

ORDINANCE

By Cunningham, Fletcher, and Schroeder

Amending Article VIII of the City Charter relating to Officers and Other Employees, 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 VIII, Section 8.2 of the Minneapolis City Charter to be amended to read as follows:

8.2. - Officers generally.

Except as this charter otherwise provides:

(a) **Oath.** Before taking office, each officer must sign and file with the City Clerk an oath in substantially the following form: "I swear [or 'affirm'] that I will faithfully discharge the office of [title], and will support the constitutions of the United States and of Minnesota."

(b) **Bond.** The City Clerk, the finance officer, and any other officer that the City Council requires, must before taking office deliver an executed bond in whatever amount and form and on whatever conditions the Council requires.

(c) **Term.** Except as this charter, an ordinance, or a general or special law otherwise provides, each officer's term is two years.

(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 general 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 general 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.

(e) **Holding over.** Each officer serves until his or her successor has qualified and takes office.

(f) **Duties.** Each officer must perform the duties that this charter or any other applicable general or special law, ordinance, or rule, or the electing or appointing body, prescribes.

(g) **Vacancy.**

(1) **Determination.**

(A) **Elected office.** Each board to which the voters elect an elected officer determines when that office is vacant.

(B) **Other office.** The electing or appointing body determines when any other office is vacant.

(2) **Resignation.** Any officer may resign—

(A) by tendering a written resignation that the electing or appointing authority accepts; or

(B) in any other manner provided by law.

(3) **Removal.** The electing or appointing body (or, in the case of an elected office, the City Council) may remove any officer after notice and hearing. The notice must specify—

(A) the cause for removal, and

(B) the hearing's time and place.

The electing or appointing body may compel the testimony of any witness who may have relevant information, and may compel the production of any relevant book, document, or thing. This section is subject to section 8.4(b)(6), for whose purposes the appointing body is the City Council.

(4) **Vacancies.** The electing or appointing body may fill any vacancy that this charter does not provide another method of filling. Where the voters are the electing body, the City Council may fill the vacancy. A successor filling a vacancy serves only until an elected successor takes office or for the unexpired term's remainder.

Section 2. That Article VIII, Section 8.4(b) of the Minneapolis City Charter to 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 3. This ordinance shall take effect May 1, 2022.