MINNEAPOLIS CHARTER COMMISSION
CHARTER REVISION COMMITTEE

CITY OF MINNEAPOLIS
REVISED CHARTER

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Article I
General Provisions

§ 1.1. **Name**

The body corporate and politic that this charter governs is named the "City of Minneapolis." For this charter's purposes, the "City" means the City of Minneapolis, and its provisions refer to the City unless the context clearly indicates otherwise.

§ 1.2. **Status**

The City is a municipal corporation having adopted this home-rule charter under the Minnesota Constitution, article XII, section 4.

§ 1.3. **Authority**

(a) **Basic authority.** Subject to applicable law, this charter and action taken under its authority are the basis for the conduct of all the City's business.

(b) **Restatement and supersession.** This charter fully restates and supersedes every prior version of, and any ordinance or other municipal act inconsistent with, this charter. But except as this charter or an amendment explicitly provides otherwise, the charter does not affect—

(1) any ordinance or other municipal act adopted before its adoption or its latest revision or amendment;

(2) the existence, status, function, composition, powers, or duties of any board, department, or other public body; or

(3) the office, tenure, powers, or duties of any officer.

(c) **Laws.**

(1) **Inconsistent laws superseded.** This charter supersedes any special law in effect at the time of the charter's latest revision on _____, 200_, to the extent of any inconsistency between them.

(2) **Certain laws preserved.** The charter does not affect any special or other law to the extent that it—

(A) confers upon the City, or upon any board, department, or officer for which this charter or an ordinance provides, a power, right, duty, or role in addition to those for which the charter or ordinance provides; or

(B) covers a matter that this charter does not cover.

(d) **Construction.** ~~Except~~For this charter's purposes, except as this charter otherwise provides—

(1) each term used in this charter has the same meaning as in the Minnesota constitution and statutes, and other law relating to the same subject;

(2) the canons of construction and other principles of interpretation in the Minnesota statutes apply to this charter;

(3) each heading is a part of the charter, and may be used in interpreting its provisions, although the heading is subject to the text; ~~and~~

(4) any reference to population or other enumeration refers to the latest decennial federal census~~.~~; and

(5) a "citizen" means an inhabitant who resides within the City, regardless of whether he or she is a citizen within the meaning of the federal or state constitution or any other law.

§ 1.4. **Powers**

(a) **Powers plenary.** The City, acting through the boards, departments, and officers for which this charter or an ordinance provides, may exercise any power that a municipal corporation can lawfully exercise.

(1) **Eminent domain.** The City Council may, and any other authorized board may, establish the procedure by which the City exercises through that board its power of eminent domain, including the procedure for any appeal from an award in condemnation.

(2) **Infrastructure.** The City may establish, plan, build, maintain, regulate, and otherwise provide for public ways and works and any other infrastructure necessary or convenient for its residential and economic development; for the comfort, convenience, health, safety, or welfare of its citizens; or for the efficient delivery of municipal services.

(b) **Optional powers claimed.** If a municipal corporation may enjoy or exercise a certain power by charter, without forgoing any other power, then the City hereby claims and may exercise that power.

(c) **Laws excepting home-rule cities.** Whenever a law grants a power or an option to cities generally or to cities of a certain class, but excepts cities having adopted a home-rule charter, the City may nevertheless exercise the power or option if that exercise is not inconsistent with this charter, notwithstanding its having adopted this charter.

(d) **Unmentioned powers.** This charter's mention of certain powers does not limit the City's powers to those mentioned.

§ 1.5. **Enforcement**

(a) **Liability.** An ordinance may impose a duty, and may provide that a violation will result in—

(1) a fine;

(2) imprisonment, or labor in a workhouse or on a public improvement;

(3) another penalty;

(4) any combination of such penalties;

(5) civil liability, including—

(A) multiple damages, or

(B) a lien against property; or

(6) forfeiture of office, in the case of an officer who violates an ordinance relating to the office.

(b) **Jurisdiction.** The district court has jurisdiction—

(1) over any case arising under this charter or an ordinance, including the prosecution for any violation; and

(2) for enforcing any subpoena issued by an officer or board under this charter who can lawfully compel the attendance or testimony of any witness or the production of any book, document, or thing.

Article II
Boundaries

§ 2.1. City

The City has the boundaries established under law.

§ 2.2. Wards

(a) **Number.** The City comprises 13 wards, designated by number. If possible, a redistricted ward keeps the number of the former ward from which its population mostly came.

(b) **Characteristics.** The wards must be as equal in population as practicable. Each ward must—

(1) not deviate from the mean ward population by more than five percent of that average, according to—

(A) the latest decennial federal census; or

(B) a special computation or enumeration ordered by the Redistricting Commission with respect to any particular block or tract, computed or enumerated as of the same time and in the same manner as the latest decennial federal census;

(2) consist of a compact, contiguous area, not longer than twice its width, whose boundaries lie along the centerline of public ways and, as far as practicable, run due north–south or east–west. A waterway or other body of water within a ward does not affect these characteristics;

(3) not dilute the voting strength of a racial or linguistic minority or other cohesive community of interest and, where possible, increase the probability that a member of such a minority or community will be elected; and

(4) minimize change in existing boundaries, except as necessary in order to effect the foregoing criteria.

(c) **Redistricting.**

(1) **Policy.** The City must redistrict the wards, as this section 2.2(c) provides,—

(A) after each decennial federal census;

(B) as required by general or special law or by judicial decree; or

(C) when the number of wards changes,

and may not otherwise redistrict them.

(2) **Redistricting Commission.** For this section 2.2(c)'s purposes, the "Commission" means the Redistricting Commission for which this section 2.2(c)(2) provides.

(A) **Composition.** The Commission comprises—

(i) one commissioner elected by but not from the greatest number of Council members who are members of the same political party (or, if there is more than one such number, from the majority that elected the Council president);

(ii) one commissioner elected by but not from the remaining Council members;

(iii) two commissioners elected by the Charter Commission from each major political party, at least one of whom was nominated by the party;

(iv) up to two commissioners elected by the Charter Commission who are either—

(I) members of a political party or parties that are not a major political party, or

(II) unaffiliated with any political party; and

(v) a chair elected by but not from the other commissioners.

No political party's members may constitute a majority of the commissioners.

(B) **Qualifications.** Each commissioner must be a qualified voter in the City.

(C) **Nominations.**

(i) **Political parties.** For this section 2.2(c)'s purposes—

(I) a "political party" has the same meaning as in the Minnesota election law; and

(II) a "major political party" means one within the Minnesota election law's meaning, whose nominee for governor or for United States senator received more than five percent of the votes in the City at the last gubernatorial or senatorial election.

(ii) **Nomination by party.** Each major political party may nominate six to ten members for commissioner. The party's list must broadly reflect the City's population and must include racial minorities and other groups historically underrepresented in City government. A party may not nominate anyone who, since two years before the process began, is or has—

(I) held any elected public office;

(II) appeared on a ballot listing his or her partisan affiliation in any election;

(III) worked as an employee of any political party; or

(IV) worked as an employee for the City.

If any major political party does not communicate its list to the Charter Commission by the applicable deadline, or if the list does not comply with this section 2.2(c)(2)(C)(ii), then the Charter Commission may elect a commissioner from the party without regard to the party's list.

(iii) **Nomination by voter.** Any eligible voter may nominate himself or herself or any other eligible voter for commissioner. The nomination must identify the political party of which the nominee is a member or state that the nominee is unaffiliated with any political party.

(3) **Schedule.** Subject to any applicable ordinance, general or special law, or judicial decree:

(A) **Nominations.** At least 45 days before the process begins, the Charter Commission must request nominations by letter to each major political party's city chair (or, if there is no city chair, its state chair); and by public notice inviting nominations by voters. The deadline for nominations is 15 days before the process begins.

(B) **Process begins.** The redistricting process begins—

(i) after a decennial census, on February 1 in the calendar year ending in —2;

(ii) when required by general or special law or judicial decree, as the law or decree provides, otherwise 60 days after it takes effect; or

(iii) when the number of wards changes, 60 days after the amendment takes effect (even if the change takes effect later).

(C) **Election by Council members.** The Council members must elect their commissioners within 45 days before the process begins.

(D) **Election by Charter Commission.** The Charter Commission must elect its commissioners within 15 days before or after the process begins.

(E) **Organizational meeting.** Within 30 days after the process begins, the Commission must convene at the Charter Commission's call, and must elect its chair by simple majority. If the Commission has not elected a chair within 15 days after convening, then each commissioner may cast a written ballot for chair and, if no chair is thereby elected, the city clerk will draw one ballot by lot and the person named on that ballot is the chair.

(F) **Tentative plan.** Within 60 days after the process begins, the Commission must—

(i) give public notice of a tentative plan or plans; and

(ii) invite comments from each neighborhood organization recognized in a manner for which the City Council provides.

(G) **Public hearings.** Between seven and 30 days after giving public notice, the Commission must hold a public hearing on its tentative plan or plans. At least seven days after the first public hearing, and before adopting a final plan, the Commission must hold a second public hearing, either on a tentative plan or on its proposed final plan.

(H) **Final plan.** Within 90 days after the process begins, the Commission must—

(i) adopt a final plan redistricting the wards and delineating each redistricted ward's boundaries and stating its population, and

(ii) file the plan with the city clerk.

If the Commission has not adopted a final plan by the deadline, then each commissioner may cast a written ballot identifying a proposed final plan, and the city clerk will draw one ballot by lot and the plan identified on that ballot is the final plan.

(*I*) **Effective date.** The final plan takes effect upon, and applies to the first general election for which filing opens after, its adoption (or its being drawn by lot). A redistricting does not affect the eligibility or term of any incumbent holding office when the plan takes effect, and does not apply to any special election held before the next regular election.

(J) **Expiration.** The Commission expires when the final plan takes effect, but must reconvene for the purpose of conforming the plan to the law if the district court finds that the plan is unlawful.

(4) **Funding.** The City Council must provide for the staff and other resources that the Commission needs.

(5) **Ordinances.** The City Council may enact any necessary or prudent ordinance implementing this section 2.2(c). No such ordinance applies to any redistricting process that begins within 30 days.

(6) **Jurisdiction.** The district court enjoys original jurisdiction over any case arising out of redistricting under this section 2.2(c).

§ 2.3. **Park districts**

The provisions of the preceding section 2.2 regarding redistricting wards likewise apply as far as possible to redistricting park districts, except as this section 2.3 otherwise provides.

(a) **Number.** The City comprises six park districts, designated by number. If possible, a redistricted park district keeps the number of the former district from which its population mostly came.

(b) **Commission.** The Redistricting Commission must redistrict the park districts in the same manner as it redistricts the wards, for which purpose the Commission includes two commissioners elected by but not from the Park & Recreation Board's commissioners, in the same manner as and in place of the commissioners elected by the Council members under section 2.2(c)(2)(A)(i)–(ii), but without regard to political affiliation. If the park districts are redistricted when the wards are not being redistricted, then the Charter Commission must convene a new Commission, with the Park & Recreation Board serving in the City Council's place. For this section 2.3's purposes, the "Commission" means the Redistricting Commission for which this section 2.3(b) provides.

(c) **Park & Recreation Board.** Before holding a public hearing on any tentative plan, the Commission must—

(1) notify the Park & Recreation Board of its tentative plan; and

(2) consider any recommendation by the Board.

(d) **Schedule.** Before filing opens for the first general election after the process begins, the Commission may extend its schedule for redistricting park districts if—

(1) at least 14 days before, it notifies the Park & Recreation Board of its tentative plan, and

(2) at least seven days before, it files a final plan with the city clerk.

§ 2.4. **Precincts**

(a) **Precincts, polling places.** For the convenient administration of elections, the City Council must divide each ward into precincts and designate a polling place in each precinct. Each precinct must lie wholly within a single ward and park district.

(b) **Effective date.** An act dividing a ward into precincts, or designating a polling place, takes effect after 90 days or at such later time as the act provides. An act designating a new polling place may take effect sooner if the old polling place is unavailable.

§ 2.5. **Annexed territory**

Any annexed territory joins the ward and the park district to which it is adjacent or, if adjacent to more than one ward or district, the least populous such ward or district.

§ 2.6. **Special districts**

For the more efficient delivery of municipal services in the City and its surroundings, and with a view toward their orderly growth~~,~~—

(a) the City Council may designate any area within three miles of the City's boundaries as a special district, in which it may—

(~~a~~1) lay out the streets and other infrastructure so that they consistently continue the City's system~~;~~,

(~~b~~2) accept or dedicate property for streets or any other public purpose~~;~~, and

(~~c~~3) plat the district accordingly~~.~~; and

(b) except as prohibited by law, the City may acquire realty and extend infrastructure beyond the City's boundaries without designating a special district.

Article III
Elections

§ 3.1. General provisions

(a) **General law applies.** Unless it is inconsistent with this charter, the Minnesota election law applies to each municipal election.

(b) **Voting method.** The voters elect the City's elected officers by single transferable voting. The City Council must provide by ordinance the method of counting the votes and of breaking a tie.

(c) **Administration.** The city clerk administers each election under the City Council's direction. The clerk must give public notice of the time and place of holding each election at least 15 days before the election.

(d) **Ballots.** The City Council must provide by ordinance for the ballot's format.

(1) **Nonpartisan ballot.** The ballot for each elected office is a nonpartisan ballot. Each candidate for Mayor or for Council member may state, in up to three words, his or her political party or principle, which will appear on the ballot.

(2) **Order.** The candidates' names must appear on a single ballot, which lists the offices being elected in this order:

(A) Mayor;

(B) Council member;

(C) Board of Estimate & Taxation member;

(D) Park & Recreation commissioner at large; ~~and~~

(E) Park & Recreation commissioner by district~~.~~; and

[(F) Library trustee.][1]

§ 3.2. **Regular elections**

(a) **Election years.** A regular election occurs in the last calendar year before any elected officer's term expires.

(b) **Regular election.** The City holds its regular election on the uniform municipal election day for which the Minnesota election law provides.

(c) **Schedule.** For each regular election, the City Council must provide by ordinance for a filing period of at least 15 days ending at least 40 days before the election. No act scheduling a filing period applies to any election held in the same calendar year.

§ 3.3. **Special elections**

(a) **Elected office.** A special election occurs whenever a vacancy occurs in an elected office before the term expires, and this charter does not provide another method of filling the vacancy. For each special

[1]The bracketed language may be affected by a special law merging the City and County library systems, 2007 Minn. Laws ch. 121, which takes effect upon a statutorily defined "merger date." The Charter Commission understands that the projected merger date is January 2008. The merger would render obsolete the charter's provisions relating to the Library Board.

election, the City Council must provide by ordinance for a filing period of at least eight days ending at least 40 days before the election.

(b) **Other special elections.** The City Council must schedule a special election as required by law on any question that the voters may lawfully decide, and may schedule any other lawful special election. Unless the law provides otherwise, the Council may schedule such an election in connection with the next regular election. This section 3.3(b) is subject to section 11.4(e).

Article IV
City Council

For this charter's purposes, the "Council" means the City Council for which this article IV provides.

§ 4.1. **Function.**

(a) **Governing body.** The governing body is the City Council, in which the City's general legislative and policymaking authority resides.

(b) **Scope.** The Council may act on the City's behalf in any matter, except where—

(1) this charter reserves the action for a different board; or

(2) the action is inconsistent with this charter or otherwise unlawful.

(c) **Council as statutory board.**

(1) **Generally.** Where the law provides for municipal action through a board, and this charter does not reserve that authority to a board other than the Council, the Council must either—

(A) itself serve as the board for which the law provides, even if the board is a statutory rather than a municipal agency; or

(B) provide by ordinance for the board, in which case—

(i) the board's membership may (but need not) consist partly or wholly of Council members, and

(ii) the Council may (but need not) organize the board as a municipal department.

(2) **Board of equalization.** The Council may provide under this section 4.1(c) for a board of equalization, in which case it may also provide that any such board—

(A) is not subject to any limit on the amount that the board can reduce the aggregate assessments made by the county assessor, and

(B) must return to the City Council the assessment rolls that the board has revised, in which case the Council may confirm the board's revisions or return the rolls to the board for further revision.

(d) **Franchises.** The Council may grant and regulate any lawful franchise.

(e) **Licenses.** The Council may grant a license only if the license expires within one year.

§ 4.2. **Organization.**

(a) **Composition.** The City Council comprises one Council member elected by and from each ward.

(b) **Term; election.** Each Council member's term is four years. Each ward's voters elect their Council member in each year following a year whose number is evenly divisible by four.

(c) **Council judges elections.** The Council judges its members' elections, for which purpose it may compel the testimony of any witness who may have relevant information, and may compel the production of any relevant book, document, or thing.

(d) **Vacancy.**

(1) **Early vacancy.** When a Council member vacates his or her office before March 1 in the year of the next regular election, the Council must schedule a special election filling the vacancy, held within 75 days after the vacancy occurs.

(2) **Late vacancy.** When a Council member vacates his or her office—

(A) after March 1 in the year of the next regular election, and

(B) before filing opens for the election,

—the Council appoints a successor who serves out the unexpired term.

(3) **Election after vacancy.** When a Council member is elected while the office is vacant, the elected member takes office upon election, and serves out the unexpired term as well as the term for which he or she was elected.

§ 4.3 **Meetings.**

(a) **Organizational meeting.** The Council must elect its officers and organize its committees at the first meeting in January following each general election.

(b) **Regular meetings.** The Council's rules must provide for regular and other necessary meetings.

(c) **Special meetings.** The Council's rules may provide for special meetings. The Mayor may call a special meeting by notice to each Council member. A special meeting may transact only the business stated in the notice.

(d) **Attendance.** The Council may compel the attendance of absent members, and may remove a member for persistent or recurring nonattendance.

§ 4.4. **Proceedings**

(a) **Vote required.**

(1) **Rules.** The Council at its organizational meeting may by simple majority adopt or amend its rules of order for the conduct of its own business. The Council may thereafter amend its rules by simple majority unless the rules themselves require a supermajority. The Council may decide a question of order under its rules by simple majority.

(2) **Acts.** An act by the Council takes a majority of its membership, except as this charter otherwise provides.

(3) **Action taking supermajority.** The Council may take the following action only with the prescribed supermajority:

(A) by two-thirds of its membership, authorize an improvement (other than a sidewalk) subject to a special assessment, as section 4.4(a)(4) provides;

(B) by two-thirds of its membership, regrade a graded street;

(C) by two-thirds of its membership, sell realty;

(D) by two-thirds of its membership, vacate wholly or partly any public way or plat, which power the Council enjoys exclusively;

(E) by two-thirds of its membership, remit or discharge any judgment in the City's favor;

(F) by two-thirds of its membership, pass an act over the Mayor's veto, as section 4.4(c) provides; and

(G) by three-fourths of its membership, authorize a slaughterhouse within the City. No person may operate a slaughterhouse within the City without such authorization.

(4) **Improvements.** The Council may by a majority of its membership authorize a sidewalk, with or without a special assessment. The Council may, by two-thirds of its membership, authorize any other improvement subject to a special assessment. The Council may by a majority of its membership act with respect to an improvement already authorized or to a special assessment in connection with such an improvement.

(b) **Timing.** The Council may adopt any necessary or prudent act only—

(1) at least one week after its introduction at a meeting;

(2) after a report from a committee to which the matter was referred at a Council meeting held at least one week earlier;

(3) in the case of an appointment, after a recommendation from the Executive Committee; or

(4) by unanimous consent.

This section 4.4(b) does not apply to rules of order for the conduct of business, for which section 4.4(a)(1) provides.

(c) **Mayor's signature or veto.** The Council must present each act to the Mayor in the manner that this charter prescribes for giving notice. The act takes effect—

(1) when the Mayor signs it;

(2) five days after its presentation to the Mayor, if he or she neither signs nor vetoes it; or

(3) if the Mayor vetoes it by returning it with an objection within five days (excluding Sundays) after its presentation, only if the Council at its next meeting by two-thirds of its membership again passes the act over the Mayor's veto.

§ 4.5. **Executive Committee**

(a) **Function and powers.** The Executive Committee enjoys the powers and performs the duties that this charter, or the City Council by ordinance or resolution, prescribes.

(b) **Organization.** The Executive Committee comprises—

(1) the Mayor, as chair;

(2) the Council president; and

(3) up to three Council members elected by the Council.

The Committee's members may not all belong to the same political party unless the Mayor and all the Council members belong to the same political party.

Article V
Boards

This article V contains general rules that apply to boards. Its provisions are subject to any other provision that applies to a particular board, including any provision in articles IV & VI–VIII.

Except as this charter otherwise provides:

§ 5.1. **"Board" defined**

For this charter's purposes, a "board"—

(a) includes—

(1) the City Council;

(2) the Executive Committee; and

(3) any other body that this charter or an ordinance calls a "board" or a "commission"; but

(b) does not include a department (but does include a commission heading a department).

§ 5.2. **Officers**

(a) **Election.** Each board elects or appoints its officers by a majority of its membership.

(b) **President.** Each board at its organizational meeting must elect from its membership a president.

(c) **Treasurer.** The city finance officer serves as each board's treasurer, but may not serve on the board.

(d) **Secretary, other officers.** Each board must elect a secretary and may elect or appoint, or provide for the election or appointment of, any other necessary officer. A board's rules may require that its secretary or any other officer must (or must not) come from or serve on the board, otherwise the officer may but need not come from or serve on the board.

(e) **Tenure.** Each officer serves until his or her successor takes office.

§ 5.3. **Meetings**

(a) **Meetings generally.** Each board meets as this charter or the board's rules provide. Each such meeting must comply with the Minnesota open meeting law.

(b) **Quorum.** Each board's quorum is a simple majority of its membership, disregarding any vacancy. A quorumless meeting may adjourn to a more convenient time, and may take measures to obtain a quorum.

(c) **Majority.** A board ordinarily acts by simple majority of a quorum, disregarding any abstention. Where this charter or a general law, special law, ordinance, rule, or other authority provides for action by a majority of the board's membership, it refers to a majority of the board's members then serving, disregarding any vacancy.

(d) **Rules.** Each board may adopt rules of order for the conduct of its own business.

(e) **Proceedings.** The board's secretary must carefully and faithfully record its proceedings, including each act adopted and each member's vote on each such act, which the secretary must promptly file with the city clerk or in the board's office. The clerk or board must keep the board's proceedings on file and available for inspection and copying by any voter during normal business hours at the clerk's or board's office.

(f) **Legislative acts.**

(1) "**Act" defined.** For this charter's purposes, the noun "act"—

(A) means any ordinance, resolution, appropriation, any other lawful action of a legislative nature, and any action amending, repealing, or otherwise affecting any such act; but

(B) does not include a rule or other vote that relates to a board's internal organization or procedure.

(2) **Effect.** Any board that can adopt an act must provide for each such act's certification, publication, and codification. An act so certified, published, and codified—

(A) is admissible as evidence,

(B) establishes a presumption that the act is valid, and

(C) is entitled to judicial notice.

§ 5.4. **Powers**

(a) **General powers.** Each board enjoys all the powers for which this charter or any general law, special law, or ordinance provides, including any power necessary and proper for exercising its enumerated powers or for performing its lawful functions.

(b) **Employment.** Each board may employ—

(1) an appropriate staff, for which purpose it may hire, regulate and direct, and discipline or discharge any employee (subject to the Civil Service Commission's rules, in the case of an employee in the classified service); and

(2) any necessary contractor or other agent.

(c) **Delegation.** A board may delegate its authority over a particular subject or in a particular matter to a committee or officer subject to the board's direction, unless such a delegation is contrary to law.

§ 5.5. **Notice**

Any notice of a board's meeting must comply with the Minnesota open meeting law. Any other notice to a board may be given by—

(a) certified mail to its office (or, if the board does not have an office, to the city clerk); or

(b) delivery to its chair or secretary in the manner provided by law for service of a summons in a civil action,

mailed or delivered at least 10 days before the meeting or other event for which notice is given.

§ 5.6. **Finances**

(a) **Financial control.** Each board with borrowing or taxing power may apply the proceeds for its own purposes and controls its own finances. Each such board may dedicate any proceeds from a particular source to a particular purpose, and may establish any necessary account or fund for that purpose or any other lawful purpose.

(b) **Borrowing power.** A board's borrowing power includes the power of issuing bonds, taking out loans, and otherwise incurring debt, to which the City pledges its full faith and credit. Any such power is subject to section 11.4.

(c) **Taxing power.** Each board's taxing power is subject to the maximum set under section 11.3(a)(4), except as this charter or any applicable law otherwise provides.

(d) **Accounting.**

(1) **Practices.** Each board may adopt its own accounting and auditing practices, consistent with generally accepted accounting principles and auditing standards.

(2) **Examination.** The City Council may audit or examine any officer's accounts, and may declare vacant any office whose incumbent does not cooperate, in which case the Council may also provide for the officer's prosecution.

§ 5.7. **Ethics**

Each board may adopt ethical standards for its members, officers, and employees.

Article VI
Board of Estimate & Taxation

For this article VI's purposes, the "Board" means the Board of Estimate & Taxation.

§ 6.1. **Policy**

Through the Board of Estimate & Taxation, the City coordinates in the general interest its various taxes and taxing and borrowing powers.

§ 6.2. **Functions and powers**

(a) **General functions and powers.** The Board enjoys the powers and performs the duties that this charter prescribes.

(b) **Employment.**

(1) **Compensation.** The Board may provide for any necessary employees and for their compensation.

(2) **Unclassified service.** The Board may employ in the unclassified service—

(A) an executive secretary, and

(B) an auditor.

§ 6.3. **Organization**

(a) **Composition.** The Board comprises ~~six~~[seven][2] members:

(1) the Mayor;

(2) the Council president;

(3) the Council member who chairs the Council committee whose charge includes the budget;

[(4) a trustee, having been elected by the voters to the Library Board, and elected annually by the Library Board at its organizational meeting to the Board of Estimate & Taxation;][1]

(5) a commissioner elected by and from the Park & Recreation Board (or, if the Board has not elected a commissioner, the Board's president);

(~~5~~6) two members elected by the voters in a regular election held in each year following a year whose number is evenly divisible by four.

[2]The bracketed language may be affected by a special law merging the City and County library systems, 2007 Minn. Laws ch. 121, which takes effect upon a statutorily defined "merger date." The Charter Commission understands that the projected merger date is January 2008. The merger would render obsolete the charter's provisions relating to the Library Board.

(b) **Officers.** The Board elects, in addition to its president (sec. 5.2(a)), a member as its vice-president.

(c) **Vacancies.** The Mayor and the City Council must, by an appointment under section 10.4(b), fill any vacancy in the office of any member elected to the Board by the voters.

§ 6.4. **Meetings**

The Board meets at least monthly.

§ 6.5. **Borrowing power**

The Board may, by five-sevenths of its membership, borrow against anticipated tax revenues up to half the amount due and not delinquent, which debt is redeemable or otherwise payable not later than the revenue is anticipated.

§ 6.6. **Taxing power**

Subject to article XI, the Board may annually tax up to 0.0012 percent of the total value of the property in the City.

[Article VII
Library Board][3]

For this article VII's purposes, the "Board" means the Library Board.

[3]This entire article may be affected by a special law merging the City and County library systems, 2007 Minn. Laws ch. 121, which takes effect upon a statutorily defined "merger date." The Charter Commission understands that the projected merger date is January 2008. The merger would render obsolete the charter's provisions relating to the Library Board.

§ 7.1. **Policy**

Through the Library Board, the City provides for libraries, museums, galleries, and other cultural and educational institutions for its citizens' free use. The Board may likewise provide for service for nonresidents.

§ 7.2. **Functions and powers**

(a) **General functions and powers.**

(1) **Charter powers.** The Board establishes, governs, administers, and maintains the City's libraries, museums, galleries, and reading rooms, for which purpose it may act on the City's behalf and enjoys all the City's lawful powers, including eminent domain. The Board may likewise design, develop, or improve any property under its control or acquired for its purposes.

(2) **Legislatively granted powers.** The Board may also, without regard to this charter, exercise any power, right, or role for which the law provides in addition to those for which this charter provides.

(b) **Body corporate and politic.** The Board is a body corporate and politic and, in the exercise of its general functions and powers, may—

(1) adopt a seal;

(2) make contracts;

(3) buy and sell property;

(4) accept and administer, invest, or otherwise dispose of gifts;

(5) sue and be sued; and

(6) exercise any other lawful power that a municipal corporation enjoys at common law or by general or special law.

(c) **Regulations.** The Board may regulate the orderly operation of the facilities in its care. A regulation may charge a fee for a specified service available at such a facility.

(d) **Property.**

(1) **Realty.** The Board may buy realty with at least six affirmative votes, and may sell realty with at least five affirmative votes. The Board may erect a building only on land to which it holds title in fee simple.

(2) **Personalty.** The Board may appoint a commission for the custody and care of the personal property that it governs.

(3) **Trusts.** The Board owes the same standard of care with respect to a trust as a trustee owes under the Minnesota statutes relating to trusts.

(e) **Compensation.** The Board, with the Mayor's assent, may provide for the trustees' compensation.

(f) **Employment.**

(1) **Employment and compensation.** The Board may provide for any necessary employees and for their compensation.

(2) **Unclassified service.** The Board may employ in the unclassified service—

(A) the director;

(B) each librarian; and

(C) any other senior manager whose job the Board establishes by regulation, if—

(i) the manager reports to the director, either directly or through another senior manager who reports directly to the director;

(ii) the job involves significant discretion; and

(iii) the job does not require unusual professional or scientific credentials or expertise.

(g) **Purchases.** The Board may buy books and other publications, art, and supplies for the institutions under its charge without going through the City's purchasing department.

§ 7.3. Organization

(a) **Composition.** The Board comprises eight trustees:

(1) one trustee appointed by the Mayor;

(2) one trustee elected by the City Council; and

(3) six trustees elected by the voters in a regular election held in each year following a year whose number is evenly divisible by four.

(b) **Officers.** The Board elects, in addition to its president (sec. 5.2(a)), a member as its secretary. The secretary and the treasurer (sec. 5.2(b)) must deliver an executed bond in whatever amount and form and on whatever conditions the Board requires.

(c) **Vacancies.** The Board must fill any vacancy in the office of any trustee elected by the voters.

§ 7.4. Meetings

(a) **Organizational meeting.** The Board must annually hold an organizational meeting on the first weekday in January that is not a holiday.

(b) **Special meetings.** The Board president or any two trustees may call a special meeting.

§ 7.5. **Borrowing power**

The Board may, by two-thirds of its membership, and if the Board of Estimate & Taxation by five-sevenths of its membership concurs, borrow against anticipated tax revenues up to half the amount due and not delinquent, which debt is redeemable or otherwise payable not later than the revenue is anticipated.

§ 7.6. **Taxing power**

Subject to article XI, the Board may annually tax up to 0.07183 percent of the total value of the property in the City.

Article VIII
Park & Recreation Board

For this article VIII's purposes, the "Board" means the Park & Recreation Board.

§ 8.1. **Policy**

Through the Park & Recreation Board, the City provides for parks, parkways, and recreational opportunities for its current and future citizens' use. The Board may likewise provide for service for nonresidents.

§ 8.2. **Functions and powers**

(a) **General function and powers.**

(1) **Charter powers.** The Board establishes, governs, administers, and maintains, and may design, develop, and improve—

(A) the parks, parkways, and recreational opportunities in and adjacent to the City;

(B) each waterway or other body of water in the park system;

(C) the ornamental and shade trees in the City's streets, alleys, and public grounds and ways; and

(D) any gallery, museum, or school in the park system.

(2) **Municipal powers.** When exercising its powers under this article, the Board may act on the City's behalf and enjoys all the City's lawful powers, including (but not limited to)—

(A) eminent domain;

(B) power over public ways that pass through, over, or adjacent to property that it owns or governs, including the power to open, improve, or vacate a public way;

(C) power over the shores and waterways adjacent to any waterway or other body of water that it owns or governs, including exclusive power over any waterway or other body of water whose shore it owns.

(3) **Legislatively granted powers.** The Board may also, without regard to this charter, exercise any power, right, or role for which the law (including but not limited to 1889 Minnesota Special Laws, chapters 30 & 103) provides in addition to those for which this charter provides.

Note. The organic laws that establish the Minneapolis park system include, among others, "An act to consolidate and amend all acts relating to parks and park ways in the city of Minneapolis and incident thereto; and defining the powers and duties of the board of park commissioners of said city," 1889 Minn. Laws, Special Laws, ch. 30; and a special law that the same legislative session enacted amending that law, 1889 Minn. Laws, Special Laws, ch. 103.

(4) **Powers beyond City's boundaries.** The Board may exercise all the same powers and functions with respect to any park, parkway, or other property that it owns or governs outside the City as with respect to the parks and parkways inside the City.

(b) **Body corporate and politic.** The Board is a body corporate and politic and, in the exercise of its general functions and powers, may—

(1) adopt a seal;

(2) make contracts;

(3) buy and sell property;

(4) accept and administer, invest, or otherwise dispose of gifts;

(5) sue and be sued; and

(6) exercise any other lawful power that a municipal corporation enjoys at common law or by general or special law.

(c) **Ordinances.** The Board may enact any necessary or prudent ordinance within this article VIII's purposes. An ordinance may provide for a fine, imprisonment, other penalty, or any combination of such penalties for its violation. The city attorney prosecutes any such violation. Any resulting fine or other monetary penalty goes to the park & recreation fund.

(d) **Park museum.** The Board has accepted a gift of property for the benefit of a park, museum, gallery, or school of arts and crafts, which a donor-designated nonprofit organization administers according to the terms under which the gift was accepted. The Board must annually levy a tax, up to 0.0125 percent of the total value of the property in the City, whose proceeds go to a fund that pays for the park, museum, gallery, or school, and may not be diverted for any other purpose.

(e) **Park police.** The Mayor must appoint as many police officers for the parks and parkways as the Board requests. The Board must pay for such police out of the park & recreation fund, may regulate and direct them, and may discipline or discharge them (subject to the Civil Service Commission's rules).

(f) **Realty.**

(1) **Supermajority required for certain actions.** The Board may dedicate, buy, lease, or name or rename realty with at least six affirmative votes.

(2) **Acquiring realty.** The Board may acquire realty—

(A) by purchase, contract, or mortgage, and

(B) by assessing the benefited property, in which case the Board must identify the property benefited and determine the appropriate assessment.

(3) **Mortgages.** The Board may issue or give back a mortgage, with or without bonds securing the unpaid purchase price, that evidences its indebtedness for any such realty.

(4) **Selling realty.** The Board may sell realty only if it has abandoned the realty, and the district court approves the sale.

(g) **Compensation.** The Board may provide for the commissioners' compensation.

(h) **Employment.**

(1) **Employment and compensation.** The Board may provide for any necessary employees and for their compensation.

(2) **Unclassified service.** The Board may employ in the unclassified service—

(A) the superintendent,

(B) its attorney,

(C) the park police chief,

(D) a landscape architect, and

(E) any officer or other employee for whose unclassified status this charter or a general or special law provides.

(*i*) **Purchases.** The Board may buy supplies for the recreational and eating facilities under its charge without going through the City's purchasing department.

(j) **Mayor's signature or veto.** The Board must present each act to the Mayor in the manner that this charter prescribes for giving notice. The act takes effect—

(1) when the Mayor signs it;

(2) five days after its presentation to the Mayor, if he or she neither signs nor vetoes it; or

(3) if the Mayor vetoes it by returning it with an objection within five days (excluding Sundays) after its presentation, only if the Board at its next meeting by two-thirds of its membership again passes the act over the Mayor's veto.

§ 8.3. **Organization**

(a) **Composition.** The Board comprises nine commissioners, elected in each general election in which a Mayor is elected:

(1) three commissioners at large, and

(2) six commissioners elected by district.

(b) **Removal.**

(1) **Petition.** On a petition sworn by at least 10 citizens, the district court, after notice and hearing, may remove any commissioner for malfeasance or misdemeanor in office.

(2) **Nonattendance.** The Board may remove any commissioner absent from its meetings for 90 days.

(c) **Vacancies.** The Board, with at least six affirmative votes, may fill any vacancy in its membership.

(d) **Secretary.** The Board elects a secretary who does not serve on the Board. The secretary may administer an oath or affirmation in any proceeding under this article VIII.

(e) **Attorney.** The Board may appoint its own attorney at law.

§ 8.4. **Meetings**

(a) **Organizational meeting.** The Board must annually hold an organizational meeting on the first weekday in January that is not a holiday.

(b) **Special meetings.** The Mayor may call a special meeting by notice to each member. A special meeting may transact only the business stated in the notice.

§ 8.5. **Borrowing power**

The Board, with at least six affirmative votes, may borrow an amount on which the annual interest does not exceed $50,000, for up to 50 years, with the debt secured by the parks and parkways.

§ 8.6. **Taxing power**

Subject to article XI's provisions:

(a) **Park & recreation fund.** The Board may annually tax up to 0.10415 percent of the total value of the property in the City.

(b) **Tree fund.** The Board may annually tax up to 0.02753 percent of the total value of the property in the City for taking care of shade and ornamental trees and shrubbery.

Article IX
Administration

§ 9.1. **Mayor**

(a) **Chief executive.** The chief executive officer is the Mayor.

(b) **Term; election.** The Mayor's term is four years. The Mayor is elected by the voters in a regular election held in each year following a year whose number is evenly divisible by four.

(c) **Duties.** The Mayor must—

(1) take care that all laws and ordinances are faithfully observed and enforced within the City;

(2) take care that each other officer discharges his or her duties, for which purpose the Mayor may seek a writ of mandamus or other appropriate action against any delinquent officer;

(3) recommend action in the City's interest by any other government;

(4) report annually to the City Council on the state of the City, and recommend appropriate measures for the City's physical and economic development; and

(5) notify the City Council and any other interested board or department of any litigation against the City.

(d) **Delegation.** The Mayor may attend by proxy any board, committee, or other public body of which he or she is a member.

(e) **Vacancy.** Whenever the Mayor vacates his or her office before the year of the next regular election, or in that year before March 1, the City Council must provide for a special election filling the vacancy within 75 days after the vacancy occurs.

(f) **Succession.**

(1) **Temporary vacancy.** Whenever the Mayor cannot discharge his or her duties, or the office is vacant pending an election, then the Council president (or, if the Council president cannot act, the Council vice-president) must act as Mayor until the Mayor (or the Council president, if the vice-president is acting as Mayor) resumes his or her duties or a new Mayor takes office. Any action taken by the Council president or vice-president, or any other successor, acting as Mayor is as valid as if taken by the Mayor. Any successor acting as

Mayor draws the Mayor's salary instead of the salary of the office by virtue of which he or she is acting as Mayor.

(2) **Succession plan.** The City Council must by ordinance adopt a succession plan, which must—

(A) define the circumstances under which the Mayor cannot discharge his or her duties, and how such an inability ends; and

(B) establish a line of succession beyond the Council vice-president, which must include each Council member, and may include other elected or appointed officers after the Council members.

The City Council must review the plan at each organizational meeting.

(g) **Resources.** The City Council must provide for the staff and other resources that the Mayor needs for the effective performance of his or her duties.

(1) **Staff.** For the Mayor's support, the Council must provide for at least—

(A) one administrative deputy,

(B) two administrative aides,

(C) one administrative assistant,

(D) one executive secretary, and

(E) any other appropriate staff.

The Mayor may appoint any such staff without regard to section 10.4(b). The Mayor's staff serves in the unclassified service.

(2) **Contingent fund.** The Council must annually appropriate a fund of not less than $5000 for use at the Mayor's discretion. The Mayor may not contribute from this fund to any

individual's political campaign. The Mayor must report each expense from this fund to the Council.

§ 9.2. **Departments**

(a) **The departments generally.** The City Council must establish, organize, and otherwise provide for—

(1) a city coordinator, and an appropriate office and staff;

(2) a city clerk, and an appropriate office and staff;

(3) a city assessor, and an appropriate office and staff;

(4) a city finance officer, and an appropriate office and staff;

(5) a city attorney and legal department;

(6) a civil rights department;

(7) a planning commission, and an appropriate office and staff;

(8) a purchasing department; and

(9) any other department necessary or convenient for the efficient delivery of municipal services.

(b) **Departmental organization.** The ordinance establishing each department must provide for an officer or a board as its head, for any other necessary officer, and for appropriate staff and other resources. The Mayor nominates and the City Council appoints each department's head under section 10.4(b), except as this charter or any applicable law or ordinance otherwise provides.

(c) **City attorney.**

(1) **Function.** Except as this charter otherwise provides, the city attorney and the legal department under his or her direction—

(A) have full charge of all legal matters in connection with the City's government; and

(B) must counsel each board, department, and officer, and deliver an opinion on any legal question from any such board, department, or officer, who must consult only the city attorney for any necessary legal advice.

(2) **Deputy city attorneys.** The city attorney may appoint two deputies, who serve in the unclassified service, but with the same employee benefits (except as to hiring and removal) as an officer in the classified service. If a deputy is appointed from the classified service, then he or she is treated as taking a leave of absence while serving as a deputy, after which he or she is entitled to return to his or her permanent grade in the classified service. If no vacancy is available in that grade, then the least senior employee so classified returns to his or her grade before being so classified.

(d) **Civil rights department.** For the purpose of enforcing civil-rights legislation, the civil rights department enjoys jurisdiction over each board, department, officer, and other agency or agent, notwithstanding anything in this charter to the contrary. No board, department, officer, or other agency or agent may limit the department's jurisdiction.

(e) **Planning commission.**

(1) **Commission.** The commission consists of—

(A) the Mayor;

(B) a representative from the board of county commissioners;

(C) a commissioner elected by and from the City Council;

(D) a commissioner elected by and from the Park & Recreation Board;

(E) a director elected by and from the Minneapolis Public Schools board of education; and

(F) four citizens who are not members of any board otherwise represented on the commission, appointed under section 10.4(b).

(2) **Function.** The commission must—

(A) prepare a comprehensive plan for the City's physical development and improvement, with particular regard to public utility and convenience and the general welfare;

(B) recommend to any appropriate board, department, or officer specific plans for public improvements, consistent with the comprehensive plan;

(C) recommend to the City Council ordinances regulating the zoning of buildings and other structures with respect to their size, location, and use; and

(D) perform any other duties for which an ordinance provides.

(3) **Annual report.** The commission must annually report in January to the Mayor about its activities, plans, and recommendations. The Mayor must within 15 days transmit the report, together with his or her comments and recommendations, to the City Council.

(4) **Plans and plats.** No public office may receive or record any plan, plat, or replat of any street or other realty in the City, intended for dedication to public use or for the benefit of the fronting or adjacent property, unless the planning commission has endorsed its approval on the plan, plat, or replat. The commission's disapproval rejects, and its approval accepts, the proposed dedication on the City's behalf. But accepting such a dedication does not subject the City to any duty to maintain the dedicated property until the City has entered, used, or improved upon it.

(5) **Public improvements.** The City may not authorize or incur debt for any public improvement, including (but not limited

to) any structure of permanent character intended for ornament or commemoration, unless—

(A) the planning commission approves the location and design;

(B) the commission, within 30 days after receiving a plan for a proposed improvement's location and design, notifies the City Council of particular objections, and the Council approves over the commission's objections; or

(C) the commission does not notify the Council of particular objections within 30 days.

(f) **Purchasing.** The City Council may require that each officer, board, or department buy goods through the purchasing department, except as this charter otherwise provides.

§ 9.3. **Police**

(a) **Police department.** The Mayor regulates and commands the police department. Except where the law vests an appointment in the department itself, the Mayor appoints and may discipline or discharge any employee in the department (subject to the Civil Service Commission's rules, in the case of an employee in the classified service).

(1) **Police chief.**

(A) **Appointment.** The Mayor nominates and the City Council appoints a police chief under section 10.4(b).

(B) **Term.** The chief's term is three years.

(C) **Civil service.** The chief serves in the unclassified service, but with the same employee benefits (except as to hiring and removal) as an officer in the classified service. If a chief is appointed from the classified service, then he or she is treated as taking a leave of absence while serving as chief, after which he or she is

entitled to return to his or her permanent grade in the classified service. If no vacancy is available in that grade, then the least senior employee so classified returns to his or her grade before being so classified.

(D) **Public health.** The chief must execute the City Council's orders relating to the preservation of health.

(2) **Crime-prevention bureau.** The City Council must provide for a crime-prevention bureau, headed by a director in the unclassified service, who need not be a peace officer. The Council must provide by ordinance for the director's appointment, which need not comply with section 10.4(b). The bureau performs the duties that the police chief assigns.

(b) **Temporary police.** The Mayor may, in case of riot or other emergency, appoint any necessary temporary police officer for up to one week. Each such officer must be a licensed peace officer.

(c) **Special police.** The Mayor may appoint special police for a limited place and time at the request and expense of any organization, business, individual, or other person. The special police may not wear a badge or exercise any authority outside those limits.

(d) **Funding.** The City Council must fund a police force of at least 0.0017 employees per citizen, and provide for those employees' compensation, for which purpose it may annually tax up to 0.03591 percent of the total value of the property in the City. This tax is in addition to any other tax, and not subject to the maximum set under section 11.3(a)(4).

§ 9.4. **Fire**

(a) **Fire department.**

(1) **Fire chief.**

(A) **Appointment.** The Mayor nominates and the City Council appoints a fire chief under section 10.4(b).

(B) **Civil service.** The chief serves in the unclassified service, but with the same employee benefits (except as to hiring and discharge) as an officer in the classified service. If a chief is appointed from the classified service, then he or she is treated as taking a leave of absence while serving as chief, after which he or she is entitled to return to his or her permanent grade in the classified service. If no vacancy is available in that grade, then the least senior employee so classified returns to his or her grade before being so classified.

(2) **Senior management.**

(A) **Appointment.** The fire chief, with the City Council's assent, appoints as the department's senior managers—

(i) an assistant chief,

(ii) a deputy chief,

(iii) a fire marshal,

(iv) three assistant chiefs of training, and

(v) an engineering officer.

(B) **Civil service.** The fire chief appoints, without examination, a senior manager from the department's firefighters with the rank of captain or higher; and may discharge him or her at will, without regard to the Civil Service Commission's rules. An officer who accepts such an appointment is treated as taking a leave of absence, retains his or her grade and seniority in the classified service, and earns seniority in that grade while serving as a senior manager, after which he or she is entitled to return to his or her permanent grade in the classified service. If no vacancy is available in that grade, then the least senior employee so classified returns to his or her grade before being so classified.

(3) **Officers and staff.**

(A) **Appointment.** The fire chief, with the City Council's assent, appoints (subject to the Civil Service Commission's rules) the department's other officers and other employees.

(B) **Layoffs.** The fire chief may (subject to the Civil Service Commission's rules) discharge an employee in the City's interest. If the City Council directs that the department reduce its force, then the chief must recommend only such layoffs as will not impair the department's operations.

(b) **Fire marshal.** The fire marshal must take care that all laws and ordinances against danger from fire are faithfully observed and enforced, for which purpose the marshal may enter and inspect any building (including a dwelling) at any reasonable time. The marshal must examine and record the cause of any fire.

(c) **Fire police.** The City Council may provide for fire police within either the fire department or the police department. The fire department may command the police officers at any fire.

(d) **Fire emergencies.** If necessary for the protection of life or property from an unusual fire, a riot, or a like emergency, the fire chief may—

(1) compel the attendance of any employee in the fire department (including an off-duty firefighter), for which purpose the chief may make any necessary or prudent rule; and

(2) appoint additional officers or other firefighters for temporary service during the emergency, without regard to the Civil Service Commission's rules.

(e) **Funding.** The City Council must fund a fire department that can maintain the double-platoon system.

(1) **Operating expenses.** The department's operating expenses are paid out of the general fund.

(2) **Capital expenses.** The department's capital expenses are paid out of the permanent improvement fund, or the proceeds from bonds issued for the purpose, or out of the general fund.

Article X
Officers and Other Employees

§ 10.1. **Definitions**

For this charter's purposes—

(a) an "officer" includes—

(1) each elected officer,

(2) each board's members and officers for which this charter or a general law, special law, or ordinance provides,

(3) each employee that this charter, a general law, special law, ordinance, or board designates as an officer; and

(b) an "employee" includes—

(1) each officer, and

(2) everyone in the classified or unclassified service who is not an officer.

§ 10.2. **Officers generally**

Except as this charter otherwise provides:

(a) **Oath.** Before taking office, each officer must sign and file with the city clerk an oath in substantially the following form: "I swear [*or* ~~"affirm"~~'affirm'] that I will faithfully discharge the office of [title], and will support the constitutions of the United States and of Minnesota."

(b) **Bond.** The city clerk, the finance officer, and any other officer that the City Council requires, must before taking office deliver an executed bond in whatever amount and form and on whatever conditions the Council requires.

(c) **Tenure.** Each officer takes office, after taking the required oath—

(1) in the case of an elected officer elected in a regular election, on the first weekday in January that is not a holiday in the calendar year next following the election;

(2) in the case of an elected officer elected at a special election, when the results are certified; and

(3) in the case of any other office, as any applicable ordinance provides, otherwise upon election or appointment,

and serves until his or her successor takes office. An ordinance establishing an office may provide for the officer's term, otherwise the term is two years.

(d) **Duties.** Each officer must perform the duties that this charter or any other applicable general or special law, ordinance, or rule, or the electing or appointing body, prescribes.

(e) **Vacancy.**

(1) **Determination.**

(A) **Elected office.** Each board to which the voters elect an elected officer determines when that office is vacant.

(B) **Other office.** The electing or appointing body determines when any other office is vacant.

(2) **Resignation.** Any officer may resign—

(A) by tendering a written resignation that the electing or appointing authority accepts; or

(B) in any other manner provided by law.

(3) **Removal.** The electing or appointing body (or, in the case of an elected office, the City Council) may remove any officer after notice and hearing. The notice must specify—

(A) the cause for removal, and

(B) the hearing's time and place.

The electing or appointing body may compel the testimony of any witness who may have relevant information, and may compel the production of any relevant book, document, or thing. This section is subject to section 10.4(b)(6), for whose purposes the appointing body is the City Council.

(4) **Vacancies.** The electing or appointing body may fill any vacancy that this charter does not provide another method of filling. Where the voters are the electing body, the City Council may fill the vacancy. A successor filling a vacancy serves only until an elected successor takes office or for the unexpired term's remainder.

(f) **Notice.** Any notice to an officer may be given by—

(1) certified mail addressed to his or her last-known residence, or

(2) delivery in the manner provided by law for service of a summons in a civil action,

mailed or delivered at least 10 days before the meeting or other event for which notice is given.

§ 10.3. **Elected officers**

(a) **"Elected office" defined.** For this charter's purposes—

(1) an "elected office" means one that the voters elect; and

(2) an "elected officer"—

(A) means the incumbent holding an elected office, and includes an appointee filling a vacancy in such an office pending an election; but

(B) does not include an officer elected by a board to an office that is not an elected office.

(b) **Qualifications.** No person is eligible as an elected officer unless he or she can vote for that office. A redistricting does not affect the eligibility or term of any incumbent holding office when the plan takes effect.

(c) **Resignation.** Any elected officer may resign by tendering a written resignation to the city clerk.

§ 10.4. **Other officers**

(a) **Other offices.** The City Council may establish any other necessary office, in which case the Council must provide for its title, appointment, term, compensation, and duties.

(b) **Appointment by Mayor or Council.** Where a general law, special law, ordinance, rule, or other authority provides for an officer's appointment by the Mayor, by the City Council, by any board whose membership mostly consists of Council members, or by any combination of them, and does not explicitly override this section 10.4(b), then the appointment is vested collectively in the Mayor, Executive Committee, and Council as this section provides. The Council may prescribe the Executive Committee's process, and may require consultation with any interested Council committee or member, but may not limit the candidates that the Mayor may nominate or the Committee may review. This section 10.4(b) does not apply to any appointment for which another provision within this charter provides unless the other provision explicitly refers to this section.

(1) **Nomination by Mayor.** The Mayor enjoys the exclusive power of nominating the officer in the first instance.

(2) **Recommendation by Executive Committee.** The Executive Committee must review the Mayor's nomination, which it may forward to the City Council with a recommendation that the candidate be appointed.

(3) **Appointment by City Council.** The City Council may appoint a candidate that the Executive Committee has recommended. The Council may not appoint a candidate that the Executive Committee has not recommended. If the Council does not accept or reject a recommendation by its first meeting held at least 60 days after the Mayor's nomination, then the nominee is appointed.

(4) **Failure of appointment.** If an office has been vacant for at least 90 days (or 30 days in the case of the police chief), or if the Mayor has nominated three candidates that the Executive Committee or the Council has rejected, then the Executive Committee may name three or more candidates, from whom the Mayor must nominate one. If the Mayor has not, after 20 days, nominated a candidate so named, then the Executive Committee may recommend one such candidate to the Council, and the Council may appoint the recommended candidate, without the Mayor's nomination. This process recurs until an officer is appointed.

(5) **Suspension.** The Executive Committee may suspend without pay any officer appointed under this section 10.4(b). Any such suspension expires after five days unless the City Council extends it.

(6) **Removal.** The City Council may not remove an officer appointed under this section 10.4(b) unless the Executive Committee so recommends, and may not remove a Civil Service commissioner except for cause.

(7) **Holding over.** Any officer subject to appointment under this section 10.4(b) whose term has expired but whose successor has not been appointed may continue in office for up to 180 days. The Executive Committee may thereafter appoint a temporary successor for up to 90 days. The office is otherwise vacant until a successor is appointed.

§ 10.5. **Classified service**

For this section 10.5's purposes, the "Commission" means the Civil Service Commission for which section 10.5(c) provides.

(a) **Policy.** Through the Civil Service Commission, the City will adopt and follow fair, impartial, and practical rules for the classified service. Except as this charter otherwise provides, the City must fill each vacancy in the classified service with the most qualified applicant according to an examination that measures qualifications and fitness for the job. The examination may inquire into the applicant's experience, skill, and character to the extent that the job requires them. The examination may not inquire into any applicant's—

(1) ancestry, color, or race;

(2) cultural or ethnic background;

(3) political, ideological, or philosophical belief or affiliation;

(4) marital or parental status;

(5) national or regional origin;

(6) religion, or religious or denominational affiliation; or

(7) sexual or affectional orientation or preference,

or into any other status on the basis of which discrimination is unlawful.

(b) **Classified service defined.**

(1) **Classified service.** The "classified service" includes—

(A) each employee of the Commission; and

(B) each officer and other employee not in the unclassified service.

(2) **Unclassified service.** The "unclassified service" includes the elected officers and—

(A) for each board—

(i) its members, and

(ii) its secretary, if he or she serves without pay;

(B) the city clerk;

(C) the city assessor;

(D) the city attorney;

(E) the chief engineer;

(F) the chief health officer; and

(G) any officer or other employee for whose unclassified status this charter or a general or special law provides.

(c) **Commission.**

(1) **Function and powers.** The Civil Service Commission administers the classified service, with respect to which it—

(A) must classify each job into a grade based on the job's description and duties, so that each grade includes jobs with similar descriptions and duties;

(B) must establish standards and qualifications for each job, and design a competitive examination that measures those standards and qualifications;

(C) must administer or provide for the administration of a competitive examination after giving public notice for each job in the classified service, and must—

(i) maintain an application register of each applicant for examination, listing the job sought;

(ii) based on the results, maintain an eligibility register, on which eligibility expires within two years unless the Commission extends it; and

(iii) certify to the board, department, or officer that will fill any vacancy a list of eligible applicants from the eligibility register;

(D) must maintain and monitor a service register of each employee in the classified service, listing his or her title, compensation, employment record, and any other useful information;

(E) may waive an examination, and instead provide for hiring by fair and equitable means, for unskilled labor; and

(F) may waive an examination in a particular case if—

(i) the job requires unusual professional or scientific credentials or expertise; and

(ii) the Commission unanimously concludes after a public hearing that a competitive examination is impracticable,

in which case its next report must so note.

(2) **Composition.** The Commission comprises three citizens, appointed under section 10.4(b), who—

(A) favor merit, efficiency, and affirmative action in the public service; and

(B) hold no other office or employment under the federal, state, municipal, or any other government, or any department, agency, court, or political subdivision of any such government.

Each commissioner serves a three-year term, with one commissioner's term expiring each year on March 1.

(3) **Meetings.** The Commission must annually hold an organizational meeting on the second Monday in August.

(4) **Rules.**

(A) **Notice for rulemaking.** The Commission may, after giving public notice, adopt any necessary or prudent rule in furtherance of this section 10.5's purposes.

(B) **Contents.** These rules must provide for—

(1) hiring, evaluation, discipline (including by suspension for up to 90 days, with or without pay), and discharge with a view toward an efficient and effective classified service;

(2) promotion (including raised compensation) based on competitive examination, efficiency, character, conduct, and seniority, and as the preferred means of filling a vacancy;

(3) transfer among jobs in the same grade or class;

(4) leaves of absence;

(5) reinstatement of employees laid off or otherwise discharged without fault; and

(6) with the Commission's consent, for a nonrenewable period up to 60 days, temporary employment without examination in an emergency or pending a hire from the eligibility register.

(C) **Notice of rules.** The Commission must send its rules, including each amendment, to—

(1) the Mayor,

(2) the City Council,

(3) each other board, and

(4) each officer who can hire an employee in the classified service.

(D) **Report.** The Commission must annually report in January to the Mayor and the City Council, and publish its report to each other board and each officer who can hire an employee in the classified service. The report must cover the preceding calendar year, and include—

(1) the Commission's rules, including any amendment during the preceding year;

(2) each action under this section 10.5(c);

(3) an accounting for the civil service fund;

(4) the state of the civil service and any results of the Commission's work; and

(5) any recommendation for the civil service's greater efficiency and integrity.

(d) **Employment.**

(1) **Application register.** Each applicant on the application register is entitled to notice of each examination for a job for which he or she has applied and qualified.

(2) **Eligibility register.** Each vacancy in the classified service is filled from the eligibility register.

(3) **Service register.** The City must pay an employee in the classified service only for the time and at the rate that the service register evidences his or her employment.

(4) **Tenure.** After a probationary period that begins upon hiring, an employee in the classified service may be disciplined or discharged only as this charter, the Commission's rules, or any other applicable law or agreement provides.

(A) **Probation.** The probationary period is—

(1) for police officers, 12 months following satisfactory completion of basic training;

(2) for an assistant city attorney or a firefighter, 12 months; and

(3) for each other job, six months.

(B) **Discharge.** No employee in the classified service, having completed the probationary period, may be discharged except for just cause after—

(1) written notice of the cause for dismissal;

(2) a hearing before the Commission, or an officer or board that the Commission designates; and

(3) a finding by the hearing authority that the evidence supports the cause charged and warrants dismissal.

(C) **Suspension.** A supervisor may, without regard to this article X's other provisions, discipline a subordinate employee by means of a suspension for up to 30 days.

(e) **Administration and enforcement.**

(1) **Enforcement.** The Commission must take care that this section 10.5 and its rules are faithfully observed and enforced, for which purpose any commissioner may inquire of any responsible officer, board, or department. Any commissioner in the exercise of the Commission's functions and powers, and any hearing authority that the Commission designates, may compel the testimony of any witness who may have relevant information, or the production of any relevant book, document, or thing.

(2) **Cooperation.** Each officer, board, and department must—

(A) furnish any information that the Commission requests for the service register;

(B) administer an examination as the Commission requests, without additional compensation; and

(C) cooperate with any inquiry by the Commission.

(3) **False statement.** Any applicant who knowingly furnishes false information on an application for employment in the classified service forfeits—

(A) his or her entry on the application register,

(B) any employment held in the classified service, and

(C) eligibility for such employment for three years.

(4) **Bribery.** Any person who, in connection with or for the purpose of influencing any examination or other action under this section 10.5—

(A) offers, accepts, or solicits any money, service, or other thing of value; or

(B) seeks or accepts any recommendation from any officer or employee of the City,

is guilty of a misdemeanor.

(f) **Fund.** The City Council must annually establish a civil-service fund for this section 10.5's purposes by levying, in addition to any other tax, a tax upon all taxable property in the City that yields at least 2.5 cents per citizen. The Commission may use the proceeds from this fund and controls its own finances.

Article XI
Finance

§ 11.1. **Fiscal year**

The fiscal year coincides with the calendar year.

§ 11.2. **Appropriations**

(a) **Payments.** Except as this section otherwise provides, no money may be paid out of the City's treasury except—

(1) pursuant to an appropriation, and approval of a contract or order for payment, by the City Council or other authorized board; or

(2) in payment of principal or interest on a bond issued or other debt incurred under this charter.

(b) **Routine claims.** The City Council (or, in the case of a matter under its charge, the Park & Recreation Board) may by ordinance provide—

(1) for the current payment of authorized bills, payroll, and other routine claims upon the City incurred in the ordinary course of business;

(2) for recovery of any overpayment, including civil liability up to double the amount overpaid; and

(3) for criminal liability for a fraud or other abuse.

§ 11.3.**Budget**

(a) **Schedule.** Each year, for the next fiscal year—

(1) **Goals and priorities.** By April 1, the Mayor must establish the City's goals and priorities. The City Council must review, and may amend, those goals and priorities by August 15.

(2) **Departmental estimates and recommendations.** By July 1, each board with taxing power and each board, department, or office that the City funds must notify the Mayor and the Board of Estimate & Taxation of—

(A) its estimated revenue and expenses and its budgetary needs for the next fiscal year; and

(B) any recommended capital improvements for the next five fiscal years.

(3) **Recommended budget.** By August 15, the Mayor must recommend to the City Council and to the Board of Estimate & Taxation a budget, which must—

(A) include a message outlining the budget's significant features;

(B) estimate the revenue, expenses, and budgetary needs for each board, department, and officer;

(C) recommend any capital improvements for the next five fiscal years;

(D) summarize all taxes applicable to property in the City and their effect; and

(E) recommend any necessary or prudent legislation or other action affecting the City's finances.

(4) **Maximum taxation.** By September 15, after a public hearing, the Board of Estimate & Taxation must set the maximum amounts and rates that the City Council and other boards may levy, including the maximum amount and rate of each fund. The levy for the general fund must not exceed 0.53871 percent of the total value of the property in the City.

(5) **Budget.** After a public hearing on the budget for and taxes payable in the following year, the City Council and each board must adopt a budget, which must—

(A) appropriate money for each board's, department's, and officer's operations;

(B) provide for payment of the City's general-obligation debt service;

(C) levy any tax, up to the maximum set by the Board of Estimate & Taxation, necessary for those purposes; and

(D) tax the property in the City in an amount, without regard to the maximum set by the Board of Estimate &

Taxation, that will satisfy any judgment against the City.

(6) **Transfers.**

(A) **Administrative transfers.** The budget may provide for transferring money appropriated for one purpose to another by administrative transfer without further action by the City Council.

(B) **Transfers within same board's or department's budget.** A board that controls its own finances may transfer money appropriated for one purpose to another within its budget only if the Board of Estimate & Taxation, with at least five affirmative votes, approves a request to that effect. No such transfer may affect the proceeds from bonds issued or other debt incurred for a particular purpose.

(C) **Other transfers.** Any other transfer within the budget, or any additional expense in excess of the amount budgeted, requires action by the Council.

(b) **Cooperation, information.** For this article XI's purposes, each officer, board, or department must cooperate with the Mayor, with the Board of Estimate & Taxation, and with the budget director, and must furnish any information that the Mayor, the Board, or the director requests.

§ 11.4.**Debt**

(a) **Borrowing power.**

(1) **Conditions.** The City may issue bonds, borrow money, or otherwise pledge its credit only for a lawful purpose, consistent with this charter; and with the concurrence of—

(A) the City Council, by two-thirds of its membership;

(B) the Board of Estimate & Taxation, with at least five affirmative votes; and

(C) any other board in which this charter vests the borrowing power, by two-thirds of its membership.

(2) **Contract.** Whenever the City acting under this charter issues bonds, borrows money, or otherwise pledges its credit, then its contract with the bondholder or other creditor incorporates this section 11.4's provisions and creates an obligation that no subsequent amendment or other action by the City can impair. Any debt contracted or engagement entered into before this charter's latest revision is as valid against the City under this charter as under any prior version of this charter.

(b) **Sinking fund.**

(1) **Fund.** The City Council must maintain a sinking fund sufficient at least for paying off the City's debt as it comes due. Any tax collected for interest or principal on any such debt goes into the sinking fund, and may not be diverted to any other purpose. Any other revenue not otherwise appropriated, and any proceeds from bonds whose purpose has been discharged or abandoned, go into the sinking fund.

(2) **Fund insufficient.** If—

(A) the sinking fund will not pay the City's debt that has come due, or

(B) the City Council finds that buying any bonds not due whose holders are offering them for sale will serve the City's interests,

then the Council may issue refunding bonds covering the shortfall. No such bond's term may exceed 30 years, and no such bond may bear interest at a higher rate than any bond that it refunds.

(c) **Premium from bonds.** Any premium received from selling bonds must service those bonds.

(d) **Capital improvements.** The City may not issue bonds, borrow money, or otherwise incur debt in connection with any capital

improvement where the debt exceeds $15 million for the entire project unless the voters so authorize.

(e) **Professional sports facility.** Neither the City, nor any governmental body whose territorial jurisdiction is coextensive with or falls wholly within the City, may finance any professional sports facility in an amount greater than $10 million unless the voters in an otherwise scheduled election (and not an election held only for that purpose) so authorize. For this section 11.4(e)'s purposes, "finance" includes applying existing realty, infrastructure, overhead, or other resources, and forgoing taxes or any other revenue, as well as spending money directly, issuing bonds, or otherwise incurring debt.

(f) **Public utilities.** The City may not issue bonds, borrow money, or otherwise incur debt for the purpose of acquiring a public utility.

(g) **Standing.** Any taxpayer may enforce this section 11.4, and any creditor may enforce section 11.4(a)–(c), by an action in the district court.

§ 11.5. **Taxable value**

For this charter's purposes, a property's "value" means the assessor's estimated total market value.

§ 11.6. **Improvements**

(a) **Permanent improvement fund.**

(1) **Fund.** The City Council must maintain a permanent improvement fund into which go the proceeds from—

(A) each bond issued, and each tax levied, for permanent improvements, whose proceeds may not be diverted to any other purpose; and

(B) each special assessment levied against the property fronting or benefited by any improvement of a local character.

(2) **Payments.** The ~~City~~ Council may pay out of the fund for any improvement of a local character—

(A) in anticipation of revenue from a special assessment levied against the property fronting or benefited by the improvement; or

(B) to the extent that the City otherwise bears the improvement's cost.

(~~4~~3) **Transfer of unused money.** The Council may transfer to the sinking fund any unused money from the permanent improvement fund.

(b) **Tax.** The City Council ~~may~~ annually—

(1) must tax—

~~(1)~~ up to 0.0025 percent of the total value of the property in the City for the cost of any permanent improvement not defrayed by special assessment, and

(2) may tax up to 0.0025 percent of the total value of the property in the City for sewers and related infrastructure, the disposal and treatment of sewage and other waste, and related purposes, for which the City may acquire realty and extend infrastructure beyond the City's boundaries.

(c) **Special assessments.**

(1) **Improvements.** The City Council may levy a special assessment that partly or wholly defrays the cost of any improvement of a local character against the property fronting or benefited by the improvement.

(2) **Parks and parkways.** The Park & Recreation Board may levy a special assessment that partly or wholly defrays the cost of condemning realty for a park or parkway, or of any improvement in or along a park or parkway, against the property fronting or benefited by the park, parkway, or improvement. The City Council may levy an assessment with

respect to an improvement in or along a park or parkway only after a request by the Park & Recreation Board.

(3) **Services.** The City Council may, and the Park & Recreation Board may, likewise assess the cost of municipal services to any street, sidewalk, or other property against the property benefited.

(4) **Ordinances.** The City Council must, and the Park & Recreation Board must, by ordinance establish the procedure for levying a special assessment, including the procedure for any appeal. The City Council may, and the Park & Recreation Board may, by ordinance provide for a lien from an assessment and for the lien's priority.

(5) **County auditor.** The City Council may, or the Park & Recreation Board may—

(A) require that the county auditor furnish information about benefited property and its ownership in connection with a special assessment; and

(B) set the rate, at least five cents per entry, at which the City compensates the county for this service.