

MINUTES

RAMSEY COUNTY CHARTER COMMISSION

August 1, 2005

7:00 p.m.

The Ramsey County Charter Commission met on Monday, August 1, 2005 at 7:00 p.m. at Ramsey County Public Works, 1425 Paul Kirkwold Drive, Arden Hills, MN.

MEMBERS PRESENT:

District 1: Sharon Klumpp
District 2: John Gulbranson
Robert Bell
District 3: Charles Aguirre
District 6: A. L. Brown
District 7: Mary Nepper
At Large: Minoka Kitto
Michael Fratto

MEMBERS ABSENT:

District 1: James Speckman
District 3: Franklin Gurney
District 4: Christopher Leifeld
District 5: Kristin Dawkins
District 6: Tienne Linden
District 7: Robert Berry
At Large: Anthony Coletta

OTHERS PRESENT:

Toni Carter, Ramsey County Commissioner
David Schultz, Hamline University
Darwin Lookingbill, County Attorney's Office
Bonnie Jackelen, County Manager's Office
Victoria Dahlquist, Secretary

CALL TO ORDER:

Vice Chair Sharon Klumpp called the meeting to order at 7:00 p.m. with a quorum present.

APPROVAL OF MINUTES:

A MOTION was made, SECONDED and CARRIED to approve the minutes of the May 2, 2005, Charter Commission meeting.

CITIZEN INPUT/COMMENTS:

None.

OLD BUSINESS:

David Schultz, a professor at Hamline University and former Charter Commission member, was invited to this meeting to discuss his work with model city and county charters as it relates to the elected versus appointed status of the county attorney and the sheriff.

Mr. Schultz stated that once every 20 years or so, the National Civic League convenes a group of 20-25 people to work on best practices as it relates to the organization and operation of local governments. Mr. Schultz was part of this group and helped to formulate a model county charter. Some basic principles with regard to local governments were agreed upon in this process:

1. What are best practices—what are good procedures and processes to have in place for how to run good, efficient local governments;
2. Non partisan. Local governments are supposed to be more non partisan that at the state or national level;
3. Local governments are more “unitary” than “separation of powers” models.
4. What is the best way of facilitating citizen participation and citizen engagement.

The question was then raised as to how the local government basic principles bear on the elected status of the sheriff and county attorney. Mr. Schultz outlined the following pro-con arguments as to the elected versus appointed status of the county attorney and sheriff:

Arguments in favor of status quo (elected status):

1. Tradition. And the concept of “if it ain’t broke, don’t fix it.”
2. Democracy. Citizens have the right to vote for elected individuals policymakers.
3. Both the county attorney and sheriff are policymaking positions.
4. Independence. The county attorney and sheriff need independence from the county commissioners to be able to perform their jobs.
5. Checks and balances argument. This system does not allow for the concentration of power in the hands of few.

Arguments against status quo (appointed status):

1. Tradition is not always an argument in that just because a system has been in place for a long time doesn’t mean there isn’t a better way.
2. County commissioners make budgetary decisions, create ordinances or laws, i.e. make real policy choices. Whereas, the county attorney and sheriff make qualified policy decisions of a different type. For example, prosecutorial discretion—who to prosecute, how to prosecute.

3. Independence from the political process. The county attorney and sheriff need to make job-related decisions based on the law and merits of a particular case, not whether the decision will be politically popular or not.
4. Checks and balances come from the state and legislative oversight.

Mr. Schultz stated that there are good arguments on both sides—elected versus appointed. His preference is an appointed status for the county attorney and sheriff. He further stated that there are various ways in which appointment could be accomplished. For example, some form of merit system, similar to a police chief appointment or a long-term contract that would involve reappointment at regular intervals.

DISCUSSION

A question was posed to Darwin Lookingbill about the removal process for an elected official. Mr. Lookingbill stated that removal of an elected county attorney or sheriff is established by statute. In addition, a recall can be accomplished via state law, but that process can be used only for serious malfeasance. The other recourse for citizens is, of course, the voting process at the next election. If the status of the positions becomes appointed, the statute governing removal would no longer apply. There are other ways of removing an appointee such as a fixed term or a reappointment schedule.

Mike Fratto stated that one of the issues with election is that the elected official must live in Ramsey County. If the positions were appointed that would broaden the hiring pool as it would not be limited to where the candidate lives. In addition, for appointed status positions, the county board could set minimum qualifications for hiring and citizens could be included in that process.

AL Brown stated that the Hamline University study states that the sheriff is appointed by the governor in Rhode Island, appointed by a joint committee of the supreme court and the governor in the State of Hawaii and in three counties in Dade and Denver, CO, Seattle, WA. It is not unheard of to have an appointed sheriff.

The Charter Commission agreed that certain key people should be invited to future Charter Commission meetings to add to this elected versus appointed discussion as follows:

- Ramsey County Attorney
- Ramsey County Sheriff
- Ramsey County Board of Commissioners
- Ramsey County Manager
- Second Judicial District Chief Judge
- Ramsey County League of Local Governments representative
- Ramsey County Police Chiefs Association representative
- Ramsey County Bar Association President
- St. Paul City Attorney
- St. Paul Police Chief
- St. Paul Mayor

- St. Paul City Council members

Citizens will be invited to public hearings to discuss this topic as well.

In addition, the Charter Commission agreed on key questions that should be posed to the above list of people:

- What is the purpose of the County Attorney/Sheriff positions?
- Accountability – how is the County Attorney/Sheriff accountable to the citizens of Ramsey County in an elected vs. appointed position?
- Multiple centers of policy – Board sets policy in some areas; County Attorney/Sheriff sets policy in other areas. What are those areas, do they overlap and how are conflicts resolved?
- Who has final say in conflicts?
- What is your role/relationship with County Attorney/Sheriff?
- How are you independent from the County Board?
- How does your position relate to similar positions within the community?
- What is the process you use to appoint to similar positions?
- What are the policy considerations regarding an appointed or elected prosecutor vs. civil counsel?
- If we went to an appointed County Attorney/Sheriff, what should be the process for removal?
- Who should appoint?
- Does the process facilitate County doing its job?
- Does the current system give adequate accountability for all duties?
- Would an appointed system provide greater accountability?

David Schultz also recommended that the Charter Commission contact Chris Gates of the National Civic League for further information on this subject.

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Vice Chair Klumpp stated that a subcommittee needs to be put together to discuss the process of setting county commissioner salaries. Vice Chair Klumpp is part of that subcommittee, but the other members are no longer on the Charter Commission. Mike Fratto, Mary Nepper and Chuck Aguirre volunteered to be on the subcommittee.

NEW BUSINESS:

Vice Chair Klumpp stated that a Nominating Committee needs to be put together to make recommendations for Chair and Vice Chair of the Charter Commission for 2006. As there were several Commission members absent at the August meeting, the Nominating Committee will be put on the September agenda for discussion.

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Commissioner Toni Carter was present at this meeting and made the following comments. She stated that she has been on the County Board for two months and she has been doing much observing. Common priorities for the Board of Commissioners are in the areas of ensuring health and human services and to maintain the safety net enjoyed in Ramsey County and most of Minnesota, to ensure that our housing stock would be appropriate to house all of Minnesota's people, in particular those of low income and those with special needs, and to study transportation and transit. Recently, Ramsey County received funding for the central corridor study and funding to renovate the Union Depot. Ramsey County has retained some funding for Minnesota Care. Key concerns in the area of healthcare are working families that cannot afford health insurance and small companies and their ability to provide insurance for their employees.

Over this summer and fall, Commissioner Carter stated that she will be working on issues in the community, including early childhood visits to screen children and families for certain childhood disabilities or issues of abuse or neglect. It is important that these visits occur and subsequent visits take place before children enter school. Studies have shown that children do better in school if childhood disabilities or family issues are addressed early.

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UPCOMING MEETINGS

September 12, 2005, Ramsey County Public Works, 1425 Paul Kirkwold Drive, Arden Hills.
October 3, 2005, Ramsey County Public Works, 1425 Paul Kirkwold Drive, Arden Hills
November 7, 2005, St. Anthony Park Library, 2245 Como Avenue, St. Paul.

SET NEXT MEETING DATE:

The next meeting will be Monday, September 12, 2005 at 7:00 P.M. at the Ramsey County Public Works Facility, 1425 Paul Kirkwold Drive, Arden Hills, MN.

ADJOURNMENT:

A MOTION was made, SECONDED and CARRIED to adjourn the meeting. There being no further business to come before the Charter Commission, the meeting was adjourned.