

**MINUTES**  
**CHARTER COMMISSION**  
City Council Chambers  
May 8, 2019  
5:00 p.m.

**I. ROLL CALL**

Present: Commissioners Nys, S. Johnson, Gardner, D. Johnson,  
Matheson, Stauber, Mangan, Greene, Lyttle, Vice President Ness - 10

Absent: Commissioners Anderson, Seim, Kimber, Britton, President Poole – 5

**II. ACCEPTANCE OF REQUESTED EXCUSED ABSENCES:**

Received: Commissioners Kimber, Britton, President Poole - 3

**III. APPROVAL OF MINUTES:**

A. April 10, 2019 – unanimously approved.

**IV. COMMUNICATIONS - none**

**V. UNFINISHED BUSINESS - none**

**VI. NEW BUSINESS:**

A. MUNICIPAL ELECTION CYCLES DISCUSSION.

PUBLIC COMMENT:

Jennifer Martin-Romme, editor of Zenith News, spoke regarding an article written on switching elections to even-numbered years and published by Zenith News.

Ness: Commissioners, we don't have action item before us so we could continue the discussion from April 10<sup>th</sup> and consider if there is an action item a Commissioner would like to bring forward, we could certainly consider that. Perhaps we will just start with the discussion.

Gardner: Thank you Vice President Ness, my question is did we hear anything from the School Board? Did they weigh in on this issue? I believe it was April 24<sup>th</sup> and I have not heard anything but has the City heard anything? Clerk Helmer? We need them to weigh in on this.

Helmer: Commissioner Gardner, Vice President Ness. I have not had any formal communication from the School Board. I did have a conversation with the Election Clerk on another matter. She said that the School Board was not going to take any action but the School Board members in their individual capacities were going to advocate one way or another. That is not an official communication from the School Board, but is my understanding at what happened at their last meeting

Gardner: The Board isn't going to pass any sort of resolution?

Helmer: That is my understanding, yes.

Gardner: Instead, individual members are going to weigh in on this?

Helmer: That is my understanding.

Greene: I was at the School Board meeting and there was clearly a mix of opinions which was what led them to not have an opinion. I have not had any direct contact from School Board members. I listened to what people said at that meeting.

Lyttle: Was this a move initiated by the School Board trying to unilaterally change?

Gardner: I could answer that, this was initiated by Commissioner Jeff Anderson but at the behest of the School Board because they had passed a resolution a year or two ago, requesting that their election be in even years, only to find out that they are ruled by the City Charter and the City of Duluth. That was part of the reason that this brought forward by Commissioner Jeff Anderson and also because of the other reason of the financial aspect of elections. Elections have become more expensive for the city as the election rules have changed since we now have early voting and there is a lot more involved in the Clerk's Office with regard to keeping track of that and more staff is involved, is my understanding, and I think Ms. Helmer can address that. Those are the two main reasons this was brought forward.

Lyttle: So this was done at least half at the behest of the School Board that has now abandoned the issue?

Gardner: They are no longer unified, they have differing opinions.

Ness: It was a previous School Board. It was prior to the last election.

Gardner: I hate to be the only one that is talking, but I do feel a little frustrated because I was hoping Commissioner Anderson would be here, this is his initiative. As a member of the subgroup that worked on this, I feel it has fallen to me now to move this forward one way or another and I just really don't exactly know what to do. I think the initial idea of this meeting was that we would make some sort of decision because we only have until July if we want to get this on the ballot. If this initiative has enough merit to move forward, I guess we could do that today. I think we should maybe talk about that. Otherwise we can decide it doesn't have enough merit and it can die right here and do we want to do that

without involving the Council? I do feel like we have made a good effort to reach out to the community and to stakeholders and some showed up and not anywhere near as many as I expected or was hoping. As with so many initiatives, people don't seem to respond until after the fact and then they get all excited and come forward and have all kinds of points of view. I am not sure I want to see this die; I think maybe language could be drafted to put this on the ballot. Let the people decide about it because there are certainly are a lot of strong views both pro and con, but I would like to have us discuss that tonight.

Ness: Thank you Commissioner Gardner. I think that is a fair point to kind of examine what our options are. What are the pros and cons of that and how an amendment to the Charter can take place. There are amendments that can be initiated by the Council. So the Council takes an action – they say we think there is merit in approaching this issue and for these reasons and then send it to the Charter Commission. That sort of step often brings with it more public attention and the sense of this may actually happen we ought to engage in this discussion. The way that we have taken it by, initiation by the Charter Commission and looking for engagement, taking the time to study the issue, looking for engagement and we have had some engagement by the public and I think it would be fair to say that the reaction we have received has been mixed. Some folks in favor and some have opposed. Our options at this point in terms of the actions of the Commission we would have the option to send it to the Council for their consideration and weighing in, or we have the option to take an action to place it on the ballot. In my mind, the action of the Charter Commission placing it directly on the ballot is a higher bar that is something that is a power of this Commission and one we should take very seriously and not enter into lightly. One option to Commissioner Gardner's position is that this is a big and impactful decision and if we don't want to see it simply end we could say it may not work from a timing standpoint to put it on the ballot this year but if we send it to the Council and ask them to weigh in and maybe even send it back with their thoughts. One piece that has been...much of what we have talking about especially on the cost savings side of this is really in the purview of the City Council and less so the purview the Charter Commission. The Charter Commission members' our primary reasonability is the integrity of the form of government and how elections are done. I think we have done a good job of examining that part although I think there are broader public policy issues that are the purview of the School Board and City Council and we haven't had that input yet. With that I would open it up to thoughts and comments about our options going forward.

Matheson: Is there a cost to adding it to the ballot?

Ness: No, it would be adding to the end of the ballot.

S. Johnson: I guess because we have had just an even mix of response on this that I would be in favor of tabling this for the City Council to consider. I also think that would generate more exposure.

Greene: From the comment, conversations with people and my own views I see the disadvantage outweighing the money cost savings so I would not be in favor of moving it on to either to the Council or directly on the ballot.

Lyttle: I am inclined to the same way, absent a strong consensus; I default towards not adjusting the entire Charter without strong reason. It's just more and more questions about something that seems like a 50/50 trade off.

Gardner: I think I would just weigh in that passing this onto the Council is not passing the buck. It is just looking at them to weigh the issue and weigh in on the issue as well. I personally am not comfortable killing this initiative at the Charter level because I do and am very aware that there are very strong points of view both pro and con and if there were a huge majority of people who were against who came forward and spoke to us that would be one thing but that isn't the case. I think your point Vice President Ness that the Council can better speak to the cost savings issue than we can. I think it is a critical one. Since half the reason this was brought forward was because of the cost saving I think the Council should be given the courtesy of weighing in.

Ness: Another option before us, especially because we don't have a formal motion on our agenda, the item is simply further discussion on this matter. If the Commission chose not to take a formal action, if we took a formal action and voted it down that would send a certain type of message that we don't want to see this proceed, if we simply had the discussion understanding that we don't take action at this meeting, that it wouldn't be put on this fall's ballot, but to say that we have engaged in good discussion, we think there is opportunity for more discussion and for other officials and interested parties to weigh in and that if it kind of takes a life of its own either pro or con in the future then it might give us further clarity in a future decision to put it on the ballot.

S. Johnson: So I want to make sure that I understand the process. If we go to the Council and they weigh in and they bring it back to us with their thoughts, it is still up to us to place that vote either way?

Ness: Correct, for example, if the Council decided to take this one as a discussion item and perhaps even a resolution, they could pass a resolution for these reasons we support the change, the amendment, then send it to the Commission in the form of a communication and then we would take that direction or weigh in to then determine our decision of whether or not to bring forward proposed amendment either back to the Council for a 9-0 vote or place it on the ballot for consideration by the public.

Greene: I am comfortable with letting it sit and no action tonight, and if over time if it seems like it bubbles up and is worth more discussion, that could be [inaudible], as opposed to voting it down.

D. Johnson: I agree with Commissioner Johnson, I think it is a big enough issue where there is enough yes or no's where we should get more input on the issue.

Ness: Thoughts from Commissioners that haven't weighed in?

Matheson: So we have nothing more, not seeing the interest [inaudible] our job is to protect the process [inaudible].

Stauber: I think it would be a great year to allow our candidates to weigh in and to take no action on it tonight. To sit on it and let the Council respond to us and make it a form of debate question for candidates that are running for office. We have an open mayoral elections, at-large and a few district seats and school board seats as well. I think it would be an excellent time for those candidates to weigh in, particularly if they are first time candidates or veteran candidate and explain their stories to the people.

Ness: Commissioner, I think that is an excellent point. It is a great vehicle to bring more light to the issue and have the candidates wrestle with that and explain their reasoning for their position which you know brings a level of awareness from the voting public as well.

Gardner: So let me make sure I am clear, Commissioner Stauber, about what you are saying, are you saying that we should refer this to the Council? And not take any action ourselves but refer to the Council for their consideration and then have this something that is debated and discussed by the candidates this year in the election? Those are two different things and what some were saying is that what I am hearing some Commissioners saying tonight that some don't want to do anything. They don't want it referred to the Council they just want it to sit and take no action. In my view we have a choice to make tonight. We either decide that we are not going to move anymore on this issue without Council input or we are simply not going to move anymore on this issue period. Does that make sense?

Ness: If we were pass a motion requesting the Council consider and weigh in, that is going to be a much more direct ask of this particular Council and we may receive our feedback sooner if we take that more direct route. However, we will have missed the window to place it on the ballot and so we are really thinking 2021 at this point. To Commissioner Stauber's point – instead, we can simply not take action but convey to the Council and to the public that this remains something that we are interested in having further discussion on. To Commissioner Stauber's point, we see this upcoming election a good time to engage candidates and the public in the pros and cons in taking this step. That would require no action but we could informally speak the Mayor and Councilors to say this is kind of what we are thinking at the moment.

Gardner: Informally we would inform the Council that we would like them to deal with this issue along with candidates running for Council and Mayor. I don't know. I don't see the harm in formally referring it. We could make a motion to do that. I think that would cleaner, that's just my point of view.

Ness: I think that would certainly be an action we could take. What I think I am hearing and feeling, if it came to a vote of saying we are asking the Council to look into this further and essentially we would be saying we are kind of doing a soft endorsement of the idea because we are now asking you to spend your time and on this issue. I think there are some Commissioners that may not be comfortable with that action.

Gardner: I am not comfortable not doing anything. What I would like to do, with your permission, is to make a motion to refer this matter to the Council for the consideration and that we would like this issue to be discussed during the campaigns of the various candidates running for City offices and School Board offices this year. That is my motion and I hope I can get a second.

Ness: Certainly referring to the Council for their consideration and feedback would fit in the purview of our formal process. I am not sure if we can necessarily weigh in what the discussion would be in debates.

Gardner: I think what I was attempting to do is incorporate Stauber's concerns about this and so perhaps we could do that informally and I could withdraw that piece of the motion and just simply say that we would like this motion to be considered by the Council. Due to the financial impact it would have it is above the Charter Commission purview at this point.

Ness: So, we do have a motion and a second to refer this matter to the Council for their consideration and feedback. At this moment, we will open up for discussion.

Lyttle: I would say the same thing as you said. As Commissioner Matheson said, the Council is interested and the public is interested in saving money and we are hardly interested in that. We are here to speak to the integrity of the process and the Charter itself and referring it to the Council its handing it off and the only thing they will discuss or mostly what they will discuss would be the cost.

Gardner: If I could add, I am looking for their input, they are elected officials, they are going the impacted by this. I am very surprised that we didn't see them either at the public discussion or at the stakeholders discussion.

Ness: Other Commissioner comments?

Ness: I think that we all agree that we want to see higher voter turnout and voter participation and yet in my mind it's the quality of the engagement and having an engaged and informed citizenry that then because of their level of being informed and engaged, want to vote in these elections and I think that Duluth should be rightfully proud of the level engagement that we have on local issues. I can tell you having seen many other examples of cities across the nation that are envious of our level of engagement on local issues and the amount of things that we pay attention to and hold their elected officials accountable. There are many reasons for that and I think that we are lucky to have media, a large amount of media who pay attention and cover local government and that certainly is a key factor in having that engagement. I think there is a question on whether or not having odd year elections for School Board and City Council and Mayoral races might be part of the question that increases that level of engagement of local issues. We have a year where those issues and races have the attention of the community. It very well may be, because of the quality of Duluthians, we could put local elections on the even years that we would still have that level engagement. My fear would be that we would lose something in that and we would revert to the mean a little bit more and maybe not see the full

advantage of the level of engagement that we have on local issues. So I do like the idea of continuing engage on this issue and keep this discussion alive, but I too am uncomfortable sending a direct message to the Council asking for their engagement because from the perspective of City Charter Commission Member, I think that I don't support that issue for the reasons I have said.

Ness: We will move to a vote on the motion on the floor – all those in favor say I.

ROLL CALL: Commissioners in favor: S. Johnson, Gardner - 2

Commissioners opposed: Ness, Nys, D. Johnson, Matheson, Stauber,  
Mangan, Greene, Lyttle - 8

Helmer: The motion fails.

Ness: The option in front of us right now is to consider or not to make another motion that is softer yet, to say that given the study of this issue and given the level of engagement and feelings both pro and con that we believe that this a issue that is worthy of a continued public discussion and through the upcoming elections and beyond and that we encourage that sort of discussion with the hope that a stronger consensus of the community's interest would come to light. Because I don't think we have that right now. It would be a very informal type of statement of position and it would take that action so that the vote that we just took doesn't feel definitive.

Gardner: Thank you Vice President Ness. How would you propose that this be conveyed?

Ness: Just for the sake of argument and for consideration by the Commission, I would say that we make a motion that the position of the Charter Commission on the question of municipal elections cycles that we encourage further public discussion and considerations of the pros and cons and that we encourage public benefit in trying to move to a broader public consensus on this matter prior to the question of placing on the ballot. Something along those lines. It would be essentially saying, hey that this I still a valid issue for our community to consider, it is just not right yet to place on the ballot.

Nys: Sorry of I missed it, but how would we communicate that?

Ness: I think it would be a motion of a position by the Charter Commission that could be shared by a communication to the City Council.

Gardner: I am supportive of that.

Ness: Is there a second?

Gardner: Second. General idea of what this general motion/statement/position would be. Any discussion on the matter?

Lyttle: I would just gently point out that nobody came to discuss this matter from the School Board or City Council (thanking the Zenith). Other than the people that originally brought this up, I am not sure that there is any interest in this anymore.

Gardner: There has been people that have come to discuss this in both March and April with the Charter Commission. I do feel that that is part of that their concerns and their opinions still, I feel that I am still considering, even though people didn't show up tonight, we have had some engagement from the community both with St. Louis County Commissioners, as you may recall, and then with some School Board members and ex School Board members.

Ness: I think it would be very interesting – to Stauber's point – to see in the upcoming elections if this is an issue that candidates choose to talk about if folks choose to ask their candidates about this. Assessing the level of engagement on this issue would be very informative. Further discussion? Seeing none have a motion to – make a statement to the City Council and essentially say that this is an issue that would benefit would further public discussion and consideration with the hope that there is input that would help future Charter Commissions to consider this issue. That will move to a vote.

Commissioners in favor: Ness, Nys, S. Johnson, D. Johnson, Matheson,  
Stauber, Mangan, Greene, Lyttle - 9

Commissioners opposed: Greene – 1

Ness: The Motion carries, any additional discussion?

Helmer: A procedural clarification. This would be on the City Council agenda as a communication from the Charter Commission on their agenda on May 28, 2019.

## **VII. ADJOURNMENT**

Motion was made, seconded and unanimously carried to adjourn.