

## Monday's Charter Commission Meeting - For the 10/18/21 Public Record

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 1 attachments (144 KB)

Jack Kirr.Charter Commission Statement.091321.pdf;

Members of the Charter Commission,

As a member of the City Council, I do not believe it is a violation of your quasi-judicial role to consider my testimony. But if there is any doubt, I trust your legal counsel, also cc'd here, will advise.

### **Jane L. Prince, Testimony to the Saint Paul Charter Commission, Oct. 14, 2021**

*Please distribute to charter commission members prior to October 18 meeting, and include in the public record for October 18 charter commission meeting*

It is my understanding that the commission will be voting on the proposed charter amendment on Monday, October 18. Many are presuming a unanimous vote of the council, as stated in the *Pioneer Press* before your last meeting. It was reported that my support was presumed because of the additional public process and consideration by the Charter Commission.

While I have not had an opportunity to review the entire record before the commission, I have significant concerns that have come from the record I have had a chance to review. Those questions and concerns follow:

1 - I am troubled that the commission's counsel (who also serves as the city council's counsel) may have been acting as an advocate for the amendment and the Administration, rather than as neutral legal counsel to the commission. I trust that the City Attorney is aware of this distinction.

2 - I do not believe bringing in a different assistant city attorney to serve as legal counsel on September 13, 2021 mitigates this problem. It is my personal understanding and belief that some commissioners were confused about the addition of another attorney to the meeting, which went largely unexplained.

3 - When appropriate questions raised by commissioners were put to a majority vote, rather than further study, the process failed to meet the commission's role of conducting a thorough study of the amendment.

4 - It is my personal understanding and belief that enabling authority could be sought from the state legislature, rather than by amendment of the city charter. Is that true? Has that path been considered by the commission? Why not?

5 - It is my personal belief and understanding that the commission was informed that its action was time-limited and that it was required to take final action in October 2021. Is that true? Or was this simply the desire of the Administration?

6 - Did the commission consider the option of putting this amendment before the voters. If not, why not? What would make that inappropriate?

7 - Has the commission considered the charter language to authorize civil penalties by other Minnesota municipalities, especially that of the City of Minneapolis? If not, why not? The simplicity of the Minneapolis Charter fines and penalties language bears consideration. Has it been considered? If not, why not?

8 - In his written statement to the commission (attached), Commissioner Kirr raised several questions and considerations about the need for this amendment, many if not all of which I share. Has the commission responded to each of these concerns? The bottom line for Mr. Kirr: what are we trying to accomplish here?

9 - It is my personal understanding and belief that fines for misdemeanor violations may be imposed up to \$300, and gross misdemeanors up to \$1K. Other than the dubious claim that the amendment is intended to decriminalize code violations (rarely imposed by DSI, and even less frequently upheld by Ramsey County courts) why are we amending the charter for only \$1K in additional fine authority? Do we have to amend it again when we want to raise it to \$3K? Putting dollar limits in the charter is a questionable practice, as when the charter detailed city council and mayoral salaries.

10 - Public testimony to the charter commission raised significant concerns about extending the civil penalty to myriad code violations including "peeling paint." If this is the case, it creates the impression that the Administration is seeking authority to charge \$2K fines for common and minor code violations. Is the rationale behind this amendment the goal of increasing city revenue?

11 - The commission approved an amendment to the amendment, calling for "Any civil monetary penalty amount....be imposed equitably taking into consideration the nature and seriousness of the offense and the financial circumstances of the individual or entity." Did the commission seek an opinion from counsel about how this would work and who would perform this "financial circumstances" evaluation? What are the criteria?

12 - I am most inclined to support civil penalties for labor standards and conversion therapy ordinances, which in 2019 I believed was the goal of this amendment. At the present time, how are our labor standards ordinances being enforced? Has the commission sought information about the efficacy of current enforcement practices, under the current charter? If not, why not?

13 - Have we studied the efficacy of civil penalties in other municipalities that impose them? How would the city collect an unpaid civil penalty? Does it seek a judgment in district court? More lawyers? Who collects the judgment? What if a violator prefers to challenge the criminal penalty? Jury trial?

I understand that there may be a slim majority of commissioners who are prepared to approve this amendment without further study. I write to you this evening to let you know that members of the council, like me, may still need answers to these questions before we vote to amend the charter, to fulfill our due diligence and our duty of fiduciary responsibility to the City of Saint Paul.

Thank you for your attention. Do not hesitate to contact me at this email address or the cell phone number below. Thank you for your service to our city,

Jane Prince

**Jane L. Prince**

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