

ORDINANCE
By Cunningham, Fletcher, and Schroeder

Amending Article VII and Article VIII of the City Charter relating to Administration and 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 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 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. Public Safety.

(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.

(b) Commissioner of the Department of Public Safety.

- (1) Duties. The commissioner is the head of the department and leads its operation.
- (2) Appointment. The commissioner of the department of public safety is appointed under section 8.4(b).
- (c) Law Enforcement Services Division.

(1) Peace officers. 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.

(2) Chief of Law Enforcement Services Division.

(A) 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).

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

(C) 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.

(d) 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 investigations. 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. 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), on the first weekday in January that is not a holiday in an even-numbered year; 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) 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 5. 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 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 6. This ordinance shall take effect May 1, 2022.