

MINUTES

RAMSEY COUNTY CHARTER COMMISSION

October 3, 2005

7:00 p.m.

The Ramsey County Charter Commission met on Monday, October 3, 2005 at 7:00 p.m. at the Ramsey County Public Works Facility, 1425 Paul Kirkwold Drive, Arden Hills, MN.

MEMBERS PRESENT:

District 1: James Speckman
Sharon Klumpp
District 2: John Gulbranson
Robert Bell
District 3: Franklin Gurney
District 6: A. L. Brown

MEMBERS ABSENT:

District 3: Charles Aguirre
District 4: Christopher Leifeld
District 5: Kristin Dawkins
District 6: Tienne Linden
District 7: Robert Berry
Mary Nepper

At Large: Anthony Coletta
Michael Fratto
Minoka Kitto

OTHERS PRESENT:

Jack Rhodes, Ramsey County Attorney's Office
Bob Fletcher, Ramsey County Sheriff
Dave Metusalem, Ramsey County Sheriff's Dept.
Bev Aplikowski, RCLLG/Mayor of Arden Hills
Bill Finney, St. Paul Police Chief (Retired)
Darwin Lookingbill, County Attorney's Office
Bonnie Jackelen, County Manager's Office

CALL TO ORDER:

Vice Chair Sharon Klumpp called the meeting to order at 7:00 p.m. Since there was not a quorum of members present, approving the September 12, 2005 Charter Commission minutes will be moved to the November agenda.

CITIZEN INPUT/COMMENTS:

None.

OLD BUSINESS:

Elected vs. Appointed Status of Sheriff and County Attorney

A summary of Sheriff Bob Fletcher's presentation is as follows:

Sheriff Fletcher stated that he was a political science and government major at Hamline University and is an advocate of big government. He believes it is very important for citizens to have the opportunity to provide input on what is the best government structure and to conduct public policy discussions.

Sheriff Fletcher believes there are two questions involved in this issue:

1. What is best for the community in terms of things that are actually done by the sheriff's office, and
2. What best ensures that the community has input.

Regarding the area of input, Sheriff Fletcher said the question is "what is the best way to get the electorate's input on a person who commands 420 employees in the Sheriff's Department". One way is having this person accountable to the county manager, and the other option is to have the electorate report directly to the sheriff. There are pros and cons to both but the real issues are how to get the best product out of this person and how to make sure there is adequate input.

Another area of concern raised by Sheriff Fletcher is the fact of the sheriff's and county attorney's right to sue the county board regarding their budgets. The sheriff and county attorney can only sue the board if a decision regarding the budget was determined by a judge to be arbitrary, capricious, oppressive or without sufficiently taking into account the extent of the responsibilities and duties of the office. That is a very high standard and creates a check and balance. A neutral judge makes the decision on the budget.

Sheriff Fletcher then gave some background of the circumstances surrounding his suing the county board regarding his budget. He stated that the State of Minnesota was responsible for the security unit at the hospital. There were 12 full-time correctional officers that staffed the hospital security unit. Any prisoners that were brought to the hospital for long-term care would be taken to that facility and they were their responsibility. However, the hospital made a decision to move the security personnel to Mercy Hospital, and that left the Sheriff's Department with the responsibility of having to secure prisoners that were brought to the hospital, which was a statutory responsibility. Sheriff Fletcher argued that he needed 11 deputy sheriffs to replace the 12 security personnel that had been at the hospital. The County Board felt that the work at the hospital could be accomplished with existing personnel and adopted the budget accordingly. The Sheriff's Department sued on the grounds that the County Board did not state which programs or services should be cut to provide the security at the hospital. The Sheriff's

Department and County Board eventually agreed on six new deputy positions. There have been no budget conflicts since. The check and balance in the system worked.

Sheriff Fletcher stated that another area of concern is the sheriff's appointive authority. The sheriff has several appointments including the chief deputy Dave Metusalem, three undersheriffs, several inspectors and a policy director. There are 420 employees of the sheriff's office. All other employees are under civil service protection, have the county human resources rules behind them and have the protection of their union contract.

Undersheriff George Altendorfer is appointed. He was a sergeant for the sheriff's office for years, a lieutenant and was then promoted to undersheriff. Undersheriff Altendorfer's unit is responsible for the seven contract cities (these cities pay a total of \$3.6 million for the services of the Sheriff's Department). Undersheriff John Luey's unit is responsible for the courts and apprehension division. Undersheriff Luey is also a long-time sergeant in the sheriff's office. His responsibilities include district court, apprehension unit, narcotics and the gang strike force. Undersheriff Dimitri Burroughs runs the detention division, which houses our jail. Chief Deputy Dave Metusalem is responsible for many of the support service functions. Lt. Mark Pettit heads the policy and planning unit. The gun permit office is run by Sgt. O'Neil, who is not appointed, and he is also the public information officer.

The Sheriff's Department is proud of the community functions they run, which include the volunteer program and a literacy program for kids. These two initiatives have grown in the last 12 years.

Sheriff Fletcher stated that on the issue of checks and balances, accountability, structure and good government, the ultimate public accountability and input occurs at election time. There is no better opportunity for the candidates to inform the public debating issues of public safety.

Sheriff Fletcher continued that he believes his elected status was instrumental in achieving some major accomplishments over the past few years. For example, the new Law Enforcement Center would likely have not been built. The County Manager at the time felt the cost was too high. Sheriff Fletcher was forced to release some people convicted of gross misdemeanors because there was not enough room at the existing Adult Detention Center. Sheriff Fletcher met with the County Attorney frequently and discussed the fact that convicted persons were being released into the community and could potentially commit more crimes. Based on many conversations with the County Manager the new jail was built.

Other accomplishments include:

- Courthouse security
- The gang strike force.
- Youth literacy and crime prevention programs.
- Large volunteer program.



Bev Aplikowski, Ramsey County League of Local Governments
and Mayor of Arden Hills

Mayor Aplikowski stated that the Ramsey County League of Local Governments (RCLLG) has not taken a position on the elected vs. appointed status of the Sheriff and County Attorney positions.

William Finney, former police chief, St. Paul Police Department

Mr. Finney's comments are summarized as follows:

He served for 12 years as the police chief of St. Paul and served under three mayors, all having very different and specific ideas of how law enforcement should be enforced in St. Paul. The St. Paul Charter sets up a strong police chief position. It requires an individual who has a good sense of what to do and one that is not easily intimidated.

Mr. Finney stated that he was fortunate to have been very familiar with a good portion of the St. Paul community and that gave him a political base with which to perform his job. He had been an employee of the St. Paul Police Department for many years before becoming chief. He felt that allowed him more authority as chief than a regular appointed police chief would have.

The history of sheriff as one of the oldest elected offices in this country and coming from England, is a basic law enforcement concept for America. Discussions involving appointed versus elected status of the sheriff most often take place in metro counties, where there is a large local police department and a sheriff's department. Mr. Finney believes that the sheriff's department should remain in elected status, unless a county police department was created.

Mr. Brown asked if a strong charter similar to the City of St. Paul Charter is drafted, would the sheriff then have the protections necessary (as the police chief does) to the job without the political interferences?

Mr. Finney answered in the affirmative.

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Susan Gaertner – County Attorney

County Attorney Gaertner's comments are summarized as follows:

Ms. Gaertner started by providing the Commission with her background information. She grew up on the east side of St. Paul and graduated from Harding High School. She received her undergraduate degree from the University of Minnesota-Duluth and graduated with honors from the University of Minnesota Law School. She served two years on the Minnesota Law Review and then clerked for an 8th Circuit Court of Appeals judge for two years. She developed an interest in criminal litigation and when she finished her clerkship, worked as a criminal defense attorney in Minneapolis. She found as a defense attorney that she was not in court as much as

she would have liked so she moved over to the prosecution side at the County Attorney's Office. Over the next decade, she tried approximately 70 felony cases to a jury and then moved on to other assignments in the office—a management position responsible for the child support and civil commitment lawyers, and then was elected County Attorney in 1994.

The County Attorney's Office is responsible to prosecute the most serious cases that occur across the county. It is also responsible for child protection, making sure kids are not abused and/or neglected. Another aspect of the County Attorney's Office work is collecting approximately \$62 million per year in child support. The focus is on justice, not on convictions, as is illustrated by the County's diversion program. The County Attorney's Office prosecutes about 62% of the cases brought by the police and performs an important check and balance on the police powers. The County Attorney's Office participates in the Ramsey County drug court which focuses on first and second time drug offenders and property offenders with drug problems to give them a second chance to address the core issue, which is chemical dependency.

Ms. Gaertner stated that it is very beneficial to be out on the campaign trail. In 1994, she had to sell herself as the best person for the job but she first had to do some explaining then of what the job was. And that is incredibly valuable. Ms. Gaertner stated that she attends many community meetings and events and rotary clubs and she does hear from the people about what is important to them. It is important to stay close to the people and listen to their concerns.

It is also very important to be independent from direct political concerns. Ms. Gaertner stated that, ironically, she feels that she is less subject to politics because she answers to 500,000 people and not seven county board members or one person. She is not beholden to a small group of decision-makers or policy makers. She can focus on what is right and what is best for Ramsey County, not what is going to please a handful of people who have her job on the line. The county board provides the county attorney's budget and that is the check. But by the same token, the county attorney is the check on how public safety is handled in this county.

The County Attorney provides leadership on legal and public policy issues - for example, truancy intervention. Ten years ago, a truancy intervention program was put into place in the public schools and because of this program there has been a dramatic increase in school attendance. The County Attorney also created the joint domestic abuse prosecution unit, which has dramatically enhanced the effectiveness of prosecuting domestic violence cases where children are present. Ms. Gaertner also advocated for and was successful in making strangulation a felony from a misdemeanor.

One other area of interest Ms. Gaertner wanted to discuss is the DNA project. A few years ago, the county attorney's office reviewed all cases where a person was still in prison from a Ramsey County conviction since 1995. The cases were scrutinized to see if DNA evidence could be useful. The review revealed that evidence is routinely destroyed; perhaps a retention schedule should be put into place. The County Attorney and St. Paul and suburban police departments jointly created a uniform evidence retention policy, which is now reflected in the state statute. The other significant outgrowth of the DNA project was a pilot project in Ramsey County with the St. Paul and suburban police departments to change eyewitness identification procedures.

Marie Pruzynski, Citizen, Property Owner

Ms. Pruzynski's comments are summarized as follows: She is a registered voter and has voted in every election since she registered when at age 21 over 30 years ago. At that time, she accepted the responsibility that it was her duty to review the candidates that were running and decide who was the most qualified candidate. She stated that she doesn't understand the motivation for debate on elected versus appointed status of the County Attorney and Sheriff. She believes that people who register to vote do so with the understanding that they have a responsibility to select the most appropriate candidate.

SET NEXT MEETING DATE:

The next meeting will be Monday, October 3, 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.