

Minneapolis Charter Commission Minutes

April 6, 2011 - 4:00 p.m.

Room 317 City Hall, Minneapolis, Minnesota

Commissioners Present: Clegg (Chair), Connell, Ferrara, Gerdes, Johnson, Kozak, Lazarus, Lickness, Metge, Peltola, Rubenstein, Sandberg, Schwarzkopf, Stade

Commissioner Excused: Dolan

Also Present: Burt Osborne, Assistant City Attorney

1. Roll Call

Chair Clegg called the meeting to order at 4:05 p.m. Roll call was taken.

2. Adopt Agenda

Lazarus moved to amend the agenda to move the Chair's Report to follow Item 6.

Seconded.

Adopted upon a voice vote.

Absent - Dolan, Johnson.

The agenda, as amended, was adopted upon a voice vote.

Absent - Dolan, Johnson.

3. Approve minutes of regular meeting of March 2, 2011

Lazarus moved approval of the minutes of the meeting of March 2, 2011. Seconded.

Adopted upon a voice vote.

Absent - Dolan, Johnson.

6. 2010 Census Results:

Presentation by Jeffrey Schneider, Community Planning & Economic Development.

Jeff Schneider, Community Planning & Economic Development Office, reported on the 2010 census data. All information from the 2010 Census is not yet available such as age/gender, owner/renter, and households/group quarters detail. That information should be available by August. Census information was broken down to the block level, which will be needed during the redistricting process. The PowerPoint Presentation covered the following topics:

- Census participation in Minneapolis
- 2010 census population results
- Minnesota population change by county
- Apportionment data history
- Changes in city populations
- Changes in Minneapolis population by color, housing units, neighborhood, ward population, Park Board district, and race and ethnicity

Census information is available on the city's website, including links to other census resources, at <http://www.ci.minneapolis.mn.us/census/>.

5. Introduction of New Commissioner:

Natonia Johnson.

Clegg welcomed Commissioner Johnson and asked her to introduce herself.

Commissioner Johnson stated that she was a native Minnesotan and lived in the Fifth Ward in north Minneapolis. She has been a member of numerous boards and committees and looked forward to working with the Charter Commission.

4. Chair's Report

Clegg stated that since the March meeting he had attended the Advisory Group Selection Committee meeting and also met with Commissioner Rubenstein and Professor Schultz regarding student observers. There had been media activities around the Charter Commission and Advisory Group vacancies. He had talked to print reporters and was on KFAI radio twice. He and Commissioner Schwarzkopf revised the principles, with input from Assistant City Attorney Bachun. He had met with Jeff Schneider and City Clerk Casey Carl to plan tonight's Census presentation. Next week he will attend a demonstration by the County of different types of software that may be used for redistricting.

7. Report from Advisory Group Selection Committee:

- a) Report on meeting of March 22, 2011; and
- b) Discussion regarding Advisory Group application period (and whether it should be extended/reopened).

Sandberg stated that interviews are currently scheduled for April 7, 11, 12, and 27. The agendas contain the interview questions and a link to the public portion of the applications. Currently, there are 21 eligible applications representing all except Ward 5. Information regarding the Advisory Group vacancies was distributed through the Charter Commission listserv of 800, NRP's 1,000-member distribution list, and NCR's 400-member list. However, the NCR distribution had been delayed, and they did not post the information until somewhat late in the process. One of the applications was received in the City Clerk's Office via email on March 27. The application rules stated that applications must be received or postmarked by March 25 but did not address email. The applicant has stated that she sent the application on the 25th, BIS said the email was sent from the applicant's server on the 27th, and the application was last edited late on the night of the 25th. She asked if the Commission would like to accept or reject the application.

Schwarzkopf moved that the application in question not be accepted because it was not submitted by the deadline. Seconded.

Ferrara stated that although he had seconded the motion, he did so to allow the Commission to speak to the matter. He inquired if the city had dealt with this situation in the past.

Casey Carl, City Clerk, stated that in his experience, when the application deadline is on a Friday and applications come in over the weekend, the Clerk's Office has the ability to be flexible and accept those applications. The deadline is more of a guide in terms of getting applications in, not to limit or restrict consideration of someone who may be qualified and interested in serving.

Schwarzkopf's motion not to accept the application in question failed upon a voice vote.
Absent - Dolan.

Metge moved that the application in question be accepted. Seconded.
Adopted upon a voice vote.
Absent - Dolan.

Sandberg summarized the interview process and requested that the City Clerk's Office staff the interviews. She noted she was documenting everything that the committee had done and that information would be filed with the City Clerk.

Sandberg inquired if the Advisory Group application period should be re-opened. It was possible that applicants who used an incorrect email address when submitting their applications were unaware that their forms had not been received by the City Clerk since the City's email server does not bounce back incorrectly addressed emails. Another issue was the fact that the NCR email notification was somewhat late.

Peltola stated that he imagined there was some overlap in the NRP and NCR email lists.

Rubenstein stated that the legislature is not going to complete their redistricting by the end of this session which allows the Charter Commission more time for their process. Also, just a few days before the application period closed, she had an opportunity to see the first report of the census data at a Ward 7 meeting, and it was clear that there would be serious issues particularly on the north side because of the population change. At that point, the committee hadn't received one application from the wards that were going to be most severely affected by the population changes. She then began encouraging people from those wards to apply, but there was very little time left for them to do so.

Rubenstein moved that the application period be re-opened until April 29, with direction to Commissioner Sandberg to update the application form to reflect the changed deadline and add information regarding receipt via email. Seconded.

Lickness agreed that the NCR's distribution list probably mirrored the NRP distribution list since both target the same group. However, she was willing to re-open the application period in order to insure that more recruiting is done in Ward 5.

Schwarzkopf felt that it was unfair to the 22 people who had applied on time. There are currently 22 applications and only nine positions to fill.

Ferrara stated that while it wouldn't hurt to re-open the application period, he believed it was unnecessary. As the redistricting process moves forward, there will be timelines that cannot be changed.

Clegg stated that if the Commission had known when they began this process and established their rules that the legislature would not act in 2011, they probably would have set the deadline much later.

Connell stated that it was in the interest of the Charter Commission and the city to have the most robust, qualified, and representative Advisory Group possible. If the Commission had the power to re-open the application period, they should do so.

Metge spoke in favor of the motion. The Commission had nothing to lose and everything to gain by extending the deadline.

Johnson supported re-opening the application period. She had not received any notifications from NRP announcing the openings even though she is in the loop. She heard about it from a neighbor. She also believed that the Commission had to make sure the process appeared to be inclusive and that they were reaching out. There was no urgency to cut off applications when redistricting will not begin until well after May, if even then. The census maps just placed on the city's website today will generate interest throughout Minneapolis.

Rubenstein's motion that the application period be re-opened until April 29, with direction to Commissioner Sandberg to update the application form to reflect the changed deadline and add information regarding receipt via email, was adopted. Yeas, 10; Nays, 4 as follows:

Yeas - Connell, Johnson, Kozak, Lickness, Metge, Peltola, Rubenstein, Sandberg, Stade, Clegg.

Nays - Ferrara, Gerdes, Lazarus, Schwarzkopf.

Absent - Dolan.

Burt Osborne, Assistant City Attorney, suggested that the committee delay the scheduled interviews until the application period was closed so that all the interviews could take place as close together as possible. While there was nothing flawed about beginning the interviews tomorrow and the committee would be on safe legal ground doing so, it may be better to delay all the interviews as an issue of appearance.

Clegg suggested that a memo be provided to each applicant explaining that the application period had been re-opened due in part to an error in the communication strategy.

Ferrara stated that the interview process is a very open process. The interview questions are published. The committee has decided to reserve their recommendations to the Charter Commission until after all the interviews have been completed. The Charter Commissioners themselves have all the applications and are able to attend the interviews. The interviews will be audio taped. He didn't see any harm in going forward with the scheduled interviews as long as no specific recommendations were made until all of the interviews are complete.

Schwarzkopf moved that the interviews be postponed until such time as the application period is closed. The motion lost for lack of a second.

Absent - Dolan.

Clegg stated that since the motion to postpone the interviews did not receive a second, and the Charter Commission had previously granted authority to conduct the interviews and the form of those interviews to the Advisory Group Selection Committee, that authority remained in place.

8. Outreach/Communication Committee:

Continue discussion of formation of a Charter Commission Outreach/Communication Committee.

Ferrara moved that an Outreach/Communication Committee be formed and that the proposed charter be approved. Seconded.

Schwarzkopf was concerned about Item 6 of the proposed charter, which stated that the committee would engage, inform, and educate the public on pending Charter amendments. Educating the public many times gets into explaining what amendments are about which could lead people to make an assumption that an amendment is either good or bad.

Clegg stated that it referred to educating the public, not advocating one way or another.

Lickness believed that all of the Charter Commissioners are dedicated to understanding the difference between educating and informing and crossing the line into advocacy.

Gerdes stated that the Commission should answer the following questions first: (1) What is it the Commission is trying to communicate? (2) To whom is the Commission trying to communicate? (3) By what method are they going to communicate the information?

Ferrara stated that it isn't necessarily the Charter Commission's role to fully educate the public or advocate either side of an issue. However, there have been issues before the Commission where people did not understand the issue. There is a great need for this committee. However, he had once proposed that the name of the committee not include "outreach" because that word sends the wrong message, but rather "public information"

Kozak moved that Item 6 be amended to read as follows: "Engaging, informing and educating the public on pending Charter Commission approved amendments, as directed." Seconded.

Connell suggested broadening the language to state "engaging, informing, and educating the public on matters relating to the Charter of the city".

Lazarus stated that the Rules of the Charter Commission state that communications are to come from the Chair. With the formation of this committee, there will be 15 different spokespersons for a Charter amendment. Also, the Commission could be opening themselves up to a lawsuit if they were wrong or misleading in their explanations to the public.

Ferrara stated the he had originally proposed that the name of the committee not include "outreach" because it sends the wrong message, but rather "public information".

Kozak stated that Commissioner Schwarzkopf had pointed out that the first sentence of the proposed committee charter stated: "The Outreach/Communication Committee is charged with proposing outreach and communication strategies and tactics to the full Commission and implementing the same after adoption by and at the direction of the Commission." *Kozak therefore withdrew his motion to amend Item 6.*

Lickness called the question.

Schwarzkopf stated that there had been discussion at a previous meeting about the word "outreach" and apparently some people misunderstood what the Commission interpreted the word to mean. He suggested calling it a "Communications" Committee and striking the word "outreach" from the proposed committee charter.

Sandberg moved to amend the proposed committee charter by striking all instances of the word "outreach". Seconded.

Adopted. Yeas, 7; Nays, 5 as follows:

Yeas - Connell, Kozak, Metge, Peltola, Rubenstein, Sandberg, Schwarzkopf.

Nays - Ferrara, Gerdes, Johnson, Lickness, Clegg.

Declining to vote - Lazarus.

Absent - Dolan, Stade.

Ferrara's motion to form a Communication Committee and approval of the proposed committee charter, as amended to strike the word outreach where it appears, was adopted upon a voice vote.

Absent - Dolan, Stade.

Clegg requested that Commissioners interested in serving on the committee contact him before next month's meeting and membership will be set at the May meeting.

**9. Recommended Principles for Redistricting:
Consideration of amendments to Redistricting Principles.**

Clegg stated that since it had been noted that some Redistricting Principles were inconsistent with the Charter, he and Commissioner Schwarzkopf had provided proposed amendments to the Principles.

Peltola moved approval of the proposed amendments to the Redistricting Principles.
Seconded.

Peltola moved that the word "citywide" be deleted from the principles in reference to meetings and replaced with the word "public". Clegg accepted the motion as a friendly amendment.

Lazarus stated that there was an error in the Principles relating to the district court referring the redistricting map back to the redistricting group that he thought was inconsistent with the Charter which requires that the map go back to the Charter Commission. He had also prepared other amendments to the principles which he had faxed to Chair Clegg.

Lickness moved to postpone consideration of the Redistricting Principles to the May meeting.

Clegg suggested adopting the amendments to the Principles that were before the Commission and considering Commissioner Lazarus' amendments at the next meeting since the Commission hadn't seen them yet. He also stated that the district court does return the map to the Charter Commission and the Charter Commission approves a new map, but it would consider the opinions of the Redistricting Group before it voted.

Sandberg moved approval of the amendment to Section II(B) of the Redistricting Principles as follows: "B. Prior to the appointment process, the Charter Commission or a committee of Commissioners will write a proposed job description and an application form which persons interested in serving on the Advisory Group will be asked to complete. This is an open process and all some information on the application form will be public information." Seconded.
Adopted upon a voice vote.
Absent - Dolan, Stade.

Lickness moved to postpone consideration of the remainder of the amendments to the Redistricting Principles until the May meeting. Seconded.
Adopted upon a voice vote.
Absent - Dolan, Stade.

**10. Possible Role of Student Interns in the Redistricting Process:
Report by Commissioner Rubenstein.**

Rubenstein stated that she and Chair Clegg had met with Professor David Schultz and three students interested in helping with the process. They provided them information on what had taken place so far and the anticipated timeline going forward. The students were very enthusiastic. Professor Schultz will work out how they might obtain academic credit for their work and the paper they will write analyzing and critiquing the redistricting process.

Clegg stated that the May agenda would include the proposed mission of the student intern project for approval.

11. Plain Language Charter Revision:**Update on status of the Plain Language Charter Revision by City Attorney.**

Clegg stated that City Attorney Susan Segal was planning to present an oral report and summary at the May Charter Commission meeting. In the meantime, he asked Commissioners to review the black-lined version of the Plain Language Charter provided by the City Attorney's Office, which showed changes from the Charter Commission's last draft.

Public Commentary

There was no one present wishing to address the Charter Commission.

Lazarus moved to adjourn. Seconded.

Adopted upon a voice vote.

Absent - Dolan, Stade.

The meeting was adjourned at 6:05 p.m.

Peggy Menshek
Council Committee Coordinator