

		PRIOR COMMENTS	
Section	Issue	Old	New
CHAPTER 6 - POLICE DEPARTMENT			
Ch. 6, Section 1	Term of Chief	Three years	Two years, unless set by ordinance
	Removal of chief	Requires affirmative vote of Exec Committee and majority of City Council	Only requires vote of Exec Committee.
	Employee benefits for Chief	Chief entitled to same benefits as employee in classified service.	None
	Chief appointed from Classified Service	Chief considered on leave of absence and entitled to return to position in classified service.	None
Ch 6, Section 2	Authority of City Council	Shall determine salary of officers, fix the amount of bonds, determine the maximum number on the police force.	None
	Tax Levy	Levy for police department must be at least 3 mills that cannot be reduced by Board of Estimate and Taxation.	No limitation on power of Board of Estimate and Taxation.
Ch. 6, Section 3	Special Police	Limits powers to preserve peace and protect property; cannot wear badge or exercise any other authority.	No limitation on powers.
Ch. 6, Section 5	Community Crime Prevention	Establishes Bureau and provides that bureau head may be civilian.	No provision.
Special Laws		Limits appointments and provides that must be from within ranks of department.	Superseded?
CHAPTER 7 - FIRE DEPARTMENT			

New charter contains no reference to the fire department.			
However, City has general powers under home rule charter statutes.			
Ch. 7, Section 5	Fire Chief	Chief has authority to appoint, remove or discharge personnel.	No such provisions.
	Layoffs	Chief shall upon direction of Council layoff staff as can be released without impairing the working efficiency of the Department.	No such provisions.
	Appointments	The chief shall appoint officers, having the rank of at least captain, to serve as asst chief, dep chief, fire marshal, 3 asst chiefs of training and the engineering officer. Such positions are at-will. However, appointees are considered on leave of absence and retain civil service status and bump back rights.	No such provisions.
Ch. 7, Section 7	Fire Marshall	Subject to Civil Service provisions, Council may designate a fire marshal who shall have the power to enter buildings and enforce fire safety ordinances. Fire Marshall shall have duty to investigate the cause of each fire and keep a record thereof.	No such provisions.
Ch. 8, Section 8	Fire Police	Police officers are subject to direction of the Fire Department at fires.	No such provisions.

Ch. 7, Section 9	Misdemeanor	Refusal to obey officer at fire shall be misdemeanor.	No such provisions. However, Council could establish by ordinance.
Ch. 7, Section 10	Funding	Operating expenses shall be paid from the general fund; buildings and apparatus shall be purchase from the permanent improvement or bond fund.	No such provisions.
Ch. 7, Section 12.	Extraordinary Powers	Council shall provide means and money to maintain double platoon system. Chief may adopt rules to insure attendance at great or unusual fires even among off-duty staff. In case of emergency, Chief may appoint temporary fire fighters in the unclassified service.	No such provisions.
CHAPTER 19 - CIVIL SERVICE			
Ch. 19, Section 3	Meetings of Commission	Shall select a Pres, VP and Secretary; fix meetings and adopt rules for its proceedings; appoint employees.	No provision.
Ch. 19, Section 4	Unclassified Service	All employees are classified except: City Clerk, City Engineer, Chief Health Officer, Chief of Police, Assessor, City Atty; several more per special laws	The unclassified service consists of: "Each department head, and any senior deputies for whose unclassified status an ordinance provides."
Ch. 19, Section 7	Advertise exams	Commission shall advertise entrance exams to give notice to the general public.	No provision.

	Eligibility register	Shall maintain an eligibility register ranked in order of exam results; provide for removal after two years	No such provisions.
	Certification	Shall certify highest name on the list (rule of 1 -- superseded by special law providing for rule of 3)	No provision regarding certification from list. (but see Section 7.4(a) which states "must fill each vacancy with the most qualified applicant according to an examination ...")
	Temporary employment	Provides for temporary appointment for up to 60 days without exam.	No provision regarding temporary appointments.
	Transfers and reappointment	Provides for transfers among positions of same grade and class and reinstatement of persons separated or reduced.	No provisions.
	Promotions	Promotions based on competitive exams.	No mention of promotions.
	Suspensions and leaves of absence	Requires rules to cover suspensions for up to 90 days and for leaves of absence with or without pay.	No provisions.

	Unskilled labor	Appointment of unskilled laborers in fair and equitable manner without exam.	No provision to appoint unskilled laborers without exam.
	Removal from list	Shall remove names from service register upon termination of service.	No provision.
Ch. 19, Section 8	Notice of Rule Changes	Must give notice of proposed rule changes.	No provision.
Ch. 19, Section 9	Application Register	Must keep register of applicants for examination.	No provision.
Ch. 19 , Section 10	Notification to Mayor and Certification by Charter	Requires Commission give notice of rule changes to Mayor, Council and Boards; also provides that certification must comply with provisions of Charter.	No provision.
Ch. 19, Section 11	Probationary period, no removal without just cause.	Provides for 6 month probationary period (12 months for police, fire and asst. city attys); after probation employee cannot be terminated without just cause upon written charges and opportunity to be heard. Also includes provisions for investigations and subpoena power.	No provision.

Ch. 19, Section 13	Conduct of Exams	Requires city employees to act as examiner upon request.	No such provision.
Ch. 19, Section 14	Notice of Exam	Requires that notice of time, place and scope of exam be given to everyone on application register.	No such provision.
Ch. 19, Section 15	Filling Vacancies	Requires certification of top ranking candidate (rule of 1 superseded by Special Law providing for Rule of 3); provides for striking name of person selected.	No provision regarding certification from list. (but see Section 7.4(a) which states "must fill each vacancy with the most qualified applicant according to an examination ...")
Ch. 19, Section 17	Restriction on payment of salaries	Obligates Finance Officer to confirm salaries from service register.	No such provision.
Ch. 19, Section 18	Annual report	Specifies what must be in annual report.	Requires annual report, but does not specify what must be contained therein.
Ch. 19, Section 19	Investigation and hearing	Authorizes Commission to investigate violations of charter or rules and take enforcement action; provides for subpoena power.	No provision authorizing investigation or hearing powers.
Ch. 19, Section 20	False Information	Provides that false information in application or exam will disqualify person for position and to be eligible for any position for 3 years.	No such provision.
Ch. 19, Section 21	Bribe	Makes it a misdemeanor for any person to offer money or favors relating to an examination or appointment.	No such provision.
Ch. 19, Section 24	Action of Officers	Makes it a misdemeanor for an employee in a position of authority to take any action in exchange for money or favors.	No such provision.

General Comments		Any obligation or prohibition set forth in Charter should not be substituted for authority to act by ordinance.	
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CURRENT STATUS	
Status in Draft Six	Comments on Draft Six
New Section 9.3(a) provides for 3 year term for chief.	Resolved
New Section 10.4(b)(6) provides for removal by Council, but only upon recommendation of Exec Committee.	Resolved
Covered in new Section 9.3(a)(1)(C)	Resolved
Covered in new Section 9.3(a)(1)(C)	Resolved
New Section 9.3(d) provides for the Council to determine the compensation.	Although the other items are not specified, they are among the general powers of the City Council. I doubt this is an issue worth fighting about.
Covered in new Section 9.3(d) .	Resolved
Covered in new Section 9.3(c)	Resolved
Covered in new Section 9.3(a)(2).	Resolved
The topic of special laws is addressed in new Section 1.3(c). However, the special law is in some aspects different from the applicable Charter provisions that predate it. The conflicting charter provisions have not been amended since the Special Laws.	This issue is not resolved and is one of great importance. The language of new Section 1.3(c)(1) should read "This charter supersedes any special law, or portion thereof, that: is inconsistent with a provision of the charter as it existed prior to this revision; and was enacted prior to the most recent amendment of the inconsistent charter provision."

New Section 9.4 covers the Fire Department.	
Covered in new Section 9.4(a)(3)(A).	Resolved
<p>Addressed in new section 9.4(a)(3)(B). However, the prior language allows for layoffs "as can be [done] without impairing the working efficiency of the Department." The new language allows for layoffs in a manner that "least impairs." There is a big difference in that the new language allow the efficiency to be impaired so long as it is the least impairment.</p>	<p>Not resolved. Any language that allows for any impairment of efficiency constitutes a substantive change to the existing charter.</p>
<p>Addressed in new Section 9.4(a)(2)(A). However, the new language does not require that the appointment be made from those from among the ranks of the Fire Department holding at least the rank of Captain.</p>	<p>Not resolved. The language must retain the requirement that the appointment be made from a Minneapolis fire fighter having attained the rank of captain or higher.</p>
Covered by new Section 9.4(b).	Resolved. (However, it should be noted that the new language provides for appointment by Chief subject to approval by Council. The old language did not provide for appointment or nomination by the Chief. I suspect, as a practical matter, that the even under the old language the Council relied on the Chief to tell them who to appoint.)
Covered by new Section 9.4(c).	Resolved

Not addressed.	A substantive change in that a misdemeanor is required. However, it doesn't seem worth fighting over since the Council has the authority to adopt such a provision. The difference is that the current charter mandates such a penalty and the new charter would leave it up to the discretion of the Council.
Covered by new Section 9.4(e).	Resolved
Covered by new Sections 9.4(d) and (e).	Resolved
New Section 10.5(e) provides for an annual meeting. In most organizations the election of officers and establishment of a meeting schedule occurs at the annual meeting. However, these requirements are not specified. Rulemaking is addressed in new Section 10.5(c)(4).	Not controversial even though it technically is a change.
Covered by new Section 10.5(b)(2). The new language incorporates the special laws by reference.	Resolved.
Covered by new Section 10.5(c)(1)(C).	Resolved.

<p>New Section 10.5(c)(1)(C) provides for "an eligibility register based on the results [of an exam]," but it does not provide for expiration of the list (register) after two years. The language implies, but does not specifically address "ranking."</p>	<p>The elimination of a two-year duration for the list is a substantive change of major importance. The lack of a reference to "ranking" does not seem as big a deal since it seems pretty clear that maintaining a register "based on results" means the same thing.</p>
<p>New Section 10.5 does require that the vacancy must be filled with the most qualified applicant. However, the section does not reference the whole process of certifying to the department seeking to fill a vacancy those persons from the list (register) who are eligible for hire. The examination, adoption and maintenance of the list of eligibles and the certification are the primary functions of the Commission. The process of certification needs to be specifically addressed and not merely implied. The most logical place to include such a reference is in 10.5(c) (powers) and d(2) (filling vacancies).</p>	<p>Not resolved.</p>
<p>Covered by new Section 10.5(c)(4)(B)(6).</p>	<p>Resolved.</p>
<p>Section 10.5(c)(4)(B) addresses all issues except reinstatement of people reduced. This needs to be added.</p>	<p>Not resolved.</p>
<p>Covered by new Section 10.5(c)(4)(B)(2).</p>	<p>Resolved.</p>
<p>Covered by new Section 10.5(c)(4)(B)(1).</p>	<p>Resolved.</p>

<p>New Section 10.5(c)(1)(E) does address employment of unskilled labor without an exam. However, the new language says the Commission "may" do this. My reading of the prior language is that it is required.</p>	<p>Not resolved.</p>
<p>The removal of names from the service register is not specified, but clearly implied.</p>	<p>Not controversial even though it technically is a change.</p>
<p>Covered by new Section 10.5(c)(4)(A).</p>	<p>Resolved.</p>
<p>Covered by new Section 10.5(c)(1)(C).</p>	<p>Resolved.</p>
<p>Notice of rule changes is covered by new Section 10.5(c)(4)(C). However, the concept of certification (as addressed above) in old section 10 contains language that should be carried forward to the new document.</p>	<p>Not resolved.</p>
<p>Probationary periods are covered by new Section 10.5(d)(4)(A). Removal is covered by new Section 10.5(d)(4)(B). However, the new language provides for removal "for cause." The old language is "just cause." While it may be arguable as to whether there is a substantive difference between removal for "cause" or for "just cause," the fact that the language is changing creates the argument that a lesser standard is being adopted. Since this is such a crucial protection for employees (and one mandated by PELRA using the "just cause" standard, the term "just cause" should be retained in the new language. Investigations and subpoena power are referenced generally, but not specifically to disciplinary cases, in new Section 10.5(e)(1).</p>	<p>Presently not resolved. However, could be resolved if "just cause" standard is retained.</p>

Not included in draft six.	Not controversial even though it technically is a change.
Notice is addressed in new Section 10.5(d)(1). However, new language does not specify that notice include "time, place and scope." It would seem that such items are implied since I don't know what else would be in a notice of exam.	Resolved.
See above comments to old Ch. 19, Section 7 regarding certification.	Not resolved.
New Section 10.5(d)(3) refers to payment only at the rate specified on the service register. However, there is no reference to the Finance Officer.	Not controversial.
Covered by new Section 10.5(c)(4)(D).	Resolved.
Covered by new Sections 10.5(e)(1) and (2).	Resolved.
Covered by new Section 10.5(e)(3).	Resolved.
Covered by new Section 10.5(e)(4).	Resolved.
Covered by new Section 10.5(e)(4).	Resolved.

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