

ORDINANCE

By Cunningham, Fletcher, and Schroeder

Amending Article VII of the City Charter relating to Administration, to be submitted to the voters at the November 2, 2021, municipal election, pertaining to the creation of a new Charter Department, which will provide public safety functions, including a division of law enforcement services, 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 to 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 public safety (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.~~ Public Safety.

~~(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 Public Safety. The department of public safety provides a comprehensive approach designed to address the connection between public safety and health by integrating various public safety functions of the City.

(1) Commissioner of the Department of Public Safety.

(A) Appointment. The commissioner of the department of public safety is appointed under section 8.4(b).

(2) Law Enforcement Services Division. The department of public safety must include a law enforcement services division. This division must include licensed peace officers, who will perform law enforcement services, and may include others who support those services.

(A) Chief of Law Enforcement Services Division.

(i) Unclassified service. The chief serves at the commissioner's pleasure, in the unclassified service, and is not an officer as defined by section 8.1(a).

(ii) Required qualification. The chief must be licensed as a Minnesota peace officer when appointed and while serving as the chief.

(iii) Discipline and Removal of chief. The chief reports directly to the commissioner. The commissioner may discipline, and may, with or without cause, discharge the chief.

(3) Additional Divisions. The department of public safety may include divisions other than the law enforcement services division.

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~~ **Fire investigations.** ~~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.~~ The fire department may request the assistance of the law enforcement services division at any fire to investigate the cause of the fire. The fire department may direct those providing that assistance.

(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. This ordinance shall take effect May 1, 2022.