



## **MEMORANDUM**

### **I. Introduction**

After the Minneapolis Charter Commission proposed a complete rewrite of the current City Charter styled as a “plain language” amendment to the Minneapolis City Charter, the City Council directed the City Attorney’s Office and the City Coordinator’s Office to develop a process to facilitate City Council review and analysis of the proposed Charter changes. Subsequently, Council Member Betsy Hodges convened a Charter Work Group to review the proposed amendments. Following is a summary of the work performed by the Work Group, including the methodology used, conclusions and recommendations.

### **II. Methodology**

#### **A. Work Group Members**

Led by Council Member Hodges, the Work Group consisted of department heads and/or representatives designated by the department head, and included the following individuals: Steven Bosacker, Susan Segal, Patrick Born, Alex Jackson, Steve Ristuben, Gretchen Musicant, Sharon Lubinski, Pam French, Peter Wagenius, Peter Ginder, Heather Johnston, Burt Osborne, Henry Reimer, Brette Hjelle, Dick Smith, and Becky McIntosh. Ben Hecker also participated in and organized each meeting. Lisa Needham and Dana Banwer of the City Attorney’s Office also attended each meeting.

B. The City Attorney’s Office reviewed the proposed Charter amendments and compared the amendments with the current Charter. The attorneys met with department representatives to review the amendments and to discuss the impact on the representative’s department. Following this, the attorneys prepared memoranda outlining the proposed amendments related to each department or subject matter. The attorneys reviewed the memoranda with the department representatives and presented them in Work Group meetings where all



present discussed the proposals. During the meetings, the group discussed to whether or not the proposed amendments were critical to the department's operations and whether alternatives should be proposed.

### **III. Recurring Themes and Overarching Principles**

During the review and discussions, it quickly became apparent that certain recurring themes and/or overarching principles appeared throughout the proposed Charter amendments. Following is a discussion of these issues:

#### **A. Effect of Removing Charter Provisions to Ordinance**

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", several current Charter provisions are recommended for removal to ordinance. Moving provisions to ordinance 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.

#### **B. Significant Ordinance Amendments**

In keeping with the principles of model charters, the Minneapolis Charter Commission has substantially reduced the length of the Charter from 192 pages to 59 pages. In some cases, superfluous language has been omitted entirely. In other cases, the Charter Commission has proposed removing language from the Charter to ordinance (e.g. the creation and organization of City departments). While such provisions may be better suited to ordinances rather than the Charter, there will be a significant amount of work necessary to review the Charter and ordinances to determine how many changes are needed and to complete the work.

#### **C. Impact of Rewrite on Charter Interpretation**

Throughout its existence, the current City Charter has been reviewed and interpreted by attorneys, courts and others as issues arise. For example, several City Attorney opinions interpreting the Charter provisions related to the liquor code have been written over the years, each opinion building on earlier opinions. If the City Council adopts the proposed Charter revisions, the way in which the Charter has historically been interpreted may change and with the changes, the manner in which the City and the departments do business may also change. We would need to study the proposed amendments against the current Charter and ordinances in greater depth to determine how significant the changes would be.

### **IV. Conclusion**

Pursuant to direction given us by the City Council, we have reviewed and analyzed the proposed Charter amendments and have prepared analyses of the proposed changes for the Council consideration. We will continue to work with the Work Group members and the City Council as deemed necessary and appropriate to consider the Charter revisions proposed by the Minneapolis Charter Commission.