

**Ramsey County Charter Commission  
Monday, February 1, 2010**

**Public Hearing**

The Ramsey County Charter Commission held a public hearing to receive public input on two potential amendments to the Ramsey County Home Rule Charter. The Public Hearing was called to order at approximately 6:30 p.m. by Chair Peter Hendricks.

**MEMBERS PRESENT:**

District 2: Richard Moses  
Bob Benke  
District 3: Bryan Olson  
District 4: Peter Hendricks  
District 5: Rod Halvorson  
Lyle Nelson  
District 6: Russell Miller  
District 7: Bud Berry  
Marvin Koppen  
At-Large: Mike Fratto  
Minoka Kitto

**MEMBERS ABSENT:**

District 1: Jim Schottmuller (excused)  
Bob Weisenburger  
District 3: Frank Gurney (excused)  
District 4: Chris Leifeld (excused)  
District 6: A. L. Brown (excused)  
At-Large: Beth Miller (excused)

Also present: Darwin Lookingbill, County Attorney's Office; and Bonnie Jackelen.

**PURPOSE OF PUBLIC HEARING**

Mr. Hendricks said the purpose of tonight's meeting is to solicit public testimony regarding the following two proposed amendments to the Ramsey County Home Rule Charter:

- (1) "Should the Ramsey County Home Rule Charter be amended to decrease the minimum number of signatures required for a referendum or initiative petition from ten percent (10%) to seven percent (7%) of those who voted in the County for the office of President of the United States in the last general election?"
- (2) "Should the Ramsey County Home Rule Charter be amended to increase the time period to obtain signatures for a referendum petition from thirty (3) days to forty-five (45) days after an ordinance is published?"

**PUBLIC TESTIMONY**

Lawrence Trooien, 557 Beaumont Street, spoke in favor of the amendment because even with the lowered limits it is an ambitious prospect to get over 19,000 signatures.

Dick Hauck, 1131 Roselawn Avenue, Roseville, said he feels good about having a Charter Commission. He was one of those instrumental in a failed attempt to get a Charter in the City of Roseville. He believes it gives the public a real chance to be involved and have a say in their government. He would like to see the Charter Commission members become more available to personal email, as the public should be able to talk with Commission members directly. He can directly email the Roseville councilpersons, County Commissioners, and the Legislature – the Charter Commission should also be available. Since he was not able to attend the last meeting when the Commissioner's salary issue was discussed, he asked to speak to that. There isn't any company that allows its employees to set their own compensation. He doesn't see any reason why the County

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Board should be able to do that. Even if you own your own business, as he does, if he raises his salary, he must provide the income to do so. The County Board can also raise income, but the difference is they work for the citizens. They should not be able to set their own salary. He encouraged the Charter Commission to put some restrictions on that. As far as tonight's proposals, any time you make it easier for people to participate in government, it is a good thing. He believes both of the suggested proposals are good. He believes the lower the percentage, the better. It makes it easier for people to participate and have some say in what goes on in the government. He strongly suggests they pass both of these items and put some restrictions on County Board setting its own compensation.

Russ Miller said that based on the 2008 election results of 10% of the county votes for President, how does that compare with the percentage of votes for sheriff or county attorney. Mr. Hendricks provided copies of a handout he prepared and said there is only one county in the state that has a charter – and that is Ramsey County. There are about 100 cities that have city charters. He looked at most of the metropolitan cities that have home rule charters and examined whether or not they have a referendum or initiative process and how it is determined whether or not a petition would be allowed in that city. The second handout looks at the number of signatures as a percentage of the 2008 population. Mr. Nelson said the City of Saint Paul's Charter has it attached to those voting for Mayor in the off-election years. He mentioned the state of California, which has a huge problem because of initiative and referendum.

The public hearing was closed at approximately 6:45 p.m.

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**Regular Meeting**

The Ramsey County Charter Commission met in their regular meeting, which was called to order at approximately 6:45 p.m. by Chair Peter Hendricks.

**APPROVAL OF THE FEBRUARY 1, 2010 AGENDA**

Mr. Fratto moved, seconded by Mr. Koppen to approve the agenda of the February 1, 2010 meeting. The agenda was declared approved.

**APPROVAL OF THE NOVEMBER 2, 2009 PUBLIC HEARING AND REGULAR MEETING**

Mr. Halvorson moved, seconded by Ms. Kitto, to approve the minutes of the November 2, 2009 public hearing and regular meeting. The minutes were declared approved.

**CITIZEN COMMENTS/INPUT**

Dick Hauck urged the Charter Commission take action.

Mr. Moses asked if the Commission could take a non-binding vote on option A or B to see what the general reaction is right now.

Mr. Fratto asked if any additional public hearings are scheduled. If not, why not vote tonight?

Mr. Moses asked if a sufficient number of members were present.

Mr. Halvorson said if a vote is taken tonight, would it take nine votes to put any issue on the ballot. In the past Mr. Lookingbill has said that it would take nine votes. He asked if that is the current recommendation.

Mr. Lookingbill said nine votes are needed to put something on the ballot regardless of how many members are present.

Mr. Olson commented about Mr. Hauck's request to contact Commission members. He would like to see the membership roster on the County's web site. Ms. Jackelen said that roster is on the web site but does not include email addresses and many phone numbers at the request of Commission members. Mr. Halvorson said Mr. Hauck's idea is good and the Commission should consider doing so. Chair Hendricks suggested that everyone who is willing to have this information published should send Ms. Jackelen their email and/or phone number.

**OLD BUSINESS – Discussion regarding Public Hearing of 01/11/2010**

Mr. Berry said the testimony was split three ways.

Mr. Moses said the subcommittee met last summer and looked at many different things in a short amount of time. Many things were discussed including A.L. Brown's option B, which reset the salary lower. Mr. Hendricks did a good job making the idea into something workable, which is Option A,

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which only talks about the future and doesn't reset salaries. Option A is professional and not vindictive. It would apply to present and future Commissioners and removes the temptation to set exorbitant raises. Passing this would speak well of all members if this was adopted. He believes Option A is workable and looks forward. He would go along with Option B if there was a groundswell in this Commission, but he believes Option A is the better and more professional and less controversial way to so. It would speak badly of the Charter Commission if nothing is done.

Mr. Berry believes option A is better policy than option B.

Mr. Miller said there are no educational requirements for County Commissioners. Their only requirement is residency. Perhaps when they vote on their salary they should set them two years in advance along with the County budget.

Mr. Fratto was absent from the January meeting, however he was contacted by a couple of people who were there, to ask what he had heard about reactions to the testimony. A couple of comments were that they thought the Commission members were being very political about that issue. The comments just made by Mr. Miller give him that same impression. The Commission should not even consider requirements. Option A makes more sense, but if we are concerned about when we think Commissioners get a salary increase, an option that would eliminate the County Commissioners from setting any part of their salary would be to tie it to the average salary increase received by County employees. We are in the current situation because they did not take a salary increase for years. He doesn't know what the increases would have been if they had taken 5% every year. He is reluctant to even support Option A although he sees that it makes most sense to place on a ballot. He believes there is a political motivation behind this as opposed to an improvement to the Charter.

Mr. Moses said Mr. Fratto's comments were good, and said that when the subcommittee met they discussed everything very thoroughly. They looked at the salaries when they occurred and he doesn't believe they average 5% per year at least in the most recent years. This is about the future.

Mr. Koppen asked about the raises given in the past 20 years. Mr. Hendricks said there were no raises from 1991-1996, in 2004, and in 2010. The Commissioners gave themselves a 20% raise in 2003 and a 25% increase in 2008. Mr. Koppen said that with this amendment they could give themselves a 5% increase each year. Mr. Hendricks said anything 5% or more would trigger an automatic referendum. Mr. Koppen said it might set the stage where they would automatically want a 4-5% raise every year to avoid the referendum rather than skipping a year.

Mr. Benke said it is highly unlikely that Commissioners would ever again give themselves a 25% raise. He does not support Option B. Regarding Option A, it can be assumed that they would not set an increase above 5%. But, perhaps instead of a lower amount, they would set it at 4.99% because that would not trigger a referendum. Setting a 5% limit might be reasonable but thought must be given to potential consequences. Finally, to suggest that the County Board did not increase their compensation for 2010 because they are scared, he believes is an unfair comment. He believes County Commissioners are tuned in to the economy and the circumstances that our residents are going through and he trusts that is why they made the decision they did.

Mr. Berry prefers a 4% level and would encourage this body to make that change.

*(Continued)*

Mr. Moses agreed with Mr. Berry and said he believes A. L. Brown would like that too.

Mr. Nelson said the idea for cut in pay came from A.L. Brown. If Option A was adopted, it is a little slap on the wrists of Commissioners; Option B would be a slap in the face. If Option B was adopted it could possibly create a revolution. He believes Option A is an attempt to put some controls in place; he still thinks the Commissioners are overpaid. Regarding Mr. Fratto's comments, it is likely that Commissioners were the ones who contacted him.

Mr. Hendricks said there is currently no motion on the floor.

Mr. Miller requested clarification that nine votes are needed to place an item on the ballot. The response was affirmative. Mr. Miller continued that if nine votes are not received, things remain as they are. He asked if the issue could be brought up again in the future. Mr. Hendricks said he believes the issue could be brought up again.

Mr. Fratto said that Mr. Nelson's comments concern him. He can name a number of people he thinks are overpaid. There are also people who are underpaid. With his work history, he is quite confident that the salary paid to County Commissioners is comparable to commissioners in other counties. We can argue as much as we want about whether public employees are overpaid; as a public employee who didn't get a raise averaging more than 1% for almost of 20 years, and having to constantly hear from people that we were overpaid to begin with, he takes exception to anyone saying somebody else is overpaid. That doesn't mean that in relation to other people within that community, they are not making an excessive salary. We are not here to discuss whether or not they are overpaid. Our point is to discuss the best option before the Commission; if we should modify one of those options and whether or not to place it on the ballot. To discuss anything may sound good, it doesn't move this issue ahead.

Mr. Benke moved, seconded by Mr. Berry, to remove Option B from consideration. Vote – Ayes – 8; Nays – 2 (Nelson, Olson); Abstention – 1 (Koppen)

Mr. Nelson moved, seconded by Mr. Moses, to place Option A on the ballot.

Mr. Moses moved to amend the motion changing the percentage from 5% to 4%, seconded by Mr. Koppen.

Discussion took place on the amendment.

Mr. Halvorson is against the amendment; we are not referring to the actual pay increase, but rather what would trigger going to the people for a vote. He believes that some people were concerned about the past large increase. This does not speak to any raise they will get in future years, but what will trigger the vote. He feels that 5% is better than 4%. His other reason for skepticism about lowering it to 4% is that we do not know what the future holds. We are considering this change at a time when inflation is almost at zero; over time that has not been the case. Over time 3% has been quite common. What will happen with this limit if the rate of inflation is high?

Mr. Moses said he believes that during inflation it is the government that spends like crazy and businesses are being efficient unless they are being paid off by the government. That is the source of

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inflation now and probably will be in the future, especially the way the federal government is spending. That is what we have to take care of. He said his neighbors would think that a 5% raise is very generous and probably not deserved, especially when private business isn't getting anything like that – it is government that is in excess almost all the time 24/7. We are fixing that and putting a remedy out there that can be changed in the future if really necessary. We are holding back inflation by doing this.

Mr. Benke said the comments that government is spending wildly should be taken with a grain of salt. If one looks at the record in Minnesota over the last several years, spending by school districts, cities and counties in real dollar terms has declined 7-12%. State government spending, however, has increased. Many units of government have been effective and have been controlling costs; to use that argument as a justification for limiting the County Board's authority to change compensation is a misplaced argument.

Mr. Halvorson agreed with Mr. Benke. To blame government employees and the governments for the inflation rate is vastly overrated. Public employees on average, compared to private employees, earn less salary in general. That is not true in every locality; in some parts of rural Minnesota some of the best paying jobs are public employee jobs. That is not true in general, nationwide. He pointed out that he does not know any public official that is getting a \$.5 million bonus as every employee, on average, of Goldman Sacs is getting. To say that about public employees and government in general is not a good argument for the amendment, in his opinion.

Mr. Fratto called the question.

Vote to close debate on the amendment. Approved.

Vote on amendment to lower the percentage from 5% to 4%. Roll Call: Ayes 5. Nays – 6. Motion for amendment failed.

Mr. Miller said the Board can vote themselves any type of raise they want; we are just voting on a trigger for a referendum.

Mr. Fratto said that Mr. Miller is correct, but he would bet that any time it would appear on the ballot it would be defeated. If this question is placed on the ballot and it is passed by the electorate, we are effectively limiting our County Board to a 5% increase in salary annually.

Mr. Halvorson believes 5% is better than 4% and that 5% is a fairly reasonable proposal. He still will oppose the proposal for the following reasons: 1) regarding public policy – he doesn't think it is wise to have a referendum on salaries – it is not good public policy; 2) he believes there are already mechanisms to hold the Commissioners accountable; the last election was a perfect example. It was a prominent issue in all three commissioner races and the people of those districts could have voted their commissioners out if they opposed the large increase that occurred in 2008. He believes there is already protection by the people to vote the commissioners out; he doesn't see any reason to have a second kick-in factor for sending a matter to the vote of the people of Ramsey County. He believes the current system is adequate and that the current pay is adequate so he will vote no on the motion.

Mr. Moses said the Commission has heard lots of anger at the public hearings. At one of his first meetings he said that if this Commission doesn't agree on this issue, it will likely never agree on anything. This is not overly controversial. He suggested that the Commission do something constructive right now.

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Mr. Benke asked who will explain the issue to the public if this is to go on the ballot. Just placing an item on the ballot without any kind of informational process is like Russian roulette. What is the process for advocating or explaining the ballot issue and who does that?

Mr. Lookingbill said it would be incumbent upon this Commission to take on the responsibility of educating the public. Various things have been done in the past such as interviews with the media including the public broadcasting channel, and opinion pieces in local papers.

Mr. Hendricks asked if the Charter Commission has always been unanimous in its support of the ballot question. Mr. Lookingbill said that if they have not been unanimous, there was a large majority in favor.

Mr. Benke asked for the public purpose of the ballot question if it were placed on the ballot. Mr. Hendricks said one thought is that it would eliminate the perpetual issue of salary being such a major plank of future County Board elections. It would take the salary issue off the table. People could focus on more of the substantive issues. The salary of the seven Commissioners is less than 1/10<sup>th</sup> of 1% of the total County budget.

Mr. Moses said that is an excellent point and believes Commissioners should welcome this if it takes the issue away.

Mr. Miller said this could be construed to mean that they should take a raise; last year they did not take a raise. If this had been in place, would they have taken one? Perhaps they have learned their lesson from some previous increases in salary. Perhaps they should have to put their salary in their budget a couple of years in advance.

Mr. Koppen asked if that is how the state legislature does it if they want a pay increase. Mr. Nelson said the legislature votes the increase but they don't get it until after the next general election.

Mr. Fratto said that regardless of what budget is set, at least at the state level, there is an anticipated amount of salary and benefit increase built into every budget. There are guidelines at the state level coming from the Governor's Office, stating that a budget can only increase by a certain percentage. If there is an expectation that the average salary increase for state employees is going to be 2½%, but there is zero percent increase in the department's budget, the department has to offset the increases. That is not related to what the contracts would be or what inflation would be, but is based on what the head executive decides his/her budget would be. He believes the County Board already takes into account any salary increase. They could double their salary and it would not have a large impact on the budget.

Mr. Miller said he was referring to how it would impact the County Commissioners in their planning; he was just looking at another option.

Mr. Koppen said one of his concerns is that if this were placed on the ballot it could be interpreted as guarantee of a 5% increase every year.

Mr. Nelson said some people would likely vote against it because they would think it would guarantee a 5% raise. The impetus of this discussion was when they made those big increases. This is a subtle attempt to put some control on their process of setting their salary.

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Mr. Hendricks reminded members that Ramsey County is the only county that sets their County Board salary by an ordinance. An ordinance requires a public hearing; every ordinance is subject to a referendum.

Mr. Moses said we don't know what type of people will be elected in the future, which is another reason to have this in place.

Mr. Benke referred back to Mr. Hendricks' previous comment regarding current requirements – if that is the case why are we even talking about this? If we are unhappy about what they do, let someone require a petition.

Mr. Olson doesn't believe it is a good idea to let the ballot box dictate public policy. As Mr. Moses said, we don't know who the next set of Commissioners will be. He believes it is better for this commission to guide the setting of the salaries by putting it in the Charter because the Charter carries more weight than any other things mentioned.

Mr. Hendricks referred to Mr. Benke's question – under the current Charter, there would have to be 27,817 signatures on a petition within 30 days after the ordinance was published in order to have the referendum. Mr. Benke said that if there was enough outrage, the issue would be resolved.

Mr. Hendricks said that is why he suggested changing the way the referendum procedure works.

Mr. Fratto said a couple people he spoke to (not County Commissioners) indicated that it seemed like a couple of people were doing this from a political perspective. He has heard about process – we just heard we shouldn't be doing public policy from the ballot box – he believes that is why the Charter Commission is in existence. The voters in this County elect people who create public policy. He is not sure why this is even being discussed but he realizes why the issue arose – there were a couple members who were upset about what the commissioners received as a salary increase and they figured that by amending the Charter the problem can be resolved. He is still trying to figure out how he feels about this particular motion, but if we want to get a good representation about what we should be doing as a Charter Commission we need to get away from the politics of it. We are an appointed body and yet we are trying to create public policy by amending the Charter. Let's stick to the issue – does it make good public policy to attempt to amend the Charter to improve the operation of the government, if so, we should vote for it; if not, we should vote against it. If we are worried about whether or not the County Commissioners got a salary increase that was too high, that is another issue. We should then try to get those Commissioners out.

Mr. Hendricks took exception to Mr. Fratto's comments in that those who support Option A have political motivations. He has no political motivations; he put this forward as a way for the entire body to look at the Charter and one issue was salary. His thought was that it would remove the issue as a perpetual plank of all the campaigns. He doesn't have any political motivations.

Mr. Fratto clarified that he believes those who raised the issue to begin with, came in with the idea that that was an unreasonable raise. We have heard comments from members today who basically talk about that. He apologized if Mr. Hendricks thought he was referring to him; it was stated to him and he believes there are a couple of people here who are doing it for political purposes.

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Mr. Miller hoped that a decision would not be made tonight but if a vote were to be taken tonight, he would vote in favor of the question. He doesn't believe the work of the people was political and that it is good when the voters can be given an opportunity to have any say. He believes that the biggest fear a politician has is letting the voters decide more.

Mr. Olson said just because there is no outrage, it doesn't make it right and doesn't mean that it is an endorsement. It is unfortunate Mr. Fratto was not at the January 11<sup>th</sup> meeting – the public comments were much more spirited than what has been seen in the Court House meeting. The comments were all political on the audience side, not from the Charter Commission members. It was obvious that some of the people in the audience were sent there by certain political persuasions, elected officials, etc. and they delivered their speeches. When we started throwing around doing things for political purposes, we saw plenty of that in Little Canada.

Mr. Benke said the record needs to be clear that at the Little Canada hearing there were spirited presentations on both sides of the issue. There were strong arguments in favor of limits on salary increases and there were professional strong arguments and rationale for not imposing the strict limits that might be considered. He did not sense that there were undue political arguments; but rather spirited discussions from both sides of the issue. He welcomed that.

Mr. Moses said emails or general comments from the public were also distributed. He believes it was about 10-1 to take action and do something.

Three additional emails were distributed to members.

Mr. Hendricks repeated the motion on the table, to place Option A on the ballot. "Should the Ramsey County Home Rule Charter be amended so that a salary ordinance increasing Commissioner salaries by more than 5% shall be subject to an automatic referendum and shall not be effective until approved by a majority voting at a referendum?"

Mr. Halvorson believes a roll call vote should be taken.

Mr. Koppen asked when the referendum would be held if the issue passes. Mr. Hendricks said that under current policy the salary ordinance must be passed by July 1<sup>st</sup> to be effective the next January 1<sup>st</sup>. The referendum would have to take place between July 1<sup>st</sup> and January 1<sup>st</sup>. Mr. Koppen said we don't want the expense of a special referendum; it should take place at the same there is an election taking place. Mr. Lookingbill assumed it would be at the next election. Regardless, that could be clarified in the question.

Mr. Fratto said we should make sure it would go on the next ballot where there would be a county election. If this happened to fall on an off-year and the suburbs don't have elections, there wouldn't be anyone going to the polls. We could talk later about how to frame that. Mr. Lookingbill said he doesn't find anything in the Charter that states a referendum must be in a year when there is a general county election.

Mr. Miller said that is a reason why he is in favor of getting the questions in order. If we were to hold a special election, it would cost a lot of money. Should this not be put off until the next meeting so we can get some information?

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Mr. Nelson moved to table the issue, seconded by Mr. Berry.

Mr. Halvorson raised a point of order and said the motion to table is not debatable. His point of order is that if this motion to table is withdrawn or fails, and we then consider the Option A motion on the table, and if it passes, could we then consider a second motion regarding implementation. Mr. Hendricks responded affirmatively.

Vote to table. Motion to table failed on a vote of 3-8.

Mr. Benke asked if language could be added to Option A that specifies that the referendum shall be held at the next general election. Mr. Hendricks said he doesn't believe an amendment would be necessary. Mr. Lookingbill said there is another provision in the current Charter regarding the next election which could be a special election. Mr. Hendricks asked if the County Board could take the position that they would not call a special election but would hold the ordinance as not effective until the next election.

Mr. Miller heard that the answer is not clear. Mr. Lookingbill said they are a long way from placing this on the ballot. If this passes tonight, further work can be done on the question before it is in print.

Roll Call: Ayes – Miller, Olson, Nelson, Moses, Koppen, Hendricks – 6. Nays – Fratto, Benke, Halvorson, Kitto, Berry – 5. Motion failed as a vote of at least nine in the affirmative was required.

#### **OLD BUSINESS – Discussion regarding Public Hearing held 02/01/2010**

Mr. Koppen said he is in favor of reducing the percentage from 10% to 7% and increasing the number of days from 30 to 45, and made a motion as such. Mr. Halvorson seconded the motion.

Mr. Berry asked how many signatures would be needed at 7%. Mr. Hendricks referred to his handouts that stated 19,472 signatures would be required.

Mr. Halvorson asked if the motion was for one part or both. Mr. Koppen responded 'both'.

Mr. Halvorson withdrew his second to the motion.

Mr. Koppen restated his motion to have the two parts separated: "Moved to reduce the percentage from 10% to 7%." Mr. Miller seconded the motion.

Mr. Miller said a lot of signatures are still necessary. Mr. Berry moved, seconded by Mr. Miller, to amend the motion to decrease the percentage from 10% to 5%.

Vote on amendment to decrease the threshold from 7% to 5% on both initiative and referendum: Ayes – 4. Nays – 7. Amendment failed.

Vote on original motion to place the following question on the Ramsey County ballot "Should the Ramsey County Home Rule Charter be amended to decrease the minimum number of signatures required for a referendum or initiative petition from 10% to 7% of those who voted in the County for the office of the President of the United States in the last election." Roll Call: Ayes – Miller, Fratto, Olson, Nelson, Benke, Moses, Halvorson, Kitto, Berry, Koppen, Hendricks – 11. Nays – 0. Motion passed.

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Mr. Koppen moved to increase the number of days from 30 to 45 days. Mr. Halvorson seconded the motion.

Vote on motion to place the following question on the Ramsey County ballot “Should the Ramsey County Home Rule Charter be amended to increase the time period to obtain signatures for a referendum petition from 30 days to 45 days after an ordinance is published.” Roll Call: Ayes – Miller, Fratto, Olson, Nelson, Benke, Moses, Halvorson, Kitto, Berry, Koppen, Hendricks – 11. Nays – 0. Motion passed.

Mr. Halvorson read from section 11 of the charter provisions which deals with amendments to the Charter – “Upon recommendation of the Charter Commission, the County Board may enact a Charter amendment by ordinance by an affirmative vote of all its members after a public hearing upon two weeks published notice containing the text of the proposed amendment”. Mr. Halvorson moved that the Charter Commission recommend to the County Board that the County Board consider enactment of these two proposed Charter amendments by ordinance of all members of the Board. Mr. Fratto seconded the motion.

Mr. Hendricks said that on August 16, 1990, when the Charter Commission was proposing the Charter, they came out with their position papers. Relating to amending the Home Rule Charter, under the intent of the Ramsey County Charter Commission, says “the reasoning of the Charter Commission was to allow a greater number of decisions to be made at the local level with increased possibilities for citizens of the County to have input into and control over those decisions. Therefore, amendments to the Charter form of government can be made by petition of the citizens. Amendments of a lesser degree, such as clarifying language of the Charter, could be suggested by the Charter Commission or County Board and passed by the Charter Commission and subsequently by unanimous vote of the County Board, which would still be subject to a referendum. This ability to amend non-substantive parts of the Charter would avoid the expense of an election and allow for housekeeping amendments of the Charter, but even these would be subject to a referendum to ensure the actions of the Charter Commission and the County Board reflect the desires of the citizens of the County.” Mr. Hendricks said he believes this change is more than a non-substantive change and would oppose having it placed to the County Board. We will be having an election in November – the expense cannot be that much to put this question to the people.

Mr. Lookingbill said it is his opinion that the County Board would not have the power to do this by ordinance.

Mr. Halvorson withdrew his motion.

Mr. Nelson asked why the County Board could not do this. Mr. Lookingbill said his opinion is based upon the position papers that the original Charter Commission put out when the Charter was adopted. Language, as written in the Charter, is misleading, but the position papers clarify that the provision that would allow amendment of the charter through an ordinance process is intended for non-substantive amendments. He believes the change could be grammatical or updating the language. If you were to interpret the Charter to allow the Board to do it by ordinance upon recommendation destroys the purpose of the Charter which is a people’s document.

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Mr. Halvorson asked Mr. Lookingbill to respond by the May meeting with more thorough research in regard to this issue. If he is still of the same opinion, Mr. Halvorson would be fine with that. However, he would like Mr. Lookingbill to do more in depth research. If he changes his mind, Mr. Halvorson would like to reconsider making his motion again during the May meeting. Mr. Halvorson said the way the Charter reads seems quite clear that that is a way to amend the Charter. The Charter does not state that it be substantive or non-substantive. He pointed out that these were by unanimous votes and would require unanimous vote of the County Board. He believes that is a fairly strong indication that there is overwhelming support and we could save the expense of an election. He believes the expense will be very nominal. However, he would at least like to ask counsel to do a little more research into this. Mr. Lookingbill said the question has come up previously so he will provide a written opinion by the May meeting.

Mr. Halvorson requested more input as to when a referendum would go to the people – when would the election be held. He said something should be adopted in May to make the intent more clear regarding the implementation of the elections in regard to the referendum. The Charter does not clarify that. The Charter states ‘general’ or ‘special’ election – he believes that implies that we would have to have a special election, especially if the ordinance were to occur in a non-election year. He believes the Charter Commission may be criticized by the citizens if we held the expense of a special election that may cost several times more times than would be saved by not increasing the salary of the commissioners. He would like Mr. Lookingbill to come back with more clarity of what would happen if a referendum comes in – does a special election have to occur? When would it have to occur?

Mr. Hendricks asked if the County Board could repeal an ordinance that had passed that was subject to a referendum. Mr. Lookingbill will look into both those issues.

Mr. Koppen asked if the salary issue is dead or could it be brought up at the next meeting.

Mr. Hendricks said anything is open for discussion. Mr. Lookingbill said that in regard to the two proposed amendments that passed tonight, he would have to work further with the wording on them to make sure it is worded as needed for the ballot and to see how it fits in the Charter. There will be two sets of language – how it would appear in the Charter and actual ballot language.

Mr. Lookingbill said the salary issue could be brought up again. He will circulate the provisions within *Roberts Rules of Order*.

#### AJOURNMENT

Chair Hendricks declared the meeting adjourned.

Submitted by Bonnie C. Jackelen, Chief Clerk – County Board