

CITY OF MINNEAPOLIS

Minneapolis City Charter: Executive Mayor – Legislative Council Initial Report on Implementation

Committee of the Whole
Thurs., Nov. 18, 2021



At the 2021 Municipal General Election, a proposal to amend the City Charter was referred to voters; essentially, that question proposed transforming the City's governance structure to an "Executive Mayor – Legislative Council" form of government. Based on the classic separation of powers model, this structure, this form clearly defines and delineates executive and legislative powers and functions between an elected chief executive officer (the Mayor) and an elected legislative body (the Council). That proposal was approved by voters, reflected in Charter Amendment No. 184, and becomes effective Friday, December 3, 2021, pursuant to Minn. Stat. § 410.12, subd. 4.

This is an initial presentation providing an introduction to the implementation of that new governance structure.



Home Rule Charter: City “Constitution”

1. It defines the powers and authority of the City, granted by its people.
2. It prescribes the City’s operating structure and its principal officers, including their number, qualifications, manner of election or appointment, and duties.
3. It specifies the processes by which official acts and decisions are made, implemented, and enforced.

The City Charter is the constitution of the City of Minneapolis; it is the primary governing authority under which the city—a municipal corporation—is created and exists.

Legally, the charter is a delegation by the State of a part of its sovereign governing authority to be exercised at the local level for the benefit of the community. As such, a home rule charter cannot be in conflict with or contrary to the State constitution or statutes. Still, a charter may be framed to regulate all municipal functions just as fully as the State Legislature might have done prior to the 1896 constitutional amendment granting local home rule authority. That gives cities wide discretion to tailor their charters to meet specific needs, priorities, and interests of the local community. Like the federal government, local governments have only expressly delegated powers or those powers necessarily implied to the exercise of those expressly delegated powers; local governments have no inherent or sovereign authority (like states).

While a home rule charter fulfills many purposes, among the most important are these—

1. It defines the authority and powers of the municipal corporation (city), granted by the people, to be exercised in their behalf in the governance and administration of local affairs.
2. It prescribes the municipal corporation’s operating structure, including the number and method of selection for its principal officers and their powers and responsibilities, the reporting relationships among its departments, etc.
3. It specifies those processes by which the municipal corporation takes action, essentially how official 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: 15

- 10 by Referendum
- 5 by Ordinance



From its incorporation in 1867, the City of Minneapolis operated under the direct purview of the State Legislature. This is often referred to as the period when Minneapolis operated under a “legislative charter,” in recognition of the extensive number of special laws enacted by the State Legislature and applicable only to the City of Minneapolis. However, this “legislative charter” was not a home rule charter in the way that term is understood, pursuant to the constitutional amendment of 1896; in fact, this was during the period prior to the creation of home rule authority.

In 1896—29 years after the City incorporated—Minnesota became the fourth state in the Union to authorize “home rule authority” under a constitutional amendment (Art. XII, Section 4). That act granted local jurisdictions the ability to establish home rule authority. Still, for 24 years, Minneapolis resisted the push to enact its own home rule charter. Finally, in 1920, the State’s largest city enacted a home rule charter for its own local self-governance that was approved by voters. That first home rule charter was unorthodox in its design; instead of a deliberate effort at creating a local constitution, the first charter merely codified into a single document all laws that existed at that time related to all cities in Minnesota, to all first-class cities in Minnesota, as well as the plethora of special laws applicable only to the City of Minneapolis. It resulted in a very complex, highly diffused operating structure. From 1920 to 2014, there were a total of 192 amendments successfully enacted, the majority of which were done by ordinance (69%). During that same timeframe, at least eight separate proposals to change and modernize the underlying government structure were submitted to voters—and were defeated each time.

In 2013, voters approved a streamlined, modernized Plain Language Revision of the City Charter which became effective January 2015. Since that time, a total of 15 charter amendments have been enacted, the majority by referral to the electorate. One of those amendments—Charter Amendment 184—was approved at the 2021 General Municipal Election to reform the City’s governing structure, the “Executive Mayor-Legislative Council” form.

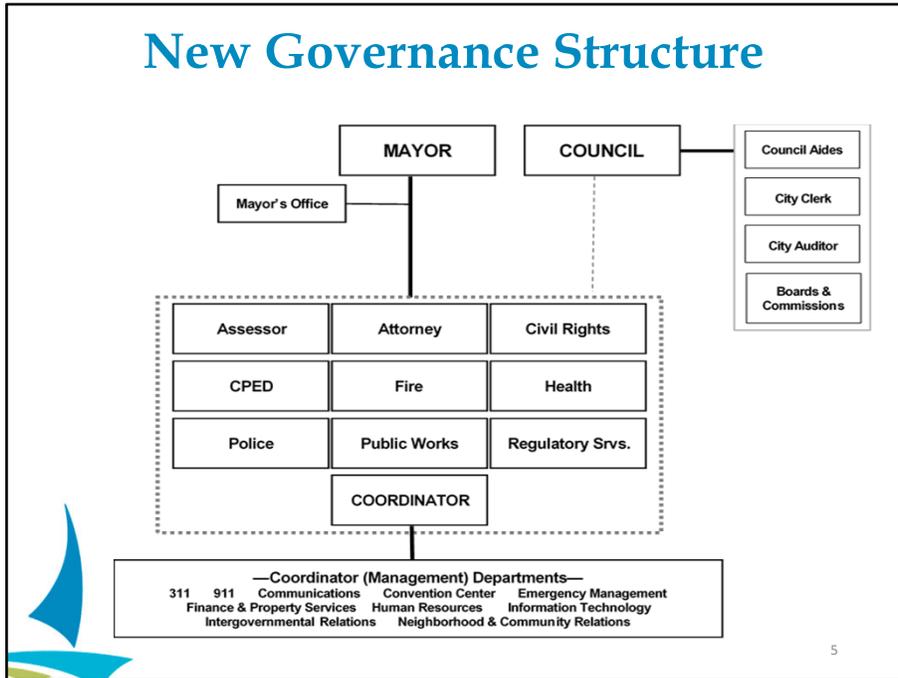
Major Elements

Government Structure: Executive Mayor and Legislative Council

1. Establish a government structure based on separation of powers with checks and balances between an elected chief executive (Mayor) and a legislative body (Council).
2. Define the Council as the City's legislative body.
3. Define the Mayor as the City's chief executive officer and administrative authority.
4. Eliminate the Executive Committee.
5. Define the City's Administration as including all operating departments under the Mayor's authority.

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This slide presents the major elements of Charter Amendment 184 [Executive Mayor-Legislative Council]. Under this new governance structure, the City Council continues to serve as the legislative body; it holds all legislative and policymaking powers of the government; exercises oversight of the Administration; audits and evaluates City performance and service delivery; and represents the City's wards and provides constituent services. By contrast, the Mayor—as the City's chief executive officer—is responsible for the implementation and enforcement of the local laws and public policies enacted by the Council; appoints the heads of its departments and other administrative officials (subject to confirmation by the Council); directs the day-to-day operation of the City's Administration; prepares and submits a financing plan to the Council; and proposes policies and programs to advance the City's interests for consideration by the City Council. All acts of the Council are subject to the approval or veto of the Mayor. The Administration—which includes all of the City's operating departments—are responsible for delivering City services and programs under the direction of the Mayor and within the policies set by the Council. The design of this system is intended to maximize the representative functions of the Council as the “proxy of the people” while focusing accountability for City performance in the Mayor as the City's chief executive officer.



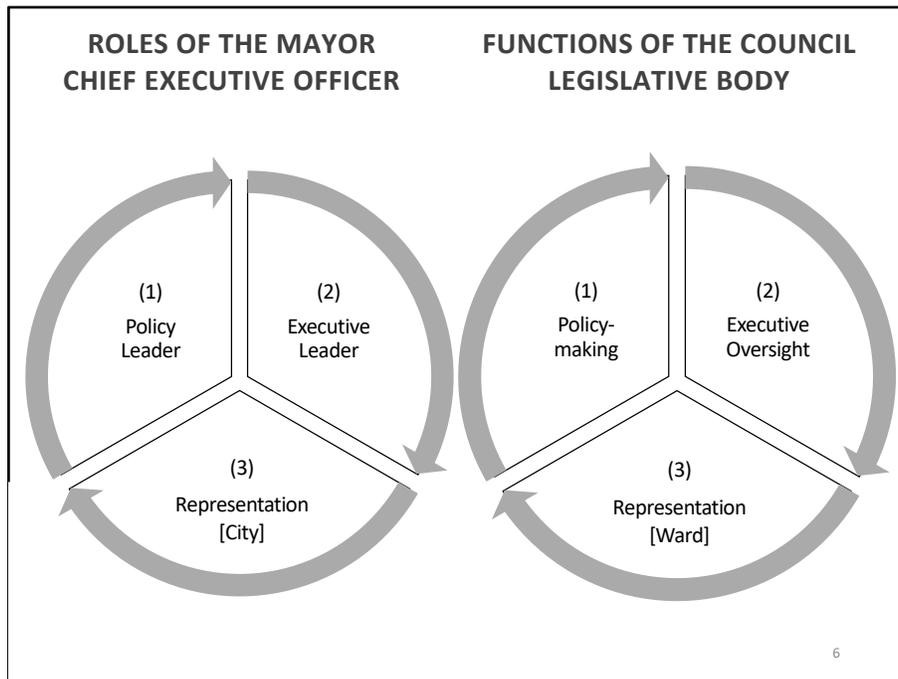
Under Charter Amendment 184 (“Executive Mayor-Legislative Council”), the City’s governance structure is organized as shown on this slide, effective December 3, 2021.

The most significant change concerns the appointment, direction, and supervision of the City’s ten charter departments, shown on this slide within the dotted box in the middle of the chart. As shown, the new structure puts the Mayor, as chief executive officer, in charge of those departments directly. The Mayor is empowered to appoint the heads of these ten charter departments subject to the consent (confirmation) of the City Council. These charter department heads and other administrative officers are appointed to terms that align with the elective term of the Mayor.

The City Coordinator, a charter department head, serves as the City’s chief operations officer. That officer is responsible for directing the City’s management functions, which are primarily delivered through ten departments that are collectively referred to as the coordinator departments or also sometimes called the management departments. These ten departments will continue to be appointed and supervised by the City Coordinator.

Together, all twenty of the City’s operating departments—both the charter and the coordinator departments—constitute the City’s Administration, part of the “executive branch” of the City government under the control of the Mayor.

The Council constitutes the “legislative branch” of the City government. The charter amendment provides that the Council must provide for its own resources to support the body in the performance of its legislative, policymaking, oversight, and constituent service functions. To do this, the Charter recognizes three classes of staff support for the Council and its Members. First, the aides appointed by individual Council Members who function as the personal and political staff to support representational and constituent services responsibilities and to manage the individual ward offices. Second, the Council appoints the City Clerk and (through an independent Audit Committee) the City Auditor who function as the permanent, professional staff of the Council as the legislative body. These professional officers and their staffs are responsible for supporting the Council’s legislative, policymaking, and oversight responsibilities.



Under Charter Amendment 184 (“Executive Mayor-Legislative Council”), the Mayor essentially serves in three very broad capacities:

- (1) As the City’s policy leader, the Mayor is expected to articulate and advance the needs and priorities of the entire community through proposed policies, programs, budgets, etc., and to work with the City Council to achieve an agreed set of strategic goals that will serve the long-term best interests of Minneapolis.
- (2) As the City’s executive leader, the Mayor is expected to provide clear direction to the City’s Administration and to take accountability for its performance in delivering municipal services and programs.
- (3) As the chief elected official, the Mayor is expected to represent all residents and communities and to be the primary spokesperson and representative of the City government.

Under the amendment, the Council, as the City’s legislative body, functions in essentially three very broad capacities:

- (1) As the City’s chief policymaking body, the Council is expected to enact local laws and public policies that meet the needs and priorities of the entire community.
- (2) In overseeing the executive branch, the Council is expected to provide a proactive and healthy check on the performance of the City’s Administration through regular performance audits, investigations, hearings, and the like. Based on those findings, the Council may propose changes in existing policy or may introduce new policy.
- (3) The Council is the “proxy of the people” and is expected to provide representation of the communities that constitute each of the City’s wards and to act as an ombudsman in receiving and responding to or resolving constituent questions, concerns, and complaints.

Cities with Similar Structure

New York	Denver	Tampa
Los Angeles	Washington D.C.	Omaha
Chicago	Nashville	Colorado Springs
Houston	Boston	New Orleans
Philadelphia	Detroit	Cleveland
San Diego	Louisville	Honolulu
Jacksonville	Baltimore	Newark
Seattle	Milwaukee	St. Paul (Minn.)
Columbus	Fresno	Lincoln
San Francisco	Albuquerque	Madison
Atlanta	Tulsa	Duluth (Minn.)

This slide presents a sampling of those United States cities which have similar government structures among the top 100 most-populated (largest) in the nation.

Council Comparisons

Criteria/Values

- Mayor-Council structure
- Full-time Council, having equivalent authority
 - Legislative & Policy-making
 - Executive Oversight
 - Representation
 - Constituent Services
- Standing committees
- Separate staff/resources
 - Mix of political/personal and professional/permanent staff

Comparable Jurisdictions

- Seattle, WA
- Columbus, OH
- Atlanta, GA
- Denver, CO
- Washington, D.C.
- Milwaukee, WI
- New Orleans, LA
- Honolulu, HI
- *Others?*



Here's What We Know Right Now ...

WHAT WE KNOW...	WHAT WE DON'T KNOW...
<p>On Dec. 3, without further action, the new government structure becomes effective.</p>	<p><i>Further aspects about implementation will be policy and/or political issues to be determined by the Mayor & Council or by future referral to voters, except where specifically provided by applicable federal or state law or by the City Charter.</i></p> <p><i>Based on experiences in other cities, full implementation of the new form of government will be a long-term process that likely could take most of 2022 and potentially into 2023 (or beyond).</i></p>
<p>Beginning Dec. 3, the City's ten charter departments will report directly to the Mayor. The management departments will continue to report to the City Coordinator.</p>	
<p>On Dec. 3, the Executive Committee will cease to exist.</p>	
<p>The Mayor & Council Members will be sworn-in on January 3, 2022. The Mayor will serve a four-year term (thru 2025) while Council Members will serve two-year terms (thru 2023).</p>	

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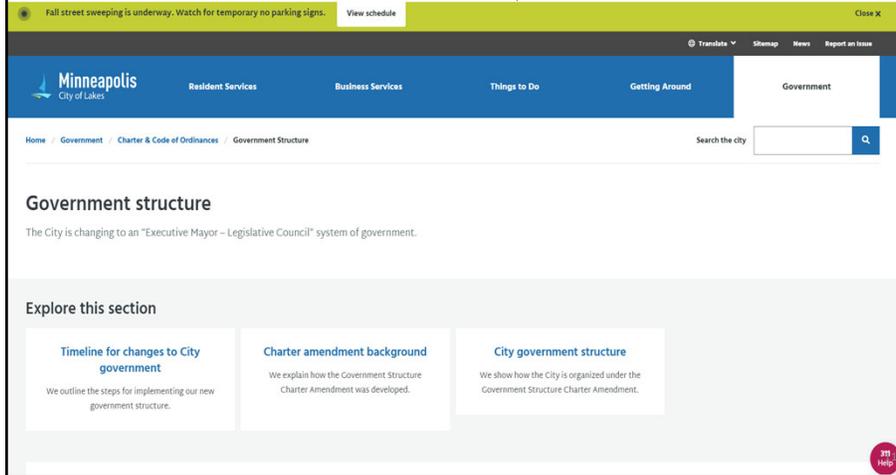
Timeline

Nov. 22:	Election Certificates issued & Amendments filed
Nov. 29-Dec. 31:	New Elected Officials Orientation
Dec. 3:	Adopted amendments become legally effective
Dec. 10:	Potential final meeting of Council
Dec. 17:	Definite final meeting of Council
Dec. 20:	New policymakers move into City Hall swing space
Jan. 3:	New Elective Term Begins
Jan. 10:	Formal Inauguration
Jan. 10:	City Council – Organizational Meeting
Jan. 11-13:	Strategic Planning & Goal-Setting
Jan. 17:	First full cycle of meetings begins

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**Website: You have questions?
We have answers.**

www.minneapolismn.gov/restructure ←



The City has created a website to provide a single point of access for current, accurate information about Charter Amendment 184 [“Executive Mayor-Legislative Council” government structure], found at:
www.minneapolismn.gov/restructure

As more information is confirmed, it will be added to this site; thus, the community should check back regularly for updates and new details.

Changing a city’s foundational governance structure is not an undertaking completed in a matter of weeks or months; in discussion with other jurisdictions who have completed similar changes, it can take years to fully implement and adapt to this very significant change in a government’s foundation. While the City anticipates that a significant scope of this work will be completed in 2022, it will laying the groundwork for ongoing adaptations, adjustments, and fine-tuning in the years ahead. Ultimately, it will be the Mayor and Council, in partnership, that will direct how this new governance form is implemented and who will define the new operating structures and systems that will ensure its success on behalf of the people of Minneapolis.

Thank you.

