

From: **John Purdy** <jpmn0101@gmail.com>

Date: Sat, Nov 23, 2024 at 4:02 PM

Subject: CCI 24-8 Civil Penalties Meeting Tuesday, November 26, 2024 at 1:00 PM

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Cc: Moore, Shari (CI-StPaul) <shari.moore@ci.stpaul.mn.us>

Dear Charter Commissioners,

The City Council is asking the Commission to consider giving a recommendation to amend the city charter by adding provisions for civil fines.

Mayor Carter's Deputy Chief of Staff, Mr. Jon Grebner, in his presentation to the City Council on 10-23-2024, asked the Charter Commission to conduct public hearings and I ask the same.

This matter came before the Charter Commission in 2021 (file no. [CCI 21-7](#)) and in 2019 ([CCI 19-3](#)). Neither were approved by the Charter Commission because of public concerns. The only difference that I can see between CCI 24-8 and CCI 21-7 is that the \$2,000 fine cap has been removed.

Furthermore, the City already has effective enforcement tools that they don't use.

A broken toilet posing a health hazard was recently cited in a Pioneer Press [article](#) as justification for amending the charter.

Instead, all the City needs to do here is to call a plumber to make immediate repairs and send the bill to the property owner under their existing statutory authority outlined in § [429.101 Subd. 1\(a\)\(3\)](#).

Likewise, when property owners lock their skyway doors early, the City can call a locksmith to unlock the door and send the bill to the property owner under paragraph (8) of the same authority.

In both scenarios, using this existing tool results in an immediate solution, and the City is left whole because it can collect any unpaid fees through a special assessment.

But under the City Council request, after a lengthy process, unpaid fines would go to the district court for judgement. This gives the fine recipient a record that shows up on a background check; the opposite of what is intended here.

The Commissioners should also be aware that [Bloomington](#), [Minneapolis](#), [St. Cloud](#) and [Duluth](#) all adopted civil fines between 1999 and 2009.

Since that time, in 2014 the Minnesota Supreme Court amended [Rule 27.04](#), Rules of Criminal Procedure that now allows petty misdemeanor violations of city ordinances to be payable without a court appearance.

District Court Operations [Policy 506.1](#) was subsequently changed to make use of the new rule.

In the above Pioneer Press article, DSI Director Angie Wiese used the violation of a loose dog as an example of why we need civil fines.

A loose dog is currently a misdemeanor under [200.05](#) - *Dogs at Large*. But all that is necessary here is for the City Council to amend the ordinance by tiering the 1st and 2nd violation as a petty (non-criminal) misdemeanor with the 3rd violation retained as a criminal misdemeanor.

Ramsey Co. District Court now has these tiers listed as misdemeanors on the attached payables list. If the City Council would act to decriminalize this code by naming it as a petty misdemeanor, the City Attorney can then request the list be revised to show the change.

The same can be done for the peeling paint ordinance, section [45.03 \(3\)](#) which Director Wiese gave as another justification in her presentation to the Council on [June 5, 2023](#).

If the City Council would decriminalize this violation as a petty misdemeanor then another bus driver might not lose his job.

If after deliberation, the Commission votes to recommend civil fines, then please limit their application to [Chapter 224](#) - *City Minimum Wage*, [Chapter 224A](#) - *Wage Theft*, and [Chapter 233](#) - *Earned Sick and Safe Time* ordinances only.

For other violations, the City Council can themselves act to amend City ordinances as described above.

Respectfully,

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Note to City Clerk: Kindly post these public comments under Charter Commission file CCI 24-8 in Legistar, Thank you.