

# ANALYSIS OF CHARTER REVISION

## EXECUTIVE SUMMARY

The purpose of this executive summary is to highlight some of the differences between the current charter and the proposed charter revision. A comparative analysis of the proposed changes to the current charter has also been completed, and a copy of that comparative analysis is available for review.

### **General Issues**

- The proposed charter revision recommends that substantial portions of the current charter be re-codified as city ordinances. The move from a 13-0 City Council vote required to amend the charter to the 7-6 City Council vote to amend a City ordinance could be significant with respect to issues pertaining to the existence or structure of City departments.
- The comparative analysis also attempts to identify Minnesota Statutes or special laws that will act as default provisions for those chapters and sections of the current charter that are proposed to be eliminated by the proposed charter revision. To the extent possible, the differences between the eliminated charter provision and the applicable statutes have been analyzed.
- MINN. STAT. § 410.33 (2004) provides that if the charter of a home rule charter city is silent on a particular subject, the city can exercise any of the powers provided for statutory cities. Also, charter cities have the option of applying certain statutes in lieu of their charters with respect to matters such as special assessments. The proposed charter revision eliminates virtually all of the special assessment procedures of the current charter, the resulting change would require the City to utilize, and perhaps be limited by, the applicable statutory procedures.

### **Governmental Organization**

- The current charter specifies the first Monday in November of each odd-numbered year as the municipal election day. The proposed charter revision designates the City election day as the uniform municipal election day provided in state law. Although the dates are currently the same, a subsequent change in state law would then effect a change in Minneapolis' municipal election day.
- The term of department heads in the current charter is two years. The proposed charter revision allows the City Council to prescribe the terms by ordinance.
- The proposed charter revision transfers appointment authority from the Executive Committee to the City Council, and expands the number of appointments subject to the Mayor/Executive Committee/City Council process. For example, under the current charter, the Mayor and City Council each appoint one member of the Library Board.

This appointment is not subject to the Executive Committee process because the Library Board is not currently defined as a department or agency of the city. However, the proposed charter revision does not make that distinction. Instead, it requires all mayoral and city council appointments to go through the Executive Committee appointment process.

- Under the proposed charter revision, a failure of the Executive Committee to act on a mayoral nomination results in an automatic recommendation of the nominee to the City Council.
- The proposed charter revision provides that officers hold over after their terms at the will of the Mayor for up to six months if their replacements have not yet been appointed. The current charter does not make such holdovers subject to the Mayor's will.
- The proposed charter revision changes the power and role of the City Attorney. Under the current charter, the City Attorney has "full charge of all legal matters" of the city with the exception of the Park Board. The proposed charter revision merely provides that the departments, boards and officers must "consult" the City Attorney for legal advice.

### **City Council Powers**

- The proposed charter revision eliminates a number of paragraphs from the current charter that provide authority for the City Council to enact "police power" ordinances. These eliminations may impair the City Council's ability to enact certain ordinances since they may lack the charter or statutory authority.
- The proposed charter revision eliminates the limitations on the City Council's powers to issue liquor licenses. This could result in a significant expansion of City Council powers. *See* discussion Chap. 4, Sec. 5 of the current charter in the comparative analysis.
- The proposed charter revision eliminates the provisions of the current charter authorizing the routine payment of claims. Such a change could result in the requirement that the City Council approve individual payments of City funds. In the absence of an authorizing charter provision, the City Council would not be authorized to pass an ordinance empowering it to dispense with this requirement.

### **Finance**

- The proposed charter revision eliminates most of the provisions in the current charter that pertain to the Finance Department and its procedures. *See* Chapter 5 of the current charter of the comparative analysis.
- The proposed charter eliminates the Budget Director as an office required by charter. It also eliminates the requirement that the employees of the Budget Office be employed in the classified service.

- The proposed charter does not contain a clear statement authorizing the City Council and each board to levy taxes for City expenses. It also is not clear from the proposed charter whether the Library Board retains its power to request the Board of Estimate & Taxation to issue bonds for library capital improvements. *See* Chapter 15 and Chapter 17 of the current charter in the comparative analysis.
- The proposed charter revision eliminates the authority of the City Council to issue and sell general obligation bonds. *See* Chapter 5, Sec. 15 of the current charter in the comparative analysis.
- The current charter mandates a 2.5 mill tax levy for permanent improvements not paid for by assessments. The proposed charter revision does not mandate such a tax levy. *See* Chap. 5, Sec. 16 of the current charter in the comparative analysis.
- The proposed charter revision would permit the City Council to specify by ordinance powers and duties of the Board of Estimate & Taxation.
- The proposed charter revision eliminates the current charter's prohibition against incurring debt for the purpose of purchasing public utilities.
- The proposed charter revision eliminates the current charter's requirement that City bonds be sold at a public sale and related requirements are eliminated. As such, statutory procedures would control the manner of sale under the proposed charter revision.
- Most of the provisions of Chapter 8 and Chapter 10 the current charter are eliminated from the proposed charter revision. The City Council cannot enact an ordinance dealing with special assessments unless it has the power under the State Constitution, the laws of the State or the city charter. Taxation and the imposition of assessments are not inherent municipal powers. Cities cannot enact assessments by ordinance unless they have express charter or statutory authority.

### **Civil Service**

- The proposed charter revision suggests several changes to the Civil Service Commission chapter of the current charter. Most notably, the enumerated unclassified positions in the proposed charter revision are different than in the current charter, the concept of discharge only after just cause is eliminated from the proposed revision, and the proposed revision gives the power to create new unclassified positions to the various boards of the city such as the Park Board and the Library Board.