

CITY OF MINNEAPOLIS

Proposed Charter Amendments for the 2021 Municipal General Election

Presentation to the Policy & Government Oversight Committee

Wednesday, July 21, 2021; 1:30 p.m.

Casey Joe Carl, City Clerk

Caroline Bachun, Assistant City Attorney

Proposal to amend the City Charter related to Rent Stabilization

**Initiated by City Council pursuant to
Minnesota Statutes § 410.12, subd. 5.,
and § 471.9996.**

LIMS File No. 2021-00104



Rent Stabilization

Question #1: Amend City Charter (**Article I**) to provide a limited right of **initiative** so voters may petition to impose control on rents of private residential property within the city.

Rejected by Charter Commission

Question #2: Amend City Charter (Article IV) to include in the list of enumerated powers the authority to impose control on rents of private residential property within the city by **ordinance**.

Substitute offered by Charter Commission

Rent Stabilization: Next Steps

Council must determine—

- 1. Submit original proposal to voters;**
- 2. Submit Charter Commission's substitute proposal to voters; or**
- 3. Do not submit proposal to voters.**

Based on Council direction, staff will finalize the ordinance and prepare draft ballot language for consideration and approval.

Rent Stabilization: Legal Analysis

- Section 1.4 (voter initiative)
- Section 4.1 (rent stabilization by City Council)
- Both are proper subjects for the Minneapolis Charter based on state statute (Minn. Stat. § 471.9996)
- Both are constitutional
- Both include drafting errors that are, on their face, in conflict with state law

Rent Stabilization: Options – Council Proposal (Article I - initiative)

(e) Rent stabilization initiative. Registered voters of the City have the right to propose a rent stabilization ordinance by initiative.

(1) Petition initiation. A rent stabilization initiative may be initiated by a petition signed by registered voters of the City equal in number to five (5) percent of the total votes cast at the last previous state general election in the City.

Council Proposal (initiative)

(2) Contents and timeline for petition; ballot formatting. The City Clerk is responsible for creating and maintaining rent stabilization initiative petition processes, which must include, at a minimum: (1) the requirements for the contents of the petition; (2) the timeline for submitting a petition to the City Clerk; (3) the timeline for curing an insufficient petition; (4) the timeline for the City Clerk to submit the petition to the City Council; and (5) the technical formatting requirements for ballot questions. The City Clerk must ensure these petition processes comply with applicable Minnesota Statutes and Minnesota Rules, and may consider, as a guide, petition requirements and processes for amendments to this charter. The City Clerk may amend these petition processes from time to time, including as needed to comply with applicable Minnesota election law, other laws, and interpretations of laws.

Council Proposal (initiative)

(3) Full petition filed with City Clerk. A rent stabilization initiative petition may consist of one or more papers, but they must be assembled and filed with the City Clerk as one instrument. Any rent stabilization initiative petition will be deemed received by the City Council when it is timely filed with the City Clerk. There is no filing fee for filing such a petition.

Council Proposal (initiative)

(4) City Clerk and City Attorney requirements. Once the rent stabilization initiative petition is timely filed with the City Clerk, the City Clerk and City Attorney must do the following:

(A) City Clerk technical review. The City Clerk must determine whether the petition is signed by registered voters of the City equal in number to five (5) percent of the total votes cast at the last previous state general election in the City. The City Clerk must ensure other technical petition requirements, including those in the City Clerk's rent stabilization initiative petition processes, are met. The results of this technical review must be provided to the City Council.

(B) City Attorney legal analysis. If all of the technical petition requirements are met, the City Attorney must analyze if the proposed ordinance complies with constitutional, federal, state, and other law. The results of this legal analysis must be provided to the City Council.

Council Proposal (initiative)

(5) City Council action on petition. Within 150 days of receiving the rent stabilization initiative petition, the City Council must take action as follows:

(A) If the City Clerk reports that the petition meets all of the technical requirements, do one of the following:

(i) Enact the ordinance without change.

(ii) Direct the City Clerk to submit a ballot question on the ordinance to the qualified voters at a general or special election on a date allowed under Minnesota election law.

(iii) Direct the City Clerk to not submit a ballot question on the ordinance to the qualified voters at a general or special election on a date allowed under Minnesota election law. A direction not to submit the ballot question must be based on the results of the legal analysis.

Council Proposal (initiative)

(B) If the City Clerk reports that the petition does not meet all of the technical requirements, file the results of the technical review of the City Clerk.

(6) Ballot question.

(A) The form of the ballot must be fixed by the City Council.

(B) If more than half of the votes cast on the ballot question are in favor of its adoption, the ordinance will take effect in 30 days from the date of the election or at such other time as is fixed in the ordinance.

Rent Stabilization: Options – Council Proposal (Article IV – ordinance)

(g) Rent stabilization.

(1) **Council adoption.** The Council may adopt a rent control ordinance or a rent stabilization ordinance to regulate rents on private residential property in the City of Minneapolis.

(2) **Submission to voters.** The Council may submit a rent control or rent stabilization ballot question to qualified voters to regulate rents on private residential property in the City of Minneapolis. It must be submitted at a general **or special** election on a date allowed under Minnesota election law. If more than half of the votes cast on the ballot question are in favor of its adoption, the ordinance will take effect in 30 days from the date of the election or at such other time as is fixed in the ordinance.

Rent Stabilization: Options – Charter Commission Substitute (Article IV – ordinance)

(g) Rent stabilization.

(1) **Council adoption.** The Council may adopt a rent control or rent stabilization ordinance **(subject to sec. 4.4(c))** to regulate rents on private residential property in the City of Minneapolis.

(2) **Submission to voters.** **Before the ordinance can take effect**, the Council **must** submit the rent control or rent stabilization ordinance to voters in a ballot question at a general election. If **51 percent or more** of the votes cast on the ballot question are in favor of its adoption, the ordinance will take effect 30 days from the date of the election or at such other time as is fixed in the ordinance.

Rent Stabilization: Direction

- 1. Determine which, if any, proposal is to be referred to voters.**
- 2. Direct the City Attorney to finalize the ordinance based on policy direction and to prepare draft ballot language (resolution).**
- 3. Direct the City Attorney to return with the final ordinance and resolution at the POGO meeting on August 4.**

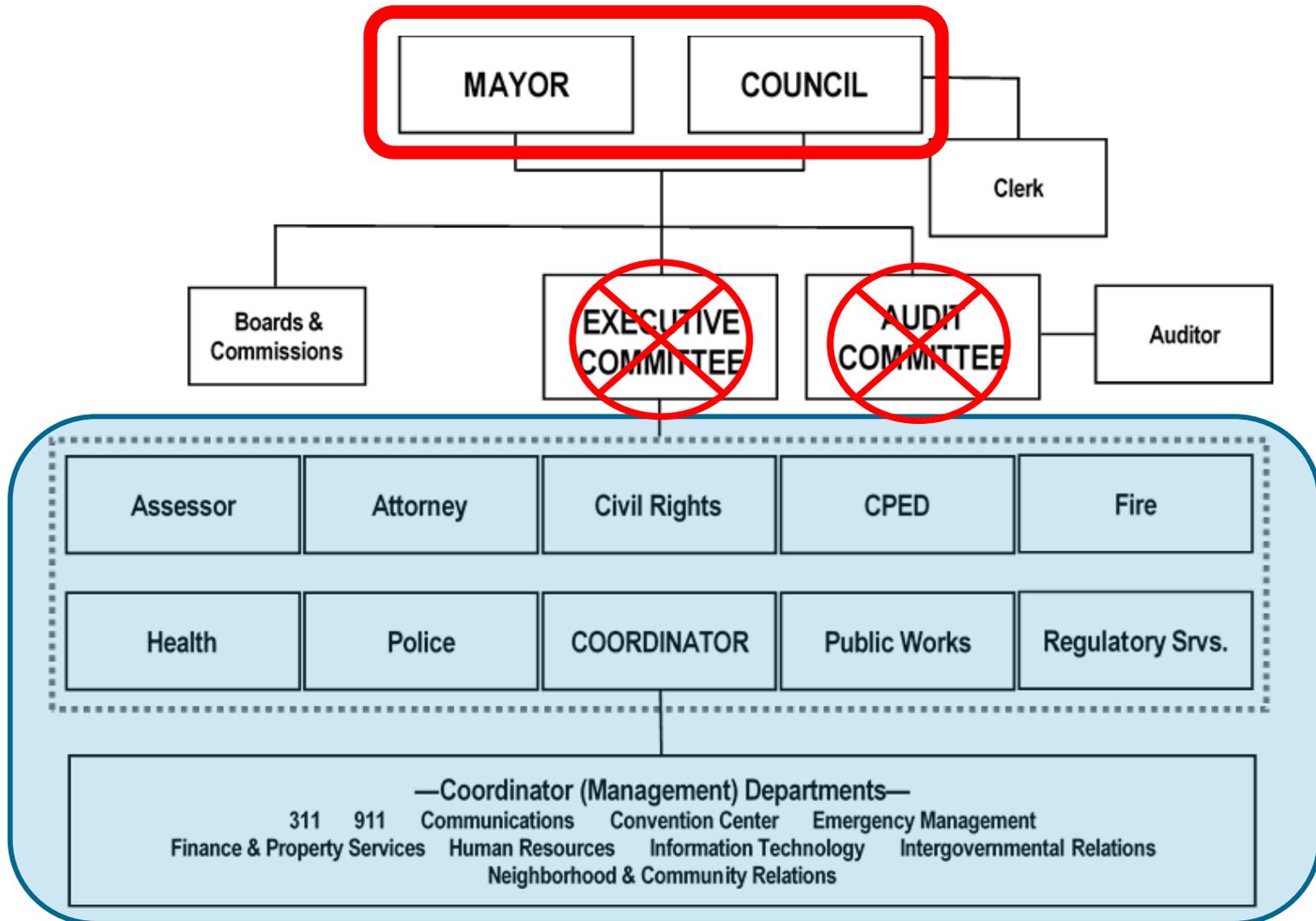
Proposal to amend the City Charter related to Government Structure

**Initiated by Charter Commission
pursuant to Minnesota Statutes § 410.12,
subd. 1.**

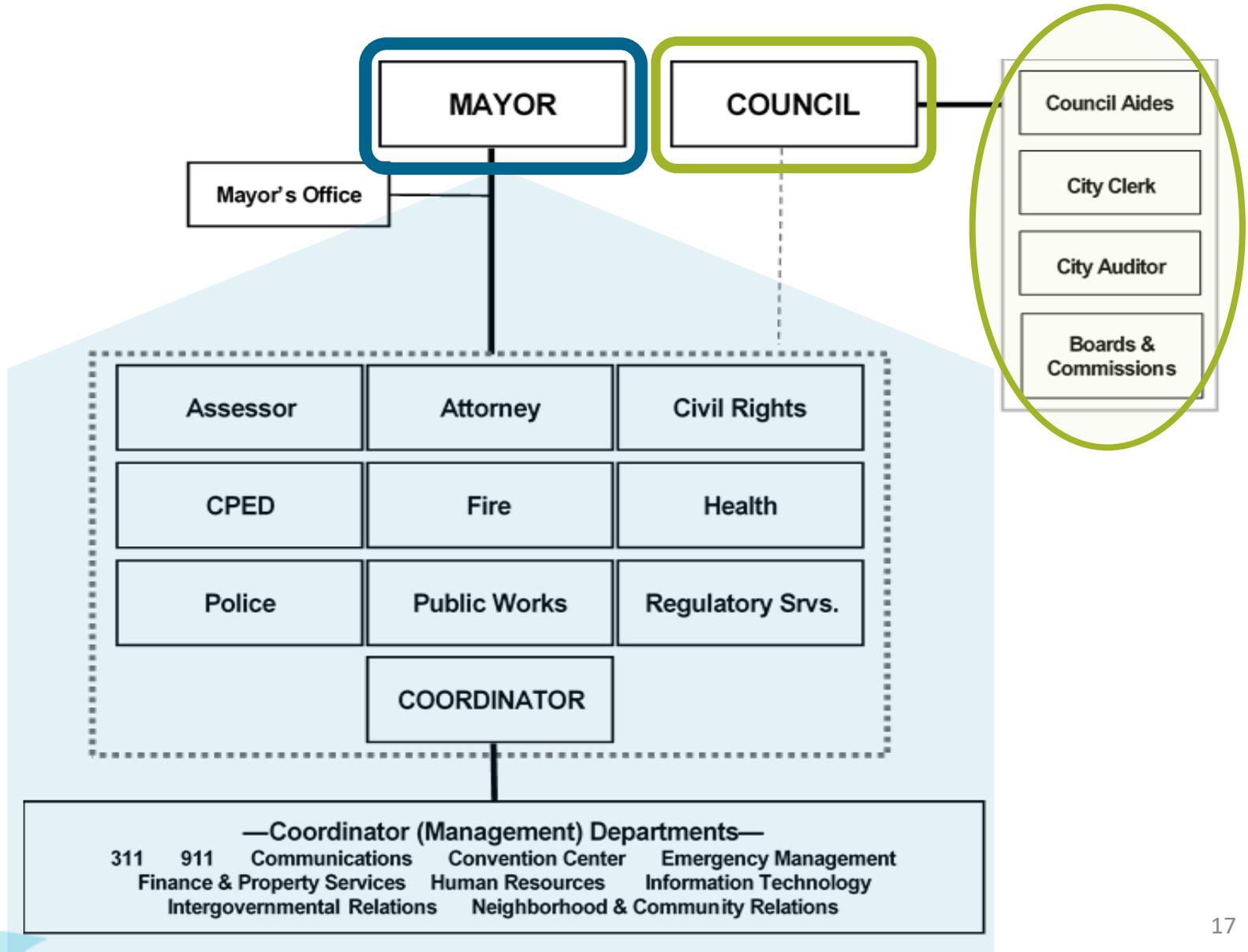
LIMS File No. CH2021-00012



Current Table of Organization



Updated Table of Organization



Legislative Council – Executive Mayor

REPRESENTATION	
COUNCIL	MAYOR
Represent a ward [est. 33,529 pop. per ward]	Represent the entire city [est. 435,885 pop.]
Provide constituent services and response, acting as a community resource, advocate, and ombudsman.	Function as the City's primary spokesperson.

Legislative Council – Executive Mayor

LEGISLATION & PUBLIC POLICIES	
COUNCIL	MAYOR
Enact local laws to govern the City and protect the health, safety, and welfare of its residents.	Approve or veto official acts of the City Council.
Conduct hearings and other forums to enable public participation in City affairs.	Implement, enforce, and monitor local laws that protect the health, safety, and welfare of its residents.
Adopt and advocate for federal and state policies that advance the City's interests.	Recommend and advocate for federal and state policies that advance the City's interests.
Adopt, evaluate, and amend policies that regulate the City's administration.	Implement, enforce, and monitor policies that regulate the City's administration.

Legislative Council – Executive Mayor

CITY FINANCES	
COUNCIL	MAYOR
Adopt operating and capital budgets.	Propose operating and capital budgets.
Adopt financial policies and appropriate controls.	Enforce financial policies and appropriate controls.
Conduct audits of financial operations.	Manage investments, treasury functions, and related financial operations within policy parameters set by Council.
	Execute contracts and agreements when approved by Council or within delegated authority set by Council.

Legislative Council – Executive Mayor

OPERATIONS, DEPARTMENTS & PERSONNEL	
COUNCIL	MAYOR
Confirm appointment of charter department heads.	Select and supervise charter department heads.
Conduct ongoing evaluation of City performance and delivery of City services and programs.	Oversee and direct the daily operation of the City’s administration through its operating departments.
Approve contracts with the City’s 22 collective bargaining units.	Negotiate and propose contracts with the City’s 22 collective bargaining units.
Approve departmental business plans, results programs, and related performance management initiatives.	Propose, implement, direct, and monitor departmental business plans, results programs, and related performance management initiatives.

Legislative Council – Executive Mayor

ADVISORY BODIES & APPOINTMENTS	
COUNCIL	MAYOR
Create and oversee the City's advisory bodies and appoint individuals to these boards and commissions.	Approve the creation of City advisory bodies and appoint individuals to these boards and commissions.

Legislative Council – Executive Mayor

LAND USE, DEVELOPMENT & ZONING	
COUNCIL	MAYOR
Adopt the City’s Comprehensive Plan and Zoning Code.	Serve as a member of the City’s Planning Commission.
Serve as appellate body for decisions by the Planning Commission, Heritage Preservation Commission, and the Zoning Board of Adjustment.	
Engage neighborhoods and community stakeholders on development projects and proposals.	

Legislative Council – Executive Mayor

LICENSES, PERMITS & FEES	
COUNCIL	MAYOR
Establish policies and conditions for municipal licenses, permits, and fees and authorize conditions for issuance.	Issue, inspect, and enforce municipal licenses, permits, and fees within policy parameters established by the Council.

Legislative Council – Executive Mayor

EMERGENCY OPERATIONS	
COUNCIL	MAYOR
Ratify (or terminate) the Mayor's declared state of emergency or disaster as well as any emergency regulations.	Declare a state of local emergency or disaster and issue emergency regulations to preserve health, safety, and welfare of the community.

Draft Ballot Language

Executive Mayor – Legislative Council

Shall the Minneapolis City Charter be amended to make the Mayor the City’s chief executive officer and administrative authority, and to make the City Council the legislative body with general legislative, policymaking, and oversight authority in the City, with the general nature of the amendments being briefly indicated in the explanatory note below, which is made a part of this ballot?

Yes _____

No _____

Draft Ballot Language

Explanatory Note:

1. The Mayor would be the City's chief executive officer and administrative authority.
2. The Mayor would direct and supervise all departments, officers, and employees in the City, free from interference by the City Council and its members.
3. The Mayor would appoint, with the City Council's consent, all department heads, unless the charter or any applicable law otherwise provides. All officers appointed by the Mayor will have a four-year term that coincides with the Mayor's term, and could be disciplined and discharged by the Mayor.

Draft Ballot Language

Explanatory Note (cont.):

4. The City Council would be the City's legislative body, with the City's general legislative, policymaking, and oversight authority.
5. The Council would continue to appoint and discharge the City Clerk. The City Council would be assisted by nonpartisan administrative staff and could be assisted by aides.

Draft Ballot Language

Explanatory Note (cont.):

6. The Executive Committee and its role in appointments, suspensions, and discharges of officers would be abolished.
7. The City Council must establish an independent City Auditor's Office and an Audit Committee to oversee the City Auditor's Office. The Audit Committee would appoint the Auditor for a term of at least four years. The City Council may remove the Auditor for cause.

Government Structure: Direction

- 1. Adopt draft ballot language prepared by City Attorney and direct City Clerk to transmit that ballot question to the County Auditor.**

OR

- 2. Direct the City Attorney to revise the draft ballot language and return with the revised resolution at the POGO meeting on August 4.**

Proposal to amend the City Charter related to Public Safety Department

**Initiated by Yes4Minneapolis petition
pursuant to MN Stat. § 410.12, subds. 1,
2, and 3.**

LIMS File No. 2021-00578



Petition Language

§ 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 (sec. 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 (sec. 7.2(d)); (7) a department of community planning and economic development; (8) a fire department (sec. 7.4); (9) a health department, headed by a health commissioner; (10) a planning commission (sec. 7.2(e)); (11) ~~a police department~~ **department of public safety** (sec. 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.

Petition Language

~~§ 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 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).

Petition Language

§ 7.3. Public Safety. (a) Department of Public Safety. (1) Function: The Department of Public Safety is responsible for integrating its public safety functions into a comprehensive public health approach to safety, including licensed peace officers if necessary to fulfill the responsibilities of the department. (2) Commissioner of Public Safety Department. (a) The Mayor nominates and the City Council appoints a commissioner of the department of public safety under section 8.4.

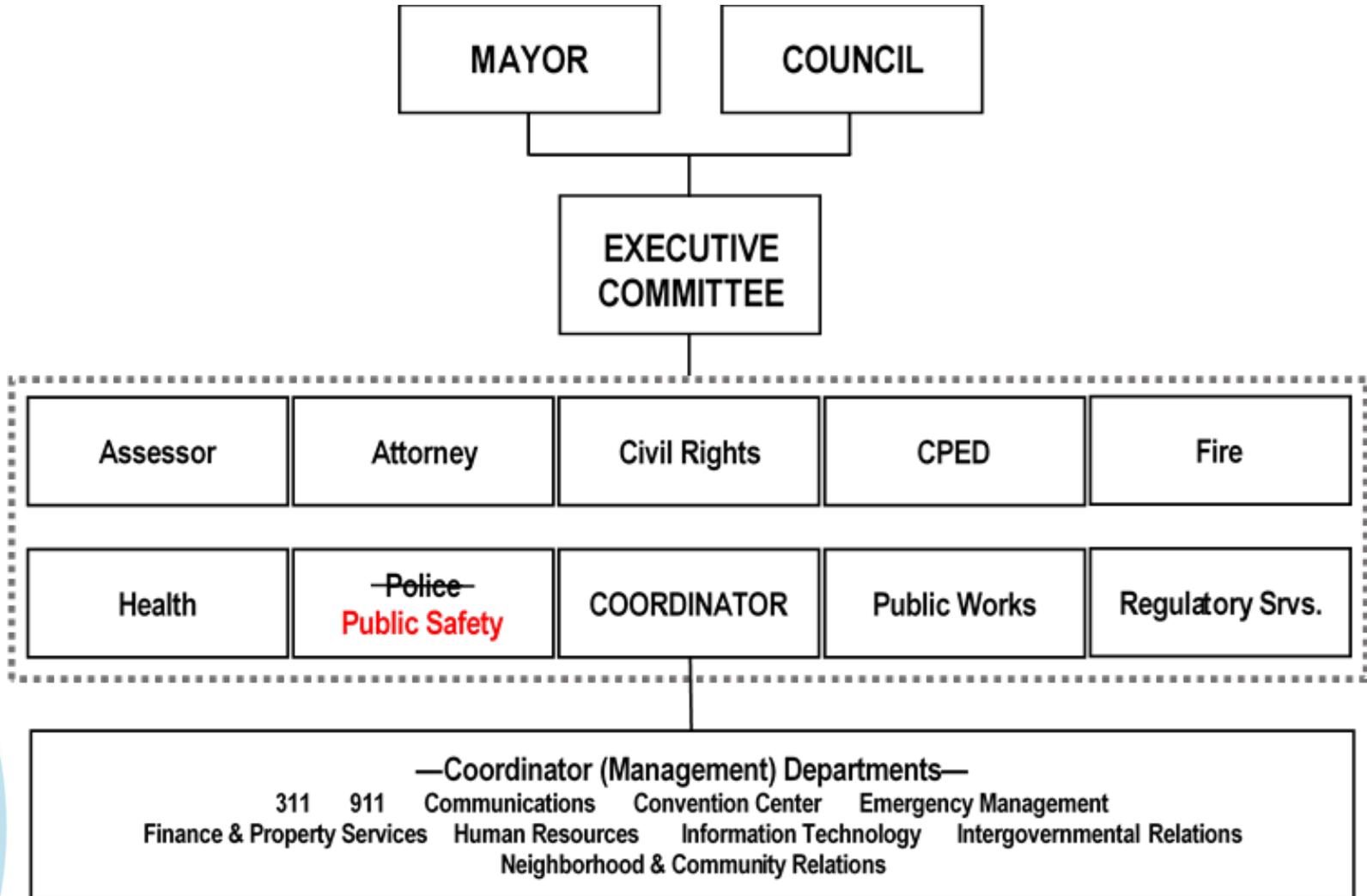
Petition Language

§ 7.4.(c). Fire police. The City Council may provide for fire police within either the fire department or the ~~police department~~ **department of public safety**. The fire department may command ~~the police~~ **these** officers at any fire.

Petition Language

§ 8.2.(d)~~(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.

Updated Table of Organization



Draft Ballot Language

Department of Public Safety

Shall the Minneapolis City Charter be amended to strike and replace the Police Department with a Department of Public Safety that employs a comprehensive public health approach, and which would include licensed peace officers (police officers) if necessary to fulfill its responsibilities for public safety, with the general nature of the amendments being briefly indicated in the explanatory note below, which is made a part of this ballot?

Yes _____

No _____

Draft Ballot Language

Explanatory Note:

This amendment would create a new Department of Public Safety, which would:

1. Combine public safety functions of the City of Minneapolis into a comprehensive public health approach to safety, with the specific public safety functions to be determined.
2. Include licensed peace officers (police officers) if necessary to fulfill the responsibilities of the Department of Public Safety.

Draft Ballot Language

Explanatory Note (cont.):

3. Be led by a Commissioner of Public Safety. The appointment process for the Commissioner would include a Mayor nomination and a City Council appointment. The Mayor would not have complete power over the establishment, maintenance, and command of the Department of Public Safety.

This amendment would also do the following:

1. Remove from the Charter a Police Department, which includes the removal of its Police Chief, and the removal of the Mayor's complete power over the establishment, maintenance, and command of the Police Department.

Draft Ballot Language

Explanatory Note (cont.):

2. Remove the City Council requirement to fund a police force of at least 1.7 employees per 1,000 residents.
3. Remove the City Council authorization to impose additional taxation on taxable property in the City of Minneapolis of up to 0.3 percent of its value annually to fund the compensation of employees of the police force.

Public Safety Dept.: Direction

- 1. Adopt draft ballot language prepared by City Attorney and direct City Clerk to transmit that ballot question to the County Auditor.**

OR

- 2. Direct the City Attorney to revise the draft ballot language and return with the revised resolution at the POGO meeting on August 4.**