

# Memorandum

To: All Minneapolis Charter Commissioners  
From: Tyrone P. Bujold and Karen Dziejic  
Date: 12/9/2005  
Re: Meeting with representatives of Minneapolis Public Library Board of Trustees

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On November 15, 2005, Charter Committee members Karen Dziejic and Tyrone Bujold met with Minneapolis Public Library Board of Trustees (herein the "Library Board" committee members Anita Duckor, Kathleen Lamb, Diane Hofstede, and Deborah Banish (herein "the Board Committee") at the Minneapolis Public Library. The purpose of the meeting was to obtain a better understanding of the Library Board's concerns regarding the revision of the Minneapolis Charter. The meeting progressed amicably. We report to you the substance of the meeting, our general impressions, and any recommendations.

## Substance of the meeting.

1. The Board Committee wants a clear description of the authority of the Library Board over its own finances. Discussion here really centered around Article V, which is concerned not with the Library Board specifically, but rather with all "Boards" of the City. That having been said, the "authority of the Library Board" over its finances is addressed in Article V, at Section 5.6 (a) ("Each board with borrowing or taxing power may apply the proceeds for its own purposes and controls its own finances.") It appears that the Board Committee wants this type of expression of financial authority specifically expressed in Article VII, the "Library Board Article."
2. The next topic can best be summarized as a desire of the Board Committee to see clearer language regarding enlargement of the powers of the Board. While we are sure that the Board Committee did not intend to limit themselves to a discussion of the power of the Library Board over funds which are bequests, they seem to be particularly concerned about a clear description of the Library Board's power to appoint a commission for care and custody of non-realty gifts. In that

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connection, they re-assert the language found as Section 7.5 in Library Board President Gregory Gray” letter of December 15, 2004:

- (a) **Investments.** The Board shall have full authority to invest funds received as gifts or bequests by majority vote of all members and shall have full control of securities. The Board may appoint a commission for care and custody of its property (other than land). The Board shall exercise the same degree of judgment and care as is required of a trustee by Minnesota Statutes when investing trust funds.
3. There followed a discussion of Article V, Section 5.6 (d)(1). This section deals with Boards’ right to establish their own “accounting and auditing practices” . At first concern was expressed that the language in this section which permits the City Council to prescribe “general accounting and auditing practices that apply to the extent that they are not inconsistent with the practices adopted by the board” authorized the City Council to supersede the practices adopted by the Library Board. But we think the Board Committee agreed ultimately that such was not the case. However, felt that the concluding words of that part of the section (...”even if the board otherwise controls its own finances.” were confusing. We were not successful in convincing the Board Committee that these words simply modified the power of the City Council to establish non-conflicting “general accounting and auditing practices...”.
  4. Next, we discussed Article V, Section 5.7 (“Ethics”). The concern here is one that underlies generally the Board Committee’s discussion with us. That is, the Board Committee objects to the authority granted to the City Council to establish “ethical standards” for any board (and this would include the Library Board) that is elected as opposed to appointed by the Council. Their point is that the City Council’s right (and perhaps duty) to prescribe ethical practices for a Board that is a creature of the City Council is understandable; an effort by the Council to do the same with respect to an elected body is an intrusion, they believe.
  5. We proceeded to a discussion of the power of the Library Board to hire non-civil service employees (“Unclassified service” as described in Article VII, Section 7.2(f)(2). Here, they request language found in a recent City Council ordinance unanimously passed authorizing the hiring of a number of described positions.
  6. Like the Park Board, the Library Board wants “Statutory Powers” changed to “Legislatively Granted Powers.”See Section 7.2)a)(2)
  7. The Board seeks power in Section 7.2(f)(2) (“unclassified Service”) to have the authority to establish appointed positions “as it sees fit.” The Board Committee stated that the City Attorney would be presenting suggested language.

8. Although not specifically discussed at our meeting, we understand that the Library Board seeks a Section 7.2 (d) to provide that “The Board may provide library service to non-residents in accordance with regulations and conditions as it may prescribe.”
9. Finally, we discussed the concept of calling enactments of the Library Board “ordinances”. The closest we could find to a pertinent existing (in Draft 8) section is in Section 7.2(c) which empowers the Library Board to pass “regulations” for the “orderly operation of the facilities in its care.” We discussed the concept that ordinarily an “ordinance” must have some sanction for its non-observance or violation, which had apparently not occurred to the Board Committee. This concern for empowerment to pass “ordinances” does not seem to be a substantial one.

**General Impressions.** We felt that the Board Committee was not attempting to make our task onerous. What the Board Committee seeks is greater autonomy and freedom from regulation of its business from the City Council. We said, and the members of the Board Committee seemed to agree, that the Charter Commission did not harbor any philosophical disagreements with the Library Board, nor had we an agenda that was designed to bring about a fundamental re-distribution, or elimination, of powers. Our only agenda was to streamline the fundamental core document of City government.

**Recommendations.** As to #1, above, we can accommodate the Library Committee by adding library-specific language to Article VII, mirroring that found in Article V. As to #2, we can add to Article VII language suggested in Gray’s letter of December 15, 2004. As to #3, we can attempt to clarify, or delete, the final words of Section 5.6(d)(1). As to #4, the Board Committee’s concern about ethics language is at worst debatable and at best valid. As to #5, we should consider adding the ordinance language to the Charter or find a way to incorporate by reference. As to #6 we think the use of the term “legislatively granted” is appropriate, As to #7, we suggest we wait and see what the City Attorney proposes. With respect to #8, although not discussed, this seems like a reasonable revision. Finally, as to #9, we suggest no change from current language.