

January 4, 2021

To: Government Structure Work Group Members
From: Jill Garcia and Greg Abbott – Co-Chairs
Subject: Status and Update on Initial Issue Framing

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Over the past several weeks, we’ve interviewed current leaders of the City’s departments as well as former elected City officials and we’ve reviewed a variety of research about municipal government forms, including the comparative analysis by Commissioner Ginder.¹ Additionally, we’ve arranged for representatives of the state’s other first-class cities to meet with the Work Group in January to discuss their governance structures. Our purpose has been to identify specific ways to better define and delineate relationships between the City Council, the Mayor, and City staff. This memo lays out some initial options we believe merit consideration. Based on your feedback, we hope to bring forward a first draft of an actual proposal which could, with the Charter Commission’s approval, be submitted to voters as a possible charter amendment.

Based on our initial work, we believe the community would best be served if the City’s governance structure was clarified to provide that the City Council is the legislative body and the Mayor is the chief executive officer. Our intent is not to diminish either side of that core governing equation; rather, we want to amplify strengths we believe this enhanced level of clarity can provide. Initial ideas are summarized in the table below and described in detail in the following paragraphs.

LEGISLATIVE COUNCIL

EXECUTIVE MAYOR

Council holds all legislative and policymaking authority of the City	Council’s actions are subject to approval or veto by the Mayor
Council may override the Mayor’s veto with the affirmative vote of two-thirds of of its Members	Mayor is responsible for working with Council to establish a shared agenda of policy priorities to advance the City
Council is responsible for confirming the Mayor’s appointment of department heads	Mayor is the City’s chief executive, head of its Administration, and appoints and supervises department heads
Council holds the “power of the purse” and has the authority to refine and adopt the final City budget	Mayor continues to prepare and present the proposed City budget
Council has power to make inquiries or to conduct investigations about the Administration and of the operation of City departments	Mayor has line-item veto on budget and expenditure actions
Council is given adequate resources to support its legislative/policymaking, oversight, and constituent services functions.	Department heads serve for terms that run concurrent with the elective term of the Mayor

¹ See the Government Structure Work Group Research & Reference File in LIMS at: <https://lms.minneapolismn.gov/ClerkFile/CF-2020-00014>

SUMMARY OF INITIAL PROPOSALS

1. A Legislative Council & Executive Mayor System

Our research has confirmed that the City's governance structure needs to be modernized, with clarity about roles and responsibilities and a separation of legislative and executive powers that incorporates sufficient checks and balances. We believe this can best be achieved by explicitly defining the Council's legislative functions and the Mayor's executive functions. These are to be complementary functions that are balanced in a system that works best with collaboration, compromise, and cooperation—just as former officials told us.

2. Focus and Strengthen the Council's Legislative and Representation Functions

The City Council plays a critical and central role in the City's governance structure; its Members represent the people and give voice to their needs, priorities, and preferences. As with federal and state legislative bodies, the final authority of the City rests with the Council. Nothing in our proposal would change that or minimize the primary role Council plays in policymaking functions. Another important attribute of the Minneapolis City Council is how open and accessible it is to the community. We believe any diminishment in this central function of service to constituents would be detrimental to the community.

Yet, because so much of the daily administration currently passes through Council and demands a significant focus from all Council Members, there is little capacity for meaningful oversight to verify its policies are achieving intended results or that value is achieved (and maximized) for the investment of public funds to the benefit of the community. And, despite how accessible Council is, more could be done to provide meaningful opportunities for public participation in community governance—a reflection of the populist style that defines Minneapolis.

Thus, we hope that by removing administrative responsibilities from the Council that the Council can sharpen its focus on meaningful legislative, policymaking, and oversight duties and that Council Members are supported in their representational and constituent service functions. It is ironic that the current structure, often described as a "strong council" system, has deprived the City Council of resources to support its legislative and representational functions. We believe a clean delineation of legislative and executive functions necessitates explicit language being added to the charter to ensure the City Council has independent support for its legislative function, comparable to the allocation of staffing resources for the Mayor that are included in the current charter. We believe this would include staff to provide research, analysis, and drafting services, support for investigations and inquiries, as well as constituent outreach, engagement, and communications functions.

3. Establish Centralized Accountability for City Performance

We are convinced that one of the most important and significant improvements we can make in the governance structure is the establishment of a single executive to have responsibility for the City's performance. With the Mayor clearly defined as the City's chief executive officer, Minneapolis would have, as US President Harry Truman said, a clear understanding that: "The buck stops here." For good or not, the Mayor—elected from the entire community—would be responsible for directing and supervising the daily operations of the City. To strengthen that role, we believe the Mayor should have the power to appoint, subject to confirmation by the City Council, the department heads, who would then serve after confirmation at the pleasure of the Mayor. The terms of those department heads would run concurrent with the elective term of the Mayor. This reflects the understanding that if the Mayor is to have the responsibility of administering the City government, then the Mayor also must have the authority to do so.

4. Four-Year Terms for Department Heads

As noted above, we believe the appointive terms of department heads should be four years, running concurrent with the elective term of the Mayor. This allows the Mayor to create a team of professional administrators to provide advice and guidance, implementation and management, performance measurement, and reporting on the work of the City.

5. The “Prime Directive” – Non-Interference in Administration

A number of cities with an executive mayor-legislative council system include what we have come to describe as the “prime directive” in their charter. Like the famous “prime directive” in Star Trek lore, this charter provision explicitly prevents Council interference in the City’s administration under the executive. A good example of this type of prime directive is contained in the Duluth City Charter, which states:

Duluth City Charter, Chapter IV, Section 18—

Neither the council, nor any of its members, shall direct or request the appointment of any person to, or the removal of any person from office by the mayor or by any of the mayor's subordinates, or in any manner take part in the appointment or removal of officers and employees in the administrative service of the city, except as otherwise provided in this Charter. Except for the purpose of inquiry, the council and its members shall deal with the administrative service solely through the mayor, and neither the council, nor any member thereof, shall give orders to any subordinate of the mayor either publicly or privately. Any councilor violating the provisions of this Section, shall be guilty of a misdemeanor and upon conviction thereof shall cease to be a councilor.

This kind of prohibition is an important element of separating executive and legislative functions and adding a similar provision to the Minneapolis City Charter would strengthen the clarity we are proposing between a legislative council and an executive mayor. We believe adding a similar charter provision would serve as a guide to elected officials and staff about the boundaries between the City Council and the Mayor. However, we recognize that it would generally be in the Mayor’s power to establish procedures to address how departments respond to the City Council and directions from the Council, and further understand that ordinarily the Mayor ought to have sufficient power (and motivation) to protect departments from any such interference by the Council.

6. Line-Item Veto

In a separation-of-powers structure it is common for the executive (Mayor) to have the power to approve or veto legislative actions. The Minneapolis Mayor currently has that authority; however, some executive mayors—like those in Duluth and St. Paul—also have line-item veto authority for budget and expenditure actions. Therefore, we believe it is worth consideration as to whether the charter should be amended to explicitly authority a line-item veto for budget and expenditure actions.

NEXT STEPS

The question of how these various proposals might be combined into a formal amendment needs to be discussed by the Work Group. To be clear, none of these proposals change the City’s substantive policies or goals in our judgment, nor are we recommending any alteration to other aspects of the City’s unique structure (e.g., Board of Estimate & Taxation or Park & Recreation Board of Commissioners). Our focus is limited to the core governance structure, which we purport should be clarified and strengthened as a legislative council and executive mayor. Ultimately, the goal is good governance based on systems and structures framed in the City’s charter (its constitution), clear and direct accountability to the public, and effective delivery of City services and programs. We welcome your feedback and further ideas as we continue this journey. The first opportunity for that discussion will be our meeting on Tuesday, January 5, at 4:30 p.m.