be required.

By promulgating this guidance, FFJC recognizes that in some jurisdictions interim measures like these have been or will be adopted – and that to reduce harm to individuals, their families and communities, policy guidance is necessary and helpful. Jurisdictions should strive to meet the standards outlined here but should not reject ability to pay reforms simply because they are not completely in line with this guidance.

### Ability to Pay Assessments

An ability to pay assessment is the evaluation of an individual's ability to pay a fine, fee or other monetary sanction. These assessments ensure that fines are proportionate and offer an interim solution for jurisdictions that have not yet eliminated all of their fees.

### Payment Plans

After a court conducts an ability to pay assessment, and appropriately waives and or reduces the amount owed, reasonable payment plans are necessary to ensure that people can meet their own needs, as well as the needs of their families, while paying off their court debt. Payment plans are also useful in jurisdictions that lack the authority to consider an individual's ability to pay.

### Community Service

Community service offers individuals an alternative to monetary sanctions that better meets the community's interest in public safety and accountability. When chosen by the individual, assigned in consideration of an individual's family, work, or education obligations, credited at a reasonable amount, and defined broadly, community service may offer an appropriate way to comply with monetary sanctions.

**This guidance is most effective when all three of these policies are adopted and implemented in unison. Together, these policies (1) ensure fairness, (2) are consistent with constitutional requirements for the assessment of financial sanctions in the criminal legal system, and (3) improve court efficiency and make it less costly for jurisdictions to monitor debt payment.**

## II. Ability to Pay Assessments

### Individualize Ability to Pay Assessments

Before assessing fines, fees, or any other monetary sanctions, courts must make a finding that the individual has the current ability to pay the amount imposed.<sup>1</sup> If a person's financial situation changes, the court must allow the individual to request a new determination of their ability to pay and a recalculation of the total fines, fees, or any other monetary sanctions owed.

- "Ability to pay" refers to the current capability of a person to pay court-ordered fines, fees, or any other monetary sanction owed, without economic hardship.
- Prior to imposing a fine and/or fee, courts have an affirmative obligation to inquire about and assess a person's ability to pay.
- Notice of the jurisdiction's obligation to determine ability to pay and to waive or reduce fines, fees, or any other monetary sanctions due, must be provided in plain language:
  - » on any citation issued;
  - » on the court's website;
  - » on any online payment site;
  - » in any court FAQs;
  - » at any hearing where fines, fees, or any other monetary sanctions will be assessed or are at issue.
- The notice must be translated into all applicable languages and include the process and standards that will be applied to determine ability to pay.
- Ability to pay assessments are not waivable by an individual or their counsel.

### Presumptions Against an Ability to Pay

Ability to pay policies must include a presumption that some individuals will not have the ability to pay any fine, fee, or other monetary sanction. The government bears the burden of rebutting the presumption, but where it applies, courts must waive all fees within their discretion, reduce the fine to the lowest amount allowed by law, including full waiver of the fine, waive all fees, and consider an alternative sanction.<sup>2</sup>

**It must be presumed that a person does not have the ability to pay under any of the following circumstances:**

- current receipt of any needs-based public assistance/benefits;
- spent any period of time in a residential mental health facility within the last six months;
- earns less than HUD's "very low" individual income limit for public housing;
- developmental disability;
- total or permanent physical disability;
- minor (presently or at the time the offense was committed);
- experienced homelessness in the previous 12 months;
- will be sentenced to a term of more than 30 days incarceration for the instant offense
- currently in custody, sentenced to custody for at least 30 days, or released from a term of at least 30 days in jail or prison within the past 6 months;
- eligible for representation by a public defender
- is a full-time student

<sup>1</sup> The Fines and Fees Justice Center advocates for elimination of all fees imposed in the criminal legal system and for the imposition of fines only in cases when the sentence does not include a term of incarceration or supervision. If imposed, fines should be both tailored to the offense and proportionate to an individual's financial circumstances. No fines or fees should ever be assessed in juvenile cases. An individual must be convicted of an offense before a court can assess fines, fees or other monetary sanctions.

<sup>2</sup> Jurisdictions should consider incorporating alternatives to imposing punitive financial obligations at the outset in lieu of assessing a fine. See the discussion of alternative to fines in Localizing & Implementation Ability to Pay Reforms for more information

If a presumption does not apply, the jurisdiction must calculate a person’s current total monthly income (including wages and excluding any child support or Supplemental Security Income or funds received through other court-ordered financial obligations such as restitution<sup>3</sup>), and determine the number of persons in the family. In making these determinations, the court must use the information provided by the individual.



### Tying Amounts to a Person’s Income

The fine amount owed must be assessed according to the following guidelines using HUD’s “very low-income”<sup>4</sup> limits for the jurisdiction:

ASSESSED AMOUNTS BY INCOME					
PERSON’S INCOME ( COMPARED TO THE HUD VLIL FOR THE CORRESPONDING FAMILY SIZE IN THAT JURISDICTION )	income is less than HUD’S VLIL for the jurisdiction	income is 1 to 1.25 x HUD VLIL for the jurisdiction	income is 1.25x to 1.5 x HUD VLIL for the jurisdiction	income is 1.5 to 2 x HUD VLIL for the jurisdiction	income is greater than 2 x HUD VLIL for the jurisdiction
<b>FINES OWED:</b>	<b>Waived or Lowest Amount Allowed by law</b>	<b>0-25% of the fine</b>	<b>0-50% of the fine</b>	<b>0-75% of the fine</b>	<b>0-100% of the fine</b>
<b>WAIVE ALL FEES WHERE NOT MANDATED BY LAW</b>					

3. Income calculations for the purpose of ability to pay determinations should be limited to wages and earnings for employment. Social security benefits and other forms of unearned income such as child support generally can’t be taken by a creditor and are protected from debt collection. See Determining the amount of Fines and Fees owed in Section VI. Background for more.

4. [https://www.huduser.gov/portal/datasets/il.html#2020\\_query](https://www.huduser.gov/portal/datasets/il.html#2020_query)

- If the income corresponding with the number of people in the family of the individual being sentenced is less than HUD’s “very low-income” limit, the court should reduce the fine to the lowest amount allowed by law,<sup>5</sup> including full waiver of the fine, waive all fees, and consider an alternative sanction.
- If the income corresponding with the number of people in the family of the individual being sentenced is between 1 and 1.25 times HUD’s “very low-income” limit, all fees must be waived and the individual owes up to 25% of the fine.
- If the income corresponding with the number of people in the family of the individual being sentenced is between 1.25 and 1.5 times HUD’s “very low- income” limit, all fees must be waived and the individual owes up to 50% of the fine.
- If the income corresponding with the number of people in the family of the individual being sentenced is between 1.5 and 2 times HUD’s “very low-income” limit, all fees must be waived and the individual owes up to 100% of the fine
- If the income corresponding with the number of people in the family of the individual being sentenced is greater than 2 times the HUD’s “very low-income” limit, all fees must be waived and the individual will owe 100% of the fine, absent extraordinary circumstances.

All jurisdictions should refrain from imposing any fees, regardless of income or ability to pay. If a court does not have the jurisdiction to waive fees, the court should determine the fee amount owed alongside the fine amount (i.e., if the income corresponding with the number of people in the family of the individual being sentenced is between 1 and 1.25 times HUD’s “very low-income” limit, the individual owes 25% of both the fine and fee amounts. After the court determines a person’s ability to pay and assesses any fines, fees, or other monetary sanctions, it must allow payment plans as an acceptable payment method. The court must also

offer to convert the reduced amount to an alternative method of fulfillment — such as community service. If a person is sentenced to a period of incarceration, payment of any monetary sanctions must be deferred until at least 6 months after the person is released from custody. No interest should accrue on the amount due.

### III. Payment Plans

#### Creating a Workable Payment Plan

After determining an individual’s ability to pay and waiving or reducing fines, fees, or any other monetary sanctions accordingly, courts must permit individuals to enroll in a payment plan.

- Courts must not charge a fee or down payment of any kind to enroll, nor should there be a minimum total debt required to qualify for enrollment in a payment plan.
- Individuals must be made aware of the availability of payment plans at the time the citation is issued, when monetary sanctions are assessed by the court, in the event of any default in payment, and at any time a person makes a payment. Policies must preserve the right of individuals to request enrollment or an adjustment to the terms of a payment plan at any time, given unforeseen circumstances or substantial changes in income.
  - » If a person incurs late fees or penalties because of a change in their financial circumstances, those fees and/or penalties must be waived.

5. Some states impose mandatory minimum fines or fees, though some courts have ruled them to be unconstitutional. See, e.g., *State v. Gibbons*, 2024 MT 63 (Mont. 2024). Where statutory mandatory minimums are in place, the court might not have the discretion to reduce amounts under some of the tiers we propose. However, where judges have discretion, these tiers provide a viable framework.

## Setting Achievable Payment Amounts

Required monthly payment amounts must not exceed 2% of an individual's monthly net income (including wages and excluding any child support or Supplemental Security Income) or \$10 — whichever is greater.

- If a jurisdiction has more than one case open for a person against whom fines, fees, or any other monetary sanctions have been assessed, the monthly payment plan must include the amounts assessed for all of the cases.
- A person's monthly net income must include their total income from all sources minus deductions required by law including, but not limited to, administrative or court-ordered garnishments and support payments.
- If a person makes 12 payments within 15 months, the remaining balance of the fines, fees, or any other monetary sanctions owed must be forgiven.
- If a person is sentenced to a period of incarceration, payment of any monetary sanctions must be deferred until at least 6 months after the person is released from custody, with no interest accrual.

## Reenvisioning Responses to Nonpayment

An individual must never be incarcerated, have their probation extended, be denied services, or have their driver's license suspended as a punishment for missed payments. A warrant should never be issued or executed for any failure to pay.<sup>6</sup>

Nonpayment is typically a signal that the required amounts remain unattainable, rather than a willful disregard of court orders.

**An individual must never be incarcerated, have their probation or parole extended, be denied services, or have their driver's license suspended as a punishment for missed payments. A warrant should never be issued or executed for any failure to pay.**

Courts must utilize the following options when an individual does not make a timely payment under the terms of the payment agreement:

- » notify the person that an installment payment has been missed and of the process by which the court can reconsider their ability to pay or to revise the terms of their payment plan, if needed;
- » revise the terms of the current payment plan (amount, number of payments per month, payment due dates, etc.) or reassess a person's ability to pay and adjust the amount owed;
- » offer alternate payment arrangements such as the completion of community service instead of a monetary payment;
- Court must not refer the debt to collections unless the court has determined that nonpayment was willful.

## IV. Community Service

After considering a person's ability to pay and waiving or reducing fines, fees, or any other monetary sanctions so that they are commensurate with a person's ability to pay, courts may offer community service as an alternative form of payment.

- Community service can offset part, or all, of any monetary sanction owed to the court.
- The choice of whether to pay money or perform community service must always be the individual's.

6. See [Driver's License Suspension for Unpaid Fines and Fees](#): The Movement for Reform for more on the array of sanctions jurisdictions have imposed for nonpayment of fines and fees and efforts to combat the devastating consequences.

## Allow a Wide Range of Activities to Qualify as Community Service

- Courts must allow people to attend school, including online courses, GED test preparation classes, job training, work readiness and life skills training, drug rehabilitation, social service programs, and participate in other activities to fulfill community service hours.
- Courts must partner with community organizations to create community service options that include comprehensive sources of support and services, such as employment opportunities, job skills training, and mental health and substance use evaluation and treatment.
- The types of community service options offered must consider the variety of circumstances that may impact a person's ability to perform community service.

Circumstances include, but are not limited to:

- » significant physical or mental impairment or disability;
- » pregnancy and childbirth;
- » substantial family commitments or responsibilities, including child or dependent care;
- » work responsibilities and hours;
- » transportation limitations;
- » homelessness or housing insecurity; and
- » any other factor the court determines relevant.

If the court determines that the consideration of these factors indicates that performing community service would impose hardship, the court must waive the fines, fees, or any other monetary sanctions owed.

- Individuals must not be required to pay a registration or participation fee, including insurance, for community service.

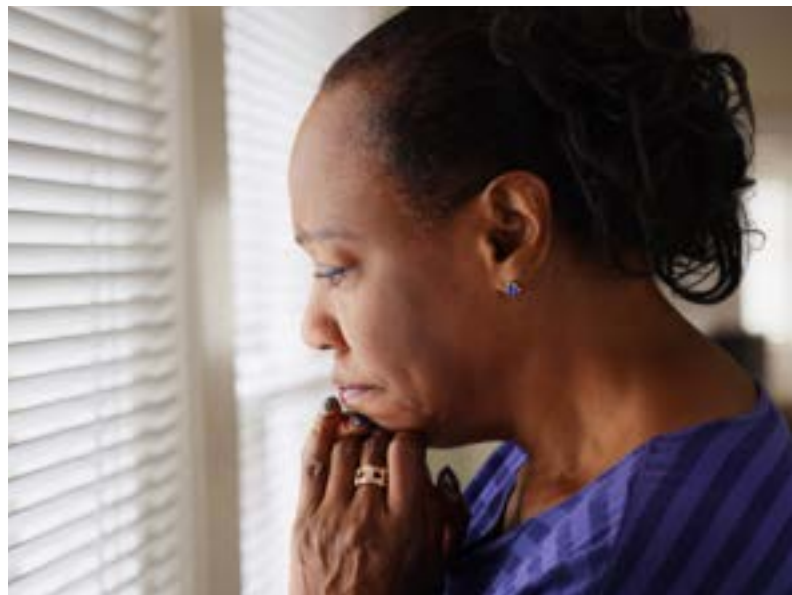
- Courts cannot require individuals to perform more than 16 hours of community service per month.
- Participants must be afforded the same workplace protections as employees, at no cost.

## Converting Dollar Amounts to Appropriate Credit Hours

Courts must convert the fines, fees, or other monetary sanctions owed into an amount of community service hours that is appropriate given the original offense and the person's other commitments and obligations.

Options include:

- Credit an hour of community service toward court debt at no less than twice the state or local (whichever is higher) minimum wage.
- If a person has a trade or profession for which there is a community service need, the hourly credit rate for each hour of community service must be the average prevailing wage for the trade or profession.
- Implement a cap on community service hours required to fulfill the entire sentence.





## V. Implementation, Data Collection, and Reporting

Jurisdictions implementing ability to pay determinations into their court processes should, as a part of implementation, record and collect the following data for each instance where fines and fees are assessed, waived, or reduced as part of the court's ability to pay process. Collection of such data will help demonstrate the positive outcomes resulting from implementation of the ability to pay processes, including increased rates of compliance and reduced costs of collection that will result from assessing income-based fines.

**At a minimum, data collected should include:**

- Amount of the original fine and fee before waived, reduced, or modified
- Amount imposed
- Total amount collected

**For a more in depth system evaluation, jurisdictions should also capture the following:**

- Presumptions affecting imposition of a fine that were applied
- Alternatives to payment provided
- If an installment payment plan is used, the monthly amount due and the total length of the payment plan in months
- Whether the assessment has been paid in full as originally ordered by the court (date, amount etc.)
- Past due balance
- Subsequent reductions or revisions to initial order
- Amount of any outstanding balance that is remitted, waived, or otherwise no longer due

## VI. Localizing & Implementing Ability to Pay Reforms

Our goal with the previous sections has been to provide policymakers with a clear and concise look at ability to pay assessments and other payment alternatives. This section is intended to give deeper information and greater explanations of some of the concepts and choices made earlier in this policy guidance. Our hope is to provide greater context or to contextualize the reforms as people consider the best ways to look to put ability to pay reforms into practice.

### Defining Economic Hardship

“Ability to pay” refers to the overall capability of a person to pay the court ordered fines, fees, and other monetary sanctions without economic hardship. At a minimum, a definition of economic hardship should consider an individual's ability to pay the court-ordered fines and fees without having to forgo basic living necessities such as food, shelter, clothing, medical expenses, or child support.

### Waiving Fees and Reducing Fines

Ability to pay determinations should include the application of presumptions where appropriate. To protect court efficiency, an exhaustive list of rebuttable presumptions of inability to pay should be considered where an individual asserts that their income or financial circumstances are so limited that they have no disposable income and there is no amount they would reasonably be able to pay without economic hardship. If any of the presumptions listed earlier in this guidance—or any other locally identified presumptions that generally indicate people will be unable to pay—apply, and the state is unable to prove otherwise, the court should waive all of the individual's fees within the court's discretion and reduce the fine to the lowest possible amount allowed by law.

## Determining the Amount of Fines and Fees Owed Using Available Federal Poverty Figures

When a presumption of inability to pay does not apply, courts should conduct an assessment of an individual's ability to pay. Once a court determines income, the guidance recommends reductions in fines and fees that are aligned with the [Housing and Urban Development's \(HUD\) "very low" annual income limits](#). Where a court does not have the authority to waive fees, the court should reduce fees as permitted by law and factor any remaining fees into the calculation. The HUD income limits are specific to each jurisdiction and updated annually; policies should be adjusted accordingly.

HUD defines family as one or more individuals who live together, not necessarily related by blood or law. For the full explanation visit:

FFJC recommends using the "Very Low Income Limit" (VLIL) for public housing developed by the U.S. Department of Housing and Urban Development (HUD) as the standard measure of poverty, rather than the common "poverty level" used by the Department of Health and Human Service. The HUD VLIL is calculated annually at the state and county level for various family sizes, whereas the HHS metric is an average of the lower 48 U.S. States. Moreover, the HUD VLIL is based on a formula that takes into account the cost of living, whereas the HHS standard is based on a calculation by the U.S. Census Bureau for what it costs to feed a family based on nutritional parameters set in 1963.

The ranges provided are guidelines to help judges assess the fairness of a fine and its proportionality to a person's ability to pay. Beyond the number of dependents and reasonable living expenses, courts should consider other financial obligations that deplete a person's income, including but not limited to mandatory loan payments and court-ordered restitution or child support.

As an alternative to using the HUD very low annual income limits, jurisdictions can consider implementing the Internal Revenue Services' Collection Financial Standards. These standards are used to help determine the ability to pay a

delinquent tax liability and include an accounting of necessary expenses, allowing a certain amount monthly for their family size. The standards for food, clothing, and out of pocket health expenses apply nationally, while housing and utilities and transportation vary by location. All standards are updated annually.

If jurisdictions choose to use the poverty figures other than the HUD VLIL, they should understand that it is not a 1-for-1 substitution in our guidance ranges. The HHS poverty level is significantly lower and is calculated using a formula developed in the 1960s based on what people spent on food. As a result, it is outdated and does not provide a true picture of poverty. It fails to account for expenses such as healthcare, housing, transportation, education, and childcare, all of which are exponentially more impactful on one's cost of living than food prices alone. It is still used in many areas of government because it is administratively easy, however recognizing its limitations, federal benefits have qualifying thresholds well above the HHS poverty guidelines. It is not uncommon to see agencies discussing incomes at 300% or 400% of the federal poverty level. Moreover, the HHS poverty level is a national average that does not account for regional economic differences. If jurisdictions use the HHS poverty level as a base, they should use significantly higher ranges and thresholds to account for the underestimation of cost of living in those figures.

Regardless of which standard of poverty a jurisdiction uses, using a published and annually updated poverty standard figure is key to ensuring ongoing fairness in ability to pay determinations.

## Extraordinary Circumstances

Where an individual earns over 400% of the HUD standard, the individual should owe the standard fine amount, absent extraordinary circumstances. To determine whether extraordinary circumstances exist, a court should consider all factors relevant to an individual's current financial circumstances. After considering information, courts should exercise discretion in deciding whether and how much of the fine amounts should be waived or reduced.



### Factors courts should consider include (but are not limited to):

- receipt of public benefits;
- employment status and net monthly income from employment;
- routine monthly costs (rent, utilities, food, clothing, transportation and child/spousal support);
- household size/number of dependents;
- child/spousal support;
- mental or medical expenses for the conditions/ impairments;
- likelihood of obtaining employment within 6 months/ability to earn;
- court ordered restitution;
- other debts;
- other extraordinary expenses

### Alternatives to Fines

Ability to pay determinations are intended to help courts limit the excessive harms of fines and fees by increasing understanding of the process, emphasizing fairness and transparency, and reducing confusion – all of which help to improve court efficacy and increase the likelihood of compliance with the court order. However, the process of being brought to court, charged with an offense, being placed under scrutiny and having a judge evaluate your income and ability to pay can still be burdensome, intense, and time consuming and should be viewed as a measure of accountability in and of itself.

As such, jurisdictions should consider alternatives to imposing punitive financial obligations in the first place. Alternatives could include, for example, warnings for people accused or convicted of their first offense, requiring an individual to attend traffic or public safety, restorative justice, counseling, or other classes.

### Certification of Income Information

**All relevant evidence and sources of information should be considered to determine an individual's net income.**

For purposes of determining ability to pay, courts should accept self-certification of a person's financial circumstances. Courts may require individuals being sentenced to swear oaths or make statements under penalty of perjury or false statement laws. However, absent articulable independent evidence suggesting a misrepresentation, courts should not require any additional income or proof of an individual's stated income. If an individual has access to or desires to share documentation, all relevant evidence and sources of information should be considered. To encourage participation and to avoid clogging the courts by delaying determinations, courts should not require that information presented be certified beyond a self-declaration.

Research suggests that self-certification is highly reliable in a variety of court settings. For example, [one study](#) in Nebraska found that, of people who self-certified their financial conditions for purposes of appointment of counsel, 95% reported their financial situation accurately. Of the 5% who misstated their circumstances, the vast majority (24 out of every 25) overestimated their worth. Other [evaluations](#) of day-fine pilot programs in Milwaukee, WI and Staten Island, NY found a 90% accuracy rate in self-reporting of income.

Where courts have reason to believe that information presented is false or inaccurate, the court should document the basis for that doubt. Courts can use their own systems and public records to verify the information provided. Perjury or other formal criminal penalties should not be enforced for providing incorrect information, unless there is evidence of intent to defraud the court.

## Consequences for Missed Payments

An individual should never face incarceration, have their probation or parole extended, be denied services, or have their driver's license suspended for missed payments or nonpayment of fines and fees.

Instead, courts should provide notice by texts, emails, mail, voice messages, while allowing at least 60 days for the individual to respond and make arrangements before referring the debt to collections. Once a debt is referred to a collections agency, courts should monitor for compliance with the tenants of the Fair Debt Collection Practices Act.

**An individual should never face incarceration, have their probation extended, be denied services, or have their driver's license suspended for missed payments or nonpayment of fines and fees.**

## Capping Community Service Hours

Courts should consider imposing a maximum number of hours that can be required of an individual choosing to complete community service. Courts should adopt policies that are flexible and account for circumstances such as offense level, fine and fee amounts, personal and family obligations, etc., and allow an assignment that is reasonable given the circumstances.

## Developing Bench Cards

Courts should develop a bench card(s) that serves as reference for judges, courts and other decision makers on the practical application of ability to pay assessments, payment plans, and community service policies.

## Implementation, Data Collections, and Reporting

Many courts may already collect this information in case dockets, but where it is lacking, courts should consider creating new fields that allow both the recording and subsequent aggregate reporting of this data. A lack of data in fine and fee assessments and ability to pay procedures makes evaluation of these processes difficult, if not impossible.



**From:** [Polly Heintz](#)  
**To:** [Greg Weiner](#)  
**Subject:** FW: MKC Comments on Administrative Citations - Testify at City Council Wed. 1/15  
**Date:** Wednesday, January 15, 2025 4:06:27 PM  
**Attachments:** [Administration Citation Legislation.pdf](#)

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**From:** Biftu Adema-Jula <[Biftu.Adema-Jula@ci.stpaul.mn.us](mailto:Biftu.Adema-Jula@ci.stpaul.mn.us)>  
**Sent:** Wednesday, January 15, 2025 4:02 PM  
**To:** Polly Heintz <[polly.heintz@ci.stpaul.mn.us](mailto:polly.heintz@ci.stpaul.mn.us)>  
**Subject:** FW: MKC Comments on Administrative Citations - Testify at City Council Wed. 1/15

**From:** Anika Bowie <[Anika.Bowie@ci.stpaul.mn.us](mailto:Anika.Bowie@ci.stpaul.mn.us)>  
**Sent:** Wednesday, January 15, 2025 3:57 PM  
**To:** Biftu Adema-Jula <[Biftu.Adema-Jula@ci.stpaul.mn.us](mailto:Biftu.Adema-Jula@ci.stpaul.mn.us)>  
**Subject:** FW: MKC Comments on Administrative Citations - Testify at City Council Wed. 1/15

**From:** R Lynn Pingol <[rlynnp@makeecompany.com](mailto:rlynnp@makeecompany.com)>  
**Sent:** Wednesday, January 15, 2025 10:27 AM  
**To:** Anika Bowie <[Anika.Bowie@ci.stpaul.mn.us](mailto:Anika.Bowie@ci.stpaul.mn.us)>  
**Subject:** MKC Comments on Administrative Citations - Testify at City Council Wed. 1/15

**Think Before You Click:** This email originated **outside** our organization.

CM Bowie,

Due to illness, I am unable to attend today's hearing.

Before proceeding, I would like to state/clarify that these opinions are solely my own and do not reflect the views of the Saint Paul Business Review Council.

As an entrepreneur, business champion, and member of the Saint Paul business community, I am sharing the following concerns around the sections underlined in the attached PDF. This ordinance could have several negative impacts on businesses. As someone who is engaged with small businesses in particular, I see the potential challenges for businesses in Saint Paul could be:

- Adverse Perception: Fines may be viewed as punitive, potentially damaging relationships with local government.
- Barrier to Entry: New businesses might be discouraged by the risk of fines and compliance

complexity.

- Strain on Resources: Small businesses may struggle with the administrative burdens and legal costs associated with compliance and contesting fines.
- Rising Costs: Increased fines can lead to higher expenses, impacting overall profitability.
- Complicated Compliance: Tracking and complying with multiple ordinances and penalties is already a challenging process. Adding the navigation of various ordinances and their corresponding penalties can be both time-consuming and complex.
- Unpredictable Environment: Frequent changes to ordinances and penalties can introduce uncertainty, making future business planning more challenging.

Our city is already facing challenges in maintaining its commercial corridors, which are home to a significant number of small businesses. Adding this authority to impose civil penalties seems counterintuitive to the City's intent to support and assist local businesses.

Imposing additional fines and penalties could place further financial strain on these businesses, making it even harder for them to thrive. The complexity and unpredictability of navigating multiple ordinances and their associated penalties can also add a significant administrative burden, particularly for small businesses with limited resources.

Lastly, this approach could harm the relationship between local businesses and the city government, as fines may be perceived as punitive rather than supportive. This could deter new businesses from setting up shop in our commercial corridors, further hindering economic growth and development.

In summary, while the intent behind these penalties might be to enforce compliance and maintain order, the potential negative impacts on our small businesses and overall economic vitality should be carefully considered.

Should additional clarification be needed, please let me know!

Thank you!

For ease in scheduling, should you prefer to meet me via zoom or in person, please find time that works best with your schedule using my bookings tool: [My Scheduler](#)

Respectfully,

*[R. Lynn Piñgol](#)*

CEO, [MaKee Company](#)

Founder/Patent Holder, [Procurrio](#)

Chairperson - City of St. Paul Business Review Council

Mobile: 602-670-6559 MN: 651-348-8925 NV: 702-907-5110

"Impact defined: MaKee Company performance -Three years, 200+ businesses supported, 178 DBEs, MBEs, and WBEs contracted to OVER \$87M!" Clark Consulting Group

Check out our [Capability Statement](#) now!

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Tune in to [The Procurement Games Podcast](#) and watch us on [YouTube](#)

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**From:** Anika Bowie <[Anika.Bowie@ci.stpaul.mn.us](mailto:Anika.Bowie@ci.stpaul.mn.us)>

**Sent:** Thursday, January 9, 2025 10:29 AM

**Subject:** Urgent: Testify at City Council Wed. 1/15

Happy New Years,

I am reaching out to invite you and your members an important public hearing on **Wednesday, January 15th at 3:30 p.m.** in the **City Council Chambers (Room 300, Third Floor)**. The topic of discussion is the proposed legislation granting the city departments the authority to issue fines and fees for violations of city policies and codes through civil court. This is an opportunity for you and the broader community to share your perspectives and advocate for equity and restorative justice in enforcement practices.

Attached to this email, you will find the full language of the [legislation](#) that will be voted on **Wednesday, January 22nd**.

### **Why Your Voice Matters**

This vote, if passed, could have significant implications for our community. Historically, aggressive fines and fees for non-criminal offenses—such as distressed property, street soliciting, poor bookkeeping, and vacant property—have disproportionately impacted residents of color. As we continue to reckon with the promises made in the wake of George Floyd's murder, it is imperative that the city council delivers on its pledge to address harm caused by punitive enforcement policies.

We need your input to demand:

1. A **restorative model of enforcement** that supports individuals rather than penalizing them excessively.
2. A comprehensive **historical analysis of the impact** of fines and fees on vulnerable

communities.

3. A review of all potential **unintended consequences** before the legislation is adopted.

## How You Can Help

1. **Testify at the Hearing:** Bring your voice, demands, and stories to the public hearing on January 15th.
2. **Mobilize the Community:** Encourage others to attend and speak out.
3. **Advocate for Change:** Push for policies that ensure enforcement tools are equitable and do not perpetuate systemic disparities.

## As a Council Member

I strongly believe in the need for fair enforcement tools that protect our community while ensuring equity and justice. Bad actors in our city **should** be held accountable, however, history has shown us that even well-intentioned policies can lead to racial disparities and unintended collateral consequences. Now is the time to ensure that our city's actions align with its commitment to accountability, transparency, and restorative justice.

Thank you for your partnership and dedication to equity in our city. I look forward to seeing you at the hearing.

Sincerely,

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## Legislation Details (With Text)

**File #:** Ord 25-2      **Version:** 1

**Type:** Ordinance      **Status:** Agenda Ready

**In control:** City Council

**Final action:**

**Title:** Amending Chapter 6.03 of the City Charter pertaining to the application of Administrative Citations for violations of City Ordinances, based on the recommendation of the Charter Commission pursuant to Minnesota Statute section 410.12, subdivision 7.

**Sponsors:** Saura Jost, Mitra Jalali

**Indexes:**

**Code sections:**

**Attachments:** 1. Letter re Charter Commission Recommendation to Amend Charter Section 6.03.1, 2. Administrative Citations Public Hearing Notice, 3. Mark Nygard public comment

Date	Ver.	Action By	Action	Result
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Amending Chapter 6.03 of the City Charter pertaining to the application of Administrative Citations for violations of City Ordinances, based on the recommendation of the Charter Commission pursuant to Minnesota Statute section 410.12, subdivision 7.

### SECTION 1

WHEREAS, all changes to the City Charter must be recommended by the Saint Paul Charter Commission, and

WHEREAS, the Saint Paul City Council by RES 24-1572 requested the Saint Paul Charter Commission to review, approve and recommend an amendment to Chapter 6.03 of the City Charter, and

WHEREAS on November 26, 2024 and December 12, 2024 the Charter Commission considered the matter and held a public hearing on the proposed Amendment, and

WHEREAS on December 12, 2024, the Charter Commission voted, 12 in favor and 3 opposed, to recommend Chapter 6.03.1 of the City Charter be amended as follows by CCI 24-8 :

#### Section 6.03.1 - Legislative ordinances

Subdivision 1. Every act of the council which defines, licenses, regulates, suppresses, prevents or prohibits any act, business or person, grants or modifies or modifies any franchise, imposes a civil penalty or is in any way an exercise of legislative powers, shall be done by legislative ordinance. Except as otherwise provided in this Charter, such ordinances shall require an affirmative vote of at least four (4) members of the council.

Subdivision 2. With the exception of the failure to pay fines or fees, the council may establish, alter, amend or repeal an ordinance to impose a civil penalty for each violation of a city ordinance. For each ordinance the City would like to enforce using a civil penalty, the Council must adopt or amend an ordinance (a) outlining the amount of fine and other penalties that can be imposed for a first or subsequent violation of that ordinance; and (b) describing the procedure to impose civil penalties.

1. Any civil monetary penalty amount must be imposed equitably.

2. The procedure to impose civil penalties must include notice of an ordinance violation and an opportunity to be heard through an appeal process, prior to the imposition of a civil penalty. The appeal process may consider the financial circumstances of the individual or entity.
3. The district court has jurisdiction to enforce any order to pay a civil monetary penalty imposed under this section.; and

WHEREAS on December 17, 2024 the Charter Commission forwarded its recommendation to the City Council, and

WHEREAS Minnesota Statute section 410.12, subdivision 7 requires that within one month of receiving a recommendation to amend the charter by ordinance, the city must publish notice of a public hearing on the proposal and the notice must contain the text of the proposed amendment, and

WHEREAS Minnesota Statute section 410.12, subdivision 7 requires the city council to hold the public hearing on the proposed charter amendment at least two weeks but not more than one month after the notice is published, and

WHEREAS on December 20, 2024, the City Council posted notice of a public hearing to take place on January 15, 2025, and

WHEREAS Minnesota Statute section 410.12, subdivision 7 requires that, within one month of the public hearing, the city council must vote on the proposed charter amendment ordinance, and

WHEREAS, pursuant to Minnesota Statute section 410.12, subdivision 7, the ordinance is enacted if it receives an affirmative vote of all members of the city council and is approved by the mayor and published as in the case of other ordinances, and

WHEREAS pursuant to Minnesota Statute section 410.12, subdivision 7 the ordinance amending a city charter shall not become effective until 90 days after passage and publication, and now, therefore, be it

RESOLVED, that the COUNCIL OF THE CITY OF SAINT PAUL DOES ORDAIN:

## SECTION 2

Chapter 6.03 of the Saint Paul City Charter is hereby amended as follows:

### Section 6.03.1 - Legislative ordinances

Subdivision 1. Every act of the council which defines, licenses, regulates, suppresses, prevents or prohibits any act, business or person, grants or modifies or modifies any franchise, imposes a civil penalty or is in any way an exercise of legislative powers, shall be done by legislative ordinance. Except as otherwise provided in this Charter, such ordinances shall require an affirmative vote of at least four (4) members of the council.

Subdivision 2. With the exception of the failure to pay fines or fees, the council may establish, alter, amend or repeal an ordinance to impose a civil penalty for each violation of a city ordinance. For each ordinance the City would like to enforce using a civil penalty, the Council must adopt or amend an ordinance (a) outlining the amount of fine and other penalties that can be imposed for a first or subsequent violation of that ordinance; and (b) describing the procedure to impose civil penalties.

1. Any civil monetary penalty amount must be imposed equitably.
2. The procedure to impose civil penalties must include notice of an ordinance violation and



an opportunity to be heard through an appeal process, prior to the imposition of a civil penalty. The appeal process may consider the financial circumstances of the individual or entity.

3. The district court has jurisdiction to enforce any order to pay a civil monetary penalty imposed under this section.

### **SECTION 3**

This Ordinance shall take effect and be in force ninety (90) days following its passage, approval, and publication.