

**Charter Commission
Government Structure Work Group**
[\(LIMS File CH2020-00023\)](#)



Regular Meeting
Feb 25, 2021 – 4:30 p.m.
Online Meeting

Commission Members: Jill Garcia (Co-Chair), Greg Abbott (Co-Chair), Barry Clegg, Peter Ginder, Jana Metge, Christopher Smith (Quorum 4)

Staff: Maddy Norgard, 612-673-2216

Call to Order

1. Roll Call.
2. Adoption of the agenda.

Discussion

3. Government structure amendment language approval

Approving a recommendation to the Charter Commission regarding government structure amendment language.

[Government structure amendment fourth draft](#)

[Government structure amendment fourth draft \(redlined version\)](#)

For additional materials, see LIMS Clerk File [2020-00014](#).

Adjournment

Clerk Notes: The public may join the meeting by dialing (612) 276-6670 and conference ID: 616 638 76#.

Notice: Members may participate remotely by telephone or other electronic means due to the local public health emergency (novel coronavirus pandemic) declared on March 16, 2020, pursuant to the provisions of MN Statutes Section 13D.021.

A portion of this meeting may be closed to the public pursuant to MN Statutes Section 13D.03 or 13D.05.

Next Government Structure Work Group meeting: TBD

For reasonable accommodations or alternative formats please contact the City Clerk's Office at 612-673-2216 or e-mail CityClerk@minneapolismn.gov. People who are deaf or hard of hearing can use a relay service to call 311 at 612-673-3000. TTY users call 612-673-2157 or 612-673-2626. Para asistencia 612-673-2700 - Rau kev pab 612-673-2800 - Hadii aad Caawimaad u baahantahay 612-673-3500.

§ 4.1. **Function.**

- (a) **Legislative body.** The legislative body is the City Council, in which the City's general legislative, policymaking, and oversight authority resides.
- (b) **Scope.** The Council may act on the City's behalf in any matter, except where—
 - (1) this charter reserves the action for a different board, commission, or committee, or for the Mayor or the administration for which article VII provides; or
 - (2) the action is inconsistent with this charter or otherwise unlawful.

.....

[§ 4.2]

- (e) **Resources.** The City Council must provide for its own staff and the other resources that the Council and its committees and members need for the effective performance of their duties.
 - (1) **Council staff.** The Council must provide for a nonpartisan administrative staff, in the classified service, that supports the Council or a committee generally and who cannot be assigned to any individual member. The City Clerk heads and (subject to the Civil Service Commission's rules) appoints, directs and supervises, and may discipline or discharge the staff.
 - (2) **Members' aides.** The Council may provide for aides for each member. The Council may provide for any such aide's appointment in the unclassified service, without regard to section 8.4(b).
- (f) **City clerk.**
 - (1) **Appointment.** The City Council appoints the City Clerk, without regard to section 8.4(b). The Clerk serves at the Council's pleasure, in the unclassified service.
 - (2) **Duties.** The Clerk must—
 - (A) keep the corporate seal and all municipal papers and records, including (but not limited to) the Council's proceedings (section 4.4(e));
 - (B) administer each election under the Council's direction (section 3.1(c)), and may administer an election for the Minneapolis Public Schools board of education if that board so authorizes;

- (C) provide for each ordinance that the Council adopts to be promptly codified, and generally review the code of ordinances at least once every five years; and
- (D) perform any other duties for which this charter or an ordinance provides, or that the Council requests.

The Council must provide for the Clerk's staff and the other resources that the Clerk needs for the effective performance of his or her duties.

- (3) **Oaths.** The Clerk may administer an oath or affirmation in any proceeding under this charter.

(g) **City auditor.**

- (1) **Function.** The City Council must establish, organize, and otherwise provide for an independent City Auditor's office in charge of audit services for the City's finances and operations, with a view toward—

- (A) performing risk-based independent, objective assurance and consulting services;
- (B) investigating alleged abuse, fraud, or waste involving the City's resources;
- (C) monitoring and assuring compliance with this charter, ordinances, and other applicable law;
- (D) monitoring and assuring adherence to sound audit practices applicable to municipalities, which the Auditor designates with the audit committee's approval; and
- (E) minimizing financial, operational, reputational, strategic, and other risks.

- (2) **Organization.**

- (A) **Audit committee.** The Council must establish an audit committee to oversee the office, and may appoint or by ordinance provide for the appointment of the committee's members, without regard to section 8.4(b). A majority of the committee's members must never have served on the Council. The Council may set the members' terms without regard to section 8.2(c).
- (B) **City Auditor.** The audit committee appoints the Auditor.

- (i) **Term.** The Council must by ordinance set the Auditor’s term of at least four years, during which the Council may remove the Auditor under section 8.2(g)(3) only for cause, acting by a majority of its membership.
 - (ii) **Staff.** The Council must provide for appropriate staff and other resources. The Auditor heads the staff.
- (3) **Audit charter.** The audit committee must adopt an audit charter defining the office’s purpose, mission, authority, and independence.
- (4) **Annual work plan.** The Auditor must annually recommend for the audit committee’s review and adoption a work plan setting the office’s goals and priorities for the next fiscal year.
- (5) **Reporting.** The Auditor is solely responsible for the office’s work product. The Auditor may deliver any such work product to the Council, the Mayor, or any other interested board, commission, committee, department, or officer, for informational purposes.
- (6) **Access.** Notwithstanding anything in this charter to the contrary, the Auditor enjoys—
 - (A) jurisdiction over the City Council and over each board, commission, committee, department, officer, employee, and other agency or agent, who must cooperate with any audit or inquiry and furnish any information that the Auditor requests; and
 - (B) prompt and unrestricted access, without charge, to all records, property, and operations, unless an applicable law or court order explicitly prohibits or limits such access.

§ 4.4. Proceedings.

- (a) **Vote required.**
 - (1) **Rules.** The Council at its organizational meeting may by simple majority adopt or amend its rules of order for the conduct of its own business. The Council may thereafter amend its rules by simple majority unless the rules themselves require a supermajority. The Council may decide a question of order under its rules by simple majority.

- (2) **Acts.** An act by the Council takes a simple majority, except as this charter or the law otherwise provides. For this article IV's purposes, the noun "act"—
- (A) means any ordinance, resolution, appropriation, any other lawful action, and any action amending, repealing, or otherwise affecting any such act; but
 - (B) does not include a rule or other vote that relates to the Council's internal organization or procedure.
- (3) **Absolute majority required for certain actions.** The Council may take the following action only with a majority of its membership:
- (A) adopt an ordinance or resolution;
 - (B) appropriate money;
 - (C) remove the City Auditor (section 4.2(g)(2)(B)(i)); and
 - (D) authorize an improvement to a sidewalk subject to a special assessment (section 4.4(a)(5)).
- (4) **Supermajority required for certain actions.** The Council may take the following action only with the prescribed supermajority:
- (A) by two-thirds of its membership, authorize an improvement (other than a sidewalk) subject to a special assessment (section 4.4(a)(5));
 - (B) by two-thirds of its membership, regrade a graded street;
 - (C) by two-thirds of its membership, sell realty;
 - (D) by two-thirds of its membership, vacate wholly or partly any public way or plat, which power the Council enjoys exclusively;
 - (E) by two-thirds of its membership, remit or discharge any judgment in the City's favor;
 - (F) by two-thirds of its membership, pass an act over the Mayor's veto (section 4.4(c));
 - (G) by two-thirds of its membership, remove an elected officer (section 8.2(g)(3));
 - (H) by three-fourths of its membership, authorize a slaughterhouse within the City. No person may operate a slaughterhouse within the City without such authorization; and

- (I) by three-fourths of its membership, authorize an unbudgeted payment out of current funds (section 9.2(a)(3)).

ARTICLE VII. ADMINISTRATION

§ 7.1. Mayor.

- (a) **Chief executive.** The chief executive officer is the Mayor, in whom the City's general executive and administrative authority resides.
- (b) **Term; election.** The Mayor's term is four years. The Mayor is elected by the voters in a regular election held in each year following a year whose number is evenly divisible by four.
- (c) **Duties.** The Mayor must—
 - (1) take care that all laws and ordinances are faithfully observed and enforced within the City;
 - (2) direct and supervise the administration for which this article VII provides;
 - (3) take care that each other officer discharges his or her duties, for which purpose the Mayor may seek a writ of mandamus or other appropriate action against any delinquent officer;
 - (4) recommend action in the City's interest by any other government;
 - (5) address the City Council annually on the state of the City, and recommend appropriate measures for the City's general welfare, health, safety, and development; and
 - (6) notify the City Council and any other interested board, commission, committee, or department of any litigation against the City.
- (d) **Delegation.** The Mayor may appoint a proxy or other representative to serve in his or her place on any board, commission, committee, or other public body of which he or she is a member. Any such appointment must expire not later than the Mayor's term expires.
- (e) **Vacancy.** Whenever the Mayor vacates his or her office before the year of the next regular election, or in that year before March 1, the City Council must provide for a special election to fill the vacancy. The special election must be held on a legal election day under Minnesota election law that is more than 90 days from the date of the vacancy.

(f) **Succession.**

- (1) **Temporary vacancy.** Whenever the Mayor cannot discharge his or her duties, or the office is vacant pending an election, then the Council president (or, if the Council president cannot act, the Council vice-president) must act as Mayor until the Mayor (or the Council president, if the vice-president is acting as Mayor) resumes his or her duties or a new Mayor takes office. Any action taken by the Council president or vice-president, or any other successor, acting as Mayor is as valid as if taken by the Mayor. Any successor acting as Mayor draws the Mayor's salary instead of the salary of the office by virtue of which he or she is acting as Mayor.
- (2) **Succession plan.** The City Council must by resolution adopt a succession plan, which must establish a line of succession beyond the Council vice-president. The Council must review the plan at each organizational meeting.

(g) **Resources.** The City Council must provide for the staff and other resources that the Mayor needs for the effective performance of his or her duties.

- (1) **Staff.** For the Mayor's support, the Council must provide for at least—
 - (A) one administrative deputy,
 - (B) two administrative aides,
 - (C) one administrative assistant,
 - (D) one executive secretary, and
 - (E) any other appropriate staff.

The Mayor may appoint any such staff without regard to section 8.4(b). The Mayor's staff serves in the unclassified service.

- (2) **Contingent fund.** The Council must annually appropriate a fund of not less than \$5,000.00 for use at the Mayor's discretion. The Mayor may not contribute from this fund to any individual's political campaign. The Mayor must report each expense from this fund to the Council.

(h) **Executive function.**

- (1) **Separation of powers.** Except as this charter otherwise provides, neither the City Council nor any Council committee or member may usurp, invade, or interfere with the Mayor's direction or supervision of the administration for which this article VII provides. The Council and its committees and members—

- (A) may seek information or assistance, on their own or on any resident's behalf, from the administration;
 - (B) may, with the Mayor's consent or in a manner that the Mayor arranges, seek information or assistance in furtherance of the Council's legislative authority; but
 - (C) may not publicly or privately, directly or indirectly—
 - (i) issue an order to, seek information that is not public from, or otherwise attempt or purport to direct or supervise, any employee; or
 - (ii) outside the process of consenting to a nomination under section 8.4(b), advocate the hiring or promotion, or advocate or threaten the removal, demotion, or discipline, of any employee, except by communication with the Mayor or in a manner that the Mayor arranges.
- (2) **Legislative oversight.** The Mayor must furnish to the Council any information that the Council requests for the exercise of its legislative function, including (but not limited to) the budget.

§ 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 Assessor;
 - (3) a City Attorney and legal department;
 - (4) a City Finance Officer and budget office, including a director;
 - (5) a civil rights department, including a director, and a civil rights commission (section 7.2(d));
 - (6) a department of community planning and economic development;
 - (7) a fire department (section 7.4);
 - (8) a health department, headed by a health commissioner;
 - (9) a planning commission (section 7.2(e));
 - (10) a police department (section 7.3);
 - (11) a public-works department;
 - (12) a purchasing department;

- (13) a regulatory-services department; and
 - (14) any other department necessary or convenient for the efficient delivery of municipal services.
- (b) **Departmental organization.** The ordinance establishing each department must provide for an officer or a board or commission as its head, for any other necessary officer, and for appropriate staff and other resources. The Mayor nominates and, with the City Council's consent, appoints each department's head under section 8.4(b), except as this charter or any applicable law otherwise provides.
- (c) **City attorney.**
- (1) **Function.** Except as this charter otherwise provides, the City Attorney and the legal department under his or her direction—
 - (A) serve as the attorneys and counselors at law to the Mayor, the City Council and its committees, and the other boards, commissions, committees, departments, and officers for which this charter provides; and
 - (B) counsels, and delivers an opinion on any legal question from, the Mayor, the City Council and its committees, and the other boards, commissions, and committees for which this charter provides, who must consult only the City Attorney (and must not employ or pay any other attorney) for any necessary legal advice.
 - (2) **Deputy City Attorneys.** The City Attorney may appoint two deputies, who serve 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 deputy is appointed from the classified service, then he or she is treated as taking a leave of absence while serving as a deputy, 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) **Park and Recreation Board.** This section 7.2(c) does not apply to the Park and Recreation Board, except to the extent that the Board so requests.
- (d) **Civil rights commission.**
- (1) **Appointment.** The City Council must provide by ordinance for the appointment of a civil rights commission, to which section 8.4(b) does not apply.

(2) **Jurisdiction.** For the purpose of enforcing civil-rights legislation, the civil rights commission enjoys jurisdiction over each board, commission, committee, department, officer, and other agency or agent, notwithstanding anything in this charter to the contrary. No board, commission, committee, department, officer, or other agency or agent may limit the civil rights commission's jurisdiction.

(e) **Planning commission.**

(1) **Commission.** The commission consists of—

- (A) the Mayor;
- (B) a member elected by (but not necessarily from) the Board of County Commissioners;
- (C) a member elected by and from the City Council;
- (D) a member elected by and from the Park and Recreation Board;
- (E) a member elected by and from the Minneapolis Public Schools board of education;
- (F) a member who is a resident, appointed by the City Council; and
- (G) four members who are residents and are not members of any board otherwise represented on the commission, appointed under section 8.4(b).

(2) **Function.** The commission must—

- (A) prepare a comprehensive plan for the City's physical development and improvement, with particular regard to public utility and convenience and the general welfare;
- (B) recommend to any appropriate board, commission, committee, department, or officer specific plans for public improvements, consistent with the comprehensive plan;
- (C) recommend to the City Council ordinances regulating the zoning of buildings and other structures with respect to their size, location, and use; and
- (D) perform any other duties for which an ordinance provides.

- (3) **Plans and plats.** No public office may receive or record any plan, plat, or replat of any street or other realty in the City, intended for dedication to public use or for the benefit of the fronting or adjacent property, unless the planning commission has endorsed its approval on the plan, plat, or replat. The commission's disapproval rejects, and its approval accepts, the proposed dedication on the City's behalf. But accepting such a dedication does not subject the City to any duty to maintain the dedicated property until the City has entered, used, or improved upon it.
- (4) **Public improvements.** The City may not authorize or incur debt for any public improvement, including (but not limited to) any structure of permanent character intended for ornament or commemoration, unless—
 - (A) the planning commission approves the location and design;
 - (B) the commission, within 30 days after receiving a plan for a proposed improvement's location and design, notifies the City Council of particular objections, and the Council approves over the commission's objections; or
 - (C) the commission does not notify the Council of particular objections within 30 days.
- (f) **Purchasing.** The City Council may require that each officer, board, commission, or department buy goods through the purchasing department, except as this charter otherwise provides.

§ 7.3. Police.

- (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, with the City Council's consent, appoints a police 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 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.
- (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).

§ 7.4. Fire.

(a) **Fire department.**

(1) **Fire chief.**

- (A) **Appointment.** The Mayor nominates and, with the City Council's consent, 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, 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 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.

ARTICLE VIII. OFFICERS AND OTHER EMPLOYEES

§ 8.1. Definitions.

For this charter’s purposes—

- (a) an “officer” includes—
 - (1) each elected officer (section 8.3(a)(2)),
 - (2) each member or officer of a board or commission for which this charter provides,
 - (3) each employee listed in section 7.2 or appointed under section 8.4(b); and
 - (4) the City Clerk (section 4.2(f)) and City Auditor (section 4.2(g)); and
- (b) an “employee” includes—
 - (1) everyone in the classified or unclassified service who is not an officer, and
 - (2) each officer, other than a member of a board, commission, or committee, who is not otherwise classified as an employee under this charter, an ordinance, or a general or special law.

§ 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 or a general law otherwise provides, each officer’s term coincides with the Mayor’s term. A vacancy in the Mayor’s office does not end any other officer’s term, but any successor serving or acting as Mayor may discipline or discharge an appointed officer under section 8.4(b)(4).
- (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), upon appointment; and
 - (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, acting by two-thirds of its membership) may remove any officer for cause 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 8.2(g)(3) is subject to section 8.4(b)(4), and does not require a notice or hearing for a removal under that section.

- (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 takes office upon election or appointment, and serves only until an elected successor takes office or for the unexpired term's remainder.

§ 8.3. Elected officers.

- (a) **“Elected office” defined.** For this charter's purposes—
 - (1) an “elected office” means one that the voters elect; and
 - (2) an “elected officer”—
 - (A) means the incumbent holding an elected office, and includes an appointee filling a vacancy in such an office pending an election; but
 - (B) does not include an officer elected by a board or commission to an office that is not an elected office.
- (b) **Qualifications.** No person is eligible as an elected officer unless he or she can vote for that office. A redistricting does not affect the eligibility or term of any incumbent holding office when the plan takes effect, unless otherwise provided in section 3.2(d).
- (c) **Resignation.** Any elected officer may resign by tendering a written resignation to the City Clerk.
- (d) **Holding over.** Each elected officer serves until his or her successor has qualified and takes office.

§ 8.4. Other officers.

- (a) **Other offices.** The City Council may establish or provide for the establishment of any other necessary office, in which case the Council must provide for its title, term, compensation, and duties.
- (b) **Appointment.** The Mayor nominates and, with the City Council's consent, appoints any officer for whose appointment this charter or a general or special law does not otherwise provide. 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.

- (2) **Failure of appointment.** If an office has been vacant for at least 90 days (or 30 days in the case of the police chief) and the Mayor has failed to nominate a successor, or if the Mayor has nominated three candidates that the Council has rejected, then the Council 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 Council may appoint the officer without the Mayor's nomination.
- (3) **Suspension.** The Mayor may suspend without pay any officer appointed under this section 8.4(b).
- (4) **Removal.** The Mayor may discipline and may, with or without cause, discharge an officer appointed under this section 8.4(b), but may not remove a Civil Service Commissioner except for cause.
- (5) **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 30 days unless the Mayor directs otherwise. The Mayor may continue in office any officer subject to appointment under this section 8.4(b) whose term has expired but whose successor has not been appointed for up to 180 days, or for a longer period with the Council's consent.

§ 4.1. **Function.**

- (a) **Governing Legislative body.** The ~~governing legislative~~ body is the City Council, in which the City's general legislative ~~and~~, policymaking, and oversight authority resides.
- (b) **Scope.** The Council may act on the City's behalf in any matter, except where—
 - (1) this charter reserves the action for a different board, commission, or committee, or for the Mayor or the administration for which article VII provides; or
 - (2) the action is inconsistent with this charter or otherwise unlawful.

....

[§ 4.2]

~~(e) City clerk.~~

- ~~(1) Election.~~ The City Council elects the City Clerk, to whose election ~~section 8.4(b) does not apply.~~

(e) Resources. The City Council must provide for its own staff and the other resources that the Council and its committees and members need for the effective performance of their duties.

- (1) Council staff. The Council must provide for a nonpartisan administrative staff, in the classified service, that supports the Council or a committee generally and who cannot be assigned to any individual member. The City Clerk heads and (subject to the Civil Service Commission's rules) appoints, directs and supervises, and may discipline or discharge the staff.
- (2) Members' aides. The Council may provide for aides for each member. The Council may provide for any such aide's appointment in the unclassified service, without regard to section 8.4(b).

(f) City clerk.

- (1) Appointment. The City Council appoints the City Clerk, without regard to section 8.4(b). The Clerk serves at the Council's pleasure, in the unclassified service.
- (2) **Duties.** The ~~City~~-Clerk must—
 - (A) keep the corporate seal and all municipal papers and records, including (but not limited to) the ~~City~~-Council's proceedings (section 4.4(e));

- (B) administer each election under the ~~City~~ Council's direction (section 3.1(c)), and may administer an election for the Minneapolis Public Schools board of education if that board so authorizes;
- (C) provide for each ordinance that the ~~City~~ Council adopts to be promptly codified, and generally review the code of ordinances at least once every five years; and
- (D) perform any other duties for which this charter or an ordinance provides, or that the Council requests.

The Council must provide for the Clerk's staff and the other resources that the Clerk needs for the effective performance of his or her duties.

- (3) **Oaths.** The ~~City~~ Clerk may administer an oath or affirmation in any proceeding under this charter.

(g) **City auditor.**

- (1) **Function.** The City Council must establish, organize, and otherwise provide for an independent City Auditor's office in charge of audit services for the City's finances and operations, with a view toward—
 - (A) performing risk-based independent, objective assurance and consulting services;
 - (B) investigating alleged abuse, fraud, or waste involving the City's resources;
 - (C) monitoring and assuring compliance with this charter, ordinances, and other applicable law;
 - (D) monitoring and assuring adherence to sound audit practices applicable to municipalities, which the Auditor designates with the audit committee's approval; and
 - (E) minimizing financial, operational, reputational, strategic, and other risks.

(2) **Organization.**

(A) **Audit committee.** The Council must establish an audit committee to oversee the office, and may appoint or by ordinance provide for the appointment of the committee's members, without regard to section 8.4(b). A majority of the committee's members must never have served on the Council. The Council may set the members' terms without regard to section 8.2(c).

(B) **City Auditor.** The audit committee appoints the Auditor.

(i) **Term.** The Council must by ordinance set the Auditor's term of at least four years, during which the Council may remove the Auditor under section 8.2(g)(3) only for cause, acting by a majority of its membership.

(ii) **Staff.** The Council must provide for appropriate staff and other resources. The Auditor heads the staff.

(3) **Audit charter.** The audit committee must adopt an audit charter defining the office's purpose, mission, authority, and independence.

(4) **Annual work plan.** The Auditor must annually recommend for the audit committee's review and adoption a work plan setting the office's goals and priorities for the next fiscal year.

(5) **Reporting.** The Auditor is solely responsible for the office's work product. The Auditor may deliver any such work product to the Council, the Mayor, or any other interested board, commission, committee, department, or officer, for informational purposes.

(6) **Access.** Notwithstanding anything in this charter to the contrary, the Auditor enjoys—

(A) jurisdiction over the City Council and over each board, commission, committee, department, officer, employee, and other agency or agent, who must cooperate with any audit or inquiry and furnish any information that the Auditor requests; and

(B) prompt and unrestricted access, without charge, to all records, property, and operations, unless an applicable law or court order explicitly prohibits or limits such access.

§ 4.4. Proceedings.

(a) **Vote required.**

- (1) **Rules.** The Council at its organizational meeting may by simple majority adopt or amend its rules of order for the conduct of its own business. The Council may thereafter amend its rules by simple majority unless the rules themselves require a supermajority. The Council may decide a question of order under its rules by simple majority.
- (2) **Acts.** An act by the Council takes a simple majority, except as this charter or the law otherwise provides. For this article IV's purposes, the noun "act"—
 - (A) means any ordinance, resolution, appropriation, any other lawful action, and any action amending, repealing, or otherwise affecting any such act; but
 - (B) does not include a rule or other vote that relates to the Council's internal organization or procedure.
- (3) **Absolute majority required for certain actions.** The Council may take the following action only with a majority of its membership:
 - (A) adopt an ordinance or resolution;
 - ~~(B) appoint or remove an officer under section 8.4(b);~~
 - ~~(C) appropriate money; and~~
 - (B) appropriate money;
 - (C) remove the City Auditor (section 4.2(g)(2)(B)(i)); and
 - (D) authorize an improvement to a sidewalk subject to a special assessment (section 4.4(a)(5)).
- (4) **Supermajority required for certain actions.** The Council may take the following action only with the prescribed supermajority:
 - (A) by two-thirds of its membership, authorize an improvement (other than a sidewalk) subject to a special assessment (section 4.4(a)(5));
 - (B) by two-thirds of its membership, regrade a graded street;
 - (C) by two-thirds of its membership, sell realty;
 - (D) by two-thirds of its membership, vacate wholly or partly any public way or plat, which power the Council enjoys exclusively;

- (E) by two-thirds of its membership, remit or discharge any judgment in the City's favor;
- (F) by two-thirds of its membership, pass an act over the Mayor's veto (section 4.4(c));
- ~~(G)~~ (G) by two-thirds of its membership, remove an elected officer (section 8.2(g)(3));
- (H) by three-fourths of its membership, authorize a slaughterhouse within the City. No person may operate a slaughterhouse within the City without such authorization; and
- ~~(H)~~ (H) by three-fourths of its membership, authorize an unbudgeted payment out of current funds (section ~~9.2~~ 9.2(a)(3)).

§ 4.5. Executive Committee.

- ~~(a) — **Function and powers.** The Executive Committee enjoys the powers and performs the duties that this charter, or the Council by ordinance or resolution, prescribes.~~
- ~~(b) — **Organization.** The Executive Committee comprises —~~
 - ~~(1) — the Mayor, as chair;~~
 - ~~(2) — the Council president; and~~
 - ~~(3) — up to three Council members elected by the Council.~~

~~The Committee's members may not all belong to the same political party unless the Mayor and all the Council members belong to the same political party.~~
- ~~(c) — **Rules.** The Executive Committee may adopt rules of order for the conduct of its own business.~~

ARTICLE VII. ADMINISTRATION

§ 7.1. Mayor.

- ~~(a)~~ (a) **Chief executive.** The chief executive officer is the Mayor, in whom the City's general executive and administrative authority resides.
- (b) **Term; election.** The Mayor's term is four years. The Mayor is elected by the voters in a regular election held in each year following a year whose number is evenly divisible by four.
- ~~(b)~~ (b) **Duties.** The Mayor must—

(1) take care that all laws and ordinances are faithfully observed and enforced within the City;

~~(2)~~ direct and supervise the administration for which this article VII provides;

(3) take care that each other officer discharges his or her duties, for which purpose the Mayor may seek a writ of mandamus or other appropriate action against any delinquent officer;

~~(4)~~ recommend action in the City's interest by any other government;

~~(5)~~ address the City Council annually on the state of the City, and recommend appropriate measures for the City's physical and economic general welfare, health, safety, and development; and

~~(6)~~ notify the City Council and any other interested board, commission, committee, or department of any litigation against the City.

~~(e)~~ **Delegation.** The Mayor may appoint a proxy or other representative to serve in his or her place on any board, commission, committee, or other public body of which he or she is a member. Any such appointment must expire not later than the Mayor's term expires.

~~(e)~~ **Vacancy.** Whenever the Mayor vacates his or her office before the year of the next regular election, or in that year before March 1, the City Council must provide for a special election to fill the vacancy. The special election must be held on a legal election day under Minnesota election law that is more than 90 days from the date of the vacancy.

~~(e)~~ **Succession.**

(1) **Temporary vacancy.** Whenever the Mayor cannot discharge his or her duties, or the office is vacant pending an election, then the Council president (or, if the Council president cannot act, the Council vice-president) must act as Mayor until the Mayor (or the Council president, if the vice-president is acting as Mayor) resumes his or her duties or a new Mayor takes office. Any action taken by the Council president or vice-president, or any other successor, acting as Mayor is as valid as if taken by the Mayor. Any successor acting as Mayor draws the Mayor's salary instead of the salary of the office by virtue of which he or she is acting as Mayor.

(2) **Succession plan.** The City Council must by resolution adopt a succession plan, which must establish a line of succession beyond the Council vice-president. The Council must review the plan at each organizational meeting.

(fg) **Resources.** The City Council must provide for the staff and other resources that the Mayor needs for the effective performance of his or her duties.

(1) **Staff.** For the Mayor's support, the Council must provide for at least—

- (A) one administrative deputy,
- (B) two administrative aides,
- (C) one administrative assistant,
- (D) one executive secretary, and
- (E) any other appropriate staff.

The Mayor may appoint any such staff without regard to section 8.4(b). The Mayor's staff serves in the unclassified service.

(2) **Contingent fund.** The Council must annually appropriate a fund of not less than \$5,000.00 for use at the Mayor's discretion. The Mayor may not contribute from this fund to any individual's political campaign. The Mayor must report each expense from this fund to the Council.

(h) Executive function.

(1) Separation of powers. Except as this charter otherwise provides, neither the City Council nor any Council committee or member may usurp, invade, or interfere with the Mayor's direction or supervision of the administration for which this article VII provides. The Council and its committees and members—

- (A) may seek information or assistance, on their own or on any resident's behalf, from the administration;
- (B) may, with the Mayor's consent or in a manner that the Mayor arranges, seek information or assistance in furtherance of the Council's legislative authority; but
- (C) may not publicly or privately, directly or indirectly—
 - (i) issue an order to, seek information that is not public from, or otherwise attempt or purport to direct or supervise, any employee; or
 - (ii) outside the process of consenting to a nomination under section 8.4(b), advocate the hiring or promotion, or advocate or threaten the removal, demotion, or discipline, of any employee, except by communication

with the Mayor or in a manner that the Mayor arranges.

(2) **Legislative oversight.** The Mayor must furnish to the Council any information that the Council requests for the exercise of its legislative function, including (but not limited to) the budget.

§ 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));~~ Assessor;
- (3) a City ~~Assessor~~ Attorney and legal department;
- (4) a City Finance Officer and budget office, including a director;
- ~~(5)~~ a City Attorney and legal department;
- ~~(6)~~ (5) 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)~~ 10 a police department (section 7.3);
- ~~(12)~~ 11 a public-works department;
- ~~(13)~~ 12 a purchasing department;
- ~~(14)~~ 13 a regulatory-services department; and
- ~~(15)~~ 14 any other department necessary or convenient for the efficient delivery of municipal services.

(b) **Departmental organization.** The ordinance establishing each department must provide for an officer or a board or commission as its head, for any other necessary officer, and for appropriate staff and other resources. The Mayor nominates and, with the City ~~Council~~ Council's consent, appoints each department's head under section 8.4(b), except as this charter or any applicable law ~~or ordinance~~ otherwise provides.

(c) **City attorney.**

- (1) **Function.** Except as this charter otherwise provides, the City Attorney and the legal department under his or her direction—
 - (A) serve as the attorneys and counselors at law to the Mayor, the City Council and its committees, and the other boards, commissions, committees, departments, and officers for which this charter provides; and
 - (B) counsels, and delivers an opinion on any legal question from, the Mayor, the City Council and its committees, and the other boards, commissions, and committees for which this charter provides, who must consult only the City Attorney (and must not employ or pay any other attorney) for any necessary legal advice.
- (2) **Deputy City Attorneys.** The City Attorney may appoint two deputies, who serve 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 deputy is appointed from the classified service, then he or she is treated as taking a leave of absence while serving as a deputy, 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) **Park and Recreation Board.** This section 7.2(c) does not apply to the Park and Recreation Board, except to the extent that the Board so requests.

(d) **Civil rights commission.**

- (1) **Appointment.** The City Council must provide by ordinance for the appointment of a civil rights commission, to which section 8.4(b) does not apply.
- (2) **Jurisdiction.** For the purpose of enforcing civil-rights legislation, the civil rights commission enjoys jurisdiction over each board, commission, committee, department, officer, and other agency or agent, notwithstanding anything in this charter to the contrary. No board, commission, committee, department, officer, or other agency or agent may limit the civil rights commission's jurisdiction.

(e) **Planning commission.**

- (1) **Commission.** The commission consists of—

- (A) the Mayor;
 - (B) a member elected by (but not necessarily from) the Board of County Commissioners;
 - (C) a member elected by and from the City Council;
 - (D) a member elected by and from the Park and Recreation Board;
 - (E) a member elected by and from the Minneapolis Public Schools board of education;
 - (F) a member who is a resident, appointed by the City Council; and
 - (G) four members who are residents and are not members of any board otherwise represented on the commission, appointed under ~~section 8.4~~ [section 8.4\(b\)](#).
- (2) **Function.** The commission must—
- (A) prepare a comprehensive plan for the City’s physical development and improvement, with particular regard to public utility and convenience and the general welfare;
 - (B) recommend to any appropriate board, commission, committee, department, or officer specific plans for public improvements, consistent with the comprehensive plan;
 - (C) recommend to the City Council ordinances regulating the zoning of buildings and other structures with respect to their size, location, and use; and
 - (D) perform any other duties for which an ordinance provides.
- (3) **Plans and plats.** No public office may receive or record any plan, plat, or replat of any street or other realty in the City, intended for dedication to public use or for the benefit of the fronting or adjacent property, unless the planning commission has endorsed its approval on the plan, plat, or replat. The commission’s disapproval rejects, and its approval accepts, the proposed dedication on the City’s behalf. But accepting such a dedication does not subject the City to any duty to maintain the dedicated property until the City has entered, used, or improved upon it.
- (4) **Public improvements.** The City may not authorize or incur debt for any public improvement, including (but not limited to) any structure of permanent character intended for ornament or commemoration, unless—

- (A) the planning commission approves the location and design;
 - (B) the commission, within 30 days after receiving a plan for a proposed improvement's location and design, notifies the City Council of particular objections, and the Council approves over the commission's objections; or
 - (C) the commission does not notify the Council of particular objections within 30 days.
- (f) **Purchasing.** The City Council may require that each officer, board, commission, or department buy goods through the purchasing department, except as this charter otherwise provides.

§ 7.3. Police.

- (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, with the City Council's consent, 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).

§ 7.4. Fire.

(a) **Fire department.**

(1) **Fire chief.**

(A) **Appointment.** The Mayor nominates and, with the City Council's consent, 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,

Formatted: Keep with next

Formatted: Font: Bold

- (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.

ARTICLE VIII. OFFICERS AND OTHER EMPLOYEES

§ 8.1. Definitions.

For this charter's purposes—

- (a) an "officer" includes—
 - (1) each elected officer (section 8.3(a)(2)),
 - (2) each member or officer of a board or commission for which this charter provides, ~~and~~
 - (3) each employee listed in section 7.2 or appointed under section 8.4(b); and
 - (4) the City Clerk (section 4.2(f)) and City Auditor (section 4.2(g)); and
- (b) an "employee" includes—
 - (1) everyone in the classified or unclassified service who is not an officer, and
 - (2) each officer, other than a member of a board, commission, or committee, who is not otherwise classified as an employee under this charter, ~~and~~ an ordinance, or a general or special law.

§ 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, coincides with the Mayor's term. A vacancy in the Mayor's office does not end any other officer's term, but any successor serving or acting as Mayor may discipline or discharge an appointed officer under section 8.4(b)(4).~~
- (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; upon appointment; 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, [acting by two-thirds of its membership](#)) may remove any officer [for cause](#) 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 [8.2\(g\)\(3\)](#) is subject to section 8.4(b)(~~6~~,4), and does not require a [notice or hearing](#) for ~~whose purposes the appointing body is the City Council~~ a removal under that section.

- (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 [takes office upon election or appointment, and](#) serves only until an elected successor takes office or for the unexpired term’s remainder.

§ 8.3. Elected officers.

- (a) **“Elected office” defined.** For this charter’s purposes—
 - (1) an “elected office” means one that the voters elect; and
 - (2) an “elected officer”—
 - (A) means the incumbent holding an elected office, and includes an appointee filling a vacancy in such an office pending an election; but
 - (B) does not include an officer elected by a board or commission to an office that is not an elected office.

- (b) **Qualifications.** No person is eligible as an elected officer unless he or she can vote for that office. A redistricting does not affect the eligibility or term of any incumbent holding office when the plan takes effect, unless otherwise provided in section 3.2(d).
- (c) **Resignation.** Any elected officer may resign by tendering a written resignation to the City Clerk.
- (d) **Holding over.** Each elected officer serves until his or her successor has qualified and takes office.

§ 8.4. Other officers.

- (a) **Other offices.** The City Council may establish or provide for the establishment of any other necessary office, in which case the Council must provide for its title, ~~appointment~~, term, compensation, and duties.
- ~~(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.~~(b)
 - Appointment.** The Mayor nominates and, with the City Council's consent, appoints any officer for whose appointment this charter or a general or special law does not otherwise provide. 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), ~~and the Mayor has failed to nominate a successor,~~ or if the Mayor has nominated three candidates that the ~~Executive Committee or the~~ Council has rejected, then the ~~Executive Committee~~ Council 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,~~ officer without the Mayor's nomination. ~~This process recurs until an officer is appointed.~~
- ~~(5)~~ **Suspension.** The ~~Executive Committee~~ Mayor 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~~ Mayor may ~~not removed~~ discipline and ~~may, with or without cause, discharge~~ an officer appointed under this section 8.4(b) ~~unless the Executive Committee so recommends, and may), but 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.~~ ~~30 days unless the Mayor directs otherwise.~~ The Mayor may continue in office any officer subject to appointment under this section 8.4(b) whose term has expired but whose successor has not been appointed for up to 180 days, or for a longer period with the Council's consent.

Formatted: Font: Times New Roman

Formatted: Font: Times New Roman

Formatted: Font: Times New Roman, Pattern: Clear (White)

Formatted: Font: Times New Roman