

City of Minneapolis
Request for Committee Action

To: Intergovernmental Relations
Date: 3/24/2016
Referral: N/A
From: Intergovernmental Relations Department
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File type: Action
Subcategory: Policy Position

Subject:

Amend 2016 Policy Positions and the 2016 Legislative Agenda

Description:

Approving staff-recommended updates to the City of Minneapolis' 2016 Legislative Agenda in the following sections: Municipal Governance; Public Safety Policies and Coordination Efforts; Strengthening Criminal Code; Youth Violence Prevention; Jobs and Workforce Development; and Employment Access and Workplace Policies.

Previous Actions:

1. Nov. 20, 2015: [15-01439](#) - 2016 City of Minneapolis Policy Positions
 2. Dec. 11, 2015: [15-01511](#) – 2016 City of Minneapolis' Legislative Agenda
 3. March 18, 2016: [16-00322](#) – Updates to the 2016 Policy Positions and Legislative Agenda re: Local Government, Capital Bonding & Investment and Transportation.
 4. March 18, 2016: [16-00327](#) - Updates to the 2016 Policy Positions and Legislative Agenda re: Public Policy
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Ward/Address:

All Wards

Background/Analysis:

While most of the proposed changes are clarifications of existing policies, two proposed changes --Municipal Governance and Public Safety: Sentencing Guidelines Commission recommendations--are new or substantive changes to the City's legislative policies.

In the Municipal Governance section, the existing introductory paragraph is replaced by new language that explicitly supports local control and opposes legislation that interferes with local control. The 2015/2016 Minnesota legislature has debated a bill (HF 1241/SF 565) that would limit cities from setting salary and benefit levels in their communities. The bill has been heard in the House and was included in a House passed appropriations bill. The Senate companion has not been heard.

The introduction of "interference" legislation has been increasing throughout the country. Eleven states have enacted legislation to prohibit local governments from requiring benefits for private sector workers. Proposals in such policy areas as elections, right to work, tax relief, privatization of state and municipal services, and environmental protection have been introduced in several states.

Private interests such as business and industry groups are leading efforts to limit state and local control. Among the private interest groups are the American Legislative Exchange Council (ALEC) and its affiliate, the American City County Exchange (ACCE). The two organizations develop "model policies" for adoption by legislatures and local governments. Founded in 2014, the ACCE focuses on local governments and their membership is open to public officials and private industry representatives. The ACCE's mission is "to advance limited government and free market principles in local government."

Minnesota government organizations have supported local control in specific policies such as land use, personnel benefits, zoning and local authority. Metro Cities has a policy on local control in their General Government policies as follows: "Metro Cities opposes statutory changes that erode local authority or create additional mandates that add to local costs without a corresponding state appropriation or funding mechanism. New unfunded mandates potentially increase property taxes, which impedes cities' ability to fund traditional service needs."

Metro Cities supports; cities "having authority to establish city enterprise operations in response to community needs, local preferences, state mandates or to ensure residents' quality of life" and "the state should refrain from infringing on this ability to provide and control services for the benefit of community residents." Metro Cities also supports "legislation that gives local officials greater authority and discretion to approve or deny variances in order to allow flexibility in responding to land use needs of their own community" and "local decision-making authority."

Under Housing and Economic Development, Metro Cities notes that "Cities are responsible for much of the ground-level housing policy in Minnesota" and Metro Cities has a policy to "strongly opposes any effort to reduce, alter or interfere with cities' authority to carry out these functions in a locally determined manner."

There is also language which opposes State legislation that would interfere with cities' ability to assess and serve local needs. For example, Metro Cities opposes levy limits and "other limitations to the local government budget and taxing process" and using performance measurements "to deny local governments the authority to establish their own budgets and levies." It is notes that such policies undermine the relationship between locally elected officials and their residents.

The following policy is one of the two core principles identified as guiding the development of City Policies and the actions of the League of Minnesota Cities: it states;

"Local units of government must have sufficient authority and flexibility to meet the challenges of governing and providing citizens with public services. The Legislature must avoid imposing unfunded and underfunded mandates that erode local control and create liability and financial risk for city taxpayers."

The League re-iterates this concept throughout its City Policies including in the policy to support the local authority to set budgets and to charge fees. The League states that the "the state should not interfere in the decision-making functions performed by cities..." Regarding City Enterprise Operations, the League also states that "the state should refrain from infringing on the ability of a city to provide services for its community." The League "supports the local decisions made by cities to deliver service by establishing a city enterprise operation." Under the section on Constitutional amendments, the League notes that it "opposes laws and amendments that restrict local government."

A second substantive change to the City's Policy Positions relates to prison sentencing guidelines. The Minnesota Sentencing Guidelines Commission (MSGC) recommended the Legislature create

enhanced crimes for possession of drugs in quantities significantly greater than those reflected in the existing first-degree thresholds, and reduce possession of a trace amount of a controlled substance from a felony to a gross misdemeanor. Without legislative action, the recommendations would automatically take effect August 1, 2016. House Public Safety and Crime Prevention Policy and Finance Committee debated the MSGC report and legislation was offered by committee chair, Rep. Tony Cornish (R-Vernon Center). That legislation would reject the MSGC recommendations. The bill passed committee, but members on both sides of the aisle expressed support for examining changes to help low-level, chemically-dependent offenders by providing them with treatment rather than incarceration. Many committee members pointed to current disparities in sentencing around Minnesota, with some jurisdictions aggressively prosecuting for trace amounts of controlled substances, and while others are not prosecuting for such amounts at all. Some committee members suggested that changes recommended by the MSGC would help improve consistency and rectify these disparities in sentencing. Staff recommend that the city's policies be amended to support the Minnesota Sentencing Guidelines Commission recommendations.

Financial Review:

No additional appropriation required, amount included in current budget.

Attachment: Amendments to the 2016 Policy Positions and the 2016 Legislative Agenda