

MEMORANDUM

TO: MINNEAPOLIS CHARTER COMMISSION  
FROM: ANDREA RUBENSTEIN AND TONI NEWBORN  
Co-chairs, Public Safety Work Group  
DATE: November 3, 2020  
SUBJECT: Recommendation regarding proposed City Council amendments to the  
Minneapolis City Charter

**INTRODUCTION**

On June 30, 2020, the Minneapolis City Council delivered to the Minneapolis Charter Commission an ordinance relating to public safety and providing for the proposed amendment of the Minneapolis City Charter, in accord with Minnesota Statute Section 410.12, subd. 5.

The amendment had four components:

1. Elimination of the minimum funding and staffing requirements contained in Section 7.3 ( c ) of the Charter;
2. Elimination of the “complete power” provision granted to the Mayor over the Minneapolis Police Department, contained in Section 7.3 (a) of the Charter;
3. Elimination of the Minneapolis Police Department as a Charter Department; and
4. Creation of a new Charter Department, the Department of Public Safety and Violence Prevention, which “may” – or may not – establish a Division of Law Enforcement Services, with the head of that Division, if any, reporting to the Director of the new Department.

The statute directs that the Charter Commission may have sixty days to “review” such proposed amendments and may request an additional ninety days if needed to complete the review. At its meeting on August 5, 2020, the Charter Commission voted to take the additional 90 days and subsequently reconvened the Public Safety Work Group to undertake the review. For the proposed amendments to appear on the November, 2020, ballot, the Commission had to complete its review by an August 21, 2020, ballot printing deadline. The request for the additional ninety days meant that the review could not be completed by that deadline, and, hence, the amendments would not appear on the 2020 ballot.

It is possible, however, that any proposed amendment to the Charter regarding public safety could appear on the ballot for the next municipal election in November, 2021.

The present ninety day period permitted for further review ends on November 27, 2020.

## PROCESS

The Public Safety Work Group has met numerous times since the August 12 vote to collect information and data and interview various stakeholders, including members of the City Council, the Mayor and Police Chief, the City Attorney, city staff, and others. A more detailed report of this process will be included in the Work Group's final report in December.

The statute governing the amendment process does not define the term, "review," nor are there any other sources to which to turn for determining the meaning or scope of that term. Therefore, as an important first step, the Work Group had proposed and the Charter Commission adopted a set of standards to guide review of the City Council amendments and other amendments that may be proposed in the future.

In addition, the Commission created a second work group, the Government Structure Work Group, in response in part to that portion of the City Council amendments related to the shifting of oversight of the police function from the Mayor to the City Council but with a broader mission. This Work Group has just begun its work.

Under Minnesota Statutes Section 410.12, subd. 5, upon completion of the review of any proposed City Council initiated amendment, the Charter Commission is required to select one of three recommendations to the City Council: approve the amendment, reject the amendment, or offer a substitute amendment.

The Public Safety Work Group meeting on November 2, 2020, was devoted to considering these options. We first considered two different substitute amendments. The first one, offered by Commissioner Greg Abbott, was to amend the Charter by eliminating the Police Department as a Charter Department, creating a new Charter Department of Public Safety and Violence Prevention, similar to that proposed in the City Council Amendment, and clarifying the separation of powers between the executive and legislative functions of government. The second substitute amendment, proposed by Chair Barry Clegg, was to eliminate from Section 7.3 (c) of the Charter the minimum funding provision but to retain in that section tax language contained there. During discussion of the two proposals, members of the Work Group as well as other Commissioners present expressed concern that even after the information collection that had occurred during the ninety day review period, a number of important and relevant items were still unobtainable. Such missing pieces include the results of the pending Minnesota Department of Human Rights investigation, the pending lawsuit alleging inadequate police protection, pending staff studies, and the recommendation(s), if any, of the Government Structure Work Group. While the two proposed substitute amendments were well considered and appreciated, the consensus was that no substitute amendments should be offered at this time but that, if the Charter Commission agrees, the Public Safety Work Group reconvene in the spring, in time to consider potential amendments to be placed on the 2021 ballot.

Finally, there was consensus that the City Council amendments did not meet the standards for review established by the Commission and should be rejected, accordingly.

## **RECOMMENDATION**

A motion before the Work Group followed:

SANDBERG: Reject the City Council amendments and agree to move forward with further discussion next spring.

SCHWARTZKOPF: Second.

MOTION CARRIED UNANIMOUSLY ON ROLL CALL:

AYE: Clegg, Kozak, Perry, Schwarzkopf, Sandberg, Newborn, and Rubenstein.

## **NEXT STEPS**

A more detailed report describing the review process and findings shall be prepared for review and discussion at the December Charter Commission meeting.