



## **MEMORANDUM**

### **Overview**

The Charter Revision Work Group plan required this office to review the proposed Charter revisions and provide an overview to the Charter Revision Work Group as to specific proposed Charter amendments that would affect various City departments. Over the course of the past several weeks, we reviewed the proposed Charter amendments, discussed the changes with representatives from each department, and discussed the amendments with the Charter Revision Work Group. This memorandum summarizes the impact of this proposal on the City and the Regulatory Services Department.

### **Regulatory Services Issues**

#### **I. Specific City Powers**

A. The 42 specific powers granted to the City in current Charter Chapter 4 affect primarily Regulatory Services operations more than any other City department. The proposed Charter revision would remove each of the 42 powers from the Charter and place them into ordinances. Many of the specific powers in the current Charter are either fully provided for in ordinance or have long been superseded by state statutes and regulations. In the event that the proposed Charter revision is not adopted in full, many of the specific powers in the Charter could be eliminated. In the event that the proposed Charter revision is adopted, the general grant of power in the revised Charter would suffice to ensure the continued functioning of Regulatory Services as it currently functions.

B. We have identified 10 of the 42 specific powers that have been superseded by state law and which could be removed from the Charter. These specific powers are outlined in the memorandum dated July 2, 2009 written by Lisa Needham.

## **II. Liquor Issues**

Under Minn. Stat. § 410.121, a charter provision containing provisions prohibiting the sale of intoxicating liquor or wine in certain areas, may not be amended or removed unless approved by at least 55% of the voters on a referendum. The current Charter prohibits the sale of liquor in several parts of Chapter 4, Sec. 5, and the proposed Charter revision moves these provisions to ordinance, contrary to Minn. Stat. § 410.121. If the City Council were to adopt the proposed Charter revision as written, the language related to prohibitions on sales of liquor or wine would need to be restated prior to adoption. If the Council would like to eliminate the language, it would need to put the issue to the voters for a referendum vote.

