



**Office of the City Attorney**

Susan L. Segal  
City Attorney

350 South 5th Street – Room 210  
Minneapolis MN 55415

June 20, 2011

Office 612 673-2010  
Civil Division Fax 612 673-3362  
Criminal Division Fax 612 673-2189  
CPED FAX 612 673-5112  
TTY 612 673-2157

James P. Michels, Esq.  
Rice, Michels & Walther LLP  
206 Eastbridge – Riverplace  
10 Second Street N.E.  
Minneapolis, MN 55413

Re: Proposed Minneapolis City Charter Amendments – Draft 12

Dear Mr. Michels:

I am writing in response to your letter of June 14, 2011, on behalf of the Minneapolis Board of Business Agents (“MBBA”) regarding proposed amendments to the City charter. In your letter you raise concerns that the City Attorney’s Office “redline” revisions to the Charter Commission’s Plain Language Charter Revision, Draft 12, dated March 2009 (“PLCR”) constitute substantive changes.

Specifically, you raise concerns in the following areas:

1. **Section 4.4 – City Council Voting.** You raise a concern that the CAO redline version is a substantive change to the charter. However, under the charter, as interpreted by the City Attorney’s Office, an act of the City Council, such as a motion for the adoption of a Committee Report, does not require a majority vote of the Council membership but only a majority vote of those voting. The charter requires a majority vote of all members of the Council, i.e., seven votes, when passing ordinances or resolutions. This proposed change does not differ from current practice. See, also, Rule 1(E) of the Rules of the City Council (“Except as otherwise provided by law, the term “majority” shall mean a majority of those members voting, a quorum being present.”)

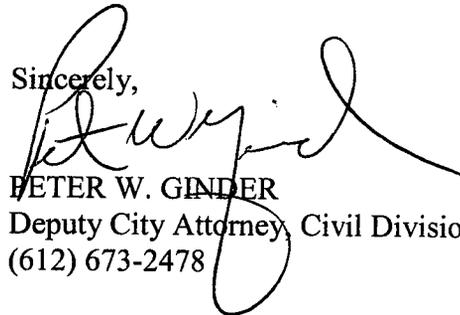


2. **Section 8.4 – Fire Department – Senior Management.** In your letter, you identify two changes in this section of the PLCR as matters of concern to the MBBA. These changes are the deletion of the word “three” from the section providing for the appointment of “three assistant chiefs of training” and changing the funding level of the Fire Department from “maintain the double platoon system” to maintain “adequate staffing levels”. Changes to these sections were suggested by the Charter Revision Workgroup created by the Council to review proposed charter revisions and provide an overview as to specific proposed charter amendments that would affect various City departments. After the Charter Revision Workgroup reviewed the sections impacting the Fire Department, the recommendation was made that the cited sections be changed to grant the Fire Department greater flexibility to maintain its budget and personnel at levels the department deemed appropriate. In its staff direction of December 15, 2009, the City Council authorized those revisions to the PLCR.
3. **Section 9.4 – Other Officers – Appointment Process.** The PLCR provides that a nominee is deemed appointed if the Council does not accept or reject a recommendation from the Executive Committee within 60 days. This issue was identified during the Charter Revision Workgroup review as being inconsistent both with current practice and the interpretation of other City charter provisions outlining the appointment process. Pursuant to the staff direction given by the City Council on December 15, 2009, this provision is proposed for amendment.
4. **Section 9.5 – Classified Service – Eligibility List – Probation – Funding.** As you note, the CAO redline version to the PLCR removes provisions that eligibility lists shall last for two years, that defined certain probationary periods and that directed unspent funds go to the general fund. Each of these items were suggested for amendment by the Charter Review Workgroup based upon current practice of the City implementing its hiring process and use of eligibility lists, use of probationary periods and funding. These changes were identified for change in the staff direction of December 15, 2009.

Although some of these changes are arguably “substantive”, as are many of the concepts in the PLCR itself, they are intended to reflect current City practices and policies.

Thank you for your work and your thoughts in providing these comments and please feel free to contact me if you have any further questions.

Sincerely,



PETER W. GINDER  
Deputy City Attorney, Civil Division  
(612) 673-2478