

MINUTES
RAMSEY COUNTY CHARTER COMMISSION
May 5, 2008
7:00 p.m.

The Ramsey County Charter Commission met on Monday, May 5, 2008, at 7:00 p.m. at the Ramsey County Public Works Facility in Arden Hills, MN.

MEMBERS PRESENT:

District 1: Ben Stephens
District 2: Robert Bell
Elwyn Sands
District 3: Frank Gurney
Jim Kilbride
District 4: Peter Hendricks
Chris Leifeld
District 5: Rod Halvorson
Lyle Nelson
District 6: Russell Miller
A.L. Brown
District 7: Bud Berry
Marvin Koppen
At Large: Mike Fratto
Minoka Kitto
Beth Miller

MEMBERS ABSENT:

District 1: Sharon Klumpp

OTHERS PRESENT:

Bonnie Jackelen, County Manager's Office
Darwin Lookingbill, County Attorney's Office

CALL TO ORDER:

Chair Mike Fratto called the meeting to order at approximately 7:00 p.m.

APPROVAL OF MINUTES:

Bob Bell moved, seconded by Frank Gurney, to approve the minutes of the January 15, 2008 public hearing. The motion was unanimously approved.

Bob Bell moved, seconded by Elwyn Sands, to approve the minutes of the February 4, 2008 public hearing and regular meeting. The motion was unanimously approved.

A.L. Brown moved, seconded by Bob Bell, to approve the minutes of the March 6 and April 8, 2008 public hearings. The motion was unanimously approved.

CITIZEN INPUT/COMMENTS:

There was no citizen input or comments.

NEW BUSINESS

There was no new business.

OLD BUSINESS

Mike Fratto suggested that a discussion take place on the current proposed amendment to add a question to the 2008 ballot about changing the current position of County Sheriff from an elected position to an appointed position. He read the proposed amendment and opened the discussion for suggested changes at this time.

Russ Miller asked if the effective date could be changed from 2011 to 2015, which would make it less political, as he felt the current effective date still coincided with the current Sheriff's term.

Mike Fratto asked if Russ wanted to move to amend the current language.

Russ Miller stated that he would wait for further discussion on the issue.

Rod Halvorson moved to adopt the proposed language to be placed on the ballot of the next election. **Ben Stephens** seconded the motion.

Frank Gurney asked if this motion would place the question on the ballot.

Rod Halvorson clarified that this motion would place the current amendment as a question on the 2008 ballot.

Bob Bell also asked if this motion was to put the question on the ballot.

Mike Fratto stated that this motion would in fact place the question before the voters on the 2008 ballot.

Frank Gurney asked if the question should be placed before the language is adopted.

Mike Fratto pointed out that there would be no reason to discuss the language and adopt it if the motion to place the question on the ballot was to fail.

Rod Halvorson spoke to the motion and stated that he is in support of the proposed amendment, and not for partisan reasons. He referred to previous accusations from other meetings that members would vote based on politics. He said he was not in support of the proposed amendment based on a Republican Sheriff vs. a Democratic Sheriff. He said he had spoken with former St. Paul Police Chief Bill Finney, who had stated that he would have still supported the amendment had he been elected Sheriff in the last election. Rod said he was in support of including the County Attorney in the proposed amendment, and the current County Attorney is a democrat. He also pointed out that he feels when the list of candidates for positions on a ballot is too lengthy, people lose interest and don't vote for the right reasons. He feels that policy makers should be elected and administrators should be appointed. He pointed out that the public is able to elect County Commissioners, so the citizens can hold them accountable for poorly appointed administrators. He provided a description of how democracy has evolved from town hall meetings, where everyone knew everyone and voting was closer knit, and how it has changed to be much different, so society should change with it. He believes the Sheriff's position is purely administrative. He also believes the decision should be left to the

people to choose their form of government. In conclusion, he said that the purpose of the Home Rule Charter was to let the people make more decisions about their government, and since Ramsey County has this advantage, they should give the decision to the people.

Bob Bell asked if there was a motion on the floor. It was clarified that the motion was still being discussed.

Marvin Koppen spoke to the motion and stated that in his opinion, when the Sheriff is able to sue the County Board over the budget it suggests a strong policy role in the Sheriff's position.

Russ Miller said he wanted to discuss the language at greater length before deciding to put the question on the ballot. He pointed out that as a result of the public hearings it was found that the ratio was 16-1 against the proposed amendment. That suggested to him that the voters are not for this amendment. He also stated that the Commission should be discussing the public hearings before moving to put the question on the ballot.

Frank Gurney said he was under the impression that in the last meeting the Commission had decided that if the public hearings did not turn up positive results, it would be a waste of time and money to put the question on the ballot. He also pointed out that some of the speakers were stakeholders in the issue, but many were ordinary citizens.

A.L. Brown spoke to the motion, which to him is a critical issue. He stated that 17 speakers do not represent the size of Ramsey County's public body, and the Commission should approach the issue with an open mind and not shoot it down because they disagree. He pointed out that this was not a vote to actually change the Charter, but simply a decision to put it to the people to decide. He said this issue has had vigorous debate, and that it predates even the current Commission. He expressed his disappointment that members of the Commission were being accused of making this decision about the person currently holding the Sheriff's position and not about the actual meaning of the issue at stake. He said that many important stakeholders in the issue did not come forward in the public hearings. He pointed out that three individuals, including the current Sheriff Bob Fletcher, were in support of placing this question on the ballot. He also stated that he understood that Bill Finney was not necessarily for the issue all together, but believed it could work. He finalized his point by urging the Commission to give this opportunity to make this important decision to the public.

Elwyn Sands stated that Rod Halvorson represented his thoughts quite well, however he added that Sheriff Fletcher had openly stated that he was in support of this issue to clear his name. He stated that Sheriff Fletcher wanted a chance to prove that he should be elected and that citizens deserve the right to vote on this issue.

There was some discussion about how many votes were needed in the current meeting to place the question on the ballot, it was stated that nine affirmative votes would be needed. There was also some discussion on how the question would be voted on by the public and what type of majority it would take for the amendment to pass.

Chris Leifeld asked if Sheriff Fletcher had actually expressed support of the issue. Other members pointed out that Fletcher had expressed support at one of the Charter Commission meetings and had also recently expressed support to the newspapers.

Russ Miller stated that he wanted to address the integrity of the issue, that there were not many appointed Sheriffs, and that the issue was political to him. He said that he feels the current effective date in the language would affect the current Sheriff's term and should be put out to 2015.

A.L. Brown stated that the current effective date was decided upon because it would not affect the current Sheriff's term.

Russ Miller expressed that it would affect the current Sheriff's term, and if the date was moved out further, it would be less political. He said he believes this issue has always been about Bob Fletcher and not about the position.

Mike Fratto stated that he has spoken with former chairs of the Commission, one an active Republican, and that there was great interest on that particular chair's Commission relative to this issue. He stated that on that Commission, there was only a one-vote difference, and that this issue has been around long before the most recent election. He said the argument that this issue is political does not hold water. He stated that there was some discussion specific to Sheriff Fletcher's activities, and he was trying to steer the Commission away from these discussions.

Russ Miller asked if a different candidate, who Mike Fratto supported, had been elected would he still support the issue.

Mike Fratto asked if Russ was suggesting that Commission members would change their position on the issue depending on the candidate elected.

A.L. Brown expressed great frustration to the current discussion. He pointed toward the news coverage of the issue that may alter people's view. He stated that he was not at first interested in discussing the election vs. appointment of the County Sheriff and was more concerned with the County Attorney. He said the Commission had decided that the County Attorney's position was policy making. He also expressed frustration toward attributing one public hearing speaker's opinion to all public opinion. He also stated that if changing the effective date would help Russ feel more comfortable with the issue, then maybe it is worth it.

Frank Gurney spoke to the fact that the issue has been around for such a long time, and previous Commissions have thought that there was not enough public support to keep it around. He stated the recent public hearings prove the same now, and it would be a waste of time and money to continue.

A.L. Brown pointed out that this issue has never before gone to public hearings.

Frank Gurney clarified that he meant the Commission refused to go forward.

Russ Miller asked if because of the controversy involved, if there could be a roll call vote. It was determined that there would be a roll call vote.

Bob Bell stated that he fails to understand why putting the effective date out four more years would make any difference to Fletcher's term.

Mike Fratto suggested that the discussion on that particular issue cease and that a motion be made to decide.

Russ Miller moved to change the effective date from 2011 to 2015, seconded by **A.L. Brown**.

Rod Halvorson pointed out that the 2011 date had been decided specifically to not affect Sheriff Fletcher's term. He pointed out that with the 2011 date, the current Sheriff could finish out his term and then apply for the newly appointed position, should the amendment pass. He stated that he does not support the current MOTION, but not because of the current office holder.

Elwyn Sands stated that he too would not support the current MOTION because having an effective date out seven years would be too long and make it more difficult for voters to make a decision or understand the amendment.

Ben Stephens suggested that the Commission vote on the current motion.

Russ Miller further stated his point that he feels the proposed amendment does appear to be political and changing the effective date would eliminate that.

A.L. Brown asked if **Russ Miller** would yield to a question. **Russ Miller** accepted. **A.L. Brown** asked why **Russ** believed the current 2011 effective date would affect the current Sheriff's term.

Russ Miller replied that if the Commission is trying not to look political, changing the effective date could accomplish that.

A.L. Brown pointed out that **Russ's** argument is only valid if the current Sheriff decides to run for re-election.

Russ Miller pointed out that even a new candidate would be affected by the 2011 effective date.

Marvin Koppen stated that he agreed that if the effective date were out one more cycle, the upcoming candidate would be less affected.

Lyle Nelson asked who would even run knowing what was to come.

Mike Fratto suggested that someone may run in order to get a leg up in the appointment process.

A.L. Brown called the question on the motion to change the effective date on the proposed language from 2011 to 2015. The motion did not pass with a vote of four Ayes and 12 Nays.

Darwin Lookingbill answered an earlier question about how the proposed amendment would pass when put on the ballot. He stated that in order to pass, the amendment would need 51% of the votes, and that "no votes" do not count toward or against it.

The original motion to place the proposed amendment on the 2008 ballot was called to question.

The results of the roll call vote were as follows:

Bob Bell: Yes

Bud Berry: No

A.L. Brown: Yes

Frank Gurney: No

Rod Halvorson: Yes

Peter Hendricks: No

Jim Kilbride: Yes

Minoko Kitto: No

Marvin Koppen: No

Chris Leifeld: No

Beth Miller: No

Russ Miller: No

Lyle Nelson: Yes

Elwyn Sands: Yes

Ben Stephens: Yes

Mike Fratto: Yes

On a vote of eight Ayes, and eight Nays, the motion did not pass.

SET NEXT MEETING DATE

The next regular meeting of the Ramsey County Charter Commission is set for Monday, August 4, 2008, at a location yet to be determined.

ADJOURNMENT

The meeting was adjourned at approximately 8:30 p.m.