

## Charter Commission Overview

Following is information about the Charter Commission that responds to most of the questions asked. This information was gathered from conversations with Chief Judge Guthmann, Chair Rich Kramer and Commission attorney, Rachel Tierney.

Following the information are options for next steps.

### Charter Commission Selection Process

Minnesota Statute § 410.05, Subd. 2.

*Commission members; terms, vacancies. ... Vacancies in the commission shall be filled by appointment of the chief judge for the unexpired terms. Upon the expiration of each term, the chief judge shall appoint new commission members. If the chief judge fails to appoint new commission members within 30 days then thereafter the governing body of the city shall, appoint new commission members, unless within the 30-day period the chief judge indicates in writing to the governing body an intention to appoint new members, in which case the chief judge shall have an additional 60 days within which to make the appointment. Appointments shall be made by order filed with the court administrator of the district court. ...*

Selection of Charter Commissioners is made by the Chief Judge of Ramsey county. The Chief Judge is responsible for appointing Charter Commissioners for all of the municipalities. There is no statutory procedure prescribed in state law. The process Chief Judge Guthmann uses is similar to the one used by his predecessors. The process used for all Ramsey County municipalities is:

1. A public announcement is made once a vacancy occurs to solicit applications. This announcement is handled by the municipality/Charter Commission. Usually an application deadline is noticed as well. Applications can be as simple as a cover letter and resume.
2. Court staff compile the applications. Staff will contact the chair of the commission to see if that person has any opinions about any of the candidates. This period is also a time for any commissioner to comment as well. These comments are included in the final packet of applications presented to the Chief Judge. Interviews do not take place.
3. The Chief Judge reviews the packets and makes his decision on the appointment.

The commissioners are staggered 4 year terms. Eight of the fifteen commissioners' terms will expire in July, 2018. There is not a term limit. According to Chair Rich Kramer, there were term limits in place but the Legislature removed them several years ago because many of the smaller municipalities were having difficulty filling their vacancies.

Charter Commissioners must abide by the open meeting law.

### Charter Commission Procedures

The Charter Commission procedures are outlined in the Standing Rules document. The Commission is only required to meet once a year. Therefore, the Commission tends to meet only when issues are before them for action. The Commission only met once in 2016 and 2015.

Issues can be brought to them by commissioners, Commission committees, and the Mayor and Council (through resolutions).

The agenda for a Charter Commission meeting is set by the members at the prior meeting or at the call of the Chair

#### **STANDING RULES: RULE 5. VOTING**

*Voting shall be determined by the Chair. Any member may call for a roll call on any motion.*

*The adoption of any proposed changes in language to the Charter shall be final when passed by a majority vote of all members of the Commission. No such vote shall be taken until the proposed changes in language have been presented in written form and have been read at two (2) separate meetings of the Commission.*

Annual reports have not been filed for quite a few years. However, there are several years where the Commission only met once and the minutes from those meetings serve as a report, according to the Chair.

#### Staffing the Charter Commission

Minnesota Statute § 410.06 COMPENSATION; EXPENSES.

*The members of such commission shall receive no compensation, but the commission may employ an attorney and other personnel to assist in framing such charter, and any amendment or revision thereof, and the reasonable compensation and the cost of printing such charter, or any amendment or revision thereof, when so directed by the commission, shall be paid by such city. The amount of reasonable and necessary charter commission expenses that shall be so paid by the city shall not exceed in any one year the sum of \$10,000 for a first class city and \$1,500 for any other city; but the council may authorize such additional charter commission expenses as it deems necessary. Other statutory and charter provisions requiring budgeting of, or limiting, expenditures do not apply to charter commission expenses. The council may levy a tax in excess of charter tax limitations to pay such expenses.*

In recent history, Bill Johnson provided staff support for the Charter Commission until 2014. Charter Commission files can be found in the Council office. Fairly complete files are organized until 2008. Between 2008 and 2014, the files are not organized. In 2014, the Charter Commission decided to use Legistar to post their meetings and minutes.

The Charter Commission has intended to hire an outside staff person to maintain separation from the Mayor and Council offices. Because the Commission met so infrequently these past two years, the Chair asked the Council office to provide clerical support. The chair asked the Council for clerical support this year as well.

#### Basic Mission of the Charter Commission

In the files of the Charter Commission is an undated information sheet. It states that the Charter was effective as of June 6, 1972 and functions like a constitution for the city in that it defines the

organization, powers, functions and essential procedures of the city government and its principal departments.

Commissioners “*should pursue their duties free from partisan interests and without interfering in actual, day-to-day city governance. Their task is to ascertain the governmental structure best suited to the City. To that end, the following goals and objectives constitute the mission of the Charter Commission:*

1. *To review and keep the provisions and language of the Charter up-to-date and synchronized with changes in applicable law.*
2. *To hear and consider petitions from the public and resolutions of the City Council regarding the Charter.*
3. *To study and analyze governmental issues and concerns of the City and to propose changes to the Charter to improve the government of Saint Paul.*
4. *To educate and actively encourage citizens to be involved in the work of the Charter Commission*
5. *To provide oversight and to assist in solving problems of the City which are deemed unsolvable by or inappropriate for the City Council to address.”*

#### Options for next steps

#### **Selection process**

1. Informal option: meet with the Chair and Chief Judge to discuss improving the posting of vacant positions (offering to post the positions on the City’s website and use GovDelivery for its announcements) and encouraging the selection criteria include consideration for diversifying the Commission
2. Formal option: adopt a resolution requesting the Commission improve its application process by broadly posting its vacant positions to encourage greater diversity on the commission.
3. Formal option: include changes to the Charter Commission selection process in next year’s legislative priorities
4. Formal option: Minn. Stat. § 410.05, subd. 3 allows the City Council to submit to the Court names of eligible nominees for the district court to consider in making appointments to the Charter Commission.

**Staffing** (lack of consistent staffing has contributed to the confusion the public has about the Commission and its operations)

1. Encourage the Commission, through a conversation with the Chair, to decide upon a permanent staffing arrangement, either:
  - a. Hire an employee to provide ongoing and comprehensive staffing
  - b. Request that the Council office or other City department provide ongoing and comprehensive staffing