



**Request for City Council Committee Action
From the City Attorney's Office**

Date: December 3, 2014
To: Committee of the Whole
Referral to:

- Subject:**
1. Amending Title 1, Chapter 1 of the Minneapolis Code of Ordinances relating to General Provisions: In General (updating language relating to ordinance criminal penalties to be consistent with maximum amounts under State law).
 2. Amending Title 2 of the Minneapolis Code of Ordinances relating to Administration (incorporating certain deleted PLCR language regarding Finance Department including signing bond documents, designating contract signing authority, appointing assistant finance authority and removing outdated Charter citations; incorporating prohibition on contracting with entities in default; incorporating Charter language for special assessments; and, creating City Attorney and City Assessor Departments):
 - a) Chapter 16 relating to Finance
 - b) Chapter 17 relating to Finance Department
 - c) Chapter 18 relating to Purchasing
 - d) Chapter 23 relating to City Assessor
 - e) Chapter 24 relating to Special Assessments
 - f) Chapter 25 relating to City Attorney.
 3. Amending Title 9 of the Minneapolis Code of Ordinances relating to Fire and Police Protection (incorporating certain deleted PLCR language regarding Police including Council duty to provide public property and equipment for police force and correcting Charter citation for Fire):
 - a) Chapter 171 relating to Police
 - b) Chapter 173 relating to Fire.
 4. Amending Title 11, Chapter 214 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Health Department (updating language to reflect Health Department has duties of local health department, incorporating language regarding organization of Department and qualifications and duties of Commissioner).
 5. Amending Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: In General (incorporating Charter language that adverse license action may include revocation).
 6. Amending Title 17 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks (incorporating significant body of language caused by deletions from PLCR into ordinance governing Council control of streets and street grades, property owner obligations for sidewalk, and liability for obstruction of streets).
 - a) Chapter 427 relating to In General
 - b) Chapter 430 relating to Right-of-Way Permits
 7. Amending Title 19, Chapter 509 of the Minneapolis Code of Ordinances relating to Water, Sewers and Sewerage Disposal: Water (incorporating significant body of language caused by deletions from PLCR into ordinance including Council authority over waterworks and sewer,

clarifying water treatment division within Public Works and duties, Council right to extend water works or sewer, assessing for water mains and authority to establish water rates).

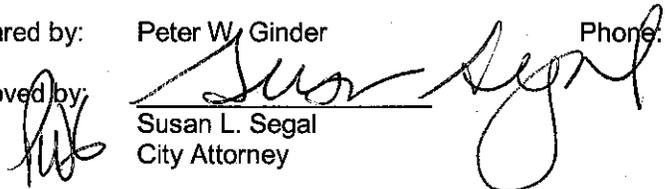
8. Amending Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement (updating language to reflect deletions made by PLCR regarding composition of Planning Commission).

Recommendation: That the City Council approve the amendments to:

1. Title 1, Chapter 1 of the Minneapolis Code of Ordinances relating to General Provisions: In General.
2. Title 2 of the Minneapolis Code of Ordinances relating to Administration:
 - a) Chapter 16 relating to Finance
 - b) Chapter 17 relating to Finance Department
 - c) Chapter 18 relating to Purchasing
 - d) Chapter 23 relating to City Assessor
 - e) Chapter 24 relating to Special Assessments
 - f) Chapter 25 relating to City Attorney.
3. Title 9 of the Minneapolis Code of Ordinances relating to Fire and Police Protection:
 - a) Chapter 171 relating to Police
 - b) Chapter 173 relating to Fire.
4. Title 11, Chapter 214 of the Minneapolis Code of Ordinances relating to Health and Sanitation: Health Department.
5. Title 13, Chapter 259 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations: In General).
6. Title 17 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks:
 - a) Chapter 427 relating to In General
 - b) Chapter 430 relating to Right-of-Way Permits
7. Title 19, Chapter 509 of the Minneapolis Code of Ordinances relating to Water, Sewers and Sewerage Disposal: Water.
8. Title 20, Chapter 525 of the Minneapolis Code of Ordinances relating to Zoning Code: Administration and Enforcement.

Previous Directives:

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Approved by: 
Susan L. Segal
City Attorney

Presenter in Committee: Susan L. Segal, City Attorney

Financial Impact (Check those that apply)

- No financial impact (If checked, go directly to Background/Supporting Information).
- Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.
- Action provides increased revenue for appropriation increase.
- Action requires use of contingency or reserves.
- Business Plan: _____ Action is within the plan. _____ Action requires a change to plan.
- Other financial impact (Explain):
- Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact

- Neighborhood Notification
- City Goal(s):
- Comprehensive Plan
- Zoning Code
- Other

Background/Supporting Information

In November, 2013, City voters approved a revised Charter ("Plain Language Revised Charter" or "PLCR") which had been proposed by the Minneapolis Charter Commission. The PLCR takes effect January 1, 2015. The PLCR substantially shortened the Minneapolis Charter, in part, by deleting significant portions of the Charter. As part of its work, the Charter Commission prepared a side-by-side comparison of the "Source Provisions" of the Minneapolis Charter to the "Successor Provisions" of the PLCR. That document identified provisions from the Charter that were substantially retained in the PLCR and also identified provisions from the current Charter that the Charter Commission recommended for possible reclassification into ordinance.

Early in 2014, the CAO formed a team of nine attorneys from the Civil Division to review the recommendations from the Charter Commission for those provisions to be reclassified into ordinance. The CAO team met monthly as a group. Attorneys were assigned sections to review based on their experience dealing with the provisions and experience in those practice areas. The attorneys met with department leadership from the impacted departments to gather necessary input and to assist in the review. The review focused on whether the provisions recommended for reclassification were obsolete and/or did not reflect current practices or current state law; were already captured in existing ordinance language; were otherwise found in general law or special law applicable to the City; were captured in other relevant rules or standards; or, were after discussion with the department, unnecessary for classification into ordinance. As a guiding principle, the reviewers focused on not unnecessarily moving language into ordinance if it was determined that it was satisfactorily captured in other relevant law. The reviewers also intended to avoid significant, substantive or material changes to current City ordinances or City practices.

Several of the changes made to the ordinances were minor, e.g, correcting ongoing citation references to the PLCR. Several changes were more extensive. For example, significant language was deleted from the Charter dealing with special assessments (incorporated into Title 2, Chapter 24) and dealing with Council control of streets, and sewers (incorporated in Title 17, Chapter 427 and Chapter 430, and Title 19, Chapter 509). This language was largely taken verbatim from the Charter and placed into the appropriate ordinance section. While the amendments to the ordinance appear significant, it is a continuation of the

current language from the Charter. Other deleted Charter language regarding duties and obligation of the Finance Department or Council delegation of authority to enter into certain contracts also were incorporated into Title 2. The PLCR also requires City departments to be created by ordinance and ordinances were drafted for the City Attorney and City Assessor reflecting their Charter duties.

Attached to this RCA is an amended version of the Minneapolis Charter Commission's Plain Language Charter Revision Side-by-Side Comparison that reflects the reviewed language, whether it was recommended for reclassification into ordinance or not and a short explanation of the reason for that recommendation. This review was not a comprehensive review of existing ordinances. In addition, much like we know that there will be corrections to the PLCR in the future, we expect this to be an ongoing review process since issues are likely to arise in the course of City business. We also expect that as City staff work with the PLCR, additional ordinance amendments may be necessary to respond to unanticipated or unidentified issues.

PWG:hbp

Attachment