



MEMORANDUM

OVERVIEW

The Charter Revision Work Group plan requires this office to review the proposed Charter revisions and provide an overview as to specific changes in the Charter that would affect various City departments. Among the changes in the proposed Charter revision are the powers of the Mayor and of the City Council. This memorandum lists the powers of the Mayor and the City Council, and addresses the impact of any changes. If the changes suggested in the proposed Charter amendment are not deemed to impact the powers of the Mayor of the Council, they are not discussed in this memorandum.¹

ANALYSIS

I. Powers of the Mayor

- A. Art. VIII, Sec. 8.1(a) of the proposed charter revision states that the Mayor is the “chief executive officer”. The term “chief executive officer” does not appear in the current Charter, nor does the term “chief executive officer” appear to be defined in the proposed Charter revision. *Black’s Law Dictionary* (8th Ed. 2004) defines “chief executive officer” as a corporation’s highest-ranking administrator, who manages the firm day by day and reports to the board of directors. *McQuillin’s Law of Municipal Corporations* (February 2004) states that the chief officer or executive and administrative head of a municipal corporation is commonly the mayor. It is unclear if the inclusion of the term “chief executive officer” to the definition of the Mayor in the proposed Charter revision is

¹ Where specific powers of either the Mayor or the City Council are referenced in Charter sections related to City departments, for example powers related to the police department, those powers are discussed within the context of the police department, and not in this document.

an expansion or diminution of the powers that the Mayor possesses vis-à-vis the City Council in the current Charter. *See p. 3 below.*

- B. Art. VIII, Sec. 8.1(c)(4) of the proposed Charter revision states that the Mayor must “report” annually to the City Council on the state of the City, while Chap.3, Sec. 1 of the current Charter states that the Mayor shall “address” the City Council annually on the state of the City. The change from the term “address” to “report” could be construed to allow/limit the Mayor to deliver a written document to the City Council rather than appearing physically and addressing the City Council personally. *See p. 3 below.*
- C. Article X, Sec. 10.3(a)(1) of the proposed Charter revision imposes a duty on the Mayor to establish the City’s goal and priorities by April 1st, following which the Council is to review and may amend the goals and priorities by August 15th. The proposed Charter revision is silent about what happens in the event that the Mayor misses the April 1st deadline to establish the City’s goals and priorities. The deadline for the Mayor to establish the City’s goals and priorities is not found in the current Charter. *See p. 3 below.*
- D. Article VIII, Sec. 8.1(d) of the proposed Charter revision provides that the Mayor may attend by proxy any board, committee or other public body of which he or she is a member. This could be construed to mean that the Mayor could merely appoint one of the members of the board or body to vote on behalf of the Mayor. This would constitute a change from the current Charter provision that the Mayor may appoint a representative to serve in his or her place on the board or public body. *See p. 4 below.*
- E. The proposed Charter revision eliminates the requirement that all contracts be signed by the Mayor or the Mayor’s designee, and suggests that this provision be replaced by an ordinance. This change would diminish the Mayor’s powers with respect to contracts, because the City Council could pass an ordinance changing the necessary signatories of contracts. The current Charter on the other hand, reserves the power to the Mayor. *See p. 4 below.*
- F. The proposed Charter revision incorporates some changes from the current Charter, with regard to mayoral succession. The changes include: 1) a requirement that the City Council adopt an ordinance that defines the circumstances under which a Mayor shall be deemed to be unable to perform his or her duties, and how the inability ends; 2) a requirement that the City Council 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; and 3) the elimination of a provision in the current Charter that calls for an election of a Chair pro-tem under Robert’s rules of Order to fill the vacancy of the vice-president. *See p. 5 below.*

Following is a chart comparing the current Charter provision (left-hand column) as compared with the proposed Charter provision (right-hand column), related to the powers of the Mayor:



Powers of the Mayor

Current Charter Provision	Proposed Charter Amendment
The Mayor shall take care that the laws of the State and the ordinances of the City are duly observed and enforced within the City.	(a) Chief executive. The chief executive officer is the Mayor. ... (c) Duties. The Mayor must— (1) take care that all laws and ordinances are faithfully observed and enforced within the City;
The mayor shall take care that all other officers of the City discharge their respective duties, and to that end may maintain an action of mandamus or other appropriate action against any delinquent City officer.	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;
The Mayor shall address the City Council annually on the state of the City proposing therein plans and programs for the physical and economic development of the City. The Mayor shall make recommendations for legislation and other actions by other governmental bodies which actions would assist in such physical and economic development of the City and shall from time to time give the City Council such information and recommend such measure(s) as may be deemed advantageous to the City.	(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
As part of the State of the City message, the Mayor shall set forth the goals the City should accomplish in the fiscal year that begins on January 1st of the next calendar year. The City Council shall review the proposed goals, make any desired amendments thereto, and approve them prior to the Mayor’s budget submission to the City Council for the following fiscal year as directed in Chapter 5, section 8, of the Charter.	Duties. The Mayor must— . . . (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 Fiscal year The fiscal year coincides with the calendar year. (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.
All ordinances, resolutions and other actions of the City Council, except those related to its organization, rules or procedures, shall, before they take effect, be presented to the Mayor, and if (the Mayor) approves thereof, the Mayor shall sign the same, and such as shall not be signed, the Mayor shall return to the City Council, with his or her objections thereto, by depositing the same with the City Clerk, to be presented to the City Council at their next meeting thereafter. Upon the return of any ordinance, resolution or other action of the City Council by the Mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be again put upon the passage of the same, notwithstanding the objections of the Mayor, and if upon such vote the City Council shall pass the same by a vote of two-thirds of the members of the Council, it shall have the same effect as if approved by the Mayor. If any ordinance, resolution or other action of the City Council shall not be returned by the Mayor within five days, Sundays excepted, after it shall be presented to the Mayor, the same shall have	by two-thirds of its membership, pass an act over the Mayor’s veto 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. “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



the same force and effect as if approved by the Mayor.	board's internal organization or procedure.
<i>The Mayor or one (1) person designated in writing by the Mayor, said designation to be on file with the City Clerk and the City Attorney, under the Mayor's direction shall sign all contracts made for the City of Minneapolis, by authority of the City Council.</i>	
All ordinances, resolutions, and other actions of the Park and Recreation Board, except those related to its organization, rules or procedures, shall, before they take effect, be presented to the Mayor, and if the Mayor approves thereof, the Mayor shall sign the same, and such as shall not be signed, the Mayor shall return to the Board, with his or her objections thereto, by depositing the same with the secretary of the Board, to be presented to the Board at their next meeting thereafter. Upon the return of any ordinance, resolution, or other action of the Board by the Mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be again put upon the passage of the same, notwithstanding the objections of the Mayor, and if upon such vote the Board shall pass the same by a vote of two-thirds of the members of the Board, it shall have the same effect as if approved by the Mayor. If any ordinance, resolution, or other action of the Board shall not be returned by the Mayor within five (5) days, Sundays excepted, after it shall be presented to the Mayor, the same shall have the same force and effect as if approved by the Mayor. The Mayor may call special meetings of the Park and Recreation Board by notice to each of the members, to be delivered personally or left at their usual places of abode. At such special meeting no other business shall be transacted than such as is designated in the call.	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.
Notwithstanding any provisions of the Minneapolis City Charter and Minnesota Statutes 422A.02 and 423.72 to the contrary, whenever the Charter or said state laws provide that the Mayor be a member of any board, commission or department, the Mayor may appoint or designate a representative to serve in place of the Mayor on such board, commission or department for a term of office not to exceed the Mayor's own term. Such representatives shall be citizens of the state and residents of the City.	Delegation. The Mayor may attend by proxy any board, committee, or other public body of which he or she is a member.
Budget Participation of Mayor—Office of Budget	
No later than the 15th day of August of each year, the Mayor shall prepare and submit to the City Council and the Board of Estimate & Taxation the Mayor's recommended budgets for the following fiscal year for the City Council and each board or department of the City having any power to levy taxes. Included in such budgets shall be a statement of all proposed expenditures, the revenue from all sources and a recommended five-year capital improvement program. Accompanying the budgets when submitted shall be a budget message from the Mayor outlining important features of the budget with appropriate explanatory comments. In such budget message the Mayor shall make recommendations for legislation and for other actions by other governmental bodies	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.



<p>which actions would assist the financial programs of the City and shall further review and comment on taxes imposed on property in the City by all other taxing authorities and the effect of such total tax obligations.</p>	
<p>In the performance of their duties under this section, the Mayor and the Budget Director shall have access to all records and information pertaining thereto possessed by the City Council, or any City board, commission or other agency and shall be assisted as necessary by the officers and employees thereof.</p>	<p>Cooperation, information. For this article X’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.</p>
<p>Succession—Mayor and Council President—Duties and Succession</p>	
<p>If the Mayor is unable for any reason to discharge his or her required duties, a member of the City Council shall serve as Acting Mayor. The line of succession for Acting Mayor shall be the Council President, Council Vice-President, and then as determined by resolution of the City Council. Acts performed by the Acting Mayor shall have the same force and validity as if performed by the Mayor.</p>	<p>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.</p>

II. Powers of the City Council

- A. The proposed Charter revision appears to make a change with regard to the existing language of the current Charter by seemingly eliminating the requirement that the City Council elect a vice-president. Art. IV, Sec. 4.3(a) of the proposed Charter Amendment states that the City Council must elect its officers and organize its committees at the first meeting in January following each general election, without specifying the officers to be elected. If the revision is adopted, the Council rules would have to be amended to designate the officers to be elected, pursuant to Art. IV, Sec. 4.4(a). *See pages 7-8 below.*
- B. The proposed Charter Amendment provides for each board to elect a president from its membership at its organizational meeting. Since the City Council constitutes a “board” as defined in Article V, Section 5.1 of the proposed Charter revision, there is no change in this proposal. *See p. 8 below.*



- C. The provision in the current Charter specifying the succession if the City Council President is absent from any meeting of the Council or both the President and vice-president are absent is eliminated from the proposed Charter revision. Instead, under Art. 8.1(f)(2), the proposed Charter revision contemplates that the City Council will establish a succession plan by ordinance. This provision is subject to change by ordinance. See discussion below related to removal of Charter powers to ordinance. *See p. 5 above.*
- D. The current Charter now provides that a majority of Council members shall constitute a quorum. The proposed charter revision specifies that a majority of the members of any board constitutes a quorum. Since the City Council is a “board” as defined in the proposed Charter revision, there is no change in this section. *See p. 8 below.*
- E. The current Charter provides that in the absence of a quorum, the Council members present at a meeting “may adjourn to any special time they may designate, *and all business transacted at such adjourned meeting shall have the same validity as if done at a stated meeting. All adjourned meetings of any stated or special meeting shall be a part of the meeting adjourned, but the first and subsequent meeting of any stated or special meetings so adjourned shall be designated as ‘sessions’ of said meetings.*” In the proposed Charter revision, the language quoted above in italics is suggested to be placed in ordinance rather than the Charter. In addition, the designation of the first and subsequent portions of an adjourned meeting as “sessions”, appears to be covered by Minn. Stat. §13D.04 (the Open Meeting Law), and therefore, does not appear to constitute a meaningful change. *See p. 8 below.*
- F. The language of the proposed Charter revision contained in Article IV, section 4.2, regarding the Council as judge of its members’ elections, clarifies that the Council has the power to “compel the testimony of any witness who may have relevant information, and may compel the production of any relevant book, document, or thing”. By revising the language of the current Charter (“ . . . City Council . . . shall have the power to send for persons and papers”), with the new language, the Council clearly has subpoena power under the proposed Charter revision. *See p. 8 below.*
- G. Article I, Sec. 1.5 of the proposed Charter revision provides that the City Council may impose penalties for breach of an ordinance, including the possible penalties (fine, imprisonment, or labor in a workhouse or on a public improvement, another penalty, or any combination of such penalties). In addition, the proposed Charter revision omits the provisions of Chap. 4, Sec. 7 of the current Charter. As a result, the City Council would no longer have authority to require city prisoners to work upon City improvement projects. Given that these Charter provisions were most likely adopted when Municipal court existed and prior to the courts’ unification, the City would not have the authority to specify the sentence for violation of City ordinances, as doing so would violate the separation of powers provision of the Minnesota Constitution. *See pages 9-10 below.*
- H. The proposed Charter revision changes the majority vote requirement so that a majority vote of all members (7) is required not only for ordinances and resolutions as is currently required, but for all actions of a “legislative nature”. The language of the current Charter and the proposed Charter revision related to how ordinances and resolutions are passed appear to be similar, except that the

proposed Charter uses the term “an act”, and the current Charter specifies “ordinances and resolutions” requiring a majority affirmative vote to pass. Under the current Charter, as interpreted by City Attorney opinions, an act of the City Council, such as the adoption of a committee report, does not require a majority vote of the Council membership, but only a majority of those voting. The adoption of a committee report by a majority vote of the Council has the same effect as a resolution, but only requires a majority of those voting on the question. Article V, Section 5.3(f)(1) of the proposed Charter revision defines “act” requiring a majority of all membership to be “. . .any ordinance, resolution, appropriation, any other lawful action of a legislative nature, and any action amending, repealing, or otherwise affecting any such act; but. . . does not include a rule or other vote that relates to a board’s internal organization or procedure.” There is no change as to ordinances and resolutions which, under the current Charter require a majority of all of the members of the City council. However, it is not clear what other acts would be deemed to be “of a legislative nature” under the proposed Charter revision so as to require seven votes. On this basis, it is unclear whether Chap. 4, Section 9 of the current Charter would be changed due to the addition of the proposed Charter revision language. *See p. 10 below.*

- I. The requirement that an ordinance cannot be passed at the same session or any session less than one week after its first reading, unless its subject matter has been previously referred to a committee at a previous session is addressed in Article IV, Sec. 4.4 (b) of the proposed Charter revision. However, the wording seems to be permissive rather than limiting. This ambiguity might empower the City Council to authorize the passage of ordinances at the same meeting at which they are first introduced, even if the subject matter of the ordinance has never been previously referred to a committee. *See p. 10 below.*

- J. Chapter 4, Sec. 24 of the current Charter provides for the minimum size of the Mayor’s staff, while Article VIII, Sec. 8.1(g)(1) of the proposed Charter revision states that the City Council must provide at least the same staff as set out as the minimum in the current Charter, but also includes the phrase “along with any other appropriate staff”. The current Charter authorizes the Council “to determine the maximum number of” mayoral aides. The proposed Charter revision requires the Council to “provide for the staff and other resources the Mayor needs for the effective performance of his or her duties.” *See p. 13 below.*

Following is a chart comparing the current Charter provision (left-hand column) as compared with the proposed Charter provision (right-hand column), related to the powers of the City Council:

Powers of the City Council

Current Charter Provision	Proposed Charter Amendment
At the first meeting of the City Council in January of each year after a general municipal election they shall proceed to elect by ballot from their members a President and Vice-President.	<p>Meetings.</p> <p>Organizational meeting. The Council must elect its officers and organize its committees at the first meeting in January following each general election.</p> <p>President. Each board at its organizational meeting must elect from its</p>



	membership a president.
<i>In case the president is absent from any meeting of the City Council, the Vice-President shall discharge the duties of such President and act in the President's place. In case the Vice-President also is absent from the same meeting of the City Council, the City Council shall select a Chair pro tem in accordance with Robert's Rules of Order.</i>	
City Council—Quorum—Officers The Council Members shall constitute the City Council. A majority of the Council Members shall constitute a quorum.	Composition. The City Council comprises one Council member elected by and from each ward. 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.
The President or Vice President of the Council shall, when present, preside at all meetings. In their absence the Council may elect a President pro tem, who shall for such meetings have the same power as the President.	President. Each board at its organizational meeting must elect from its membership a president.
City Council—Meetings—Regular and Special The City Council shall hold stated meetings, and the Mayor may call special meetings, by notice to each of the members, to be delivered personally or left at their usual places of abode. At such special meeting no other business shall be transacted than such as is designated in the call.	(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.
In case of the attendance of less than a quorum at any stated meeting the members present may adjourn to any special time they may designate, <i>and all business transacted at such adjourned meeting shall have the same validity as if done at a stated meeting. All adjourned meetings of any stated or special meeting shall be a part of the meeting adjourned, but the first and subsequent meeting of any stated or special meetings so adjourned shall be designated as "sessions" of said meetings.</i>	Quorum. A quorumless meeting may adjourn to a more convenient time
Council Judge of Election of Members The City Council shall be the judge of the election of its own members, and in such cases shall have the power to send for persons and papers.	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.
It shall determine the rules of its own proceedings, and have power to compel the attendance of absent members, and may provide for the punishment of such absent members.	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. Rules. Each board may adopt rules of order for the conduct of its own business. Attendance. The Council may compel the attendance of absent members, and may remove a member for persistent or recurring nonattendance. Quorum. A quorumless meeting . . . may take measures to obtain a quorum.
City Council—Power to Remove Officers—Place and Manner of Trial	



<p>The City Council shall have power to remove from office any officer of said City whether appointed by the City Council or elected by the people, but no officer elected by the people shall be removed except for cause, nor unless first furnished with a copy of the charges, nor until such person shall have had reasonable opportunity to be heard in person or by counsel in his or her own defense.</p>	<p>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.</p>
<p>Continued absence from the meetings of the Council in case of Council Members, and neglect of duty in case of other officers, unless for good reason, shall be deemed a good cause of removal.</p>	<p>Attendance. The Council may compel the attendance of absent members, and may remove a member for persistent or recurring nonattendance.</p>
<p>The City Council shall fix a time and place for the trial of such officer, of which not less than ten days’ notice shall be given, and shall have power to compel the attendance of witnesses, and the production of papers, and to hear and determine the case, and if such officer shall refuse or neglect to appear and answer such charge the City Council may declare the office vacant.</p>	<p>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.</p>
<p>The executive committee shall have power to remove from office any officer of the city appointed by it subject to the provisions of Chapter 3, section 4 of this Charter, except that members of the civil service commission may only be removed during their term for cause.</p>	<p>Removal. The City Council may not remove an officer appointed under this section 9.4(b) unless the Executive Committee so recommends, and may not remove a Civil Service commissioner except for cause.</p>
<p>City Council—Power to Make Ordinances The City Council shall have full power and authority to make, ordain, publish, enforce, alter, amend or repeal all such ordinances for the government and good order of the City, for the suppression of vice and intemperance, and for the prevention of crime, as it shall deem expedient, and in and by the same to declare and impose penalties and punishments, and enforce the same against any person or persons who may violate the provisions of any ordinance, passed and ordained by it, and all such ordinances are hereby declared to be and to have the force of law. Provided, that they be not repugnant to the laws of the United States or of this State, and for these purposes the said City Council shall have authority by such ordinances: [See discussion in Lisa Needham’s memorandum regarding 42 specific powers]</p>	<p>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.</p>
<p>City Council May Impose Penalties for Breach of Ordinance The City Council may prescribe punishment for the breach of any ordinance of the City to the extent of a fine <i>not exceeding seven hundred dollars (\$700.00)</i>, and imprisonment <i>not exceeding ninety (90) days</i>, or both.</p>	<p>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</p>
<p>City Council May Provide for Confinement in</p>	<p>Liability. An ordinance may impose a duty, and may provide that a</p>



<p>Workhouse The City Council may also provide by ordinance that anyone convicted of an offense before the Municipal Court of Hennepin County subjecting such offender to imprisonment under the ordinances of said City, may be kept at hard labor either in any workhouse established for that purpose, or upon the public improvements of said City, or both; and may also provide by ordinance that anyone convicted of any offense before said Municipal Court, and committed upon nonpayment of fine imposed, may be kept at hard labor either in any workhouse of said City aforesaid; or upon the public improvements, or both, until such person shall work out the amount of such fine, at such rate of compensation as said Council may prescribe, for a time not exceeding said commitment; and the City Council shall have full power to establish by ordinance all needful regulations for the security of such persons thus employed, and to prevent escape and secure proper discipline, and shall have power to establish a proper workhouse in said City or outside thereof for the purpose aforesaid, and under such regulations as said City Council may prescribe. Provided, that the City Council aforesaid is hereby authorized to use the Hennepin County adult corrections facility and/or the Hennepin County adult detention center as the workhouse of the City of Minneapolis provided for in this Charter, the prisoners of the City to be as at present in the custody of the sheriff of Hennepin County, except while working on the improvements of said City, when they shall be under the control of the police force of said City.</p>	<p>violation will result in . . . (2) imprisonment, or labor in a workhouse or on a public improvement</p>
<p>Ordinances and Resolutions—How Passed All ordinances and resolutions of the City Council shall be passed by an affirmative vote of a majority of all the members of the City Council,</p>	<p>Acts. An act by the Council takes a majority of its membership, except as this charter otherwise provides.</p>
<p>by ayes and nays which shall be entered in the records of the Council.</p>	<p>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</p>
<p>No ordinance shall be passed at the same session or at any session occurring less than one (1) week after the session at which it shall have had its first (1st) reading, of the Council at which it shall have been presented except by the unanimous consent of all the members present which shall be noted in the record, but this shall not preclude the passage of ordinances reported by any committee of the Council to whom the subject of such ordinance shall have been referred at any previous session.</p>	<p>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.</p>
<p>When approved, they shall be recorded by the City Clerk in books provided for that purpose, and before they shall be in force they shall be published in the</p>	<p>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</p>



<p>official paper of the city. The Council may direct that only the title of the ordinance or resolution and a summary conforming to Minnesota Statutes Section 331A.01, Subdivision 10 be published in the official paper of the city. Zoning ordinance map(s) affecting district boundaries shall not be published in the official paper of the City, but shall be summarized as required by this section and shall be available for public inspection in the office of the Zoning Administrator and the City Clerk. All ordinances and resolutions shall be available for purchase at a reasonable price.</p>	<p>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.</p>
<p><i>Council May Abate Nuisances</i> <i>The powers conferred upon the City Council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions or proceedings according to law.</i></p>	
<p>City Council to Have Control of City Finances and Property <i>The City Council shall have the management and control of the finances and all property of the city, and may provide for the sale of any such property, in such manner as it shall consider for the interest of the city. Provided, That no real estate belonging to said City shall be sold unless ordered sold by a vote of two-thirds (2/3) of all the members of the City Council.</i></p>	<p>by two-thirds of its membership, sell realty;</p>
<p>City Council Shall Have Power to Acquire Property for Public Buildings and Public Streets The City Council shall have the power to acquire by purchase or condemnation such private property as may be necessary for sites for public buildings for the use of the city and all departments thereof, for all structures connected with any department of the city, and for all streets, alleys and public squares in the city, and to ascertain and determine the value of all such private property taken for such uses, and the amount of all damages occasioned to any private property by reason of any public works or structures, and for that purpose may appoint commissioners to appraise such value or damages, or acquire information thereof in any other manner it shall deem advisable.</p>	<p>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.</p>
<p>Licenses May Be Revoked <i>Any license issued by authority of the City Council may be revoked by the City Council at any time upon proper notice and hearing for good cause; and upon conviction before any court of any person holding such a license for a violation of the provisions of any law, ordinance or regulation relating to the exercise of any right granted by such license, the city council may revoke such license in</i></p>	



<p><i>addition to the penalties provided by law or by ordinance for any such violation.</i></p>	
<p>Council May Exercise Power by Resolution—When If in any case any of the powers granted to said City Council, to be exercised by ordinances named in section five (5) of this chapter, cannot well be exercised by the passage of ordinances, then said City Council may exercise any of said powers by means of the passage of resolutions.</p>	<p>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.</p>
<p>City Council—May Prescribe Additional Duties for City Officers— Appoint Additional Officers The City Council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this Chapter, and to appoint such other officers as may be necessary to carry into effect the provisions of this Chapter, and to prescribe their duties, unless herein otherwise provided for.</p>	<p>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.</p> <p>8.2. Departments (a) The departments generally. The City Council must establish, organize, and otherwise provide for— (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. . . .</p>
<p>City Council to Have Control of City Finances and Property <i>The City Council shall have the management and control of the finances and all property of the city, and may provide for the sale of any such property, in such manner as it shall consider for the interest of the city.</i> Provided, That no real estate belonging to said City shall be sold unless ordered sold by a vote of two-thirds (2/3) of all the members of the City Council.</p>	<p>by two-thirds of its membership, sell realty;</p>
<p>City Council Shall Have Power to Acquire Property for Public Buildings and Public Streets The City Council shall have the power to acquire by purchase or condemnation such private property as may be necessary for sites for public buildings for the use of the city and all departments thereof, for all structures connected with any department of the city, and for all streets, alleys and public squares in the city, and to ascertain and determine the value of all such private property taken for such uses, and the amount of all damages occasioned to any private property by reason of any public works or structures, and for that purpose may appoint commissioners to appraise such value or damages, or acquire information thereof in any other manner it shall deem advisable.</p>	<p>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.</p>
<p>Licenses May Be Revoked <i>Any license issued by authority of the City Council may be revoked by the City Council at any time upon proper notice and hearing for good cause; and</i></p>	



<p><i>upon conviction before any court of any person holding such a license for a violation of the provisions of any law, ordinance or regulation relating to the exercise of any right granted by such license, the city council may revoke such license in addition to the penalties provided by law or by ordinance for any such violation.</i></p>	
<p>Council May Exercise Power by Resolution—When If in any case any of the powers granted to said City Council, to be exercised by ordinances named in section five (5) of this chapter, cannot well be exercised by the passage of ordinances, then said City Council may exercise any of said powers by means of the passage of resolutions.</p>	<p>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.</p> <p>“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</p>
<p><i>Authorization for Industrial Development Commission—Plans and Recommendations of Such Commission</i> <i>(a) The City Council may by ordinance establish an industrial development commission with responsibility to provide information to and cooperate with industries and civil agencies interested in new or expanded plant locations; to consult and cooperate with other affected City departments and present recommendations to the City Council for appropriate action; and actively promote the increased use of all of the City’s industrial areas.</i></p>	
<p>Council May Establish Size of Mayor’s Staff The City Council by resolution is hereby authorized to determine the maximum number of administrative aides that may be on the staff of the Mayor, all of whom shall be in the unclassified service. The minimum size of said staff shall be one administrative deputy, two administrative aides, one administrative assistant, and one executive secretary.</p>	<p>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 9.4(b). The Mayor’s staff serves in the unclassified service.</p>
<p>City Council to Set Aside Funds for Use of Mayor The City Council of the City of Minneapolis is hereby authorized and directed annually to appropriate and set aside from the general fund of said city a sum of not less than five thousand dollars (\$5,000), as a contingent fund, for the use of the Mayor of said city. The Mayor shall have sole control over such fund, and may use and expend the</p>	<p>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.</p>



<p>same as the Mayor may deem best and for the interests of said City of Minneapolis; provided, however, that no money from said fund be used as a campaign contribution to any person seeking elected office. The Mayor shall tender to the City Council detailed statements of all expenditures made under authority of this provision.</p>	
<p>Chapter 12 Power of City Council to Grant Franchises § 1. Council May Grant Franchises The City Council of the City of Minneapolis is hereby authorized to grant franchises by the passage of ordinances.</p>	<p>Franchises. The Council may grant and regulate any lawful franchise.</p>
<p>2. Existing Powers, Etc., to Continue The City of Minneapolis and the several Boards and Departments of said city, in addition to all the rights, powers, duties, functions, privileges and immunities expressly conferred upon and vested in them or any of them under and by virtue of the provisions of this charter, shall under this Charter also have, possess, perform, exercise and enjoy all other rights, powers, duties, functions, privileges and immunities held, possessed, performed, exercised or enjoyed by said city and its several departments and boards respectively at the time of the adoption of this Charter.</p>	<p>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.</p>

III. Removal of Charter Powers to Ordinance

While the Proposed Revised Charter does not recommend the removal of charter provisions to ordinance to the extent that it makes this recommendation about the 42 specific Council powers enumerated in Chapter 4, § 5 of the current Charter, it does provide that some of the Mayor and City Council powers enumerated in the current Charter should be moved to ordinances (see language in italics). This is in keeping with the philosophy of the Model Charter for Minnesota Cities, which, according to the comments, “is based on the modern drafting principles that a charter should deal only with fundamentals, leaving to the council by ordinance the authority to provide more detailed regulations as they are needed.”

Moving provisions to ordinance, however, results in a significant difference as to how easily those provisions may be altered. Amending a Charter provision requires either a 13-0 vote of the City Council or a majority popular vote in favor of a ballot questions. Amending an ordinance, however, requires only a majority vote of all Council Members present. Shifting the specific Mayoral and Council powers to ordinance will mean that those powers can be much more easily changed, or even eliminated by the Council.



CONCLUSION

This memorandum exists only to provide a guide as to the suggested changes contained in the Proposed Revised Charter and to assist the Workgroup in its discussion of those changes

