



Minneapolis
City of Lakes

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Jan Hrcncir, Chief Committee Coordinator
Minneapolis Charter Commission
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Dear Mr. Bernstein and Ms. Hrcncir:

My office has analyzed the Charter Commission's Sixth Draft of its proposed revisions to the City's Charter. Enclosed are two documents: (1) an annotated version of our comments on the Charter Commission's Fifth Draft and (2) a specific analysis of the Sixth Draft. The annotations reflect our views regarding the Charter Commission's changes from its Fifth Draft to the Sixth Draft. The specific analysis of the Sixth Draft should be read together with our annotated document.

My office remains committed to assisting the Charter Commission as it modifies and refines its proposed revisions to the City's Charter. Please contact Assistant City Attorney Burt Osborne if you wish to discuss any part of our office's analysis or if you need any additional information. Mr. Osborne can be reached at 673-3272.

Very truly yours,

JAY M. HEFFERN
City Attorney

JMH:lw

Enclosure

cc: Brian Melendez, Minneapolis Charter Commission

M/Heffern/CityCharter/CharterRevisionltrtoBernstein&Hrcncir.12.30.04

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ANALYSIS OF THE SIXTH DRAFT OF THE CHARTER REVISION

Previously, the City Attorney's Office submitted an analysis of the Fifth Draft of the Charter Commission's proposed charter revision. The Charter Commission has now prepared a Sixth Draft. The City Attorney's Office annotated its previous Minneapolis City Attorney's Office Analysis of the Charter Commission's Fifth Draft to indicate whether or not the issues raised were resolved.

This document analyzes the more significant matters that were raised in the City Attorney's Office analysis of the Fifth Draft that persist in the Sixth Draft. This document should be read together with the City Attorney's Office annotated Analysis of the Charter Commission's Fifth Draft. In addition, this document identifies provisions added to the Sixth Draft that could change the City government either expressly or by interpretation.

General Observations

There are instances in the proposed Charter Revision in which express Charter powers or procedural provisions have been eliminated, but for which the City has the power to exercise substantially the same powers pursuant to applicable state statutes governing statutory cities (i.e. cities having no charter). One example is the elimination of the provisions of Chapter 4, Section 5, of the City Charter specifying the police (regulatory) powers of the City. The City could, in our opinion look to Minn. Stat., Ch. 412 for such powers. However, the removal of such provisions strikes us as a surrender of home rule powers to the will of the legislature.

Under the Minnesota Constitution as implemented by state statute, city charters are a source of power, as well as, a limitation on the powers of home rule cities. The present City Charter sets forth specific powers. It also limits those powers. For example, the Charter limits the term for which licenses can be issued to one year. It also includes certain limitations on the power of the City Council to issue liquor licenses. Not only does the proposed revision eliminate these limitations and others, but also it provides that the City's powers are "plenary" and that the City can exercise "any power that a municipal corporation can lawfully exercise." See Rev. Charter §1.4(a)-(d). Such provisions are inconsistent with the present City Charter and City government.

Specific Sections.

Section 1.4(c) permits the City to exercise powers granted to cities of any class even though the enabling legislation is specifically made inapplicable to charter cities. This would constitute a change in charter powers and raises an issue as to whether such an exercise of power is inconsistent with state statutes and, therefore, prohibited.

Section 2.2 (c)(2)(A)(iii) provides that the Charter Commission elects two redistricting commissioners from each major political party, at least one of whom was nominated by a political party. However, (C)(iii) of the same subdivision provides that if a political party

fails to nominate by the deadline or the nomination is not in compliance, the Charter Commission appoints one commissioner from the party without regard to the party list. This is inconsistent and ambiguous. Further, the current City Charter mandates each major political party nominate six to ten persons, while the proposed revision, Section 2.2 (C)(ii), states that each major political party "may" nominate six to ten members.

Under the present Charter Chapter 2, Sec. 2, all officers appointed by the City Council hold office for a term of two years, unless the Charter otherwise provides. In contrast, Section 10.2 of the Revised Charter provides that the Council can, in an ordinance establishing an office, provide for a term other than two years. Under Charter Chapter 2, Sec. 2, the term is two years from the first business day of January in even numbered years. Under Section 10.2 of the Sixth Draft, however, the term unless otherwise provided by ordinance, is two years, but no definite date is specified. Therefore, unless provided by an ordinance, terms of officers might not commence and expire on a single date.

The Sixth Draft continues to change the manner in which vacancies are filled in the offices of Council Member and Mayor. Under the present Charter, Chapter 2, Sec. 16, when a vacancy occurs on or after March 1 in an election year, but before filings are opened, the person appointed by the Council serves out the remainder of the term. Likewise, the Council President fills a vacancy in the office of Mayor occurring on or after March 1 in an election year and serves out the remainder of the Mayor's term. In contrast, under Sections 4.2(d) and 9.1(e) of the Revised Charter, the person elected at the general election would take office upon election.

Executive Committee Process:

There appears to be a conflict in Section 10.4(b) of the Sixth Draft. On one hand it states that "where a statute, ordinance, rule, or other authority provides for an officer's appointment by the Mayor, by the City Council, by any board...and does not explicitly override this section 10.4(b)," then the Executive Committee appointment process specified in Section 10.4 applies. On the other hand, it states that "section 10.4(b) does not apply to any appointment for which another provision within this charter provides unless the other provision explicitly refers to this section." If the words, "or other authority" were construed to include the City Charter, then there would be a conflict between the two provisions. Because the intended effect of this provision might ultimately be frustrated by an unintended judicial construction, the section should be re-written so as to avoid that possibility.

Under Charter Chapter 3, Sec. 4, the Executive Committee appoints and the City Council approves the appointment of the Police Chief, Fire Chief, City Engineer, Health Commissioner, City Attorney, City Assessor, City Coordinator, and the Civil Service Commissioners. However, in Section 9.2 of the Sixth Draft, the City Coordinator, City Clerk, City Assessor, Finance Officer, and City Attorney, are designated as city departments to be established, organized and provided for by the City Council. It does not state that these officers are to be appointed pursuant to the Executive Committee process of Section 10.4. Therefore, Section 10.4, by its terms, does not apply to their

appointment and the City Council would have power to determine the manner of appointment. The Police Chief, Fire Chief, and Civil Service Commissioners, however, in Sections 9.3, 9.4 and 10.5, respectively, are required to be appointed under Section 10.4. This constitutes a significant change in the City Charter appointment process.

Section 10.4(b)(5) of the Sixth Draft provides that the Executive Committee may suspend without pay any officer in the Unclassified Service. This is a change from Charter Chapter 3, Sec. 4, of the present Charter, which only authorizes the Executive Committee to suspend officers whom it appoints.

In Section 9.1(g) of the Sixth Draft, the Council must provide for the Mayor's deputy, aides, assistant and executive secretary. It does not state that how these appointments are made. Under the special act authorizing the positions, (e.g. Laws 1969, Ch. 937 and Laws 1974, Ch. 105) the Mayor appoints them. However, the Sixth Draft, Section 10.4(b), provides that where a statute provides for appointment by the Mayor, the City Council, or a combination of them, and does not expressly override Section 10.4(b), the appointment is vested collectively in the Mayor, the Council and the Executive Committee. Similarly, Laws 1974, Ch. 105, authorizes the City Council to appoint council aides and Laws 1987, Ch. 99, authorizes the Mayor, with advice and consent of the City Council to appoint the Emergency Preparedness Director. Section 10.4(b) would effectively change these provisions by vesting these appointment powers collectively in the Mayor, Council and Executive Committee. This is a change in the appointment provisions.

Under Charter Chapter 3, Sec. 4, further duties of the Executive Committee may be prescribed by City Council ordinance or resolution. In contrast, Section 4.5 of the Sixth Draft merely provides that the Executive Committee powers may be prescribed by the City Council. An ordinance or resolution requires a majority vote of all of the members of the Council. If this were changed to make it consistent with the present practice of passing motions or adopting committee reports by a simple majority vote, there could be a change from the current 7-vote requirement for ordinances and resolutions prescribing Executive Committee duties.

Charter Chapter 3, Sec. 7, requires the City Attorney to deliver an opinion on legal questions from a board or department "when required." The condition "when required" was omitted in Section 9.2 of the Sixth Draft. Also omitted is the requirement that the City Attorney or assistant attorneys attend meetings of the City Council, and, when requested, its committees, and City boards. It also eliminates the power to designate a deputy to act as City Attorney in the City Attorney's absence or inability to act. Although it requires the City's officers, board, and departments to consult only with the City Attorney, it does not specifically prohibit them from hiring outside counsel to perform legal services in the terms of the present Charter. (This is, however, subject to Laws 1969, Ch. 790, allowing the City Council to hire outside counsel upon the recommendation of the City Attorney.)

Charter Chapter 4, Sec. 9, requires a majority vote of all of the Council members, i.e., 7 votes, to pass ordinances and resolutions. In contrast, the Sixth Draft, Section 4.4, applies to "acts of a legislative nature" and would require 7 votes for "any other act" of the Council. One problem here is that there is no definition of the phrase "legislative nature." The City Council presently acts on a variety of matters by a majority vote of those voting, a quorum being present. In fact, Section 5.3(c) of the Sixth Draft specifically authorizes such a vote with respect to boards in general.

Charter Chapter 4, Sec. 9, requires ordinances and resolutions be published in an official newspaper to be effective. The Sixth Draft, Section 4.4(c), however, specifies when an act is effective and contains no publication requirement.

Charter Chapter 4, Sec. 15, authorizes the City Council to acquire private property for streets alleys and public buildings. Section 1.5 of the Sixth Draft contains similar authority. Although it does not specifically refer to the power to purchase, we believe such power to be implied. It also authorizes the City Council to establish the eminent domain procedures. Thus, the City could proceed in eminent domain under its charter rather than state law. On the other hand, however, Section 1.5 contains authority for "any authorized board" to exercise the power of eminent domain. It is not clear what constitutes an "authorized board," i.e. does it have to be authorized by virtue of another provision of the Charter or by state law?

Charter Chapter 5, Section 14 provides that this section and the preceding section (13) constitute a contract with City bondholders and must be kept inviolate. This is omitted from the Sixth Draft. Section 13 is changed in that the Sixth Draft in that Section 11.6(b), does not clearly allow unused permanent improvement funds to be used for debt service on bonds. Also, the restrictions of Section 14 relating to the investment of bond funds are eliminated from the Revised Charter.

Charter Chapter 5, Section 16, mandates that the assessable and non-assessable portions of improvements be paid from the Permanent Improvement Fund. The provisions of Section 11.6(b) do not include specific authority to pay money out of the Permanent Improvement Fund for the non-assessed portion of the improvements. Although the Sixth Draft gives authority to levy a tax, the provisions are inconsistent with the current charter and internally inconsistent. For example, Section 11.6(a) authorizes a permanent improvement tax of .02993 percent of the value of all property in the city. Section 11.6(b)(3) authorizes a permanent improvement tax of .0025 percent of the value of the property in the City. Furthermore, in Chapter 5, Section 16 of the current Charter, the 2.5 mill tax is mandatory, while it is not mandatory in Section 11.6(a) of the Sixth Draft. Further, in Charter Chapter 5, Sec. 16, a tax of 2.5 mills is authorized, but not mandatory, for sewage and waste treatment facilities. There appears to be no reference to this in the Sixth Draft.

Chapter 5, Section 24, requires that no funds be drawn out of the treasury unless the City Council has authorized payment. The Council can do so by approving contracts and taking other authorizing actions. The elimination of this section could result in a loss of

control by the City Council over City finances. The Sixth Draft, Section 5.6, provides that each board controls its own finances. However, Section 5.6 of the Sixth Draft does not prohibit the Council from allowing funds to be expended without its authorization as does Charter Chapter 5, Sec. 24. The elimination of this section could, in our opinion, result in a significant change in city governance.

The current Charter Chapter 6, Sec. 1, gives the Mayor powers over the Police Dept. that are stronger and more complete than those contained in the Sixth Draft, Section 9.3. Also, the second sentence of Section 9.3(a) states that "Except where the law vests an appointment in the department itself, the Mayor appoints and may discipline any employee in the department (subject to ...Civil Service...rules in the case of an employee in the unclassified service). This reference should be to the "classified service" rather than the "unclassified service." Further, the Chief's term in Charter Chapter 6, Sec. 1, is "three years from and after the second day of January of the year of appointment." Section 9.3(a)(1)(B) of the Sixth Draft specifies a three-year term without specifying any commencement or termination date. Finally, there is no provision in the Sixth Draft similar to the current Charter Chapter 6, Sec. 1, which provides that when a vacancy is filled the appointment is for the remainder of the term.

Charter Chapter 6, Sec. 2, requires the City Council to levy a tax annually to maintain the Police personnel ratio to the extent that such amount is in excess of the sum used to maintain the number of employees in the police Department in 1961, but not to exceed 3 mills (adjusted in accordance with state statutes.) This tax is not subject to Board of Estimate and Taxation approval or limitations. The Sixth Draft, Section 9.3(d) includes this tax but states "...the City Council may annually tax...." It is permissive rather than mandatory as in the current charter. The Sixth Draft eliminates the current requirement of Charter Chapter 6, Sec. 2, that the tax be only that amount in excess of the sum used to maintain the number of employees constituting the Police Dept. on January 1, 1961.

Fire Department

Charter Chapter 7, Sec. 6, requires that persons being appointed to Assistant Chief, Deputy Chief, Fire Marshal, Assistant Chief of Training and Engineering Officer positions must hold, at least, the rank of captain. The Sixth Draft, Section 9.4(a)(2) contains no such requirement.

Charter Chapter 7, Sec. 10, permits the costs of fire house construction, fire apparatus or equipment or personal property to be paid out of the Permanent Improvement Fund or bond fund. The Sixth Draft, Section 9.4(e), however, mandates that all capital expenses be paid out of the permanent improvement fund or out of bond funds. In our opinion, the cost of fire apparatus, fire equipment, and personal property would constitute a capital expenditure, mandated by Section 9.4(e) to be paid for from bond funds or the Permanent Improvement Fund. Because Section 9.4(e) prohibits the City from paying these costs from the general fund, it could constitute a significant change in funding requirements.

Public Works, Water Works, and Special Assessments

The Sixth Draft omits the requirement that a City Engineer be appointed or that a Public Works Department be established. (See Section 9.2 of the Sixth Draft). Section 10.5, however, provides that a "chief engineer" would be in the unclassified service.

The Sixth Draft of the Revised Charter adds a provision (Section 11.6(c)) requiring the City Council and the Park Board to adopt ordinances establishing special assessment procedures, including a procedure for appeals. This provision satisfies one of the objections in our comments to the Fifth Draft as to the absence of authority of the Council to enact such ordinance. Nevertheless, Laws of 1969, Ch. 499, provides that the provisions of Minnesota Statutes 1967, Chapter 429, are made applicable to the City of Minneapolis and that the City, at its option, may make any special assessment either under its home rule charter, or under Minn. Stat., Chapter 429, or under other existing statutory authority. Based on this special law, there still appears to be an issue as to whether the City assessments made pursuant to ordinance would be considered to be an assessment "under its home rule charter" authorized in the special act.

The elimination of the current Charter's assessment provisions (Chapters 8-10) in the Revised Charter and their relegation to ordinance, in effect, delegates additional taxing powers to the City Council and Park board. For one example, a 1973 special law, (Laws 1973, Ch.393) provides that once the City Council acted to pay for all street lighting maintenance and operations from general tax revenues, the City was thereafter forbidden to recover such costs from special assessments. An issue, therefore, is raised as to whether the authority of the City Council under the Revised Charter to enact special assessment ordinances would supersede the special law prohibiting such assessments. Furthermore, the Revised Charter does not define the term "local improvement" for which the City Council and Park Board are empowered to enact assessment ordinances. This opens the door to an expansion of the categories of costs that may be assessed. Another change resulting from the omission of the Charter's assessment procedures is that the City Council and Park Board would be empowered to enact and change the ordinance provisions without the stringent requirements necessary to amend a charter.

The elimination of Charter Chapter 9 relating to the Water Works results in the removal of various limitations on governmental authority relating to the Water Works, as well as, various powers. For example, Charter Chapter 9, Sections 3 and 4 require the City to assess the costs of water mains up to 6 inches in diameter and sewers up to 2 ft. in diameter and Section 5 requires the assessments for branch lines. The cost of watermains not assessed must be paid from the Water Works Fund. This is significant because it reflects an intention that the Fund, which is derived from water rents paid by consumers and bond proceeds, be used to pay for the water system, except that a portion of the system is to be paid by the owners of benefited properties. Similarly, the cost of sewers to the extent they exceed 2 ft. are to be paid from the general fund, and the remaining cost by the owner of benefited properties. Other significant provisions of Charter Chapter 9 eliminated from the Sixth Draft include the provision that the City need not make water and sewer connections beyond the front lot lines of properties; that all water rents

(revenues) and bond proceeds of bonds issued for the water works be paid into the Water Works Fund; that general fund may be used to pay for repairs only if there are insufficient funds in the water Works Fund; that the owners of marsh or wetlands can be compelled to pay costs of sewers the Council requires to be extended onto their properties; that wetlands can be assessed the costs of such improvements as set forth in Charter Chapter 10, Sec. 8; that specified water and sewer projects can be constructed in advance of the receipt of assessment revenues. The above-mentioned requirements that ensure that the Water Works be accounted for as a utility separate for financial purposes from other City cost centers, is a restriction that cannot be guaranteed to continue if these provisions eliminated from the charter.

Charter Chapter 10, Sec. 27 provides for a "Permanent Improvement Revolving Fund" into which are paid the proceeds of bonds issued for the purpose of paying the assessed portion of the cost of local improvements (except watermains) in advance of the collection of the special assessments and the proceeds of the special assessment installments when paid. Only the assessed portion of the costs of local improvements must be paid from this fund. The Sixth Draft does not make any reference to the "Permanent Improvement Revolving Fund".

Boards in General

Section 5.1(a)(3) of the Sixth Draft authorizes the City Council to create boards and commissions by ordinance. Section 5.3(f) implies that the ordinance creating the board or commission can give it the power to pass ordinances or other legislative acts. This would be a significant change in city governance.

Section 5.4 (c) would permit a board (including the City Council) to delegate its authority to a committee or officer under its direction. In our understanding, the current law is that an elected or political body may not delegate matters involving the exercise of their discretion. This provision is a significant departure from existing municipal law.

Sec 5.4(b)(1) makes employees hired in the "unclassified" service subject to Civil Service Rules. It is believed that this is a typographical error, which should be corrected to refer instead to the "classified" service.

Library Board

The Sixth Draft, Section 7.2, states that the Library Board ... "may act on the City's behalf and enjoys all the City's lawful powers, including eminent domain." This language is a significant expansion of the Library Board's powers. The present Charter contains no power of eminent domain for the Board, nor is the Board authorized to exercise all lawful powers of a City. For example, the Board has no power to pass ordinances, sell bonds, or establish a police force. It is a Board of limited and specific powers. Section 7.2(a)(2) of the Sixth Draft adds the power, without regard to the Charter, to exercise any power, right, or role for which the law provides in addition to those for which this charter provides. This is an expansion of power. Similarly, Section 7.2(b)(5) provides that the

Library board may "exercise any other lawful power that a municipal corporation enjoys at common law or by statute is an expansion of charter powers and a possible usurpation of the City Council's powers. As a general rule, if a general statute is in conflict with the Charter, the Charter prevails, unless the statute clearly expresses a legislative intent that the statute is to prevail. In the absence of any conflict, however, the Board would be entitled to avail itself of the powers in the general law without the necessity of a statement such as that in Section 7.2(a)(2) entitled "Statutory powers."

Section 7.2(f) provides that the "Director" and "Librarians" are in the unclassified service. Charter Chapter 19, Sec. 4, provides that the "Librarian" and "Assistants" are in the unclassified service. Although these terms may have specific meaning to the Library Department or Civil Service department, there is no charter definition of the terms "librarian" or "assistants."

Section 7.2 of the Sixth Draft does not specify the terms of office of the library trustee elected by the City Council and the trustee appointed by the Mayor. The default provision would be Section 10.2(c), which appears to call for a two-year term unless otherwise specified. This provision should be changed to specify the terms called for in Laws 1986, Ch. 433.

Section 7.3(c) provides that the Library Board fills vacancies in the office of the elected trustees. This is a different procedure from the current Charter Chapter 17, Sec. 3, which provides if a vacancy occurs more than one year before the term expires, the office is to be filled at the next city election. (Under the present charter, there is a city election every 2 years, but only if there is an office to be filled. See Charter Chapter 2, Sec. 4.

Board of Health

Under the Sixth Draft, the City Council could absolve itself of its powers to act as a Board of Health under Minnesota Statutes, which do not mandate the City to create a Board of Health. It could appoint a separate board or commission to act or it could allow all of the functions of a Health Board to be performed by the County. If the Council decided to retain the powers of a Health Board or create a Board of Health, it would determine by ordinance the manner of appointment and qualifications of a commissioner of health. Under Section 10.5 of the Sixth Draft, a chief health officer of the City would be in the unclassified service, i.e. not subject to Civil Service Commission rules.

Park and Recreation Board

Sections 8.2(a)(2) and 8.2(b)(6) of the Sixth Draft appear to expand the powers of the Park and Recreation Board in a similar manner to that of the Library Board, which is discussed above in the first paragraph under the heading Library Board.

The issues raised above under the heading "Boards in General" as to Sections 5.4(b)(1) and 5.4(c) also apply to the Park and Recreation Board.

Please refer to the issue raised as to the Park and Recreation Board's borrowing power under the heading "Board of Estimate and Taxation."

City Planning Department

Charter Chapter 13, Sec. 1, provides for 9 members of the Planning Commission, one of whom is elected by the City Council from among its members. In contrast, the Sixth Draft, Section .9.2(e), omits the City Council member.

Charter Chapter 13, Sec. 3, provides that the City Council may pass ordinances requiring the Planning Department to administer and enforce planning ordinances. In contrast, Section 9.2(e)(2) authorizes the City Council to pass ordinances imposing additional duties upon the Planning Commission.

The Revised Charter eliminates certain required reviews and approvals of the Planning Commission set forth in Charter Chapter 13, Sections 4-6 which include: (1) the requirement that the Commission approve public improvements before their construction is authorized by the City Council; (2) the required approval of building lot or street plans or plats, or re-plats of land before they can be publicly recorded and providing that the approval of the Commission is considered acceptance by the City of the dedications on the plat and disapproval constitutes rejection thereof; and (3) the provision that development district or redevelopment project proposals be first submitted to Planning Commission and Mayor for review, recommendation and comment before the City Council acts on them.

Board of Estimate and Taxation

Under Charter Chapter 15, Sec. 9, a board or department of City government not controlled by the City Council may request the Board of Estimate and Taxation to issue and sell bonds for a municipal purpose. To make a request the governing body of the board or department must pass a resolution by a two-thirds vote of its membership. The City Council's concurrence also is required before the Board of Estimate and Taxation can act. The Sixth Draft, Section 11.4, on the other hand, does not permit bonds to be issued for a board unless the Charter vests borrowing power in that board. The problem is that the Charter vests very limited independent borrowing power in any of the boards. If any board needs to incur significant debt, it must make the request to the Board of Estimate and Taxation. For example, the borrowing power of the Library Board is limited to indebtedness that becomes due in the same year in which the debt is issued and is payable out of the regular revenues of the Library Board for the same year (See: Charter Chapter 17, Sec.6). The other boards have similar restrictions. The Sixth Draft includes very limited borrowing power. For example, the Park and Recreation Board is limited to independently borrowing \$35,000 over 50 years. (See: Sixth Draft, Section 8.5)

The Sixth Draft also includes a significant change in the \$15 Million limitation on the debt issued for a capital improvements. The limitation applies with respect to all debt of

a capital improvement in all phases from inception to completion. (See: Charter Chapter 15, Sec. 9.) The Sixth Draft omits the language "in all phases from inception to completion."

Civil Service Commission

Charter Chapter 19, Sec. 19, provides that each individual Civil Service Commissioner has the right to conduct investigations with regard to matters involving the Civil Service Chapter of the Charter, and each Commissioner may issue subpoenas, administer oaths and compel testimony and the production of books and documents. The Sixth Draft bestows these powers on the Commission in Section 10.5(e), but not on the commissioners individually.

Charter Chapter 19, Sec. 19 provides that a person who falsifies an application for employment forfeits the right to hold a position in the "unclassified service" for three years. In contrast, the Sixth Draft, Section 10.5((e)(3), states that the person forfeits the right to hold employment in the classified service for three years. It is possible that the Sixth Draft states the proposition as it was intended in the current Charter, and that the current Charter reference to the "unclassified service" is an error. If not, this would constitute a charter change.

Charter Chapter 19, Sec. 24, prohibits an officer or employee from discharging, promoting or demoting another employee or threatening to do so, for giving, withholding or neglecting to make political contributions or providing political services. The Sixth Draft omits this provision.

Laws Made Part of Charter by Reference.

Charter Chapter 20, Section 1, of the current Charter continues in effect certain listed statutes, which applied to Minneapolis before the Charter was adopted. Charter Chapter 20, Sec. 2, provides that the City of Minneapolis, its boards and departments shall continue to possess, perform and enjoy all other rights, powers, duties, functions privileges and immunities held, possessed, performed, exercised or enjoyed by the City at the time of the adoption of the Charter. The Sixth Draft in Sec. 1.3(c), preserves any special or other law conferring upon the City, or ...any board, department, or officer for which it provides a right, or role in addition to those for which the charter or ordinance provides. However, Section 1.3(c) also states that the Revised Charter supersedes special laws that are inconsistent with the Revised Charter. Therefore, it is not clear whether or not the intent of the Sixth Draft is to supersede the laws specifically referenced in Charter Chapter 20, Sec. 1.