



Resolution No. 2021R-263

City of Minneapolis

File No. 2021-00578

Author: Jenkins

Committee: None

Public Hearing: None

Passage: Sep 7, 2021

Publication: SEP 09 2021

RECORD OF COUNCIL VOTE				
COUNCIL MEMBER	AYE	NAY	ABSTAIN	ABSENT
Bender	X			
Jenkins	X			
Johnson	X			
Gordon	X			
Cano	X			
Cunningham	X			
Ellison	X			
Fletcher	X			
Goodman		X		
Osman	X			
Palmisano	X			
Reich	X			
Schroeder	X			

MAYOR ACTION

Mayor did not sign this action within the time specified by City Charter.

This action is valid and effective as if approved by the Mayor.

DATE

Certified an official action of the City Council

ATTEST:

[Signature] CITY CLERK

SEP 07 2021

Presented to Mayor: _____

SEP 07 2021

Received from Mayor: _____

Adopting title and ballot language pertaining to a proposed amendment to the Minneapolis City Charter relating to the removal of the Police Department and the creation of a new Department of Public Safety, to be submitted to the qualified voters of the City of Minneapolis at the Municipal General Election on November 2, 2021.

Whereas, a petition was submitted by the Yes4Minneapolis Coalition to the Charter Commission, which was then transmitted to the City Council; and

Whereas, the petition has been verified and deemed a valid petition by the City Clerk; and

Whereas, the Minneapolis City Attorney's Office made the following findings in its legal opinion dated July 13, 2021 as follows:

1. All technical requirements for the petition have been met.
2. The amendment is a proper subject for the Minneapolis Charter.
3. The amendment is constitutional and complies with federal law, state law, and state public policy.
4. The City Council should place the proposed amendment on the ballot in the form of a ballot question at the general election on Tuesday, November 2, 2021; and

Whereas, the proposed amendment submitted by the Yes4Minneapolis Coalition would, if approved, amend Article VII, Sections 7.2(a), 7.3, and 7.4(c), and Article VIII, Section 8.2 of the Minneapolis City Charter relating to Administration: Departments, Administration: Police, Administration: Fire, and Officers and Other Employees: Officers Generally, as follows:

§ 7.2. - Departments.

(a) **The departments generally.** The City Council must establish, organize, and otherwise provide for these departments:

- (1) a City Coordinator;
- (2) a City Clerk (section 4.2(e));
- (3) a City Assessor;
- (4) a City Finance Officer and budget office, including a director;
- (5) a City Attorney and legal department;
- (6) a civil rights department, including a director, and a civil rights commission (section 7.2(d));
- (7) a department of community planning and economic development;
- (8) a fire department (section 7.4);
- (9) a health department, headed by a health commissioner;
- (10) a planning commission (section 7.2(e));
- (11) ~~a police department~~ department of public safety (section 7.3);
- (12) a public-works department;
- (13) a purchasing department;
- (14) a regulatory-services department; and
- (15) any other department necessary or convenient for the efficient delivery of municipal services.

~~§ 7.3. Police.~~

~~(a) Police department.~~ The Mayor has complete power over the establishment, maintenance, and command of the police department. The Mayor may make all rules and regulations and may promulgate and enforce general and special orders necessary to operating the police department. Except where the law vests an appointment in the department itself, the Mayor appoints and may discipline or discharge any employee in the department (subject to the Civil Service Commission's rules, in the case of an employee in the classified service).

~~(1) Police chief.~~

~~(A) Appointment.~~ The Mayor nominates and the City Council appoints a police chief under section 8.4(b).

~~(B) Term.~~ The chief's term is three years.

~~(C) Civil service.~~ The chief serves in the unclassified service, but with the same employee benefits (except as to hiring and removal) as an officer in the classified service. If a chief is appointed from the classified service, then he or she is treated as taking a leave of absence while serving as chief, after which he or she is entitled to return to his or her permanent grade in the classified service. If no vacancy is available in that grade, then the least senior employee so classified returns to his or her grade before being so classified.

~~(D) Public health.~~ The chief must execute the City Council's orders relating to the preservation of health.

~~(2) Police officers.~~ Each peace officer appointed in the police department must be licensed as required by law. Each such licensed officer may exercise any lawful power that a peace officer enjoys at common law or by general or special law, and may execute a warrant anywhere in the county.

~~(b) Temporary police.~~ The Mayor may, in case of riot or other emergency, appoint any necessary temporary police officer for up to one week. Each such officer must be a licensed peace officer.

~~(c) Funding.~~ The City Council must fund a police force of at least 0.0017 employees per resident, and provide for those employees' compensation, for which purpose it may tax the taxable property in the City up to 0.3 percent of its value annually. This tax is in addition to any other tax, and not subject to the maximum set under section 9.3(a)(4).

7.3 Public Safety.

(a) Department of Public Safety.

(1) Function: The Department of Public Safety is responsible for integrating its public safety functions into a comprehensive public health approach to safety, including licensed peace officers if necessary to fulfill the responsibilities of the department.

(2) Commissioner of Public Safety Department. (a) The Mayor nominates and the City Council appoints a commissioner of the department of public safety under section 8.4.

§ 7.4. - Fire.

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

§ 8.2. - Officers generally.

Except as this charter otherwise provides:

(d) Tenure. Each officer takes office, after having qualified and taking the required oath—

(1) in the case of an elected officer other than a Council member, elected in a regular general election, on the first weekday in January that is not a holiday in the calendar year next following the election;

(2) in the case of Council members, elected in a regular general election, on the first Monday in January in the calendar year next following the election;

(3) in the case of an elected officer elected at a special election, when the results are certified;

(4) in the case of an officer appointed under section 8.4(b), other than the police chief, on the first weekday in January that is not a holiday in an even-numbered year; and

~~(5) in the case of the police chief, on the first weekday in January that is not a holiday in the year the appointment starts; and~~

~~(6)~~ 5) in the case of any other office, as any applicable ordinance provides, otherwise upon election or appointment.

Whereas, the City Council has neither authority to reject this proposed amendment nor authority to change the language of this proposed amendment; and

Whereas, the City Council's only duty, which is dictated by statute, is to fix the ballot question for this proposed amendment; and

Whereas, a vote for or against specific ballot question language is not an indicator of a Council Member's approval or disapproval of this proposed amendment;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed amendment relating to the removal of the Police Department and the creation of a new Department of Public Safety be submitted to the qualified voters of the City for adoption or rejection at the Municipal General Election to be held November 2, 2021, and that such notice of such submission be given by the City Clerk by publication of such notice and amendment, in full, once a week for two successive weeks prior to November 2, 2021, in the *Star Tribune*, a newspaper of general circulation in the City of Minneapolis, and in *Finance and Commerce*, the official newspaper of the City of Minneapolis.

Be It Further Resolved that in submitting the proposed amendment for adoption or rejection by the qualified voters, the title and language of the question shall be presented as follows:

“City Question #2

Department of Public Safety

Shall the Minneapolis City Charter be amended to remove the Police Department and replace it with a Department of Public Safety that employs a comprehensive public health approach to the delivery of functions by the Department of Public Safety, with those specific functions to be determined by the Mayor and City Council by ordinance; which will not be subject to exclusive mayoral power over its establishment, maintenance, and command; and which could include licensed peace officers (police officers), if necessary, to fulfill its responsibilities for public safety, with the general nature of the amendments being briefly indicated in the explanatory note below, which is made a part of this ballot?

Yes ____

No ____

Explanatory Note:

This amendment would create a Department of Public Safety combining public safety functions through a comprehensive public health approach to be determined by the Mayor and Council. The department would be led by a Commissioner nominated by the Mayor and appointed by the Council. The Police Department, and its chief, would be removed from the City Charter. The Public Safety Department could include police officers, but the minimum funding requirement would be eliminated.”