

> Charter change

Let's know more before we let St. Paul levy more fines

By Grace Schmitt and Laura Goodman

St. Paul's City Charter is the city's version of its constitution. It should not be easy to change. Yet, without much if any public awareness, input or debate, our City Council is on the verge of adopting an ordinance to amend the City Charter to give the Council broad power and authority to impose civil penalties — fines, that is — for violations of a city ordinance.

On which city ordinance will the city be allowed to impose civil penalties? If passed as written, all 200+ chapters in the city's legislative code will be included. For example, think organized trash hauling, unshoveled sidewalks, and penalizing people who don't have control over the property they rent.

Who will decide when to fine?

What will the process be?

How much will the fine be?

Is there an appeal process if residents of St. Paul don't agree with the imposition of civil penalties?

The Department of Safety and Inspections in St. Paul is advocating for additional "tools," known as civil penalties, to help bring about compliance with city building and housing codes and other rules. The concept is to "decriminalize" minor violations and to have a ladder of increasing fines for those building owners who scoff at the current consequences, which are rarely used and are inconsequential to major abusers.

While this may be warranted in the interest of protecting and promoting public health and safety, the scope of power in the current language of the proposed amendment goes well beyond the needs of the Department of Safety and Inspections. The current language provides the option for any city department to use this proposed civil penalty.

Is the city really strengthening its ability to enforce ordinances or just creating more revenue streams?

Will this change be another hit on poor,

aging and immigrant populations?

If the motivation for imposing civil penalties was to ensure that wealthy commercial abusers comply with ordinances, why not limit the authority rather than giving the city broad powers to impose fees that may ultimately hurt those least able to pay?

Raising revenue may not be the intent of the people supporting the amendment, but this is a BROAD expansion of the city's power that will extend to future administrations.

Transparency of process and information are sorely lacking in this effort.

The requisite public hearing was held April 17.

While the Saint Paul Charter Commission voted on Feb. 11 to recommend this amendment to the City Charter, minutes of that meeting were not available to the public until April 24, the date on which the City Council was to vote on whether to adopt the amendment.

Unfortunately for those participating in the public hearing April 17, and for our entire community, it wasn't known that the Charter Commission barely passed the recommendation, on a 5-4 vote. The vote clearly indicates that members of the commission questioned the broad authority the amendment allows.

In the city's 2019 budget (adopted in 2018), the Department of Safety and Inspections projected \$250,000 in new revenue from civil penalties through the administrative citation program that the city will launch in 2019. The projection not

It is not known what all is being planned behind the scenes, away from the public's eyes and ears. The current broad language as proposed gives the city a blank check, which, respectfully, cannot be endorsed without thorough public input and an analysis of unintended consequences.

only assumed the authority would be granted but even set a quota for the revenue expected to be generated from the civil penalties assessed in 2019. The projected revenue is in excess of anticipated administrative costs.

The Saint Paul Department of Planning and Economic Development is also looking to use civil penalties. All this opens the door for enforcement abuse to reward political friends, to punish others, and to raise revenue for the city.

It is not known what all is being planned behind the scenes, away from the public's eyes and ears.

The current broad language as proposed gives the city a blank check, which, respectfully, cannot be endorsed without thorough public input and an analysis of unintended consequences.

Let's get the details published and out in the open before the charter is amended.

Let's all have a deeper understanding of how this would really work. Let's go slow. This is big.

Remember, the St. Paul City Charter is our "Constitution." This is all the more reason to move slowly, with great care and a deep understanding of the implications of this proposed "constitutional" amendment.

Grace Schmitt and Laura Goodman are on the steering committee of the civic group Saint Paul STRONG.