

City of Saint Paul

*City Hall and Court House
15 West Kellogg Boulevard
Room 220 City Hall*



Minutes - Final - Final

Monday, March 27, 2017

4:30 PM

**This is a meeting of the Charter Review Committee. A full quorum
of the Charter Commission may or may not be present.
Room 40 A&B, City Hall**

Charter Commission

*Chair Richard Kramer
Vice-Chair Deborah Montgomery
Commissioner Brian Alton
Commissioner Kathy Donnelly-Cohen
Commissioner Bridget Faricy
Commissioner Amy Filice
Commissioner George E. Johnson
Commissioner John Paul Kirr
Commissioner Joyce Maddox
Commissioner David Maeda
Commissioner Gladys P. Morton
Commissioner Charles Repke
Commissioner Virginia Rybin
Commissioner Rick Varco
Commissioner Carrie J. Wasley*

ROLL CALL

Meeting called to order at 4:39 pm

Members Present:

Chair Brian Alton

Commissioner Deborah L. Montgomery

Commissioner Kathi Donnelly Cohen

Commissioner Amy Filice

Commissioner John Paul Kirr

Commissioner Charles Repke

Commissioner Virginia Rybin

Commissioner Rick Varco

APPROVAL OF THE MINUTES

- 1 [CCI 17-5](#) Approving the minutes of the February 27, 2017 Charter Review Committee meeting.

Attachments: [Minutes 2.27.2017 charter review committee](#)
 [Charter Commission Charter Review Committee 2.27.2017 meeting minutes revised](#)

One typo noted, page 1, quoting Commissioner Repke should be "no problem" instead of "not problem"

Minutes approved by unanimous vote

UNFINISHED BUSINESS

2 [CCI 17-6](#)

Proposed Amendment to Chapter 7 of the Charter.

Attachments: [CCI 17-3 Complete File \(Feb. 27 Committee Meeting\)](#)
[RCV Email correspondence received](#)
[RCV by the numbers Mpls 2013](#)
[Mpls 2013 mayoral race ranking by precinct](#)
[MN DFL FAIRVOTE LETTER](#)
[ETB letter to CC 032217](#)
[RCV Correspondence received 2](#)
[Charter Commission e-mails](#)
[Jack Kirr Report - Final](#)
[villager article](#)
[Reasons for Placing the RCV Question on November 2017 Ballot](#)
[Eric Erdmann Document](#)
[diggitt mclaughlin email](#)
[03-27-17 Charter Commission Agenda Packet](#)

Presentation of research by Commissioner Kirr, attached

Chair Alton thanked Commissioner Kirr for the information, noted the packet commissioners have includes emails and information submitted to the Charter Commission over the last month. Asked if any other Commission Members have other discussion items or information to share

Commissioner Repke distributed several documents for the record (attached):

- 1) Highland Villager article, including a story about Ranked Choice Voting. He would like it entered into the record to discuss that there is a large group of people interested in talking about ranked choice voting. He believes this story and the pros and cons in it show that this is a subject of interest for the public.*
- 2) Complications with Using Ranked Choice by Eric Erdman, UMD mathematician instructor and Duluth City Charter Commission Member. This was emailed to everyone today, but wanted to make sure everyone had a copy.*
- 3) Shawn Towle's document, Reasons for Placing the Ranked Voting Question on November Ballot*
- 4) Email from Diggitt McLaughlin, election judge
Commissioner Repke indicated that her email talks about instant runoff voting going smoothly in 2012. She described two voters' mistakes, the scanner worked as designed and both erroneous ballots were rejected. Commissioner Repke stated that this is wrong. The ballot with her voting for the same person multiple times would have been accepted, as required by law. This experienced election judge has it wrong. If our election judges, who have done this three times still don't understand that people have a constitutional right to vote for "Smith" all six times if they choose, the machine accepts those ballots and doesn't spit them out, point being that this is complicated. It is so complicated that someone would go on record, writing about how simple it is, and be 100% wrong.*

Commissioner Kirr clarified that he does not know the person, but he is the addressee who wrote this email, and unsure that he is characterized correctly as "helping to support Instant Runoff Voting" as he is not sure how this person could know that one way or the other.

Chair Alton welcomed the audience, stated that it has not been publicized as a public hearing. He asked audience to raise their hands showing who is in favor of Ranked Choice Voting is and who is against Ranked Choice Voting. He noted that we are here to gather information, and noted the communication received via email, and said if there is anyone else who has relevant information, data, studies, reports, documents relating to the plusses, minuses or indifference to Ranked Choice Voting, this Commission wants to hear that information, if anyone has that sort of information, we welcome that. Please submit that as you see fit. We have a limited time for our meeting today, and if there is one or two people who want to perhaps represent (interrupted)

Commissioner Repke stated that this is not a public hearing and would have a strong objection if it is opened up as a public hearing, when we have said that it is not a public hearing.

Chair Alton stated that we are here to gather information

Commissioner Repke thought it would be fine if audience members would want to submit something in writing and put it on the table that is fine. If the chair is turning this into a public hearing when it is not a public hearing we are asking for trouble. He thinks it's inappropriate.

Chair Alton stated that we are here to gather information. He recognized Mr. Goldstein from the audience.

Mr. Goldstein – Would like to make the point that there are two commissioners that are driving the issue, it is now a public issue because an attempt to repeal Ranked choice voting is being made and has gotten attention. He thinks it is inappropriate after all the work was done getting signatures.

Commissioner Repke objected and questioned whether this is a public hearing. He addressed the Chair stating that this is not bringing up documentation, this is challenging his position as a member of the Commission and you are doing that because of your pre-prejudice as a supporter of Ranked Choice Voting. He was one of the ones who asked you to be Chair, and this is beneath you.

Mr. Goldstein stated that this is a policy issue.

Commissioner Repke responded it is not a policy issue when you make a personal attack, that is exactly what you are doing. This was not a public hearing, you shouldn't have turned it into a public hearing, you had no authority to do that and you did not ask the body to do that.

*Commissioner Donnelly Cohn made a motion to refer the matter to the full Commission so at that time they can schedule public hearings and at that time they can get their opinions out.
Commissioner Repke seconded.*

Chair Alton stated that he would let Mr. Goldstein finish his comment, since he was interrupted inappropriately.

Mr. Goldstein stated if this is in fact something that has public support, then public support should be demonstrated prior to it being brought to the Commission. Public support was demonstrated for Ranked Choice Voting, right or wrong, 7,000 signatures were gathered. There are a few people that object, you see the turn out. If there was demonstrated public support, I think the body even taking this up is premature because the opposition to Rank Choice Voting hasn't been shown.

Chair Alton stated that we have a motion that was made and has been seconded.

Commissioner Kirr asked to discuss. He understands the desire to move the motion to the full Commission, is that in some tacit way advocating for that position of repealing the Ranked Choice Voting?

Commissioner Donnelly – Cohen replied that she is not advocating either way, this isn't a public hearing, but people have a lot of opinions and thinks they would like to be heard. The only way to do that is to refer it to the Commission and the Commission holds a public hearing.

Commissioner Kirr does not object in that sense, but is concerned whether or not this committee has done its work to prepare the Commission. There are a lot of things we could do to improve on the City's voting system/electoral system. It seems like that could be best done in a working group like this, as it has been designed. If we just move the issue to the Charter Commission, we will lose the intimacy of the small group to make those improvements.

Commissioner Filice agrees, with Kirr. Thinks we could set out a longer timeline to look at the history of Ranked Choice Voting and also allow it to run through this particular mayoral campaign to analyze how it is handled in a mayoral election without an incumbency at that time. We need some time to have a thoughtful process rather than going straight to a public hearing, which is a public hearing on what at this point? Do we want to repeal it, tweak it, change it, do nothing? Are we making any recommendations at all? It feels like we are abdicating our responsibility as a committee and she would prefer to have some sort of calendar that maybe reached beyond this election so people understood.

Commissioner Kirr concurs

Commissioner Filice continued that they should talk about it through this election, see what happens, and then make recommendations at that point on our election process of our city.

Commissioner Repke replied that the only time to have a question on the ballot that makes sense for the public is when there's an open mayor's race. Failing to do that isn't just two years, four years, six years. It's probably eight years maybe twelve years. That's the only reason why we are here today. Let the Commission have a public hearing to discuss the matter which was raised before us which is to have a primary in August and a general election in November. That's the issue.

Commissioner Kirr raised a point of order. He told Commissioner Repke he's not sure that is. He has never seen that document and does not know.

Commissioner Repke stated that he passed out the document at the last committee meeting and it is in the minutes.

Commissioner Kirr stated that he is unaware of that being entered into the record and

assigned to the committee for debate. He does not know what the proposed amendment language is.

Chair Alton stated that as far he knows, there is not any proposed amendment. Chair Alton asked Commissioner Repke if he disagrees.

Commissioner Repke stated that at the last meeting a month ago, he passed out a proposal of the language that was in the charter prior to this charter and he moved it and the minutes reflect that he passed it out and he moved it. That is what we have been discussing.

Commissioner Kirr asked if that can be verified.

Chair Alton was unsure if it is verifiable.

Commissioner Kirr stated that Commissioner Repke thinks that it was in the record, It should be in the record, can we understand whether that is the case or not?

Chair Alton said we do not have a proposed amendment to the charter in written form.

Commissioner Varco asked what was the motion that Commissioner Donnelly-Cohen made a moment ago.

Chair Alton responded that Commissioner Donnelly Cohen made a motion to pass this on to the full Charter Commission without recommendation

Commissioner Varco asked Commissioner Alton to clarify what "this" is.

Chair Alton stated that it is the issue we are discussing on the agenda, which is the amendment to charter chapter seven.

Commissioner Varco asked if that is different than what Commissioner Repke is referring to.

Chair Alton stated that Commissioner Kirr asked a question as to whether we have a proposed amendment to the charter before us to consider, which we do not.

Commissioner Repke read from the February 27, 2017 Charter Review Commission minutes: Page two in the minutes, "Commissioner Repke passed out language of charter before ranked choice voting was passed in 2009. He was fine with not taking any formal action today, due to the concerns Commissioner Kirr had about notification. There will be at least 2 public hearings about ranked choice voting if it is decided to propose something. Charter Commission will hold public hearing on these issues." Commissioner Repke stated that he passed the language from prior to 2009 and proposed that ballot change, that what is passed out and it says "Next item is a potential amendment to our charter ... and Repke passed out the language". That is what was before us. That's what this meeting was about. Magically it's become a meeting about nothing, but that is what it was and I'm sure I still have a copy here. Commissioner Alton stated that we do not have the draft of an ordinance. Commissioner Repke responded that we have the language from 2009 that he asked to return to.

Commissioner Kirr asked if there was a vote on this particular motion to change to that language.

Commissioner Repke stated that this is what we are going to get to at the Charter

Commission. He reiterated that he handed it out and that it says in the minutes that he handed it out.

Chair Alton stated that Commissioner Kirr's question is whether or not we have a proposed ordinance in front of us for consideration. You passed out the copy of the prior ordinance...

Commissioner Repke stated that he moved that.

Chair Alton stated that he did not make a motion to amend the charter to adopt those amendments. If you are going to make a motion now, it's out of order.

Commissioner Repke asked if Commissioner Donnelly-Cohen could withdraw her motion.

Chair Alton asked Commissioner Repke to please comport himself appropriately.

Commissioner Donnelly –Cohen stated we have not voted on it yet, we're having discussion, so I guess he would like the rest of the ...

Chair Alton asked if anyone else has comments on Commissioner Donnelly-Cohen's motion.

Commissioner Varco asked for explanation of Commissioner Donnelly-Cohen's motion.

Commissioner Donnelly- Cohen stated that her motion was to refer the matter back to the full Commission because then they have the ability to do a public hearing. Then the matter can be discussed. But without making any recommendation from our group whether yes we support it or no we don't support it.

Commissioner Varco clarified - if he understands the Chair correctly, "it" would be the general idea of modification to the instant runoff voting as it currently exists, not a specific change.

Chair Alton confirmed that is correct.

Commissioner Varco asked if we essentially would be suggesting an agenda item to a meeting of the Charter Commission.

Chair Alton agreed that is a good way to put it. Asked if there is any further discussion on this item.

Commissioner Filice asked to clarify the language with what Rick just said in the formal motion so that it is clear what is being sent to the full Charter Commission.

Chair Alton agreed that is a good idea.

Commissioner Donnelly-Cohen would like to move that this matter not be acted on or no recommendation from this committee, send it to the full Commission with no recommendation.

Commissioner Filice asked for clarifying language on what this matter is.

Chair Alton stated that the agenda item we are discussing is listed as Proposed Amendment to chapter 7 of the charter.

Commissioner Donnelly-Cohen stated that her motion is that this committee take no recommendation on the proposed amendment to the charter and refer back to the full

Commission.

Chair Alton stated that he believes Commissioner Montgomery seconded the motion and asked if that is the correct interpretation of what she understood.

Commissioner Montgomery confirmed.

Commissioner Repke asked for clarification if the agenda item is a generalized discussion about ranked choice voting and not a specific proposal one way or another.

Chair Alton stated that the City Attorney has not drafted a proposed amendment to the City Charter. So there is no proposed amendment to the City Charter. There is discussion about perhaps. You brought it up at our December meeting and we are here again today because you want it on the ballot in November. You have not made a motion. There is no proposed amendment to the charter for us to consider.

Commissioner Varco – if this motion were to pass at the meeting of the full Charter Commission, if a meeting were held, and this resolution created an agenda item, would it be in order to introduce a specific repeal amendment, or would it be in order if someone else wanted to introduce a modification of Ranked Choice Voting? All of the above? Will there be public testimony at this? His sense of the motion was that it was to enable public testimony, his question is, is it your sense that the motion includes a notice that there will be public testimony at that hearing or meeting?

Chair Alton stated that if there is an amendment to the charter to be advanced to be placed on the ballot in November there will be public testimony, there will be at least two public hearings.

Commissioner Varco clarified his question: If we vote on this motion, does that trigger public testimony at the next Charter Commission on whatever agenda item created by this item appears?

City Attorney Rachel Tierney responded that the standing rules for the full charter include time for citizen comments. Even if we did not have specific proposed language on that agenda and rather had that as item that was open for discussion, the citizen comments would be allowed as part the Charter Commission hearing.

Chair Alton thanked Ms. Tierney for the clarification.

Commissioner Filice asked for one more clarification: If it is during the public testimony, it wouldn't count as one of the public hearings because we don't actually have a charter amendment in front of us. So it wouldn't be until someone introduced a charter amendment that we would trigger the public hearing process that is needed before we can approve that.

City Attorney, Rachel Tierney said Commissioner Filice is correct and she would advise two full public hearings once the amendment has been in a final form that has been published.

Commissioner Varco asked to get any proposed ordinance in its final form, have to be introduced at least one meeting, and then have two more meetings with public hearings at subsequent meetings? There is no way to get the ordinance out ahead of time before the next meeting and have that public testimony be one of the two hearings? Essentially there has to be three readings to talk about the legislative process? Our next meeting could possibly be the "bill introduction" introducing the

language and then you would have two more meetings after that with public testimony or could you at the next meeting, introduce the ordinance, and have public testimony on that ordinance and then have another meeting with full testimony? My question is do we have to have three meetings of the full Charter Commission or just two.

City Attorney, Rachel Tierney stated that the rules are silent on that issue. It's a little unclear under the rules whether we would be allowed to when we publish notice of the meeting and include in that notice a copy of the draft, so it's possible.

Commissioner Varco said it doesn't really matter, but thanked Ms. Tierney for the information.

Commissioner Repke does not believe the City attorney would do the work of drafting an ordinance without a vote out of us to draft an ordinance. The City attorney doesn't work for me so I can't ask her to draft up an ordinance between now and then. It needs to be done by either this committee or the Charter Commission.

Chair Alton asked if there is any further discussion on Commissioner Donnelly-Cohen's motion.

Commissioner Kirr asked for clarification what the vote is for and against, just to be clear.

Chair Alton replied if you vote yes you are in favor of Commissioner Donnelly-Cohen's motion, which is to basically not take any further action or make any recommendation.

Commissioner Kirr asked for a re-read of the motion and then what they are voting on for to be clarified.

Chair Alton asked Commissioner Donnelly Cohen to repeat her motion.

Commissioner Donnelly Cohen stated the motion is for this body to make no recommendation either way back to the full Commission. So we are not taking any action today on that agenda item.

Commissioner Repke asked if the motion encourages a meeting of the full Charter Commission.

Chair Alton said he does not think that is part of the motion.

Commissioner Repke amends the motion to encourage a meeting of the full Charter Commission and public hearing to have this discussion about voting systems.

Chair Alton asked for a second to the amendment to the motion.

Commissioner Rybin seconded the motion.

Commissioner Repke stated that he made the amendment to the motion, which he hopes would be friendly so that this item actually happens. He has been surprised enough procedurally here tonight to be concerned that we have made this recommendation tonight and not have a meeting until next year, so that would concern him greatly.

Commissioner Filice has one concern with the friendly amendment, which is when you pushed it out further to have a public hearing and that is because we don't know

what we are having a meeting on yet. She would prefer hear it as Commissioner Donnelly-Cohen originally said it and that was just to put it back to the full Commission for discussion.

Commissioner Repke stated that when you say the words "for discussion" that implies something is going to happen, but that may be just to lead me on to believing that you're sandbagging this thing and not have a discussion. That becomes a real fear of mine after what I have witnessed here today. So he believes this issue needs to be discussed, we have a lot of people concerned about it, he want to take it to a discussion and he wants it to happen next month.

Chair Alton asked for a vote on Commissioner Repke's amendment with a show of hands

Motion Carries

Chair Alton asked the committee to vote on Commissioner Donnelly Cohen's motion.

Motions Carries.

NEW BUSINESS

Chair Alton asked for any other business.

Bara Berg MD, audience member asked a question:

Which of the responsibilities empowers the Commission to initiate changing the Charter?

How much money has been spent so far in this process?

Chair Alton stated that there are provisions in the State Statue for amending the charter, and they do not know the amount of money.

Commissioner Kirr other business asked for updated emails specifically for Johnson and Montgomery

Chair Alton encouraged fellow commissioners to update their information.

ADJOURNMENT

Meeting adjourned at 5:36 PM

For More Information

CharterCommission@ci.stpaul.mn.us or 651-266-8560.