

## ORDINANCE

By Ellison, Cano, Gordon, Fletcher, and Bender

**Amending Article VII of the City Charter relating to Administration and Article VIII of the City Charter relating to Officers and Other Employees, pertaining to the creation of a new Charter Department to provide for community safety and violence prevention, and the removal of the Police Department as a Charter Department.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Article VII, Section 7.2(a) of the Minneapolis City Charter be amended to read as follows:

### **§ 7.2. Departments.**

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

- (1) a City Coordinator;
- (2) a City Clerk (section 4.2(e));
- (3) a City Assessor;
- (4) a City Finance Officer and budget office, including a director;
- (5) a City Attorney and legal department;
- (6) a civil rights department, including a director, and a civil rights commission (section 7.2(d));
- (7) a department of community planning and economic development;
- (8) a fire department (section 7.4);
- (9) a health department, headed by a health commissioner;
- (10) a planning commission (section 7.2(e));
- (11) ~~a police department~~ a department of community safety and violence prevention (section 7.3);
- (12) a public-works department;
- (13) a purchasing department;
- (14) a regulatory-services department; and
- (15) any other department necessary or convenient for the efficient delivery of municipal services.

Section 2. That Article VII, Section 7.3 of the Minneapolis City Charter be amended to read as follows:

### **§ 7.3. Police Community Safety and Violence Prevention.**

~~(a) **Police department.** The Mayor has complete power over the establishment, maintenance, and command of the police department. The Mayor may make all rules and regulations and may promulgate and enforce general and special orders necessary to operating 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 8.4(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) **Police officers.** Each peace officer appointed in the police department must be licensed as required by law. Each such licensed officer may exercise any lawful power that a peace officer enjoys at common law or by general or special law, and may execute a warrant anywhere in the county.

(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) **Funding.** The City Council must fund a police force of at least 0.0017 employees per resident, and provide for those employees' compensation, for which purpose it may tax the taxable property in the City up to 0.3 percent of its value annually. This tax is in addition to any other tax, and not subject to the maximum set under section 9.3(a)(4).

(a) **Department of Community Safety and Violence Prevention.** The City Council must establish, maintain, adequately fund, and consistently engage the public about a department of community safety and violence prevention, which will have responsibility for public safety services prioritizing a holistic, public health-oriented approach.

(1) **Director of Community Safety and Violence Prevention Department.** The Mayor nominates and the City Council appoints a director of the department of community safety and violence prevention under section 8.4(b). Individuals eligible to be appointed as director will have non-law enforcement experience in community safety services, including but not limited to public health and/or restorative justice approaches.

(b) **Division of Law Enforcement Services.** The Council may maintain a division of law enforcement services, composed of licensed peace officers, subject to the supervision of the department of community safety and violence prevention.

(1) **Director of Law Enforcement Services Division.** The director of the department of community safety and violence prevention shall appoint the director of the division of law enforcement services, subject to confirmation by official act of the City Council and Mayor.

Section 3. That Article VII, Section 7.4 of the Minneapolis City Charter be amended to read as follows:

#### **§ 7.4. - Fire.**

(a) **Fire department.**

(1) **Fire chief.**

(A) **Appointment.** The Mayor nominates and the City Council appoints a fire chief under section 8.4(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) **Senior managers.** The department's senior managers are those holding the titles (which may be held by one or more employees)—

- (i) assistant chief,
- (ii) deputy chief,
- (iii) fire marshal,
- (iv) assistant chief of training, or
- (v) engineering officer.

(B) **Appointment.** The fire chief appoints, with the City Council's assent, 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 adequate staffing.~~

~~(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.~~

Section 4. That Article VIII, Section 8.2(d) of the Minneapolis City Charter be amended to read as follows:

**§ 8.2. – Officers generally.**

(d) **Tenure.** Each officer takes office, after having qualified and taking the required oath—

(1) in the case of an elected officer other than a Council member, 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 Council members, elected in a regular election, on the first Monday in January in the calendar year next following the election;

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

(4) in the case of an officer appointed under section 8.4(b), ~~other than the police chief~~, on the first weekday in January that is not a holiday in an even-numbered year; and

~~(5) in the case of the police chief, on the first weekday in January that is not a holiday in the year the appointment starts; and~~

~~(6)~~ (5) in the case of any other office, as any applicable ordinance provides, otherwise upon election or appointment.

Section 5. That Article VIII, Section 8.4(b) of the Minneapolis City Charter be amended to read as follows:

**§ 8.4. – Other officers.**

(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 or commission whose membership mostly consists of Council members, or by any combination of them, and does not explicitly override this section 8.4(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 8.4(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.

(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 by a majority of its membership 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 by a majority of its membership 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 8.4(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 8.4(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 8.4(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 and qualifies.

Section 6. That the proposed amendment related to the creation of a community safety and violence prevention department and the removal of the police department be submitted to the qualified voters of the City for adoption or rejection at the 2020 Presidential General Election to be held November 3, 2020, and that notice of such submission be given by the City Clerk by publication of such notice and amendment, in full, once a week for two successive weeks prior to November 3, 2020, in the Star Tribune, a newspaper of general circulation in the City of Minneapolis, and in Finance and Commerce, the official newspaper of the City of Minneapolis. In submitting the proposed amendment for adoption or rejection by the qualified voters, the title and language of the question shall be presented as follows:

**“Community Safety & Violence Prevention Department**

Shall the Minneapolis City Charter be amended to provide for the establishment of a new Community Safety & Violence Prevention Department and to remove the Police Department.

Yes \_\_\_\_\_  
No \_\_\_\_\_”

Section 7. This ordinance shall take effect May 1, 2021.