

**CHARTER COMMISSION
CITY OF RAMSEY
ANOKA COUNTY
STATE OF MINNESOTA**

The Charter Commission conducted a regular meeting on Wednesday, May 5, 2010, at the Ramsey Municipal Center, 7550 Sunwood Drive NW, Ramsey, Minnesota.

Members Present: Temporary Chair Frank Frederick
 Commissioner Susan Anderson
 Commissioner Joseph Field
 Commissioner Harry Niska
 Commissioner Marilyn (Moe) Shea
 Commissioner Cindy Sherman

Members Absent: Chair Ben Deemer
 Commissioner Terri Cleveland

Also Present: City Attorney William Goodrich

CALL TO ORDER

Commissioner Frederick called the regular meeting of the Charter Commission to order at 6:38 p.m.

CITIZEN INPUT

None.

APPROVE MINUTES

Motion by Commissioner Niska and seconded by Commissioner Field to approve the meeting minutes dated March 5, 2010.

Motion carried. Commissioner Sherman abstained. Absent: Chair Deemer, Commissioner Cleveland.

APPROVE AGENDA

Consensus was to approve the agenda as presented.

COMMISSION BUSINESS

Case #1: Appointment of Chair and Vice Chair

It was the consensus of the Charter Commission to address the appointment of the Chair and Vice Chair at a future meeting.

Case #2: Continue Discussion Amendment Consideration to Chapter 2 of the Home Rule Charter of the City of Ramsey relating to the Form of Government of the City

City Attorney Goodrich summarized the deadlines for action.

Commissioner Sherman asked if the Commission's actions were irrelevant.

City Attorney Goodrich summarized the statute and process for a Charter amendment. He noted when there was a public vote on an issue, the Commission's input was not as important.

Commissioner Sherman stated she was frustrated with the Charter process. She noted it was possible this could be changed again when a new Council came into office and she believed this was a waste of time.

Temporary Chair Frederick agreed and stated the Charter was useless if it could be so easily changed.

Commissioner Anderson believed there was not much for the Commission to do as this was going to public vote.

Temporary Chair Frederick asked if the Commission wanted to vote at this meeting considering there was nothing to discuss, or to just continue the discussion to the next meeting.

Commissioner Anderson stated as long as the Commission was involved in coming up with the question, she believed they should vote on this tonight.

Motion by Temporary Chair Frederick, seconded by Commissioner Sherman to leave the Ordinance Amendment as previously stated and reject the proposed Ordinance as presented by the City Council.

Further Discussion: Commissioner Niska stated he supported the Ordinance. He believed this was an important issue of government structure and the power of the voters. He stated the voters should have a voice in the form of a vote and he believed what the Council was doing was the right thing and it was wrong the way it was handled in the past. He believed a referendum was the right way to handle the question. Commissioner Sherman disagreed. She believed they elected the Councilmembers to represent the citizens and not every decision should be put in the hands of the voters. She noted it was difficult to inform the voters of this and that was what the Councilmembers were paid to do. Commissioner Field stated the voters were not voting on

hiring and firing decisions and the Commission was just addressing the referendum. He stated this was a decision that should have probably been presented to the voters to begin with. He noted this issue had been discussed many times at prior Charter Commission meetings. He did not understand why this was not originally presented as a referendum vote. He supported the premise that the people decide the issue and his concern was whether the public would understand the question. He supported the ordinance as presented. Commissioner Shea believed this should go to the people, but it became risky as to how it was worded. She stated it would be up to the City to educate the voters. Commissioner Anderson agreed this was a question of substance and should have been presented to the voters in the first place. Commissioner Sherman stated the City Manager form of government helped moderate the “politics” entering into the City’s business and this was a big difference. Commissioner Anderson stated in reading about this form of government, the Council was in charge of everything. City Attorney Goodrich stated the Commission could say to the Council to stay with the City Manager form of government, except that the City Council would be in charge of the hiring and firing, but he was unsure that this would change much of anything. Commissioner Niska stated maybe the City Manager could hire and fire lower level employees, but not higher-level employees. City Attorney Goodrich stated the Commission could recommend going forward, but propose an amendment to the Charter for the Manager not having authority to hire and fire department heads. Commissioner Sherman asked if there should be a second question, “Should the charter be amended to limit the duties of the City Manager.” City Attorney Goodrich believed the public would not be that interested if the City Manager could hire or fire department heads and that issue could be dealt with by a Charter amendment. Commissioner Sherman believed this was a matter of trust between the Council and the City Manager. Commissioner Field stated he could see the issue of trust being an element of this, but he looked at it as whether the City Manager had the wherewithal to know he had to make employment changes and whether he or she would follow through with it. He noted the City Council looked at it more broadly and didn’t have the personal relationships like the City Manager. Commissioner Niska stated the Councilmembers were elected officials who were accountable to the public and voters and if they were making decisions for wrong reasons, the voters could fire them. However, the voters could not fire City staff. He wanted to keep as much power in the City Council’s hands as possible. Commissioner Sherman stated she was a public employee and she had worked under both forms of government. She stated everyone should be held accountable in their job, but what happened when Council members were elected was that they had no experience in the running of a City and that was why there was professional staff. She feared as Council changed, there are things that happen in a growing community that not everyone supports and everything gets thrown out. She believed they needed stability in the government through elimination of chaotic changes when a Council changes. She stated that was why she wanted a City Manager form of business.

Temporary Chair Frederick called for the question.

ROLL CALL:

Chair Deemer – Absent
Commissioner Field – Nay
Commissioner Niska – Nay
Commissioner Anderson – Aye

Commissioner Sherman – Aye
Commissioner Shea – Nay
Commissioner Cleveland – Absent
Temporary Chair Frederick – Aye

Motion failed. Absent: Chair Deemer and Commissioner Cleveland.

City Attorney Goodrich stated the Commission had the option of having another meeting to discuss this issue; to have another meeting and try to resolve this at the same night and have Council here to discuss the question; or just leave it and let it proceed.

Temporary Chair Frederick stated an amendment to the Ordinance leaving the Council with the power to hire and fire the Manager and Department heads would be more agreeable to him rather than going back to the administrator system.

Motion by Commissioner Sherman and seconded by Temporary Chair Frederick to reject the Ordinance as presented by the City Council but recommend the Charter be amended so the City Manager form of government does not give the City Manager the authority to hire and fire department heads and leave that power with the City Council.

ROLL CALL:

Chair Deemer – Absent
Commissioner Field – Aye
Commissioner Niska – Aye
Commissioner Anderson – Aye
Commissioner Sherman – Aye
Commissioner Shea – Aye
Commissioner Cleveland – Absent
Temporary Chair Frederick – Aye

Motion carried. All present voted in favor.

Commissioner Niska stated he would like to add wording at the end of Section 2.1 of the existing Charter to read: “Notwithstanding any statute or ordinance to the contrary, the power to hire and retain department heads shall be reserved to the City Council”.

City Attorney Goodrich stated that recommendation had already passed. He indicated the Commission needed to address the process now.

Commissioner Niska believed this could be accomplished by adding his recommendation to Section 2.1 of the Charter.

Temporary Chair Frederick stated he did not want to amend the Charter now, but wanted to see if the Council would accept what was previously recommended.

Motion by Commissioner Niska and seconded by Commissioner Field that the Charter Commission recommends adding the wording to the end of Section 2.1 of the existing Charter to read: “Notwithstanding any State Statute or Ordinance to the contrary, the power to appoint and remove department heads shall be reserved to the City Council”.

Further Discussion: Commissioner Anderson believed the issue was the meddling of the Council in the running of the City. Temporary Chair Frederick noted that was the City Manager’s responsibility to handle this. Sherman recommended “in concern/conjunction with the City Manager”.

ROLL CALL:

Chair Deemer – Absent
Commissioner Field – Aye
Commissioner Niska – Aye
Commissioner Anderson – Nay
Commissioner Sherman – Aye
Commissioner Shea – Aye
Commissioner Cleveland – Absent
Temporary Chair Frederick – Aye

Motion carried.

Motion by Commissioner Sherman, seconded by Commissioner Shea that the Charter Commission recommends that the Charter Amendment to the City Manager form of government deleting the appointment and removal authority of the City Manager relating to Department heads be accomplished by Ordinance recommended by the City Charter Commission and unanimously approved by the City Council under Minnesota Statutes 410.12, Subd. 7.

Further Discussion: Commissioner Niska stated his concern was primarily about Department Heads. He did not believe the people through their elected representatives are going to be concerned about each individual employee. He stated retaining the City Council’s power to retain and remove department heads was the proper thing to do and this could be done by Ordinance or by referendum. Commissioner Field stated there was a shock factor in the change of government and that changes the referendum question. He expressed concern that the voter would be confused as to what was being asked and he agreed this was a reasonable compromise. Commissioner Shea stated this is what swung her vote as well. Commissioner Sherman withdrew her motion and Commissioner Shea withdrew her second.

Motion by Commissioner Sherman, seconded by Commissioner Shea that the Charter Commission recommends that the amendment of Section 2.1 of the Charter as relating to Council/Manager plan of government as just previously passed by the Charter Commission be accomplished by use of the process provided by Minnesota Statute 410.12, Subd. 7, which requires the Charter Commission recommendation of an Amendment Ordinance and unanimous approval of the City Council.

ROLL CALL:

Chair Deemer – Absent
Commissioner Field – Aye
Commissioner Niska – Aye
Commissioner Anderson – Nay
Commissioner Sherman – Aye
Commissioner Shea – Aye
Commissioner Cleveland - Absent
Temporary Chair Frederick - Aye

Motion carried.

COMMISSION INPUT

1. Schedule Date & Topic(s) for Future Meeting

City Attorney Goodrich recommended the Commission wait to hear from the Council to see what Council did and if the Charter Commission should meet again for any questions or clarification. He stated if the Council agreed with this, the Commission would need to meet again this year to review the Charter to be consistent in wording.

ADJOURNMENT

Motion by Councilmember Niska, seconded by Councilmember Shea, to adjourn the meeting.

Motion carried. All present voted in favor.

The regular meeting of the Charter Commission adjourned at 8:15 p.m.

Respectfully submitted,

Jo Ann M. Thieling, CMC
City Clerk

William K. Goodrich
City Attorney

Drafted by Kathy Altman
TimeSaver Off Site Secretarial, Inc.