

Government Structure: Form & Function

A proposal for a legislative council and executive mayor model for the City of Minneapolis

Submitted by the Government Structure Work Group: Jill Garcia and Greg Abbott, co-chairs, Barry Clegg, Peter Ginder, Jana Metge, and Christopher Smith



The Minneapolis City Charter is the City’s constitution: it prescribes its form, defines its functional lines of authority, and establishes the processes by which it takes official action.¹ The path to home rule in Minneapolis was unorthodox, with multiple proposals being rejected before a charter was adopted in 1920.² Still, that charter was not the product of a deliberative process; instead, it codified the patchwork of existing laws applicable to the City of Minneapolis at that time. The result was a highly complex government structure which diffused legislative and executive functions among multiple elected officials and policymaking bodies.³

Minneapolis has labored under this complex government structure for the past century. As progressive reforms to modernize local government swept the nation, Minneapolis clung to its archaic aldermanic system, or what might be termed “governance by committee.” The first major structural reform was proposed in 1923, just three years after the charter was first adopted. That reform was rejected, as were major reforms proposed in 1926, 1948, 1960, and 1963. As a result, the diffused system of shared powers created by the 1872 legislative charter remains in place today.⁴

In 2004, the Star Tribune showcased the shortcomings of the City’s structure in an article entitled “*Minneapolis: Who’s in Charge?*” by Steve Berg. The article was accompanied by an unflattering image depicting the City as an endless series of interconnected and overlapping pipes, seemingly with no beginning and no end. Berg described the City’s structure as one that “makes no one accountable and puts no one in charge.” We concur.

Our proposal to define, clarify, and separate executive and legislative responsibilities strikes at the core of the City’s government structure. By doing so, it is our goal to create a system that will establish clear accountability, achieve greater efficiency in operations, and ensure the City remains responsive to the needs and priorities of the community.

As the body having principal responsibility for the charter, we believe amendment proposals should be made with the community’s best long-term interests in mind. Our consideration of this proposal played out during one of the most challenging periods in City’s history: a global health pandemic; severe, nationwide economic stress; extreme political polarization; the murder of George Floyd in police custody; significant civil unrest; and the worldwide racial reckoning still unfolding. Nevertheless, we persisted in our work, focused on the long-term interests of Minneapolis. To that end, we engaged in listening sessions with current and former elected officials to learn from their first-hand experiences how the City functions; we interviewed leaders of the City’s operating departments to discover the impact of the existing diffused structure; we researched structures in comparable peer jurisdictions; and we invited the community to provide input. Drafting sessions were conducted in full public view and a reference file containing all our research was made available through the City’s Legislative Information Management System [File No. CF-2020-00014]. In short, we were deliberate, thorough, and transparent in our approach and our conclusions are based on the evidence of our research.

Our findings confirm what numerous studies over the last century have concluded: the City’s structure lacks clear lines of accountability, is inefficient and costly, and creates an operating structure that is highly vulnerable to the politics of personality and not the tenets of good government. President Truman famously quipped “the buck stops here.” In Minneapolis, the buck stops nowhere and yet everywhere, leading to organizational confusion, costly duplication of

¹ Minnesota was the fourth state in the nation to authorize home rule authority for local government by means of an amendment to the state constitution in 1896 [Minnesota Constitution art. 12, sec. 4].

² In 1872, the cities of Minneapolis and St. Anthony were consolidated by the State Legislature. The newly formed City of Minneapolis existed under a “legislative charter,” essentially an uncodified collection of all statutes applicable to cities, to cities of the first class, and special laws applied to the City of Minneapolis. After home rule authority was granted in 1896, proposals to establish a Minneapolis charter were submitted—and rejected—in 1898, 1900, 1904, 1906, 1907, and 1913.

³ The first home rule charter divided municipal power among a Mayor, a Treasurer, and a Comptroller, all elected at-large; a City Council consisting of 26 aldermen (two from each ward); a Board of Park Commissioners, a Library Board, and a Board of Estimate and Taxation, all of which were elected to perform specific municipal functions; and a Civil Service Commission, a Planning Commission, and a Board of Public Welfare, appointed to have direct responsibility for certain City operations.

⁴ From “Minneapolis Government: A Balancing Act,” prepared and published by the League of Women Voters of Minneapolis, April 2005.

effort, and lack of centralized control and coordination. Furthermore, we find the form of government in Minneapolis is not recognized as a model or best practice: it is not taught in schools of public policy or administration, not even at the University of Minnesota and is not found in any other city in Minnesota, nor in any comparable city in the nation.

The case for reform cannot be made more plainly nor more strongly. Now, in the centennial of the City's home rule charter, it is time to modernize the government (and governance) of the City of Minneapolis.

We now examine each of the primary components of the City's governance partnership: Mayor and Council.

MAYOR

The original charter stated: "*The Mayor shall take care that the laws of the State and the ordinances of the City are duly observed and enforced within the City.*" This mirrors language in the U.S. Constitution to prescribe the general duties of the President of the United States and is an almost exact match of language in the Minnesota Constitution to prescribe the general duties of the Governor. Thus, the original charter vested the Mayor with general oversight of the City and all its operations, even in respect to ensuring other elected officials, including the Council, performed the duties required by law. What the charter did not do—its original failure—was to explicitly state the Mayor is the chief executive of the City. The absence of such direct and unambiguous language has resulted in a century of confusion about the nature and function of the office of Mayor.

Still, there are many indications in the charter that the Mayor is, and has always been, the City's chief executive.

First and foremost, the Mayor is popularly elected from a single district that includes the entire populace, providing voters a focal point with respect to the City's administration. Second, the Mayor is required each year to propose plans and programs to address the physical and economic needs of the city and to propose policies deemed advantageous to the community, reflecting the Mayor's role as both political and policy leader of the City government. Third, since the city's incorporation, the Mayor has always had full and exclusive power over the City's law enforcement function (police), ensuring that the Mayor—elected by and accountable to all voters—was responsible for one of government's most essential function, public safety. Fourth, all acts of the Council are subject to the approval of the Mayor. And finally, as noted above, the Mayor is the only official charged by law with ensuring that all other City officers—including the Council—discharge their duties and, to that end, an action of mandamus or other appropriate legal action could be brought to compel the performance of such duties. Interestingly, this broad grant of authority to enforce all elected and appointed officials to discharge their official duties was not vested in the City Council; rather, it was assigned to the Mayor, the only elected official accountable to all voters. In other words, the Mayor has a "caretaking" role in ensuring that the City serves the needs and interests of the public.

Over the past century several reform proposals attempted to correct this deficiency in the charter. Instead of major reform, however, Minneapolis voters supported smaller, more incremental adjustments. In almost every instance, those smaller reforms helped clarify and strengthen the executive function.

For example, a 1973 amendment expanded the Mayor's veto power to include administrative actions of the City Council as well as legislative acts. That same year, the separately elected executive offices of Treasurer and Comptroller were combined, and that consolidated office was eventually abolished by the State Legislature in 1983, further streamlining the executive functions of the City enterprise. With the elimination of both the Treasurer and Comptroller positions, the Mayor became the only executive officer elected on a citywide basis, accountable to all voters in Minneapolis. Then, in 1976, voters approved a structural change that empowered the Mayor to initiate the City's budget process, taking the lead in shaping the operating and capital budgets that finance the City's operations. It also expanded the Mayor's role in the City's planning and development functions.

The last significant reform was adopted by voters in 1984 when then Mayor Donald Fraser, a former Minnesota congressman, petitioned to amend the charter to create an Executive Committee, an independent body that united the legislative authority of the City Council and the executive power of the Mayor. This amendment subtly shifted power to the Mayor, albeit indirectly, by giving the Mayor the exclusive power to nominate the heads of the City's charter departments. Thus, through the Executive Committee, the Mayor effectively gained control over appointment of charter department heads.

This last reform gave the Mayor all the hallmarks of a “strong mayor.” These include: (1) the power to approve or veto all acts of the Council; (2) the responsibility to propose and prioritize policies to address community needs; (3) the authority to craft the City budget; and (4) the exclusive power to nominate department heads and influence those appointments.

Moreover, the charter makes clear that the Council has very limited authority which is not subject to the approval of the Mayor.⁵ In total, there are only two actions Council may take that are not subject to the Mayor’s review; those are (1) any act related to its own internal organization or procedure⁶ and (2) the appointment of the City Clerk.⁷ We do not find these limited actions afford the Council any enhanced status or authority in the City’s governance structure vis-à-vis its relationship to the Mayor.

Given these facts, one may question the need for this proposal at this time. The answer is simple: because the charter needs to explicitly define the Mayor as the City’s chief executive officer, to centralize executive and administrative responsibilities through a single chain of command under the Mayor, and to distinguish the Mayor’s executive functions and responsibilities in contrast to the legislative functions and responsibilities of the Council. As an example of improved administrative operations we anticipate under this clarification, consider the process for removing a charter department head. In the current structure, removing a charter department head requires an affirmative recommendation to remove the incumbent by the Executive Committee, following an investigation and a presentation of the findings and facts, which then must be referred to the full Council which, after a public hearing, may remove the individual from the position by the required vote. Because of the complexity involved, it is rare that charter department heads are removed, and accountability can suffer. Our proposal streamlines the accountability for those department heads by vesting the responsibility for selecting, supervising, and removing in the Mayor. A century of experience has demonstrated that without this clarity about the Mayor’s executive powers, City government will continue to struggle under a complex, unwieldy, and archaic form that does not meet the needs of the twenty-first century, nor does it reflect the structure of Minneapolis’s peer cities.

In interviews with former elected officials, the biggest drawbacks to the existing government structure were identified as being the lack of a centralized executive authority to provide direction across all operating departments and the vulnerability of the structure’s design to individual personalities.⁸ As one of these former officials said: “I don’t know that any of us would deliberately design a structure like what we have in place today. The fact is, democracy only works when people want it to work; when people don’t want it to work, it stops. This system depends on individuals who share a commitment to making it work.”

In 2018, the City Attorney issued an important opinion that defined the legislative and executive roles of the City Council and Mayor, respectively. This opinion responded to concerns raised by the Council’s proposed amendment that would have removed the police department from the city charter. In that opinion, the City Attorney stated that executive powers include regulatory and protective functions and preservation of the public peace with the duty of enforcement of the law. As the City Attorney’s memo stated: “While the City Council has general authority to determine what ordinances the Mayor and the City’s departments must enforce, the City Council is not entitled to dictate how the executive branch is to execute the law. The City Council’s interest in administering and controlling executive branch departments and the chain of command with respect to internal operations must not impinge upon the executive branch’s ability to effectively and efficiently fulfill its obligations.”⁹

Our proposal affirms—explicitly—that the Mayor is the City’s chief executive officer and is responsible to the voters for the executive and administrative functions of the City government. It gives to the Mayor the requisite controls to direct the administration through the City’s various departments and divisions and retains the core responsibilities that are already in place; namely: setting the City’s policy agenda in conjunction with the City Council; recommending policies and other proposals that advance the interests of the City and, if adopted by the Council, implementing and enforcing them on behalf of the people; and preparing and submitting a budget to finance the City’s operation.

⁵ See City Charter § 4.4(c).

⁶ See City Charter § 4.4(a)(2)(B).

⁷ See City Charter § 4.2(e)(1).

⁸ See “Report on Interviews with Former Elected Officials,” dated January 5, 2021.

⁹ City Attorney Opinion “Charter Authority of Mayor & City Council Regarding Police Department,” September 28, 2018.

COUNCIL

The City Council consists of 13 Members elected from separate wards, each with approximately 33,529 residents.¹⁰ Just as the original charter did not explicitly define the Mayor as the City's chief executive, it did not define Council as being the City's legislative body. Instead, the charter simply enumerated a list of powers to be exercised by Council. Over time, that list expanded and Council's responsibilities grew in proportion. Consequently, the Council today has a tremendous volume of work that combines legislative and policymaking functions, quasi-judicial functions, representative functions, and a myriad of administrative duties and tasks. This blurring of functions has negative consequences to the City.

First and foremost, Council Members are legislators. Under state law and city charter, the authority of the City Council is vested in the Council collectively, as a body, and not its individual Members.¹¹ When Council Members step outside this collective role, it interferes with and can impede efficient operations. It disrupts established lines of accountability and undermines the leadership of the City's professional department heads. This can incentivize department leaders to cave to demands by individual Council Members, even when those individual demands may not reflect the expressed will of the Council.

Interviews with department heads and former elected officials confirmed this kind of interference exists, and that it is not a new problem.¹² Quoting from reports of those interviews, the existing structure allows "significant space in which individual policymakers can interrupt, interfere, or intervene in operations" a fact further complicated by the system's vulnerability to strong personalities.¹³ At the extreme, this means that political considerations can be introduced in government operations that have nothing to do with efficient and effective performance. In some instances, this interference might even subject the City to liability for taking unauthorized actions in the name of the City government.¹⁴ This has been described by some as the problem of "14 bosses."¹⁵ For these reasons, most city charters across the nation explicitly prohibit legislative interference in administration. Such prohibitions are part of the charters of Minnesota's other first-class cities: St. Paul, Duluth, and Rochester. This type of prohibition on legislative interference is even embedded as a core principle in the model city charter developed and promoted by the National Civic League.¹⁶

Second, the default "management by committee" system is highly inefficient. It is difficult, if not impossible, to get expeditious decisions or clear, consistent direction on matters of administration from a series of committees. A review of committee agendas over the past year reveals the bulk of attention is devoted to administrative matters, the kinds of decisions usually addressed by administrative officials in other cities. But in Minneapolis, where even routine matters must be referred to Council, important questions of policy and administration are intermingled as group decisions and are strongly affected by lobbying by special interests and not necessarily shaped by objective standards or even recognized best practices in government administration. As a result, plans are often compromised, watered down, delayed, or even abandoned or, conversely, ill-conceived proposals may be pushed through with haste and little attention to long-term consequences.

Third, the City's strong aldermanic tradition impairs the Council's ability, as a body, to set, monitor, and evaluate long-term policy direction. Elected from a ward system, Council Members are under pressure to respond to the demands of their constituents and, outside of Council and committee meetings, most of their time and attention is devoted to constituent service functions. The ward system reinforces (and rewards) a parochial perspective from Council Members, emphasizing service to constituents in preference to long-term policymaking and planning for the benefit of the entire city. That expectation for personal service and attention, which is promoted by the ward system, is ingrained in Minneapolis's political fiber and no reform is likely to change that reality.

¹⁰ Minnesota Department of Administration, State Demographic Center, City & Township Estimates (2019 Data). Based on 2019 estimates, each ward has a population greater than the city of Brooklyn Center (32,722).

¹¹ Handbook for Minnesota Cities, produced by the League of Minnesota Cities, Chapter 6: Election Officials and Council Structure and Role.

¹² See "Report on Department Head Interviews," dated December 15, 2020.

¹³ See "Report on Interviews with Former Elected Officials," dated January 5, 2021.

¹⁴ Information Memo – Role with It: Individual Versus Council Authority, produced by the League of Minnesota Cities.

¹⁵ "Minneapolis government suffering under '14-boss' problem," by Liz Navratil, Star Tribune, March 24, 2021.

¹⁶ See the National Civic League at www.nationalcivicleague.org

President of City Council

The Council President is perhaps the most misunderstood position in the City. Some have claimed the President is the City's most powerful elected official. However, the President is not elected directly by nor is that position accountable to voters. Thus, it is important to address this position in context of the larger frame of the City's government structure.

First and most importantly, the President is not legally defined as being an officer of the City but is, in fact, merely an officer of the Council.¹⁷ Within the City's governance structure, the President is the first among a body of equals. The charter itself does not confer any formal authority upon the President; instead, the position's powers are delegated by Council, through its rules, and pertain strictly to its internal organization and operation.¹⁸ Similar to the speaker of a legislative assembly, the President's authority is subject to the ongoing confidence of the Council.

Second, a review of the charter shows the duties of the President are less defined than those of the Mayor. The charter provides only that the President: (1) must be a Council Member elected to the position by the Council;¹⁹ (2) is a member of the Executive Committee; (3) is a member of the Board of Estimate & Taxation; and (4) is first in the line of succession to the office of Mayor.²⁰ From a governance perspective, perhaps the most function the President provides is assuring continuity of the City's chain of leadership as the first to succeed to the office of Mayor. That the President succeeds to the office of Mayor implies the President is subordinate in relationship to the Mayor and not, as sometimes asserted, an equal or counterbalance to the Mayor. This misunderstanding of the President's position can result in friction between the Mayor and Council President. In dispute, the question about who is in charge—the Mayor or the Council President—requires departments to walk a fine line to avoid becoming enmeshed in political and personal disagreements.

In summary, the President is, first and foremost, a Council Member elected by a majority of voters from a ward that represents only a fraction of the entire community. The significant issues, concerns, and questions of citywide policy, tax policy, growth and development, and other matters are rarely significant matters in any ward campaign. The ward-based election system does not ensure the Council Member who is selected to be President comes to that position with a citywide perspective on critical issues of concern to the entire community. Furthermore, it does not create an obligation or duty for that elected official to be responsive to voters or residents who are not constituents of the ward which elected the Council Member who is chosen President. Thus, the manner of selecting the Council President does not give voters any assurance that the incumbent has or will perform in the best interests of the entire community. However, matters of citywide import—like those identified above—are addressed in the citywide campaign for Mayor, a position that is legally accountable to all voters and must win the support of the broadest base to win election to office.

EXECUTIVE MAYOR & LEGISLATIVE COUNCIL

The Executive Mayor-Legislative Council model we propose is patterned on the separation of powers structure that divides executive and legislative functions. This model has several advantages.

First, it is the model of government that most Americans know because it is used at federal and state levels. That this pattern is familiar to most voters means the public will have a basic understanding about how the structure we propose would function, if the amendment is adopted.

Second, our proposal clearly defines and divides government power between elected officials who are elected by and accountable directly to the voters. This ensures the City remains responsive and accountable to the voters.

Third, transitioning to this form requires small changes in the charter. The most significant change our proposal makes is the explicit declaration that the Mayor is the City's chief executive officer and is responsible for its executive and administrative functions. With that declaration, the proposal eliminates the Executive Committee as there is no need for another management committee to blur lines of accountability in the City's structure.

¹⁷ See *State ex rel Childs vs Kichli* 54 N.W. 1069, in which the Supreme Court held that the president is not an officer of the City within the meaning of the City Charter or under relevant provisions of the State Constitution but is merely an officer (or servant) of the Council itself.

¹⁸ See "The Rules of Order of the City Council, City of Minneapolis," adopted pursuant to Resolution No. 2018R-018 [2018 Revision] for the current procedural rules; duties of the Council President are primarily defined under Rule II, Section 2(A).

¹⁹ See City Charter 4.3(c)(2).

²⁰ For specific references, see City Charter §§ 4.3(c)(2); 4.5(b)(2); 5.3(a)(2); and 7.1(e)(1).

Fourth, our proposal creates a system of checks and balances between executive and legislative functions. In the dance between them, sometimes the Mayor takes the lead while at other times the Council takes the initiative. This functional division and complementary balance between Mayor and Council is reflected in the chart shown below.

LEGISLATIVE = COUNCIL

EXECUTIVE = MAYOR

REPRESENTATION	
Represent a ward [est. 33,529 pop.]	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.
LEGISLATION & PUBLIC POLICIES	
Enact local laws (ordinances) to govern the City and protect the health, safety, and welfare of its residents.	Approve or veto the official acts of the Council.
Organize and conduct hearings and other forums to enable public participation in City affairs.	Implement, enforce, and monitor local laws (ordinances) that govern the City and protect the health, safety, and welfare of its residents.
Adopt and advocate for federal and state legislative platforms 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 (resolutions) that regulate the City's administrative operations.	Implement, enforce, and monitor policies (resolutions) that regulate the City's administrative operations.
CITY FINANCES	
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 City financial operations.	Manage investments, treasury functions, and related financial operations within the policy parameters set by the Council.
	Execute contracts and agreements, when approved by Council, or within delegated authority set by Council.
OPERATIONS, DEPARTMENTS & PERSONNEL	
Confirm the appointment of the City's charter department heads.	As chief executive, select, supervise, and remove the heads of the City's charter departments.
Conduct ongoing evaluation of City performance and the delivery of City services and programs.	Direct public safety functions, including the police, fire, and emergency management departments.
Approve contracts with the City's 22 collective bargaining units.	Negotiate and propose contracts with the City's 22 collective bargaining units.
	Oversee City administration and daily operations.
ADVISORY BODIES & APPOINTMENTS	
Create and oversee the City's advisory bodies and appoint individuals to these boards and commissions.	Approve creation of the City's advisory bodies and appoint individuals to these boards and commissions.
LAND USE, DEVELOPMENT & ZONING	
Adopt the City's Comprehensive Plan and Zoning Code.	Serve as a member of the City's Planning Commission.
Serve as appellate body for quasi-judicial decisions by the City's Planning Commission, Heritage Preservation Commission, and the Zoning Board of Adjustment.	
Engage neighborhoods and community stakeholders on development projects and proposals.	
CITY LICENSES, PERMITS & FEES	
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.
EMERGENCY OPERATIONS & CONTINUITY OF GOVERNMENT	
Ratify (or terminate) the Mayor's declared state of local emergency or disaster as well as any emergency regulations.	Declare a state of local emergency or disaster and issue emergency regulations to preserve the health, safety, and welfare of the community.

Our proposal leaves the Council as the primary actor in matters of local legislation and policymaking. While the Mayor recommends proposals, it is the Council that dominates and drives the City's legislative process, reflecting the multiple perspectives, voices, opinions, priorities, and needs of the many communities that constitute the City as a whole. The Council stands as the proxy of the public. It is the Council's exclusive power to introduce and consider proposals for new or amended legislation and policies. It is the Council that provides space for public participation through hearings and other forums as well as through service on the City's myriad advisory bodies, boards, and commissions. And it is the Council that sets the final form of all ordinances, resolutions, policies, and other acts which govern the community and regulate the City's administration.

Our proposal ensures the Council retains the ultimate "power of the purse." While the Mayor has the exclusive authority to develop and recommend the budget, it is the Council's prerogative to finalize and adopt the budget as well as to establish financial policies and controls. Furthermore, the Council, in checking and balancing the expanded executive authority of the Mayor, has the power to audit and evaluate the performance of the City administration, to conduct hearings and investigations, and to inquire into operations to ensure alignment with established City policy.

Our proposal also recognizes that Council Members play a vital role in serving and representing the constituents of their respective wards. Acting in a type of ombudsman capacity, Council Members advocate for their constituents and can intercede with City administration, through the Mayor, to address challenges, problems, and complaints. Direct contact with constituents also provides important opportunities for Council Members to get feedback about City services and programs, how delivery might be improved, how well the City's performance meets community needs, and even ideas for future policy proposals. We recognize and appreciate these contributions that direct contact between Council Members and their constituents bring to the work of the City government, and our proposal seeks to retain and build upon those strengths of the current structure.

To ensure the Council can fulfill these legislative responsibilities as a separate and co-equal branch of City government, our proposal gives to the Council its own dedicated resources. Each Council Member continues to have the authority to select and supervise two aides to assist with constituent services and representative functions that meet the needs of the respective wards. The Council also retains its direct authority and control over the City Clerk who, as the Council's clerk and parliamentarian, is the principal officer responsible for facilitating its legislative process and managing the administrative aspects of its internal operation. In addition, our proposal gives the Council direct authority and control over the City Auditor. Elevating the City Auditor to a charter position under the City Council means the Council and its Committees will benefit from direct access to independent review and evaluatory services that will enhance its capacity to check the administration and conduct meaningful oversight of the City's performance against established goals. Moreover, the City Auditor will provide the Council with independent fiscal analyses with regard to the Mayor's budget proposals and undertake and deliver management and performance audits so that the Council—as the people's proxy—can hold the Mayor and the administration accountable. Together, the Clerk and Auditor (and their staffs) will function as the Council's permanent, nonpartisan staff and ensure the Council and its Committees have the professional support and resources necessary to perform legislative, policymaking, and oversight functions.

The thrust of our proposal is centralizing executive and administrative responsibilities in the Mayor. Having a singular executive directly elected by all voters ensures a direct line of political accountability, ensuring that individual works to advance the broad interests and priorities of the entire community. Our proposal essentially positions the Mayor to be the political, executive, and ceremonial leader of the City of Minneapolis.

Mayor as Political Leader

As the only City official elected by and accountable to all voters, the Mayor provides a focal point for the identification and articulation of community needs and priorities and assumes a leading role in the development of a shared policy agenda with the Council. Under the current charter, these expectations are already in place: the Mayor must address the Council annually on the state of the City and recommend for its consideration such proposals, policies, and plans that will advance the City's interests²¹ and also is required to establish goals and priorities as part of the recommended budget delivered to the Council.²² These charter-mandated duties, when combined with the general oversight assigned to the

²¹ See City Charter 7.1(b)(3) and (4).

²² See City Charter 9.3(a)(1).

Mayor, affirmatively bestow upon that position the responsibility to propose and to initiate, which carries the concomitant expectations for political leadership in setting the City's agenda and policy direction.²³

All acts, decisions, and judgments made by the Council are subject to the approval of the Mayor.²⁴ The mayoral veto is an important check on the Council's legislative supremacy, serving as a means of tempering proposals which may be hasty or unpopular. It also forces recognition by the legislative body of the Mayor's equal and independent right to play a part in the enactment of local legislation and public policies.²⁵ The Mayor also has the power to call special meetings of the Council and to include in the notice thereof for the business to be considered.²⁶

Of course, as noted above, the Council retains full and final authority in both legislative and financial arenas; thus, the Mayor must be capable of building and sustaining a coalition on Council to advance a shared agenda for the City. Our proposal does not give the Mayor *carte blanche* authority; rather, in this regard, the Mayor plays a leading role in identifying, articulating, and advocating proposals that serve the best long-term interests of the community, and must partner with the Council to transform public will into public policy. Our proposal creates a system of government based on a clear separation of powers. We believe this form provides healthy independence between legislative and executive functions, leading to creative tension, debate, consensus-building, and compromise that best serves the entire community.

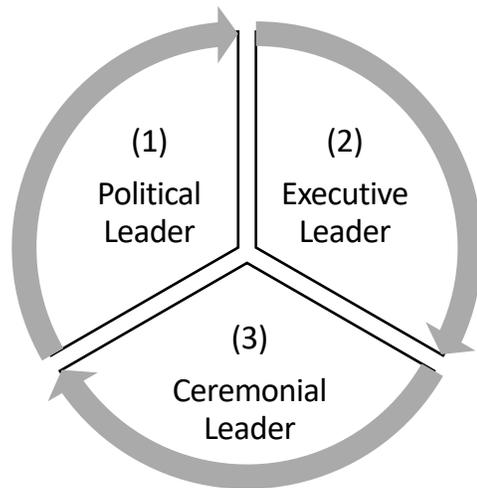
Mayor as Executive Leader

The Mayor selects and supervises the heads of the City's charter departments, subject to Council confirmation, and thereafter provides daily direction to those subordinate officers and, through them, to the operating divisions and units that comprise the City administration. Through these direct interactions with the City's departments, the Mayor can shape or influence proposals that ultimately will be submitted for consideration by the Council. Once local legislation or public policies are enacted by Council, the Mayor is responsible for implementing, monitoring, enforcing, and managing the delivery of the City's services and programs and the necessary work to coordinate activities across the City enterprise to achieve results against established goals.

Under the existing structure, the Mayor has certain executive duties that will continue to be performed by the Mayor or by subordinate executive officers within the City administration as delegated and directed by the Mayor. These include a variety of responsibilities for financial and operational aspects of the City enterprise within the broad policies set by the Council, for example the execution of contracts, the authorization of interlocal agreements, the issuance of municipal licenses and permits, and the acceptance of claims against the City.

We recognize our proposed governance structure cannot assure voters will elect a Mayor with significant management experience, especially prior experience in an enterprise as large and diverse as the City. However, our proposal does empower the Mayor to recruit and hire skilled administrators who have the requisite education, expertise, and experience to lead the City's departments and operating divisions. This compensates for any weaknesses in the Mayor's personal experience while still assuring the Mayor remains fully accountable to the voters for the performance of those administrators.²⁷

RELATED ROLES OF THE MAYOR



²³ See City of Minneapolis 2013 Elected Officials Orientation Manual, page 19.

²⁴ See City Charter 4.4(c).

²⁵ See City Charter 6.2(j), the Mayor also exercises approval or veto authority over all acts of the Minneapolis Park & Recreation Board established pursuant to Article VI.

²⁶ See City Charter 4.3(e); likewise, the Mayor also may call special meetings of the Park & Recreation Board [see City Charter 6.4(e)].

²⁷ This proposal did not consider any changes to the administrative structure of the City's operating departments but does leave open the future possibility for further improvement in this regard through structure and reporting relationships between the Mayor and the Administration.

Mayor as Ceremonial Leader

The Mayor is both the chief executive and the chief elected official of the City of Minneapolis and functions as its primary representative with respect to its intergovernmental relationships. This gives the Mayor a spotlight and a bully pulpit to use in engaging and leading coalitions of public and private sector partners to identify, prioritize, and advance the City and its strategic goals. The Mayor also takes the lead in representing the City to those outside the community who are or may be interested in investing in the community, primarily businesses and other organizations. In this area, the Mayor can promote a favorable image of the City and pursue resources that may benefit the community. The Mayor also serves as the City's principal spokesperson and as a public advocate or ombudsman to assist and support to all residents. Just as each of the Council Members represents a specific ward, the Mayor represents the entire community—encompassing all wards and all residents who live, work, and play in the City of Minneapolis.



ANALYSES

STANDARDS FOR CONSIDERING A PROPOSAL TO AMEND THE CITY CHARTER

At its meeting in October 2020, the Charter Commission adopted standards to evaluate proposals to amend the charter. These answers to these standards are set forth below as they pertain to the proposal on government structure reform.

1. Is the amendment germane to the charter?

Yes. A charter prescribes a municipal government's operating structure; thus, a proposal about City form is germane to a charter's essential purpose. Pursuant to Minnesota Statutes § 410.07, a charter shall: (1) fix the corporate name and boundaries of the city; (2) provide for a mayor and a council to be elected by the people; (3) provide for any scheme (form) of municipal government not inconsistent with the constitution; and (4) may provide for the establishment and administration of all departments and regulation of all local municipal functions. This proposal addresses items (2) and (3) from those statutory requirements; specifically, it provides for a mayor and a council elected by the people and sets in place a mayor-council form of government.

2. Is the amendment well considered?

Successful reform proposals over the years have been incremental and have clarified, streamlined, and strengthened the executive functions of the City government. This proposal builds on prior reforms and explicitly defines the Mayor as the City's chief executive officer in whom executive and administrative powers reside. This proposal was informed by research of comparable municipal governments, including first-class cities in Minnesota; significant academic research about forms of local government; and interviews with former and current City elected officials and the City's department heads. In addition, this proposal was influenced by community feedback. Documentation of these efforts is available for public review in the work group's research and reference file [LIMS File No. CF-2020-00014].

3. Is the amendment clear and specific?

The proposal provides a clear delineation and separation of executive and legislative functions. The language of the proposal is precise and set forth in parallel construction, as follows:

Charter, Article IV., City Council

Section 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.

Charter, Article VII., Administration

Section 7.1. Mayor. (a) Chief executive. The chief executive officer is the Mayor, in whom the City's general executive and administrative authority resides.

This language is clear, precise, and unambiguous. It divides the City government into two separate, co-equal branches that, working together within a system of appropriate checks and balances, govern the city. The remainder of the proposal merely follows through on this clear and specific separation of powers.

4. Does the proposed amendment interfere with or take away any rights of the voters?

No. This proposal carries forward the basic premise that government is most accountable when it is directly responsive to the voters, and this proposal puts each of the two branches of the City government under the direct control of elected officials. The Mayor, being elected citywide from a single district that encompasses the entire population, is the one executive office whose selection is open to the participation of every Minneapolis voter. The Council, consisting of 13 separate Members, continues to be elected from wards that are drawn to ensure a close connection to the constituents that comprise those electoral districts.

5. Is the proposed amendment consistent with state law?

Yes. As stated in #1 (above), the basic statutory scheme for all municipal governments in Minnesota anticipates voters will elect a mayor and a council [see Minn. Stat. § 410.07]. This proposal retains the general governance framework that was created in the original home rule charter—a mayor and council—but adds greater clarity, definition, and distinction between the legislative and policymaking authority of the City Council and the executive functions and responsibilities of the Mayor as separate but co-equal branches of City government. This proposal, if adopted, would sustain the existing mayor-council form of government but would provide greater clarity and separation between the City’s legislative and executive functions,

6. Is the proposed amendment necessary to accomplish its intended objective?

Yes. Only a charter amendment can improve the City’s basic structure, thereby opening opportunities for significant improvements in the future. As noted previously, the Minneapolis City Charter was never designed in a deliberate manner; rather, it developed as a patchwork of laws and hundreds of amendments. Only a fundamental reform of the basic structure can establish a framework under which essential government functions are defined and clearly allocated with appropriate checks and balances to assure ultimate accountability to the people. Once that essential framework is in place, it will be easier to affect future changes that may be desired. An overwhelming body of evidence shows the need for major structural reform. By working for and adopting this fundamental reform, the people of Minneapolis can assure themselves of the advantages which a well-designed system can provide.



RACE EQUITY IMPACT ANALYSIS

NOTE: The following paragraphs model the City’s Racial Equity Impact Analysis (REIA) form.

List the specific geographies that will be impacted and the racial demographics of constituents in those areas:

This proposal impacts the entire City and, thus, all residents. Based on estimated population data, the City has nearly 435,885 residents.²⁸ As the state’s largest municipality and anchor of the Twin Cities metropolitan region, Minneapolis is home to a rich and diverse variety of communities; according to the 2019 American Community Survey, the City’s racial demographics are as follows:²⁹

- White: 63.8%
- Black or African American: 19.4%
- American Indian and Alaskan Native: 1.4%
- Asian: 6.1%
- Two or more races: 4.6%
- Hispanic or Latino: 9.6%

²⁸ See estimated 2019 population data by the Minnesota Department of Administration, State Demographic Center.

²⁹ See Quick Facts on City of Minneapolis, United States Census Bureau (www.census.gov/quickfacts/minneapoliscityminnesota).

There are a variety of resources available to learn about the City's diverse makeup, including its established system of neighborhoods. This includes:

- City of Minneapolis Neighborhood Organization Profiles, NRP and CPP reports, and related activities available from the City's website at: <http://www2.minneapolismn.gov/ncr/links/index.htm>.
- Minnesota Compass, a project by Wilder Research, which measures progress in Minnesota and its communities using a variety of social indicators. Minnesota Compass provides nonpartisan, credible data and information, including trend analyses, on topics such as education, economy and workforce issues, health, housing, and more using a variety of data sources including the U.S. Census Bureau, the American Community Survey, the MN Demographic Center, and others. More information is available via its website at: <http://www.mncompass.org/profiles/neighborhoods/minneapolis-saint-paul>.

What does available data tell you about how constituents from Black, Indigenous & People of Color (BIPOC) communities currently relate to the desired outcome compared to white constituents:

In its research and analysis of comparable jurisdictions, the Charter Commission was unable to find any evidence that would support any claim that government form or structure, in and of itself, has a negative impact on BIPOC communities. The proposal generated by the Charter Commission essentially retains the existing form already in place—that is, a mayor-council structure—but clarifies and strengthens the executive role and responsibilities to be assigned to and performed by the Mayor as the City's chief executive. Thus, Minneapolis voters currently have the ability to cast a vote for the Council Member representing their ward, based on residency, and also to cast a vote for the Mayor who is elected from a single district that encompasses the entire city; that existing level of representation is retained under this proposal.

What data is unavailable or missing, and how can you obtain additional data:

As noted above, the Charter Commission finds no credible data or studies proving that government form or structure, in and of itself, whether at federal, state, or local levels has a negative impact on BIPOC communities or contributes to racial inequities. Some research has been done showing there may be a negative impact to BIPOC communities resulting from the use of all at-large elections, which can dilute the strength of BIPOC communities. Here, however, the proposal does not address the method of elections nor does it eliminate the existing ward-based system for election Council Members. Thus, lacking any direct evidence to the contrary, the operating presumption is that government form itself does not necessarily have a negative impact on BIPOC communities.

At this time, 2020 census data is unavailable, which would provide important demographic information about the City. The U.S. Census Bureau has indicated it anticipates having the block-level data available to local jurisdictions by September 31, 2021. It should also be noted that disaggregated demographic data about race and ethnicity at a local level is not readily available from other sources. Additionally, at this time, there is not reliable data for variables such as documented and undocumented immigration status; transgender, queer, and gender non-conforming identities; housing stability; and similar factors that are important to municipal policymaking.

Describe the engagement and what you have learned:

The Charter Commission established its Government Structure Work Group on October 7, 2020, to lead the process of developing this proposal, which was initiated in response to a recommendation from the Commission's Public Safety Work Group [see LIMS File No. CH2020-00023]. The Government Structure Work Group conducted extensive research on government structure and form issues in comparable jurisdictions³⁰ and evaluated the government structures in place in the other first-class cities in Minnesota (St. Paul, Duluth, and Rochester). The Work Group conducted a series of "drafting sessions" that were open and accessible to the public during which time the proposal was reviewed and refined, and all versions of the drafts were posted to the City's Legislative Information Management System (LIMS) for public access. Finally, the full Charter Commission conducted two public hearings on the proposal to give the community opportunities to provide input and feedback (conducted March 16 and 25). The voices of BIPOC residents were reflected throughout this process, including favorable testimony offered by former Mayor Sharon Sayles-Belton, the first woman and first person of color to hold that office.

³⁰ Comparable jurisdictions evaluated by the Government Structure Work Group included Detroit, Oakland, Milwaukee, St. Paul, Seattle, San Francisco, and Denver and Washington, D.C., all of which operate under a mayor-council structure.

Some of the datasets used by the Work Group include:

- League of Minnesota Cities: Handbook for Minnesota Cities – The Home Rule Charter City
- Minneapolis in the 20th Century - Chapter 1
- Minneapolis Home Rule Charter History
- Minneapolis Charter & Elected Officials
- MN Senate Research Briefing: MN Structures of Counties, Cities & Towns
- MN House Research Briefing: State-Local Relations
- NLC New Principles of Home Rule
- Charter History Presentation Jay Kiedrowski (Oct 20, 2020)
- Form of Government Structure - Study Criteria
- Governance Structure Review - Commissioner Ginder
- Exploring Minneapolis's Leadership Structure - Heidi Ritchie
- Department Head Term Lengths Memo - Commissioner Ginder
- 2018 ICMA Municipal Form of Government Survey Report
- Separation of Powers in Municipal Government
- Separation of Powers under Home Rule in District of Columbia
- Strong Mayors in Weak Cities
- National Civic League: Models of City Government
- Mayoral Powers in Local Government Reform
- Report on Department Head Interviews (December 15, 2020)
- Report on Former Elected Officials Interviews (January 5, 2021)
- Adapted Cities Framework
- Minneapolis: A Balancing Act - Report by League of Women Voters
- Minneapolis: A Balancing Act II - Report by League of Women Voters
- Governing Magazine Article - September 1997

Though extensive, the research covered by these reports and data do not specifically address actual or potential impacts on BIPOC communities nor any discrepancy or divergence in outcomes based on race and/or ethnicity. The Charter Commission finds no evidence that supports any claim that government form or structure, in and of itself, has a negative impact on BIPOC communities.

How does the outcome of this ordinance, amendment, or policy help the City achieve racial equity:

Again, there is no credible evidence demonstrating that government form or structure will, in itself, enable the City to achieve greater racial equity. It is worth noting, however, that the current structure has been in place since 1920 and that, during that time, Minneapolis has been ranked as one of the worst cities in the United States in terms of racial inequality. Some evidence of this is reflected in this sampling of articles—

- “Minneapolis Has Long Been Fractured by Racial Inequity. Can a New Mayor Change That? Mayor Betsy Hodges Wants to Make Minneapolis Live Up To Its Progressive Hype,” from The Nation, by Gabriel Thompson, September 3, 2014.
- “Racial Equity Tops Recurring Campaign Themes in Minneapolis Mayoral Race,” from Star Tribune, by Adam Belz, October 24, 2017.
- “How Did Minnesota Become One of the Most Racially Inequitable States?” from the Star Tribune, by Randy Furst and MaryJo Webster, September 6, 2019.
- “Racial Inequality in Minneapolis is Among the Worst in the Nation,” from The Washington Post, by Christopher Ingraham, May 30, 2020.
- “How Minneapolis, One of America’s Most Liberal Cities, Struggles With Racism,” The New York Times, by John Eligon and Julie Bosman, June 1, 2020.
- “Minneapolis Ranks Near The Bottom For Racial Equality,” National Public Radio, by Greg Rosalsky, June 2, 2020
- “As Mayor of Minneapolis, I Saw How White Liberals Block Change,” The New York Times, by Betsy Hodges, July 9, 2020.

Notwithstanding the lack of evidence showing any negative impact to BIPOC communities based on government form or structure, the overwhelming evidence showing that the City government has been unable to address its worst-in-the-nation ranking for racial inequities surely merits strong consideration to any proposal that would give the City’s chief

executive officer greater authority to prioritize race equity among the City's top goals. Furthermore, as already stated, the Mayor is the only official elected by and accountable to the entire community, which allows for the fairest level of representation for all residents, including BIPOC residents who live throughout Minneapolis. Through redistricting, population is equalized across wards; however, that does not reflect an equalized distribution of residents by race and ethnicity. Some wards have high concentrations of BIPOC community while others do not. Therefore, the only equitable solution is to have the chief executive chosen by all voters. In evaluating government structures in comparable municipalities having a "strong mayor" form it was clear that based on the disparities between those cities' BIPOC and white communities that the structure or form of government was not a significant or influencing factor.

How will impacts be measured and what are the success indicators and process benchmarks:

Some potential indicators might include:

- A measurement of the City's resident satisfaction with local laws, policies, and regulations considered to be effective and equitable.
- A measurement of improvements in racial disparities based on the City's policy enactment, programmatic support, regulation, and/or budgetary allocations.
- A measurement over time in the retention of department leadership and key personnel.
- A measurement of improved operations, efficiency, and effectiveness in service and program delivery as a result of the clarity of roles and responsibilities between legislative and executive functions.

Evaluation should be conducted, at a minimum, over two full election cycles. This evaluation should be coordinated as an ongoing partnership between the City and the Charter Commission, given that any findings may lead to future proposals to refine or further improve the City's government structure.

How will those who are impacted be informed of progress over time:

The City has a robust engagement system which uses both structured and unstructured practices to ensure stakeholders and impacted residents are informed. This multi-level approach to engagement would enable the City and/or the Charter Commission to receive ongoing community feedback about the successes or challenges of various issues related to this proposed amendment about government structure. Some strategies that could be included are the utilization of all resources within the City Communications and Neighborhood & Community Relations (NCR) departments as well as the City Coordinator's Race & Equity Division, such as the City website, City-sponsored newsletters, subscription email alerts, social media platforms, in-person meetings and public forums, television and radio programming (including culturally-specific outreach and distribution channels), community outreach events, and facilitated conversations.



PROPOSED AMENDMENT: GOVERNMENT STRUCTURE REFORM

Following is the complete text of the proposed amendment on government structure reform. This copy presents the text in final form, as it would read assuming adoption by voters. The full history of this proposal, including all working drafts and markup versions, are available to the public from the City's Legislative Information Management System (LIMS) as part of File No. CH2021-00012.

**A proposal for an ordinance
to amend the City Charter by referral to voters
at the general election to be conducted November 2, 2021.**

Amending Articles IV relating to City Council, VII relating to Administration, and VIII relating to Officers and Other Employees, to be submitted to the voters at the November 2, 2021, municipal election, pertaining to changing the City's government structure so the City Council is the City's legislative body and the Mayor is the City's chief executive officer and administrative authority.

Section 1. That Article IV, Section 4.1 of the Minneapolis City Charter be amended to read as follows:

§ 4.1. - **Function.**

(a) **Legislative body.** The legislative body is the City Council, in which the City's general legislative, policymaking authority, and oversight 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.

(c) **Council as statutory board.**

(1) **Generally.** Where the law provides for municipal action through a board or commission, and this charter does not reserve that authority to a board or commission other than the Council, the Council must either—

(A) itself serve as the board or commission for which the law provides, even if the board or commission is a statutory rather than a municipal agency; or

(B) provide by ordinance for the board or commission, in which case—

(i) the board's or commission's membership may (but need not) consist partly or wholly of Council members, and

(ii) the Council may (but need not) organize the board or commission as a municipal department.

(2) **Board of appeal and equalization.** The Council may provide under this section 4.1(c) for a board of appeal and equalization, in which case it may also provide that any such board must return to the Council the assessment rolls that the board has revised, in which case the Council may confirm the board's revisions or return the rolls to the board for further revision.

(d) **Franchises.** The Council may grant and regulate any lawful franchise.

(e) **Licenses.** The Council may grant a license only if the license expires within one year.

(f) **Liquor licenses.** Subject to any other applicable law, the Council may grant a license for the sale of liquor.

(1) **Zoning.** The Council may grant a liquor license only in an area zoned for commercial or industrial use, not for residence or office use.

(2) **Wine licenses.** The Council may grant a license for the on-sale of wine, which may include the on-sale of intoxicating malt beverages, to a restaurant which otherwise qualifies for the license under each applicable law or ordinance.

(3) **On-site consumption.** The Council must by ordinance establish standards for a restaurant holding a liquor license.

(4) **Other limits.** The Council may by ordinance impose additional limits on granting a liquor license.

(5) **Other laws and ordinances apply.** All laws and ordinances that otherwise apply to a licensed site remain applicable after the Council has granted a liquor license.

Section 2. That Article IV, Section 4.2 of the Minneapolis City Charter be amended to read as follows:

§ 4.2. - **Organization.**

(a) **Composition.** The Council comprises one Council member elected by and from each ward.

(b) **Term; election.** Each Council member's term is four years, unless otherwise provided in section 3.2(d). Each ward's voters elect their Council member in each year following a year whose number is evenly divisible by four, unless otherwise provided in section 3.2(d).

(c) **Council judges elections.** The Council judges its members' elections, for which purpose it may compel the testimony of any witness who may have relevant information, and may compel the production of any relevant book, document, or thing.

(d) **Vacancy.**

(1) **Early vacancy.** When a Council member vacates his or her office before March 1 in the year of the next regular election, the Council must schedule 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.

(2) **Late vacancy.** When a Council member vacates his or her office—

(A) on or after March 1 in the year of the next regular election, and

(B) before filing opens for the election,

—the Council appoints a successor who serves until a member is elected.

(3) **Election after vacancy.** When a Council membership is vacant at the time of an election, the elected member takes office upon being elected and qualified, and serves out the unexpired term as well as the term for which he or she was elected.

(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, and 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.

Section 3. That Article IV, Section 4.4 of the Minneapolis City Charter be amended to read as follows:

§ 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)).

(5) **Improvements.** The Council may by a majority of its membership authorize a sidewalk, with or without a special assessment. The Council may, by two-thirds of its membership, authorize any other improvement subject to a special assessment. The Council may by a majority of its membership act with respect to an improvement already authorized or to a special assessment in connection with such an improvement.

(b) **Ordinances.** The Council may adopt an ordinance (including an act amending or repealing an ordinance already adopted) only—

(1) at least one week after its introduction at a meeting;

(2) after a report from a committee to which the matter was referred at a Council meeting held at least one week earlier;

or

(3) by unanimous consent.

(c) **Mayor's signature or veto.** The Council must present each act to the Mayor in the manner that this charter prescribes for giving notice. The act takes effect (subject to publication (section 4.4(d)), in the case of an ordinance or resolution)—

(1) when the Mayor signs it;

(2) five days after its presentation to the Mayor, if he or she neither signs nor vetoes it; or

(3) if the Mayor vetoes it by returning it to the City Clerk with an objection within five days (excluding Sundays) after its presentation, only if the Council at its next meeting by two-thirds of its membership again passes the act over the Mayor's veto.

(d) **Publication.** An ordinance or resolution takes effect upon publication in an official newspaper. At the direction of the City Council, publication may be accomplished by publishing only the title and summary of the ordinance or resolution. An act so published—

(1) is admissible as evidence,

- (2) establishes a presumption that the act is valid, and
- (3) is entitled to judicial notice.

(e) **Record.** The City Clerk must carefully and faithfully record the Council's and Council committee's proceedings, including each act adopted and each member's vote on each such act. The clerk must keep the proceedings on file and available for inspection and copying during normal business hours at the clerk's office.

Section 4. That Article IV, Section 4.5 of the Minneapolis City Charter be and hereby is repealed.

Section 5. That Article VII, Section 7.1 of the Minneapolis City Charter be amended to read as follows:

§ 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.

Section 6. That Article VII, Section 7.2 of the Minneapolis City Charter 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 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.

Section 7. That Article VII, Section 7.3 of the Minneapolis City Charter be amended to read as follows:

§ 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).

Section 8. 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, 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.

Section 9. That Article VIII, Section 8.1 of the Minneapolis City Charter be amended to read as follows:

§ 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, 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.

Section 10. That Article VIII, Section 8.2 of the Minneapolis City Charter 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 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 City Council may, by two-thirds of its membership, after notice and hearing, remove an elected officer in a manner and for a reason allowed by law. 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 of 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.

Section 11. That Article VIII, Section 8.4 of the Minneapolis City Charter be amended to read as follows:

§ 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.

Section 12. **Severability.** If any part or provision of this amendment is held invalid or unconstitutional by a decision of a court of competent jurisdiction, the remainder of this amendment shall not be affected thereby and shall continue in full force and effect.

PROPOSED BALLOT QUESTION

The Government Structure Work Group has collaborated with the City Attorney's Office to produce the following draft ballot question which could be referred to voters, if approved by City Council, pursuant to Minnesota Statutes § 410.12, subdivision 4.

City Question # ____ 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 _____

Explanatory Note:

The Mayor would be the City's chief executive officer and administrative authority. The Mayor would direct and supervise all departments, officers, and employees in the City, free from interference by the City Council and its members. 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.

The City Council would be the City's legislative body, with the City's general legislative, policymaking, and oversight authority. 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.

The Executive Committee and its role in appointments, suspensions, and discharges of officers would be abolished.

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 and may remove the Auditor for cause.