

CITY OF MINNEAPOLIS

Minneapolis City Charter: The Amendment Process

Committee of the Whole
Wed., July 18, 2018

Minneapolis City Charter: The City's "Constitution"

A home rule charter is the "constitution" of a municipal corporation. A charter fulfils many purposes; among these are:

- It **defines the powers and authority** of the City, granted to it by the people;
- It **prescribes the City's operating structure**, including its officers, their number, qualifications, manner of election or appointment, and duties; and
- It **specifies official processes** by which actions and decisions are made, implemented, and enforced.

Minneapolis City Charter

Pre-1920 = “Legislative Charter”



Home Rule Charter = 1920 - 2014

Amendments: 192

- 59 by Referendum
- 133 by Ordinance



Plain Language Revision = 2015 - current

Amendments: 4

- 4 by Ordinance



Amendment Process

Minnesota Statutes § 410.12

Charter Amendment

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graph TD; A[Charter Amendment] --> B[By Ballot  
[Voters]]; A --> C[By Ordinance  
[Policymakers]]
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By Ballot

[Voters]

By Ordinance

[Policymakers]

Initiating Amendment Proposal Minnesota Statutes § 410.12

Charter Amendment

By Ballot

Subds. 1 – 3 & 5

Commission
Subd. 1

Council
Subd. 5

Petition
Subds. 1, 2, & 3

By Ordinance

Subd. 7

Commission

Council



COMMISSION

- Initiate referendum
[M.S. 410.12, subd. 1]
- Accept and process
petition for referendum
[M.S. 410.12, subd. 2]
- Consider referendum
initiated by Council
[M.S. 410.12, subd. 5]
- Initiate and refer
proposal by ordinance
[M.S. 410.12, subd. 7]
- Consider ordinance
initiated by Council
[M.S. 410.12, subd. 7]

COUNCIL

- Determine language
for ballot questions
[M.S. 410.12, subd. 4]
- Initiate and refer
referendum
[M.S. 410.12, subd. 5]
- Enact amendment
by ordinance
[M.S. 410.12, subd. 7]

NOTE: Pursuant to City Charter §4.4(c), all acts of Council are subject to approval by the Mayor.

COMMUNITY

- Initiate proposal for
referendum via
petition
[M.S. 410.12, subds. 1,
2, & 3]

Key Questions

1. Is subject appropriate for charter?

- *Constitutional – yes (probably)*
- *Legislative – no (probably not)*

2. Which pathway is proposed?

- *Ballot (referendum)*
- *Ordinance – generally for administrative “housekeeping” issues*

3. Who initiated the proposal?

- *Commission – direct influence*
- *Council – indirect and direct influence*
- *Community – indirect influence*

4. What is timeline, and when does the clock start (and stop)?

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Referendum by Commission

1. Proposal by referendum [M.S. 410.12, subd. 1]
 - Ballot question must be submitted no less than 17 weeks before the general election.
 - *For 2018, hard statutory deadline is **July 10***
 - *Per its rules, the Commission requires proposals to be submitted prior to its regular meeting in June to accommodate timeline*
 - Charter Commission rules require a public hearing, unless waived by a 2/3-vote of members present and participating.
 - City Council determines the ballot language [subd. 4]. to be submitted to the electorate.

Referendum by Community (1)

1. Petition for referendum [M.S. 410.12, subd. 1, 2 & 3]
 - Petition must be uniform and sponsored by a “committee” of at least 5 qualified voters.
 - Petition must be signed by a number of registered voters equal to at least 5% of total votes cast in last state general election.
 - *For 2018, 5% = 6,868 (based on 2014 turnout of 137,362)*
 - Petition must have full text of proposed amendment, or a summary approved by the Commission.
 - All ballot questions must be submitted no later than 17 weeks before the date of the general election.
 - *For 2018, hard statutory deadline is **July 10***
 - *Generally, Commission requires petition to be submitted in time for its regular meeting in June to qualify within statutory timeline.*
 - Charter Commission rules require a public hearing, unless waived by a 2/3-vote of members present and participating.

Referendum by Community (2)

- City Clerk must validate sufficiency of petition within 10 days of submission by the petition committee [subd. 3].
 - *If insufficient, petition committee may cure defects within 10 days and file a supplemental petition with City Clerk (which must be validated within 5 days).*
 - *If sufficient, the City Clerk reports this finding together with the petition to the City Council.*
- City Council determines ballot language [subd. 4] to be submitted to the electorate.

Referendum by Council (1)

1. Proposal by referendum [M.S. 410.12, subd. 5]

- A ballot question submitted by the City Council must meet the statutory timelines dictating the submission pursuant to M.S. 205.16, subd., 4, which requires notice to the County Auditor no less than 74 days prior to the date of the election.
 - *For 2018, hard statutory deadline is **Aug. 24***
- City Council processes the proposed amendment in the form of an ordinance, following its regular legislative process.
 - *An ordinance may only be introduced by a Council Member, who is designated its “author”*
 - *After giving prior notice, the proposed ordinance is presented for formal introduction, first reading required under the Charter, and referral to the standing committee having subject-matter jurisdiction*
 - *IGR formulates recommendation to be referred to Charter Commission, subject to formal approval by the full Council*
 - *Council votes to refer the proposal to the Charter Commission*

Referendum by Council (2)

- Upon receipt, the Commission has up to 150 days to consider the proposal.
 - *Charter Commission rules require a public hearing on each proposal by referendum, unless waived by a 2/3-vote of members present and participating.*
- The Commission may approve or reject the original proposal submitted by the Council, or may offer a substitute proposal.
- Council votes either to retain its original proposal or to accept the substitute offered by the Commission.
- Council determines the ballot language [subd. 4] to be submitted to the electorate.
- City Clerk must submit all ballot questions to the County Auditor no later than 74 days prior to the date of the election.

Election – Ballot Question

Minnesota Statutes § 410.12, subd. 4

- The Council has the duty of determining the “form” of the ballot question, which means the actual language. The question must be presented in a manner which is sufficient to enable voters to identify the amendment and distinguish it from any other question on the ballot
- If 51% of votes cast on the ballot question favor its adoption, it is successfully enacted; otherwise, the question fails.
- If enacted, the City Clerk files certified copies with the State and County.
- The amendment takes legal effect at least 30 days after the election, or at a later date if provided in the amendment.

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Amendment by Ordinance

1. Proposal by ordinance [M.S. 401.12, subd. 7]

- Proposal is formally initiated by the Commission and referred to Council for its consideration and action, following the Council's regular process
- Submission of the proposal to the Council "starts the clock" —
 - 3 Months {
 - *Within 1 month, Council must publish notice of public hearing*
 - *Public hearing must be conducted at least 2 weeks and not less than 1 month after notice is published*
 - *Within 1 month of close of public hearing, Council must take final action (vote) on the ordinance proposing the amendment*
- Ordinance is enacted only with the unanimous affirmative vote of the entire membership of the Council and the approval of the Mayor
- **Subject to protest petition (60 days after enactment)****
- Effective legal date is no sooner than 90 days after enactment, unless later date is provided within the ordinance

Current Amendment Proposals

1. Proposal related to increasing debt limits for capital expenditures – By Ordinance
 - Notice of introduction made 04/27/18
 - Introduction, first reading & referral made 05/11/18
 - Referred to Charter Commission 05/28/18
 - Public hearing conducted by Commission 07/11/18
 - Charter referred to Council for action 07/11/18

2. Proposal related to eliminating restrictions on liquor sales and liquor licensing – By Referendum
 - Proposal introduced by Charter Commission 06/06/18
 - Public hearing conducted by Commission 07/11/18
 - Charter referred to Council for action 07/11/18

3. Proposal to alter reporting relationship and oversight of MPD – By Referendum
 - Notice of introduction made 06/29/18
 - Charter discussed proposal 07/11/18 (pending formal referral)



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