

**MINUTES**  
**CHARTER COMMISSION**  
City Council Chambers  
January 9, 2019  
5:00 p.m.

**I. ROLL CALL**

Present: Commissioners Seim, Anderson, S. Johnson, Gardner, Kimber, Britton, D. Johnson, Matheson, Stauber, Mangan, Greene, Lyttle, President Poole, Vice President Ness - 14

Absent: Commissioner Nys - 1

**II. ACCEPTANCE OF REQUESTED EXCUSED ABSENCES: None**

**III. APPROVAL OF MINUTES:**

A. October 10, 2018 – unanimously approved.

**IV. COMMUNICATIONS:**

A. CITY ATTORNEY SUBMITTING A DRAFT ORDINANCE AMENDING CHAPTER V, SECTION 36 OF THE CITY OF DULUTH HOME RULE CHARTER, 1912, AS AMENDED, PERTAINING TO CIVIL SERVICE REQUIREMENTS FOR DEPUTY FIRE CHIEFS. (#19-01) - Received

B. CORRESPONDENCE FROM IAFF LOCAL 101 REGARDING PROPOSED CHARTER CHANGE FOR DEPUTY FIRE CHIEFS (#19-02) - Received

C. CORRESPONDENCE FROM CHIEF ADMINISTRATIVE OFFICER REGARDING PROPOSED CHARTER CHANGE FOR DEPUTY FIRE CHIEFS (#19-03) - Received

D. CORRESPONDENCE FROM FIRE CHIEF REGARDING PROPOSED CHARTER CHANGE FOR DEPUTY FIRE CHIEFS (#19-04) - Received

**V. UNFINISHED BUSINESS: None**

**VI. NEW BUSINESS:**

A. DRAFT ORDINANCE AMENDING CHAPTER V, SECTION 36 OF THE CITY OF DULUTH HOME RULE CHARTER, 1912, AS AMENDED,

PERTAINING TO CIVIL SERVICE REQUIREMENTS FOR DEPUTY FIRE CHIEFS.

Poole: Has anyone not had an opportunity to review? Is there any discussion?

Ness: I will speak in favor of this proposal. It has always been an issue within the Fire Department that there is very little in the leadership role. When I was Mayor there was a Chief and a Deputy Chief, so if we expand to allow for a third that would be a good thing. Quite frankly, I do not know why this is in the Charter, this should be an administrative decision to organize management in the way it sees fit. But given that both the Union as well as the Fire Chief have indicated support, I would move for approval.

Motion was made, seconded and unanimously carried to approve.

B. MUNICIPAL ELECTION CYCLES STUDY GROUP REPORT

Anderson: Good evening Commissioners, prior to this meeting our Municipal Election Cycles Study Committee had a final meeting to summarize what we had discussed in previous meetings and did make a unanimous recommendation to this body, that we move forward in studying whether this is a change that should be put on the ballot in November. The Study Group unanimously supports this entire Commission looking into this matter more fully and with the recommendation that we follow a specific timeline. March 14<sup>th</sup> we would invite stakeholders. On April 10<sup>th</sup>, hold a public hearing at our regularly scheduled meeting, so the public can comment. Then the Charter Commission would make a final decision as to whether to put this on the ballot on May 8<sup>th</sup>. There is a legal timeline where the Charter Commission must get this decision to the City Council by July 9<sup>th</sup> in order to have it on the ballot in November. Again, we have an affirmative recommendation that the Commission move forward in studying this.

I would open it up to recommendations for stakeholders to be invited to the next meeting. Some of those stakeholders have been identified by the Study Group: the League of Women Voters; other municipalities that have made this change (either in person or by conference call); representatives from the School District; our Duluth County Commissioners or other offices that are on the even-year ballot; and potentially representatives from the major political parties.

Gardner: Commissioner Anderson, we may want to invite City Councilors as well.

Poole: Any further recommendations?

Greene: I would recommend inviting the entire School Board, not just one or two representatives because they will, as a body, need to vote on this as well, if it were to proceed.

Anderson: President Poole, just to clarify for the Commissioners and the public, this is not our study group advocating to put this on the ballot in November. This is just our recommendation, that in our deliberations and discussions, with the school district and some others, we feel the issue warrants further discussion by the whole Charter Commission.

Greene: I don't know if this is appropriate at this time, but I have a question that I think should be considered by the group. That is the possibility that the ballot would be two ballots on even years, or how much room would there be to add to the ballot.

Anderson: I believe there are statutory requirements for ballot size, is that correct?

Helmer: Commissioner Anderson, that is correct. Year to year ballot size is going to depend on the number of candidates that have filed for each race and any referendum questions.

Anderson: To follow up on that I would note, the study group was provided with sample ballots from other cities where there are municipal races in the even year, and if we could provide those to the entire Commission at the next meeting, I think it would be helpful to see where the races are placed on those ballots.

Helmer: We can do that.

Britton: Is your answer, Ms. Helmer, that the ballot would ... [inaudible]?

Helmer: Not necessarily, and I need to confirm this, but I believe there is a statutory requirement that there only be one ballot, which can be two-sided. There are requirements for how races are placed on the ballot, how the candidates are listed on the ballot, and then they differ in each precinct. There are also requirements for font size etc. That is something we can look at and get more detail for you, much of it is dictated by statute and rules. Generally, there is left over column space on the ballot and what happens is that the races are organized so you do not end up with additional column space.

Poole: Commissioner Anderson could you walk through the recommendation again?

Anderson: Yes, the recommendation is that we meet in session on March 13<sup>th</sup> and the group could work with the City Clerk to invite those persons we have identified to attend; and to work with President Poole on that agenda and how we engage those persons with the Commission. April 10<sup>th</sup> is our regularly scheduled meeting, so we would have an additional public hearing to speak to this issue. May 8<sup>th</sup> we would make a final recommendation.

Poole: Any further comment or discussion?

Greene: Are you envisioning that the entire Charter Commission come to the March meeting?

Helmer: I would ask if the Commission could consider a March 20<sup>th</sup> date as opposed to March 13<sup>th</sup>, in order to find meeting space?

Anderson: I have no objection to that.

Poole: Motion to move forward as discussed?

Motion was made, seconded and unanimously carried.

### C. APPROVAL VOTING SYSTEMS STUDY GROUP REPORT

Poole: We will move on to approval voting systems study group report.

Ness: Thank you. This is an issue I have been interested in for several years, especially as this community engaged in the discussion on ranked choice voting. I think there was broad concern in the community about the implementation of that system and it was soundly defeated by the voters. At the same time, I think there is broad consensus and awareness that the political system is broken and the electoral system we use influences that system. Through a winner-take-all system and oftentimes through crowded primaries you can get general election candidates that have very narrow spectrum of support from a primary election and approval voting is a way to broaden the support needed to move on in an election and to appeal to the public for the broadest possible support. Instead, too often, candidates need to be a champion for a very narrow spectrum of the voting populus. The City of Fargo recently passed approval voting, becoming the first in the country to do so, by a 2-1 vote. There was a very robust discussion in Fargo to switch to this form of elections and the citizens of Fargo overwhelmingly supported it. We did have a very good discussion in our working group about the concept. I think there were a few things that came forward in our discussion, one of which was the other proposal to move to even-years, we felt it complicated our discussion about approval voting. The concern that there may be two different types of voting on the ballot and a recognition that this concept required more engagement and education and discussion within the community before it was ready to be brought forward in this calendar year. There was interest and from this Commissioner, support, but that this was not the right year to bring it forward. I am hopeful that we can look for other avenues to consider the benefits of this system. The upcoming Presidential primary and caucuses will open up an opportunity to consider how this type of system could be applied. With the upcoming primary there could be 10-15 candidates on the ballot and the potential for someone to win with 10% or 15% of the vote. This is a problem vs. approval voting where the candidate may need 40% or 60% of the approval of the voters on that election in order to move on as the

nominee. There will be plenty of opportunities to continue to this discussion. The recommendation from the group was to set this issue aside and focus attention on the question of moving to even years, and continue this discussion at a later time.

Poole: Comment?

Britton: [Inaudible] Is there an option to continue this study?

Ness: I would certainly be open to that, whether through a formal Charter Commission committee, to continue that discussion without a timeline to bring this to a vote. I would be open to that and willing to continue, or perhaps in a more informal way, engaging the League of Women Voters and other interested parties in raising a level of awareness of how this system work. And to be able to think through a scenario, such as 6 at-large candidates for a city council race, how would approval voting work in that scenario. By applying the concept to a very real situation it is easier to conceptualize how the system would work.

Gardner: I am disappointed that we are not going to be continuing although I understand why. I am very interested in this issue. I think the idea is probably going to take some getting used to for people. I would be interested in working on the Committee and finding ways to get this concept out to the public. I am interested in talking to the people in Fargo. I hope that your Committee can be ongoing and I would be happy to participate.

Ness: I am looking at my fellow Committee members to see if there is interest in continuing to meet without any expectation that we come forward with a recommendation this year.

Greene: I would certainly be interested in continuing, I was one of the people on the Committee that felt strongly that if we moved to even-year elections, then I am not so inclined to approval-voting, but I like the concept of approval voting.

Poole: Public comment is open, limited to three minutes.

**PUBLIC COMMENT:**

Liz Johnson, Duluth resident, Board of Directors of FairVote Minnesota expressed concern about approval voting and support for ranked-choice voting.

Poole: Additional comments?

Ness: I will respond briefly. The question on bullet voting, bullet voting is not a failure of approval voting. Bullet voting means there is one candidate you prefer over all the rest. The worst thing you can do for an additional candidate by approving for two or more candidates, is the second candidate that you like the most

– actually wins. That candidate who you liked second, has more support from the public than your first choice, that is how elections work. The candidates with the most support will win. The problem we have in the current system is if there are two candidates with similar ideology, they are splitting votes, and they are put at a statistical disadvantage vs. a candidate that does not have a similar ideology. So I respect and understand your position, and I think there is certainly room for reasonable people to disagree; but in my mind the goal of elections is to find the candidates that have the broadest support from the voting public and to allow the voters to make those strategic decisions. Unlike what happens now where power brokers behind the scenes are putting pressure on candidates not to run so they don't become the spoiler. We have people that are going to candidates and saying – don't run because if you run you will split votes with someone who has a similar ideology. That takes away choice from the voters and that is wrong.

Poole: Any additional comments, questions?

Lyttle: It seems to me that the goal in changing the voting system is less to prevent someone with 10% from winning but more to have someone win who isn't hated. So for example in consensus voting in business, someone can vote yes, or maybe, or no and a no vote counts strongly against – almost like a veto. So the problem to me, is to have a candidate that is not widely hated or widely disagreed with by a large portion of the population. I don't know why the Constitution would protect your right to have your first choice, when your second choice is less controversial and more people would be happy. So for what it is worth that is what I would aim for – to have a candidate that would not be widely resisted a large chunk of the population.

## **VII. ADJOURNMENT**

Motion was made, seconded and unanimously carried to adjourn.