



September 15, 2004

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Dear Mr. Melendez:

The Minneapolis Public Library Board of Trustees has reviewed in detail the Revised Charter Fifth Draft dated June 2004 and believes that substantive changes are proposed. In addition, we find that the streamlined organization makes it more difficult to locate all information on the powers of the Library Board. If one of the goals of this revision is to simplify and redraft provisions for clarity, we believe that the independent boards must continue to each have an individual section in the Charter rather than the authority incorporated in nearly every article making it more difficult to understand the powers granted to each.

The Minneapolis Public Library Board was created by an act of the Minnesota Legislature in 1885 to control, govern and administer the library system within the City of Minneapolis. The Library Board not only has governing autonomy but Chapter 17, Section 1, also gives the Library Board the ability to act as a separate legal entity. In addition, there have been special laws applicable to the Library Board and its specific powers such as the authority to invest funds received as gifts, devises or bequests. A general rule of municipal law is where the Charter is silent a governing body does not have the authority so it is important that the Charter be specific on powers that presently exist. In addition, moving sections of Chapter 17, Library Board from the Charter to Ordinance provides the City Council greater control over the operation of the Library system and particularly its finances. Charter changes require a 13-0 vote of the City Council; Ordinance changes can be made on a 7-6 vote.

In addition, the Library Board of Trustees submits the following *specific* comments with the Revised Charter, Fifth Draft dated June 2004:

Article III – Elections.

§3.1 (d) Ballots.

Library trustee elections are conducted on a nonpartisan ballot and do not include the use of a three word phrase to describe political party or principle on the ballot. In addition, the requirement that all candidates be placed on one ballot is excluded.

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DEPARTMENT

§5.4 Library Board.

(b) Functions and Powers.

Language should not be changed with regard to the powers of the Library Board which, by present Charter has "full power to establish and maintain" reading rooms, galleries of art and museums. The revision eliminates these powers among others which are important to the Board as an independent board.

The Library Board requests changing the language to distinguish that the Library Board of the City of Minneapolis is the responsible authority for governing library service within the City, as stated in the current Charter. The wording, as proposed, could be interpreted as such to give the City Council the power and authority to establish another public library system within the City of Minneapolis if it were so inclined to have a second system within the City.

Present Charter provides a clear statement of the powers of the Library Board, specifically: "*It may adopt a common seal and be capable of suing and being sued, and of taking by gift, grant, purchase, devise, bequest, or otherwise, any real or personal property and of using, selling, controlling, conveying and enjoying the same, and of entering into, making, performing and enforcing contracts.*" (Ch. 17 §1). This language has been deleted from the proposed revision and is unacceptable to the Library Board.

(b) (2) Buying and selling realty.

Strike the words "*with a majority*" and insert "*by a vote of*" to be consistent with language in other provisions and to conform to current requirements of 6 votes to purchase and 5 votes to sell. The wording "*with a majority of at least six trustees*" is unclear. In addition, the Library Board, by current Charter, must have title in fee simple to land on which to erect buildings. This provision is omitted.

(c) (2) Officers.

Strike the words "*The Board may provide*" through "*the classified service*" so that this provision states: "*The Board elects a member as its secretary.*" A provision regarding compensation may be appropriate: The Library Board by Statute has the authority to set its compensation; this is the only action of the Library Board that is subject to Mayoral approval (Ch. 549, 1990 Laws of Minnesota).

(d) Meetings.

(1) Organization meeting. Current Charter states that the annual meeting shall always be on the first business day in January. The first weekday may be a legal holiday rather than a business day. (This should be changed throughout in other Articles as well.)



Article VII. Officers and Other Employees

§7.1 (a) Oath.

Each elected and appointed official is required to take an oath of office; the provision as proposed requires such oath of office only from officers

§7.3(b) Appointment by Mayor or Council.

Currently, the Mayor has the authority to appoint a representative to the Library Board (Laws of MN, 1965, Ch. 818, §1). The City Council has the authority to appoint a representative to the Library Board (op.cit.). The new provision, as proposed, would put the appointment of the Mayor's representative, and the Council's representative, through the Executive Committee process which until now has not applied to this appointment. The appointment of representatives is an important, independent authority which should be kept separate and distinct. This change removes the appointment from the City Council and changes the Mayor's appointment process.

§7.4 (b) (1) Classified service defined.

The Library Board has the power to enter into employment contracts, creating an employer-employee relationship between the Library Board and its employees. The Library Board utilizes the Civil Service process to fill its vacant positions. The language does not adequately address that issue. Current Charter Ch. 17, §1 again includes a provision to address this: "*It may appoint and remove subject to the provisions of the Civil Service Chapter of this Charter all necessary agents and employees, and fix their compensation.*" The proposed Charter language would give the Library Board the authority to change any or all classified positions to unclassified as it determines necessary.

Article VIII - Finance.

We find that there are substantive and significant changes in this Article as proposed. The Library Board's authority to control its operating budget is not subject to City Council approval. Current Charter states that the Library Board "*shall have control of the expenditures of all moneys collected by taxation or otherwise and placed to the credit of the library fund...*" Further the Library Board has authority to invest funds received as bequests (Laws 1967, Ch. 480) and to authorize the expenditure of those funds in accordance with the bequests and as it determines necessary. In addition, Section 5.1(j)(3) **Accounting** as proposed would give the City Council authority to prescribe accounting procedures for the Library Board. The Library Board objects to what it deems to be substantive changes regarding its independent authority over its finances.



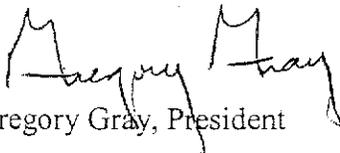
Mr. Melendez
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Summary Statement/Conclusion

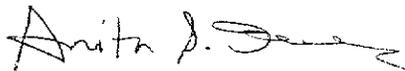
The City Attorney's Office has developed the attached "*Analysis of Charter Chapter 17 and Proposed Charter*" regarding interpretation of the proposed changes and where those changes are unclear, practically unintelligible, or make it difficult to clearly determine where the authority rests for certain powers. The Minneapolis Public Library Board respectfully suggests and requests that this Fifth Draft be rejected and that a Sixth revision be prepared and submitted again for review and comment by the City and its governing bodies. The Sixth Draft should adhere to the Charter Commission's original goals, which are to simplify and clarify the Charter, and make no substantive changes in the powers and duties of the City or any of the independent boards. To issue a proposed charter that is clearly a substantive change would be detrimental to the Commission's goals and misleading to the public.

The Library Board reserves the right to submit additional comments at a later date as other issues arise regarding the proposed Charter revision.

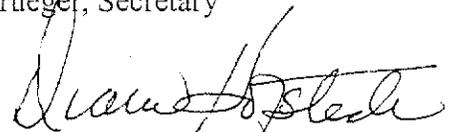
Respectfully submitted,
The Minneapolis Public Library Board of Trustees


Gregory Gray, President


Rodney G. Krueger, Secretary


Anita S. Duckor

Virginia Holte


Diane Hofstede


Kathleen M. Lamb


Laurie Savran


Laura W. Wittstock

djb

Enclosure: *Analysis of Charter Chapter 17 and Proposed Charter*

cc: Minneapolis City Charter Commission Members
Mayor Rybak
Minneapolis City Council Members
Minneapolis Park and Recreation Board Members
Minneapolis Board of Estimate and Taxation Members



ANALYSIS OF CHARTER CHAPTER 17 AND PROPOSED CHARTER

Introduction

The following analysis of the proposed charter revision with respect to Chapter 17 of the current charter is designed to identify differences in the language of the proposed charter revision and the current charter. Such differences in language may create issues of interpretation as to whether the language of the proposed charter revision continues or changes the meaning of the language in the current charter.

In a number of areas, the proposed charter revision eliminates certain language in the current charter, and recommends that such language be reclassified into ordinance. It should be noted that, while it requires 13 votes on the Minneapolis City Council (and possibly a public election) to change the language of the charter, it only takes 7 votes on the Minneapolis City Council to change the language of an ordinance. Moreover, an ordinance cannot restore power to an independent board where the charter has removed that power, and an ordinance cannot remove power from an independent board where the charter has provided that power.

Analysis of Chapter 17, Section 1 – General and Special Powers

The proposed charter revision states that the Library Board “maintains” the City’s libraries museums and galleries, while the current charter states that the Library Board “has full power to establish and maintain” public libraries, reading rooms, galleries of art and museums.

The proposed charter revision eliminates the long list of enumerated powers and prohibitions on powers and instead states that “the Library Board may act on the City’s behalf and enjoys all the City’s lawful powers.” It is unclear whether the language of the proposed charter revision actually continues the language of the current charter with respect to the powers of the Library Board. Some issues that appear unresolved by the language of the proposed charter revision include the power to enact ordinances, the power to tax, and the power to engage in eminent domain. By contrast, these sorts of powers are enumerated in Art. V, Sec. 5.5 Park & Recreation Board.

The proposed charter revision eliminates the language of the current charter that pertains to a common seal, power to sue or be sued, and power to adopt by-laws. While these are inherent powers, it is unclear how they are to be exercised under the language of the proposed charter revision (e.g. which seal, who is sued – city or board, etc.)

The proposed charter revision omits the language of the current charter that pertains to the prohibition of erecting buildings on land that the Library Board does not have title in fee simple.

The proposed charter revision omits the language of the current charter that pertains to employees being in the classified service. Art. VII, Sec. 7.4(b)(2)(A) of the proposed charter revision states that a board may provide for employment in the unclassified service.

In 1999, the Minneapolis City Attorney's Office issued an opinion addressing the appropriateness of certain changes to the Library Board's by-laws.

In 1997, the Minneapolis City Attorney's Office issued an opinion stating that the Library Board could not use public funds to campaign for the passage of a public referendum on the funding of a new central library building.

In 1984, the Minneapolis City Attorney's Office issued an opinion stating that it would be an impermissible conflict of interest for the Library Board to appoint a full-time library employee to fill a Library Board Trustee vacancy.

In 1966, the Minneapolis City Attorney's Office issued an opinion stating that the process for appointing a security guard for the library must go through Civil Service process.

In 1959, the Minneapolis City Attorney's Office issued an opinion addressing a number of issues related the appropriateness of renting or selling old library buildings.

Analysis of Chapter 17, Section 2 – Composition of the Board – Elections

The current composition of the Library Board is controlled by Special Law Chap. 818, Sec. 1 of 1965, which states that the Minneapolis Library Board shall consist of eight (8) library board trustees. Six (6) of those trustees shall be elected by the legal voters of Minneapolis. One (1) of those trustees shall be appointed by the Mayor of Minneapolis, and one (1) of those trustees shall be appointed by a majority vote of the Minneapolis City Council. The election of Library Board trustees is controlled by Special Law Chap. 433, Sec. 4 of 1986, which states that the terms of office for the six (6) elected members of the Library Board shall be four years, and the elected members of the Library Board shall be elected at the general municipal election.

Art. VII, Sec. 7.3(b) of the proposed charter revision states that whenever the charter provides for the Mayor or the City Council to appoint an officer, the Mayor nominates a candidate, the Executive Committee reviews and recommends the nominated candidate, and the City Council appoints the candidate. A Library Board Trustee is defined as an officer in Art. VII, Sec. 7.0 of the proposed charter revision. As such, it appears that the two Library Board Trustees appointed by the Mayor and the City Council respectively must go through the aforementioned process. In keeping with that process, it appears that the Mayor appoints both of the Library Board Trustee candidates, the Executive Committee reviews and recommends the nominated candidates and the City Council appoints the candidates. This is a change from the current charter since the Library Board Trustees are not members of a "department or agency" of the city. As such, under Chap. 3 Sec. 4 of the current charter, Library Board Trustees are not subject to the Executive Committee appointment process that is set forth in Chap. 3, Sec. 4 of the current charter.

In 1963, the Minneapolis City Attorney's Office issued an opinion stating that the Minnesota Legislature possesses the power to change the composition of the Library Board by statute.

Analysis of Chapter 17, Section 3 – Vacancies

The proposed charter revision states that the Library Board must fill the vacancy in the office of any trustee elected by the voters.

Special Law Chap. 818, Sec. 2 of 1965 states that the members of the Library Board can fill a vacancy of an elected trustee by a majority vote of the Library Board trustees.

Analysis of Chapter 17, Section 4 – Elections

Art. III, Sec. 3.1(d)(2) of the proposed charter revision states that a candidate for an elected office may state, in up to three words, his or her political party or principal, which shall appear on the ballot. This is a change from Chap. 2, Sec. 3 of the current charter in which the designation of a political party or principle is only permitted for City Council and Mayoral candidates.

In looking at Chap. 17, Sec. 4 of the current charter, Chap. 2, Sec. 4 of the current charter, Art. V, Sec. 5.4(c)(1)(c) of the proposed charter revision, Art. III, Sec. 3.2(a) of the proposed charter revision, and Art. III, Sec. 3.2(c) of the proposed charter revision, it does not appear that the proposed charter revision would change the timetable for electing Library Board Trustees.

Analysis of Chapter 17, Section 5 – Oath of Office – Officers of the Board – Secretary and Treasurer to Furnish Bonds

The language of the proposed charter revision omits the Finance Officer as the Treasurer of the Library Board. Therefore, the Finance Officer has no further obligations to the Library Board except as provided elsewhere in the proposed charter revision or in ordinance.

The language of the proposed charter revision omits the requirement that the secretary and Finance Officer provide fidelity bonds.

Analysis of Chapter 17, Section 6 – Duties of Officers – Orders – How Drawn – Depositories of Funds

The proposed charter revision eliminates Chap. 17, Sec. 6 from the current charter, and recommends that it should be reclassified as an ordinance. Chap. 17, Sec. 6 of the current charter pertains to who shall preside at Library Board meetings, how such meeting shall be run, and how the Library Board treasurer (City Finance Officer) shall take care of deposits.

In 1997, the Minneapolis City Attorney's Office issued an opinion stating the appropriate process for paying claims and bills.

In 1972, the Minneapolis City Attorney's Office issued an opinion stating that gifts made to the Library Board are subject to the City Charter requirements for proper accounting.

In 1952, the Minneapolis City Attorney's Office issued an opinion stating that the Library Board was empowered to require a bond in an amount equal to the projected value of monies and valuables that the treasurer will be in custody of on behalf of the Library Board.

Analysis of Chapter 17, Section 7 – Tax Levy and Proceeds – County Auditor's Duties

The first part of Chap. 17, Sec. 7 of the current charter states that the Library Board may levy a tax to support its mission. This is further authorized by Special Law Chap. 375 of 1993. Although Art. V, Sec. 5.4(b) of the proposed charter revision states that the Library Board enjoys all the City's lawful powers, it is unclear what the impact of the language of the proposed charter revision would be with respect to the Library Board's ability to levy a tax. Arguably, such power might be inferred from Art. I, Sec. 1.3(c)(2) of the proposed charter revision which continues the existing powers of any city board, department or officer.

In 1997, the Minneapolis City Attorney's Office issued an opinion stating that the Board of Estimate & Taxation's power to set the maximum Library tax levy was not abolished by 1995 Laws of Minnesota, Chap. 375, Art. 7, Sec. 21.

In 1977, the Minneapolis City Attorney's Office issued an opinion stating that the Library Board may levy a tax to pay for health and accident insurance for its employees pursuant to MINN. STAT. § 471.61 subd. 1 (1977).

Analysis of Chapter 17, Section 8 – Real Estate – How Purchased and Sold – Donations, Bequests, Etc. – How Accepted

The first part of Chap. 17, Sec. 7 of the current charter states that the Library Board may purchase and sell real estate for the purposes of fulfilling its mission so long as no fewer than six (6) of the Trustees vote for a purchase, and so long as no fewer than five (5) of the Trustees vote for a sale. Art. V, Sec. 5.4(b)(2) states that the Library Board may buy realty with a majority of at least six (6) Trustees, and may sell realty with a majority of at least five (5) Trustees. It is unclear whether the proposed charter revision's use of the term "majority" changes the minimum number of Trustees needed to approve a purchase or sale of real estate/realty.

Black's Law Dictionary (8th Ed. 2004) defines "majority" as a number that is more than half of a total; a group of more than 50%. A majority always refers to more than half of some defined or assumed set. In parliamentary law, that set may be all the members or some subset, such as all members present or all members voting on a particular question. A "majority" without further qualification usually means a simple majority.

Black's Law Dictionary (8th Ed. 2004) defines "real estate" as land and anything growing on, attached to, or erected on it, excluding anything that may be severed without injury to the land.

Black's Law Dictionary (8th Ed. 2004) defines "realty" as land and anything growing on, attached to, or erected on it, that cannot be removed without injury to the land.

The second part of Chap. 17, Sec. 8 of the current charter describes the manner in which the purchase or sale of realty is to be administered. The proposed charter revision eliminates this language from the current charter, and recommends that such language should be reclassified as an ordinance.

Special Law Chap. 480, Sec. 1 of 1967 states in pertinent part that the Library Board, by a majority vote of all of its members may invest monies received as gifts, devises or bequests into as provided in MINN. STAT. § 501B.151 (2004).

In 1955, the Minneapolis City Attorney's Office issued an opinion stating that the Library Board was empowered to act as a trustee with regard to the administration of a gift.

Analysis of Chapter 17, Section 9 – Regular and Special Meetings

Chap. 17, Sec. 9 of the current charter states that the Library Board shall meet for its initial meeting of the year on the first business day in January, and sets forth the manner in which meetings will be called for and held. Art. V, Sec. 5.4(d)(1)(2) of the proposed charter revision states that the Library Board shall meet for its initial meeting of the year on the first weekday after January 1, and sets forth the manner in which special meetings will be called. It is unclear whether the change from first business day in the current charter to first weekday in the proposed charter revision will create an inconvenience due to seasonal holidays occurring at or around that time.

Analysis of Chapter 17, Section 10 – Board May Associate With Independent Societies Owning Libraries, Etc.

The proposed charter revision eliminates the language of Chap. 17, Sec 10 from the current charter.

In 1964, the Minneapolis City Attorney's Office issued an opinion stating that the Library Board may not incorporate as a charitable organization.

Analysis of Chapter 17, Section 11 – Libraries and Museums to Be Forever Free – Rules and Regulations

Chap. 17, Sec. 11 of the current charter essentially states that all libraries, museums and all other collections under the administration of the Library Board must be free to city residents, but also subject to reasonable rules and regulations necessary for their effective administration. Special Law Chap. 408, Sec. 1 of 1965 states in pertinent part that the Library Board may charge a rental fee for publications that experience an unusually high demand, services rendered in connection with the museum or planetarium, and for private rental of public rooms and devices. Art. V, Sec. 5.4(a) of the proposed charter revision states in pertinent part that libraries, museums, galleries, and other cultural and educational institutions shall be free to city residents. Art. V, Sec. 5.4(b)(1) of the proposed charter revision states in pertinent part that the Library Board may charge a fee for a specified service that is offered at one of its facilities. In looking at Chap. 17, Sec. 11 of the current charter, Special Law Chap. 408, Sec. 1 of 1965, Art. V, Sec. 5.4(a) of the

proposed charter revision, and Art. V, Sec. 5.4(b)(1) of the proposed charter revision, it appears that the proposed charter revision expands the scope of services for which the Library Board can charge fees.

In 1952, the Minneapolis City Attorney's Office issued an opinion stating that the Library Board is empowered to make rules and regulations pertaining to minors who wish to borrow/rent films from the Library Board.

In 1952, the Minneapolis City Attorney's Office issued an opinion stating that the Library Board is not liable for accidents and damages arising from the operation of its own motor vehicles or those of its employees.

In 1950, the Minneapolis City Attorney's Office issued an opinion stating that the book service of the Business and Municipal Branch must be free of charge to inhabitants of the City.

Analysis of Chapter 17, Section 12 – Library Board May Enter Into Arrangements With Certain Counties, Cities, Towns and Villages

The proposed charter revision eliminates the language of Chap. 17, Sec. 12 from the current charter.

Chap. 17, Sec. 12 of the current charter provides that non-residents can be allowed to use the libraries on terms as the Library Board may prescribe. It also allows the Library Board to contract with Hennepin County or another adjacent county or a neighboring town, city or village to loan books to its residents upon agreed upon terms. Special Law Chap. 897 of 1965 provides that additional members from a political subdivision contracted with pursuant to Chap. 17, Sec. 12 of the current charter can be admitted onto the Library Board to deliberate and decide matters involving such a contract. This special law would be in effect nullified by the repeal of Chap. 17, Sec. 12 of the current charter.

MINN. STAT. § 471.59 (2004) entitled the "Joint Exercise of Powers Act" provides that two or more governmental units may jointly exercise any power common to them or similar powers. Therefore, under MINN. STAT. § 471.59 (2004), the Library Board would still have the power to contract with other governmental units. However, the elimination of Chap. 17, Sec. 12 of the current charter would mean that the Library Board may not have the broader power to allow non-residents to use the libraries.

Special Law Chap. 898 of 1965 provides that when the Library Board acts as the Library Board of Hennepin County, the County Commissioners shall appoint 6 members to serve on the Library Board along with the 6 elected Minneapolis members. This special law does not appear to have any present application.

Analysis of Chapter 17, Section 13 – Library Board Authorized to Accept Certain Gifts

The proposed charter revision eliminates the language of Chap. 17, Sec. 13 from the current charter.

Special Law Chap. 480, Sec. 1 of 1967 states in pertinent part that the Library Board, by a majority vote of all of its members may invest monies received as gifts, devises or bequests into as provided in MINN. STAT. § 501B.151 (2004).

MINN. STAT. § 134.08 (2004) provides as follows: "Nothing in sections 134.08 to 134.15 shall be construed as abridging any power or duty in respect to libraries conferred by any city charter. If a charter does not address matters provided for in this chapter, the provisions of this chapter apply." The elimination of Chap. 17, Sec. 13 of the current charter would result in the application of MINN. STAT. §§ 134.14 and 134.15 (2004) with respect to gifts. MINN. STAT. § 134.14 (2004) provides as follows:

All property given, granted, conveyed, donated, devised, or bequeathed to, or otherwise acquired by, any city or county for a public library shall vest in, and be held in the name of, the city or county and any conveyance, grant, donation, devise, bequest, or gift made to, or in the name of, any public library or library board shall be deemed to have been made directly to the city or county to be used as provided in section 134.11. Every public library established under sections 134.07 to 134.15 shall be forever free to the use of the inhabitants of the city or county subject to reasonable regulations the library board may adopt.

MINN. STAT. § 134.15 (2004) provides as follows:

With the consent of the governing body of any city or county, expressed by ordinance or resolution, the library board may accept any gift, grant, devise, or bequest made or offered by any person for public library purposes, or for the establishment, enlargement, or maintenance of an art gallery or museum in connection with its library, and may carry out the conditions of the donation. The city or county in all such cases is authorized to acquire a site, levy a tax, and pledge itself by ordinance or resolution to a perpetual compliance with all the terms and conditions of the gift, grant, devise, or bequest so accepted.

The omission of Chap. 17, Sec. 13 would therefore vest donated property in the name of the city, rather than the Library Board. Also, the consent of the City Council would be required for the acceptance of gifts. The Library Board would no longer be able to specify the terms upon which gifts are to be accepted.

Under Art. V, Sec. 5.4(b) of the proposed charter revision, the Library Board is authorized to exercise any of the powers of the City with respect to the maintenance of libraries. However, the power of a city to accept gifts is controlled by MINN. STAT. § 465.03 (2004), which provides as follows:

Any city...may accept a grant or devise of real or personal property and maintain such property for the benefit of its citizens in accordance with the terms prescribed by the donor....Every such acceptance shall be by resolution of the governing body adopted by a two-thirds majority of its members.

The statute requires a two-thirds vote of all the members of the governing body. Chap. 17, Sec. 13 of the current charter only requires a majority vote of the Library Board. Therefore, assuming that the Library Board could act as the "governing body" under MINN. STAT. § 465.03 (2004), six votes would be required in order to accept a gift.

Analysis of Chapter 17, Section 14 – Previous Gifts of Land, Etc., Ratified and Confirmed

The proposed charter revision eliminates the language of Chap. 17, Sec. 14 from the current charter.

Chap. 17, Sec. 14 of the current charter authorizes the Library Board to keep and perform the terms and conditions of deeds, conveyances and gifts and to enter into agreements for that purpose. It empowers the Library Board to establish a commission to have care and custody of its property (other than land). It provides the procedure for the appointment and filling of vacancies on the commission.

MINN. STAT. § 410.15 (2004) provides as follows:

The new city so organized shall be in all respects the legal successor of the former corporation, and no charter so adopted, nor any amendment thereof, shall prejudice any subsisting right, lien, or demand against the city superseded, or affect any pending action or proceeding to enforce the same. All rights, penalties, and forfeitures accrued or accruing to such former corporation, all property vested therein or held in trust therefor, all taxes and assessments levied in its behalf, and all its privileges and immunities not inconsistent with the new charter, shall pass to its successor. All ordinances, resolutions, and bylaws in force at the adoption of such new charter, and not in conflict with its provisions, shall continue in force until duly altered or repealed.

Special Law Chap. 480, Sec. 1 of 1967 provides that the Library Board, by a majority vote of all of its members, may invest monies received as gifts, devises, or bequests, as provided by MINN. STAT. § 501.125 (1967) (renumbered as MINN. STAT. § 501B.151 (2004)).

Art. I, Sec. 1.3 of the proposed charter revision also provides that the proposed charter's adoption will not affect any municipal act previously adopted or the "existence, status, function, composition, powers, or duties of any board..."

The elimination of Chap. 17, Sec. 14 of the current charter will result in the elimination of the procedures specified with respect to the commission that is authorized in that section.

Analysis of Chapter 17, Section 15 – Library Board Permitted to Erect Buildings on Land Acquired

The proposed charter revision eliminates the language of Chap. 17, Sec. 15 from the current charter.

Chap. 17, Sec. 15 gives the Library Board the power to erect buildings on land it has acquired. Although the proposed charter empowers the Board to acquire real estate, it does not contain any express provision empowering it to erect buildings. The power specified in Art. V, Sec. 5.4 of the proposed charter revision is only to "maintain" the City's libraries.

If the proposed charter revision is adopted, it will be necessary to refer to the present charter and to argue that, under Art. I, Sec. 1.3 of the proposed charter revision, it was not intended that the Library Board's power to erect buildings be eliminated as part of the charter revision. It is not clear whether this argument would prevail given the fact that the proposed charter only grants power to "maintain" not to "establish" libraries.

Analysis of Chapter 17, Section 16 – \$500,000 Bond Issue Authorized

The proposed charter revision eliminates Chap. 17, Sec. 16 of the current charter.

Chap. 17, Sec. 16 of the current charter gives the Library Board the power to request the City Council to sell up to \$500,000 in bonds for the acquisition of land and construction of libraries. Chap. 17, Sec. 16 of the current charter authorizes \$250,000 to be sold prior to May 31, 1921, and \$250,000 to be issued and sold after June 1, 1921. It is presumed that the authority of this section has been fully exercised and is no longer necessary.

