



MEMORANDUM (Amended)

OVERVIEW

The Charter Revision work group plan requires this office to review the proposed Charter revisions and provide an overview as to specific changes in the Charter that would affect various City departments. Among the changes in the proposed Charter revision are changes in the process used by the City for appointment and removal of certain City officials, as well as the role that the Executive Committee plays in the City's appointments and removals. This memorandum addresses how the proposed Charter revision addresses these changes, and compares the changes with the current Charter language.¹

ANALYSIS

I. Executive Committee

A. **Current Charter.** Under current Charter, Chap. 3, Sec. 4, the City's Executive Committee has the exclusive power to appoint and remove the following: Police Chief, Fire Chief, Director of Public Works, Commissioner of Health, City Attorney, City Assessor, City Coordinator, Civil Service Commissioner, and "any officer in a department or agency who, by statute, Charter or ordinance, is appointed by the Mayor or City Council or by any board the majority of whose members are members of the

¹ In reviewing the proposed Charter revisions, one should consider the following language contained in Chapter 1, Sec. 1.3(c) of the proposed Charter revision: "(1) **Inconsistent laws superseded.** This charter supersedes any special law in effect at the time of the charter's latest revision on January 1, 2010, to the extent of any inconsistency between them. (2) **Certain laws preserved.** The charter does not affect any special or other law to the extent that the law – (A) confers upon the City, or upon any board department, or officer for which this charter or an ordinance provides, a power, right, duty, or role in addition to those for which the charter or ordinance provides; or (B) covers a matter that this charter does not cover."



City Council”. All appointments by the Executive Committee must be made from nominations submitted by the Mayor. In addition, “[f]urther duties of the Executive Committee shall be only as prescribed by ordinance or resolution of the City Council.” For the positions referenced above, the so-called “Charter department heads” follow the following process for appointment:

- The Mayor nominates a candidate for appointment at an official meeting of the Executive Committee. Chap. 3, Sec. 4
- The City Council votes to approve the Executive Committee’s appointment. Chap. 3, Sec. 4. This vote requires an affirmative vote of the majority of all members of the City Council. Chap. 2, Sec. 2.
- Before the appointment is effective, the appointment action must be approved and signed by the mayor (Chap. 3, Sec. 1), published in Finance and Commerce (Minn. Stat. §331A.03), and the person appointed must be “qualified”, which typically means officially sworn into the position. Chap. 2, Sec. 2.
- If after three nominations by the Mayor, or if within 90 days after a position becomes vacant the Mayor has failed to gain an Executive Committee appointment and Council approval to fill the position, a majority of the Executive Committee may submit in writing to the Mayor a list of at least three qualified persons from which the Mayor shall nominate a person to fill the position. If that nomination fails City Council approval, the Executive Committee may submit a new list of three qualified persons and the Mayor shall again nominate from such list, and these steps shall be repeated until a nomination results in an appointment and is approved by the Council. If the Mayor fails to nominate from the Executive Committee list within 20 days after receiving it, then a majority of the Executive may appoint from the list. Chap. 3, Sec. 4.
- The appointment process for the police chief has additional steps. After the mayor nominates a candidate for police chief, the Executive Committee, at least 10 days prior to an appointment, files with the City Clerk, the names of all persons the Executive Committee is then considering for the appointment. After 10 days have elapsed from the filing of the list of all persons that the Executive Committee was considering for the appointment, if the Executive Committee appoints the Mayor’s nominee, the appointment will be referred to a public hearing in the appropriate home committee. Chap. 6, Sec. 1.
- When considering an appointment or removal the Executive Committee must follow procedures prescribed by ordinance or resolution of the City Council which may include a provision for participation by members and committees of the City Council, but these procedures may not impose a limitation on the candidates to be considered by the Executive Committee for appointment. Chap. 3, Sec. 4.

B. Proposed Charter Revision.

- Chapter 4, Section 4.5 of the proposed Charter revision defines the Executive Committee as follows: “(a) Function and powers. The Executive Committee enjoys the powers and performs the duties that the charter, or the City Council ordinance or resolution, prescribes. (b) Organization. The Executive Committee comprises – (1) the Mayor, as chair; (2) the Council president; and (3) up to three Council members elected by the Council.”

- Chapter 9.4 of the proposed Charter revision describes the Executive Committee process related to appointments of City “officers”. Pursuant to Chapter 9, Sec. 9.1 of the proposed Charter revision, an “officer” includes each elected officer, each board’s members and officers for which the Charter or a general law, special law, or ordinance provides, and each employee that the Charter, a general law, special law, ordinance, or board designates as an officer. The proposed Charter revision defines a “board” to include: “(1) City Council; (2) the Executive Committee; and (3) any other body that this charter or an ordinance calls a ‘board’ or a ‘commission’; but . . . does not include a department (but does include a commission heading a department).”

- The appointment process described in Chap. 9, Sec. 9.4(b) of the proposed Charter revision is substantially similar to the appointment process described in Chapter 3, Sec. 4 of the current Charter, with the following exceptions:
 - The current Charter specifies the officers/department heads who are subject to the Executive Committee appointment process (Police Chief, Fire Chief, Director of Public Works, Commissioner of Health, City Attorney, City Assessor, City Coordinator and Civil Service Commissioner), while the proposed Charter revision requires that the City Council will establish by ordinance the following city departments: city coordinator, city clerk, city assessor, city finance officer, city attorney, civil rights department, planning commission, and “any other department necessary or convenient for the efficient delivery of municipal services”. Chap. 8, Sec. 8.2(a)(1). In addition, the proposed Charter revision provides that the ordinance establishing each department must provide for a department head (or board), for other necessary officers and for appropriate staff and other resources. Pursuant to this provision of the proposed Charter revision, the Mayor nominates and the City Council appoints each department’s head under Section 9.4(b), except as the Charter or any applicable law or ordinance otherwise provides. Chap. 8, Sec. 8.2(b). Section 9.4(b) describes the appointment process as follows:
 - The Mayor “enjoys the exclusive power of nominating the officer in the first instance”;
 - The Executive Committee must review the Mayor’s nomination, which it may forward to the City Council with a recommendation that the candidate be appointed;
 - The City Council may appoint a candidate that the Executive Committee has recommended. The Council may not appoint a candidate that the Executive Committee has not recommended. If the Council does not accept or reject a recommendation by its first meeting held at least 60 days after the mayor’s nomination, then the nominee is appointed;
 - If an office has been vacant for at least 90 days (30 days for the police chief), or if the Mayor has nominated three candidates that the Executive Committee or the Council has rejected, then the Executive Committee may name three or more candidates, from whom the Mayor must nominate one. If the Mayor has not, after 20 days, nominated a candidate so named, then the Executive Committee may recommend one such candidate to the Council, and the Council may appoint the recommended candidate, without the Mayor’s nomination. This process recurs until an officer is appointed.

C. Differences Between Current Charter and Proposed Charter - Executive Committee Process

- Chapter 3, Sec. 4 of the current Charter limits the appointment role of the Executive Committee to certain enumerated officers and “any officer in a department or agency who, by statute, charter or ordinance is appointed by the mayor, the City council or any board, the majority of whose members are members of the City Council.” In contrast, Chap. 9, Sec. 9.4 of the proposed Charter revision provides for appointment by the Executive Committee “where a general law, special law, ordinance, rule or other authority provides for appointment by the Mayor, by the City Council, by any board whose membership mostly consists of Council members, or by any combination of them, and does not explicitly override this section 9.4(b), then the appointment is vested collectively in the Mayor, Executive Committee, and Council as this section provides.” The proposed Charter would therefore expand the number of persons appointed by the Executive Committee so that not only officers in a “department or agency” are included, but also “any officer appointed by the mayor, City Council or board whose membership mostly consists of Council members.” Given the manner in which the proposed Charter revision defines “board”, the Executive Committee appointment process of Sec. 9.4(b) of the proposed Charter revision would apply to any number of appointments made by the Mayor or the City Council, including appointments to all of the boards and commissions to which appointments are routinely made by the Mayor and Council. Examples of such boards include, but are not limited to: the Civil Rights Commission, the Housing Board of Appeals, the Nicollet Mall Advisory Board, and the Downtown Special Services District Board.

- Under Chap. 3, Sec. 4 of the current Charter, the Executive Committee appoints and the City Council approves the appointment of the Police Chief, Fire Chief, Director of Public Works, Health Commissioner, City Attorney, City Assessor, City Coordinator, and the Civil Service Commissioners. However, in Sec. 8.2(a) of the proposed Charter revision the City Coordinator, City Clerk, City Assessor, Finance Officer, City Attorney, Civil Rights department, Planning Commission, Purchasing department, and “any other department necessary or convenient for the efficient delivery of municipal services” are designated as city departments to be established, organized and provided for by the City Council by ordinance. Section 8.2(b) states that the “[t]he Mayor nominates and the City Council appoints each department’s head under section 9.4(b), except as this charter or any applicable law or ordinance otherwise provides.” The proposed Charter revision omits the Director of Public Works, Planning Director and the Commissioner of Health from the Charter completely and discusses the appointment process related to the Police Chief and Fire Chief in the “Administration” sections that relate specifically to those departments. See the chart below for a summary of the changes.

Position	Current Charter	Proposed Charter
Police Chief	Executive Committee has “exclusive power to appoint and remove . . .” Chap. 3, Sec. 4	Mayor nominates and Council appoints, subject to Executive Committee procedure established



		in Sec. 9.4(b).
Fire Chief	Executive Committee has “exclusive power to appoint and remove . . .” Chap. 3, Sec. 4	Mayor nominates and Council appoints, subject to Executive Committee procedure established in Sec. 9.4(b).
City Attorney	Executive Committee has “exclusive power to appoint and remove . . .” Chap. 3, Sec. 4	Chap. 8, Sec. 8.2(a)(5) of the draft requires that the Council “establish, organize and otherwise provide for . . . a city attorney and legal department”, the means by which the city attorney is appointed is subject to the Executive Committee procedure established in Sec. 9.4(b).
City Assessor	Executive Committee has “exclusive power to appoint and remove . . .” Chap. 3, Sec. 4	Chap. 8, Sec. 8.2(a)(3) of the draft requires that the Council “establish, organize and otherwise provide for . . . a city assessor and an appropriate office and staff”, the means by which the city assessor is appointed is subject to the Executive Committee procedure established in Sec. 9.4(b).
City Coordinator	Executive Committee has “exclusive power to appoint and remove . . .” Chap. 3, Sec. 4	Chap. 8, Sec. 8.2(a)(1) of the draft requires that the Council “establish, organize and otherwise provide for . . . a city coordinator and an appropriate office and staff”, the means by which the city coordinator is appointed is subject to the Executive Committee procedure established in Sec. 9.4(b).
City Clerk	“Elected by the City Council” Chap. 3, Sec. 5 (not subject to Chap. 3, Sec. 4)	Chap. 8, Sec. 8.2(a)(2) of the draft requires that the Council “establish, organize and otherwise provide for . . . a city clerk and an appropriate office and staff”, the means by which the city clerk is appointed is subject to the Executive Committee procedure established in Sec. 9.4(b).
Finance Officer	“City Council may, by ordinance,	Chap. 8, Sec. 8.2(a)(2) of the draft



	provide the manner of appointment and prescribe the functions, duties and responsibilities of the Finance Officer.” Chap. 3, Sec. 10	requires that the Council “establish, organize and otherwise provide for . . . a city finance officer and an appropriate office and staff”, the means by which the finance officer is appointed is subject to the Executive Committee procedure established in Sec. 9.4(b).
Civil Rights <i>Department</i>	Not specifically referenced in current Charter	Chap. 8, Sec.8.2(a) and (d) provides that the City Council “must establish, organize, and otherwise provide for. . . “ a Civil Rights Department “[f]or the purpose of enforcing civil-rights legislation, the civil rights department enjoys jurisdiction over each board, department, officer, and any other agency or agent, notwithstanding anything in this Charter to the contrary.”
Purchasing <i>Department</i>	Not referenced in current Charter	Pursuant to Chap. 8, Sec. 8.2(a)(7), “[t]he City Council must establish, organize, and otherwise provide for. . . a purchasing department”.
Director of Public Works	Executive Committee has “exclusive power to appoint and remove . . .” Chap. 3, Sec. 4	The draft does not provide for a Director of Public Works, but pursuant to Chap. 8, Sec. 8.2(a)(9), “[t]he City Council must establish, organize, and otherwise provide for. . . any other department necessary or convenient for the efficient delivery of municipal services..
Commissioner of Health	Executive Committee has “exclusive power to appoint and remove . . .” Chap. 3, Sec. 4	The draft does not provide for a Commissioner of Health, but pursuant to Chap. 8, Sec. 8.2(a)(9), “[t]he City Council must establish, organize, and otherwise provide for. . . any other department necessary or convenient for the efficient delivery of municipal services..



Planning Director	“[a]ppointed and removed by the City Council and Mayor as provided for in Chap. 3, Sec. 4, and Chap. 13, Sec. 1A.	The draft does not provide for a Planning Director.
Planning Department	Chap. 13, Sec.1 provides that [t]here shall be in the City of Minneapolis an executive department of the City to be known as the “City Planning Department”, which shall serve as the staff of a City planning commission. . .”	
Planning Commission	Chap. 13, provides for a Planning Commission discusses the establishment, membership, powers, duties, etc. of the City Planning Commission.	Chap. 8, Sec. 8.2(a)(7) provides that “[t]he City Council must establish, organize, and otherwise provide for. . . a planning commission , and appropriate office and staff”. In addition, Chap. 8.2(e) provides for the composition of the Planning Commission.
CPED Director	Not mentioned in current Charter	Not mentioned in proposed Charter revision, but pursuant to Chap. 8, Sec. 8.2(a)(9), “[t]he City Council must establish, organize, and otherwise provide for. . . any other department necessary or convenient for the efficient delivery of municipal services.

C. Chapter 9, Sec. 9.4(b), of the proposed Charter revision adds a provision that the City Council “prescribe the Executive Committee process” and may require the Executive Committee to consult with an “interested City Council committee or member.” This is a change from the current Charter, which prescribes in Chap. 3, Sec. 4 that the Executive Committee shall establish its own rule and procedures. The current Charter also provides that additional duties of the Executive Committee may be prescribed only by ordinance or resolution. The proposed Charter revision, Chap. 4, Sec. 4.5(a) contains a parallel provision.

D. Chapter 9, Sec. 9.4(b)(3) of the proposed Charter revision changes the procedures of the current Charter by providing that if the Executive Committee fails to act on a Mayor’s nomination for 60 days, the candidate is automatically appointed.



II. Appointments – Specific Officers

A. **City Coordinator** - Current Charter, Chap. 3, Sec. 3, establishes a City Coordinator position, and specifies that the City Council “shall prescribe by ordinance or resolution the general duties and fix the compensation of the City Coordinator.” In addition, the current Charter references special laws that authorize the City Coordinator to appoint a manager of operations (Convention Center), director of regulatory services, director of communications and information services, director of neighborhood services, and other personnel. See Laws 1988, Ch. 433 (approved by 88R-196 on May 27, 1988, as amended by Laws 1989, Ch. 54 (approved by 89R-237 on June 22, 1989). Chap. 3, Sec. 3. Pursuant to Chap. 1, Sec. 1.3(c)(2) of the proposed Charter revision, special laws conferring powers, rights or duties on City officers are preserved. See footnote 1 above.

In contrast, Chap. 8, Sec. 8.2(a) of the proposed Charter revision simply provides that the “city coordinator, and an appropriate office and staff” is one of the departments that the City Council “must establish, organize, and otherwise provide for . . .” Proposed Charter revision Chap. 8.2(b) provides that “the ordinance establishing each department must provide for an officer or a board as its head, for any other necessary officer, and for appropriate staff and other resources.” This provision further provides that the “mayor nominates and the City Council appoints each department’s head under section 9.4(b), except as this charter or any applicable law or ordinance otherwise provides”.

B. **City Clerk** – Current Charter, Chap. 3, Sections 5 and 6, establish a City Clerk and Assistant City Clerk positions. The City Clerk “shall be elected by the City Council” and the Assistant City Clerk is appointed by the City Clerk. Under Chap. 8, Sec. 8.2(a)(2) and 8.2(b) of the proposed Charter revision, the City Clerk is treated the same as the City Coordinator for appointment purposes and is subject to the Executive Committee appointment process under Section 9.4(b). Thus, appointment process for the City Clerk changes from elected by the City Council to appointed through the Executive Committee appointment process. There is no reference to an Assistant City Clerk in the proposed Charter revision, except that like the City Coordinator and the other positions referenced in 8.2(a), the Charter specifies that the “City Council must establish, organize, and otherwise provide for . . . a city clerk, and an appropriate office and staff”.

C. **City Assessor** - See City Coordinator discussion above. Proposed Charter revision reference is Chap. 8, Sec. 8.2(a)(3) and 8.2(b).

D. **City Finance Officer** – Current Charter, Chap. 3, Sec. 11 provides that “the City Council may, by ordinance, provide the manner of appointment and prescribe the functions, duties and responsibilities of the Finance Office.” Pursuant to Minneapolis Code of Ordinances (MCO) Title 2, Chap. 17.50, “the city coordinator shall appoint the finance officer who shall be in the unclassified service of the city and shall report to and serve at the pleasure of the city coordinator.”

The proposed Charter revision differs in its treatment of the Finance Officer only in that it lists the city Finance Officer as one of the positions listed in Chap. 8, Sec. 8.2(a)(4), whereas the current Charter discusses the Finance Officer in a separate section from its discussion of the department heads subject to the Executive Committee appointment process. However, when read with Sec. 8.2(b), the Finance Officer would continue to be appointed by the City Coordinator as provided under to MCO Title 2, Chap. 17.50, and

not pursuant to the Executive Committee process of Sec. 9.4(b). Thus, there is no difference in the way that the Finance Officer is appointed under the proposed Charter revision.

E. City Attorney - See City Coordinator discussion above. Proposed Charter revision reference is Chap. 8, Sec. 8.2(a)(5) and 8.2(b). In addition to the general discussion about the appointment of the City Attorney, Chap. 8, Sec. 8.2(c)(2) of the proposed Charter revision provides that the “city attorney may appoint two deputies, who serve in the unclassified service. . .”, subject to the deputies right to the employee benefits (except as to hiring and removal) as employees in the classified service, and subject to the deputies’ rights to return to their classified positions should they be appointed from a classified position.

F. Planning Director – In 2003, the Minnesota Legislature passed a special law (Minn. Laws 2003, Ch 127), and approved by the City council pursuant to Resolution 2003R-301, authorizing the City to transfer the functions and positions of the former Minneapolis Community Development Agency (MCDA) to a new city department designated as the Community Planning and Economic Development Department (CPED). Among other things, the special law authorized the City to transfer to CPED the City Planning Department and all of the City’s planning duties and functions.

Chapter 13 of the current Charter establishes the City’s Planning Department and the Planning Commission. The Planning Commission is staffed by the Planning Department, and the Commission is comprised of various members of the city boards and other governmental agencies including a city council member, the Mayor and several mayoral appointees. Chapter 13 of the current Charter specifies the duties of the Planning Department and the Planning Commission.

By ordinance (MCO §415.10, et seq.), the City established CPED on August 8, 2003 and transferred the City’s Planning Department and planning functions to CPED. Because the special law was silent on the issue of the Planning Commission, the ordinance is also silent, and the Planning Commission continues to perform its duties pursuant to Chapter 13 of the current Charter.

The proposed Charter revision eliminates Chapter 13, Sec. 1A of the current Charter, and recommends that it be reclassified as an ordinance. The special law and the resulting ordinance creating CPED (see above) specifically made the Planning Director a deputy director to, and appointee of, the Director of CPED. The ordinance also gave the director of CPED the power to exercise any authority granted by statute, charter or ordinance to the Planning Director. As such, the Planning Director now reports to and is appointed by the CPED director and is no longer subject to the appointment process contained in Chap. 3, Sec. 4 of the current Charter.

Neither CPED nor the director of CPED are specifically enumerated in the proposed Charter revision under Chapter 8, Sec. 8.2(a); however, subsection (9) of that section provides that the “City Council must establish, organize, and otherwise provide for . . . any other department necessary or convenient for the efficient delivery of municipal services.”

G. Police Chief – Pursuant to proposed charter revision Chap. 8, Sec. 8.3(1)(a), “the Mayor nominates and the City Council appoints a police chief under section 9.4(b).” Thus the police chief’s appointment is subject to the Executive Committee process. There is no difference between how the Police

Chief’s appointment is handled under the Current and the proposed Charter revision, except that the current Charter contains greater detail about the mechanics of the appointment process, which the proposed Charter revision removes from the Charter in favor of an ordinance. Also, the Police Chief’s term in Chap. 6, Sec. 1, of the current Charter is “three years from and after the second day of January of the year of appointment.” Sec. 8.3(a)(1)(B) of the proposed Charter revision specifies a three-year term without specifying any commencement or termination date. In addition, there is no provision in the proposed Charter revision similar to the current Charter Chap. 6, Sec. 1, providing that when vacancies are filled, the appointment is for the remainder of the term, nor does the proposed Charter revision contain the provision requiring that the Executive Committee file with the City Clerk the names of all persons being considered for appointment at least 10 days prior to the appointment of the police chief. Chap. 6, Sec. 1.

H. **Fire Chief** – Pursuant to proposed Charter revision Chap. 8, Sec. 8.4(a)(1)(A), the “Mayor nominates and the City Council appoints a fire chief under section 9.4(b).” Thus, the fire chief’s appointment is subject to the Executive Committee process. The appointment process proposed under the Charter revision is substantially the same as in the current Charter, Chap. 7, Sec. 5, except that the title is changed from “chief engineer” to “fire chief”.

III. Term of Office

Under the current Charter, Chapter 2, Sec. 2, all officers appointed by the City Council hold office for a term of two years, unless the Charter provides otherwise (i.e. the police chief is appointed for three years). In contrast, Sec. 9.2 of the proposed Charter revision provides that the Council may, in an ordinance establishing an office, provide for a term other than two years. Under current Charter Chap. 2, Sec. 2, the term is two years from the first business day of January in even numbered years. Under Section 9.2 of the proposed Charter revision, however, the term, unless otherwise provided by ordinance, is two years, but no definite date is specified. Therefore, unless provided by an ordinance, terms of officers might not commence and expire on a single date.

Following is a side-by-side comparison of current Charter provisions related to appointments with proposed Charter provisions²:

Charter Appointment Provisions

Current Charter Provision	Proposed Charter Amendment
Chapter 2 – Officers - Elections	
<p>§ 2. Council to Appoint City Officers—Terms of Office Except as in this Charter otherwise specifically provided, all other officers provided for in this Charter or deemed necessary for the proper management of the affairs of the City, shall be appointed by the City Council.</p>	<p>[§ 8.2(b)] Departmental organization. The ordinance establishing each department must provide for an officer or a board as its head, for any other necessary officer, and for appropriate staff and other resources. The Mayor nominates and the City Council appoints each department’s head under section 9.4(b), except as this charter or any applicable law or ordinance otherwise provides.</p>
	<p>§ 9.4. Other officers (a) Other officers. The City Council may establish any other necessary</p>

² Language appearing in italics is recommended for reclassification as an ordinance under the proposed Charter revision.



	office, in which case the Council must provide for its title, appointment, term, compensation, and duties. (b) Appointment by Mayor or Council. Where a general law, special law, ordinance, rule, or other authority provides for an officer's appointment by the Mayor, by the City Council, by any board whose membership mostly consists of Council members, or by any combination of them, and does not explicitly override this section 9.4(b), then the appointment is vested collectively in the Mayor, Executive Committee, and Council as this section provides.
The appointment of such officers shall require the affirmative vote of a majority of all members of the City Council.	[§ 4.4(a)(2)] Acts. An act by the Council takes a majority of its membership, except as this charter otherwise provides.
	[§ 5.2(a)] Election. Each board elects or appoints its officers by a majority of its membership.
All officers required to be appointed by the City Council shall, unless in this Charter otherwise provided, hold their respective offices for the term of two years from and after the first business day in January of even numbered years,	[§ 9.2(c)] Tenure. Each officer takes office, after taking the required oath— (1) in the case of an elected officer elected in a regular election, on the first weekday in January that is not a holiday in the calendar year next following the election; (2) in the case of an elected officer elected at a special election, when the results are certified; and (3) in the case of any other office, as any applicable ordinance provides, otherwise upon election or appointment, and serves until his or her successor takes office. An ordinance establishing an office may provide for the officer's term, otherwise the term is two years.
and all officers elected by the people, or appointed by the City Council or otherwise shall continue in office until their successors are elected or appointed and have qualified.	[§ 5.2(e)] Tenure. Each officer serves until his or her successor takes office.
§ 16. Vacancy in Office of Mayor and Council Members—How Filled	
Whenever any vacancy shall occur in the office of Mayor or in the office of any Council Member prior to March 1st of the year of the general City election for the office of Mayor or Council Member, it shall be filled for the unexpired term by a special election ordered by the City Council and held City-wide if the vacancy is in the office of the Mayor or held in the applicable ward if the vacancy is in the office of a Council Member. The special election shall be held within seventy-five (75) days after such vacancy shall occur.	[§ 4.2(d)(1)] Early vacancy. When a Council member vacates his or her office before March 1 in the year of the next regular election, the Council must schedule a special election filling the vacancy, held within 75 days after the vacancy occurs.
	[§ 8.1(e)] Vacancy. Whenever the Mayor vacates his or her office before the year of the next regular election, or in that year before March 1, the City Council must provide for a special election filling the vacancy within 75 days after the vacancy occurs.
§ 18. Oath of Office—Bonds of City Officers—Approval of Bonds Every person elected or appointed to any office under this Charter shall, before entering upon the duties of office, take and subscribe an oath of office,	[§ 9.2(a)] Oath. Before taking office, each officer must sign and file with the city clerk an oath in substantially the following form: "I swear [or 'affirm'] that I will faithfully discharge the office of [title], and will support the constitutions of the United States and of Minnesota."

and file the same with the Clerk of the City.	
Chapter 3 Powers and Duties of Officers	
<p>§ 3. City Coordinator—Compensation There shall be appointed a City Coordinator as provided by this chapter. The City Council shall prescribe by ordinance or resolution the general duties and fix the compensation of the City Coordinator.</p>	<p>§ 8.2. Departments (a) The departments generally. The City Council must establish, organize, and otherwise provide for— (1) a city coordinator, and an appropriate office and staff;</p>
<p>§ 4. Executive Committee There is hereby established an executive committee consisting of the Mayor, the President of the City Council, and up to three additional members of the City Council to be chosen by the Council; provided, however, that not all of the members of the executive committee shall be of the same political party, unless the Mayor and all of the members of the City Council shall be members of the same political party.</p>	<p>[§ 4.5(b)] Organization. The Executive Committee comprises— (1) the Mayor, as chair; (2) the Council president; and (3) up to three Council members elected by the Council. The Committee’s members may not all belong to the same political party unless the Mayor and all the Council members belong to the same political party.</p>
The executive committee shall establish its own rules and procedures.	[§ 5.3(d)] Rules. Each board may adopt rules of order for the conduct of its own business.
It shall be chaired by the Mayor.	[§ 4.5(b)(1)] the Mayor, as chair
Notwithstanding any other provision of this Charter or special law to the contrary, the executive committee shall have the exclusive power to appoint and remove during their terms of office the Police Chief, Fire Chief, Director of Public Works, Commissioner of Health, City Attorney, City Assessor, City Coordinator, Civil Service Commissioner, and any officer in a department or agency who, by statute, Charter or ordinance, is appointed by the Mayor or City Council or by any public board the majority of whose members are members of the City Council. An appointment or removal shall be effective only upon approval by action of the City Council taken in compliance with the requirements of Chapter 2, section 2, and Chapter 3, section 1 of this Charter.	<p>[§ 9.4(b)] Appointment by Mayor or Council. Where a general law, special law, ordinance, rule, or other authority provides for an officer’s appointment by the Mayor, by the City Council, by any board whose membership mostly consists of Council members, or by any combination of them, and does not explicitly override this section 9.4(b), then the appointment is vested collectively in the Mayor, Executive Committee, and Council as this section provides. The Council may prescribe the Executive Committee’s process, and may require consultation with any interested Council committee or member, but may not limit the candidates that the Mayor may nominate or the Committee may review. This section 9.4(b) does not apply to any appointment for which another provision within this charter provides unless the other provision explicitly refers to this section. (1) Nomination by Mayor. The Mayor enjoys the exclusive power of nominating the officer in the first instance. (2) Recommendation by Executive Committee. The Executive Committee must review the Mayor’s nomination, which it may forward to the City Council with a recommendation that the candidate be appointed. (3) Appointment by City Council. The City Council may appoint a candidate that the Executive Committee has recommended. The Council may not appoint a candidate that the Executive Committee has not recommended. If the Council does not accept or reject a recommendation by its first meeting held at least 60 days after the Mayor’s nomination, then the nominee is appointed.</p>
	[§ 9.4(b)(6)] Removal. The City Council may not remove an officer appointed under this section 9.4(b) unless the Executive Committee so recommends, and



	may not remove a Civil Service commissioner except for cause.
When considering an appointment or removal the executive committee shall follow procedures prescribed by ordinance or resolution of the City Council which may include provision for participation by members and committees of the City Council, but in the case of an appointment such procedures may not impose a limitation on the candidates to be considered by the executive committee.	[§ 9.4(b)] The Council may prescribe the Executive Committee’s process, and may require consultation with any interested Council committee or member, but may not limit the candidates that the Mayor may nominate or the Committee may review.
All appointments by the executive committee shall be made from nominations submitted by the Mayor.	[§ 9.4(b)(1)] Nomination by Mayor. The Mayor enjoys the exclusive power of nominating the officer in the first instance.
If after three nominations or if within ninety days after a position becomes vacant, the Mayor has failed to gain an executive committee appointment and Council approval to fill the position, a majority of the executive committee may submit in writing to the Mayor a list of at least three qualified persons from which the Mayor shall nominate a person to fill the position. If that nomination fails of approval, the executive committee may submit a new list of three qualified persons and the Mayor shall again nominate from such list, and these steps shall be repeated until a nomination results in an appointment and in its approval by the Council. If the Mayor fails to nominate from a list within twenty days after receipt thereof, then a majority of the executive committee may appoint from such a list.	[§ 9.4(b)(4)] Failure of appointment. If an office has been vacant for at least 90 days (or 30 days in the case of the police chief), or if the Mayor has nominated three candidates that the Executive Committee or the Council has rejected, then the Executive Committee may name three or more candidates, from whom the Mayor must nominate one. If the Mayor has not, after 20 days, nominated a candidate so named, then the Executive Committee may recommend one such candidate to the Council, and the Council may appoint the recommended candidate, without the Mayor’s nomination. This process recurs until an officer is appointed.
A person holding an office or seat filled by appointment by the executive committee who has not been reappointed and approved by the City Council within six months after expiration of his or her term shall vacate the office or seat and shall remain vacant until a new appointment is made and confirmed. The executive committee may designate someone to fill the vacated office on a temporary basis for a period not to exceed ninety days	[§ 9.4(b)(7)] Holding over. Any officer subject to appointment under this section 9.4(b) whose term has expired but whose successor has not been appointed may continue in office for up to 180 days. The Executive Committee may thereafter appoint a temporary successor for up to 90 days. The office is otherwise vacant until a successor is appointed.
The executive committee may suspend without pay any officer appointed by it in the unclassified service for a period not to exceed five (5) working days at one time, and for longer periods with the approval of the City Council.	[§ 9.4(b)(5)] Suspension. The Executive Committee may suspend without pay any officer appointed under this section 9.4(b). Any such suspension expires after five days unless the City Council extends it. [§ 9.4(b)(5)]
Further duties of the executive committee shall be only as prescribed by ordinance or resolution of the City Council.	[§ 4.5(a)] Function and powers. The Executive Committee enjoys the powers and performs the duties that this charter, or the City Council by ordinance or resolution, prescribes.
§ 5. City Clerk—Election—Duties	
There shall be a Clerk of said City, styled the “City Clerk,” who shall be elected by the City Council.	[§ 8.2(a)(2)] a city clerk, and an appropriate office and staff;
The Clerk may, by and with the consent of the City Council, employ such clerical and other staff as may	[§ 8.2(a)(2)] a city clerk, and an appropriate office and staff;



<p>be necessary.</p>	
<p>§ 6. Assistant City Clerk—Powers and Duties <i>The City Clerk may appoint an Assistant City Clerk, to be confirmed by the City Council; the salary of which Assistant City Clerk shall be fixed by the City Council, and said Assistant City Clerk shall have all the powers, duties and responsibilities of the City Clerk. It shall be the duty of such Assistant Clerk to assist the Clerk in the care of the papers and files, and in making the records of said city. Such Assistant Clerk shall also attend such meetings of any of the committees of the City Council as such committee may designate, and act as clerk of such committees. The Assistant Clerk shall have authority in the disability or absence of the City Clerk to certify and affix the corporate seal to copies of files and transcripts of records, and all such certificates shall have the same validity as if made by said City Clerk.</i></p>	
<p>§ 7. City Attorney—Appointment—Powers and Duties</p>	
<p>The City Council shall at the time and in the manner specified in this chapter for the appointment of other city officers elect and appoint a City Attorney.</p>	<p>[§ 8.2(a)] The departments generally. The City Council must establish, organize, and otherwise provide for— (5) a city attorney and legal department;</p>
<p>The City Attorney may appoint two Deputy City Attorneys, who shall be in the unclassified service, and the City Attorney may, by and with the consent of the City Council, appoint such other assistants and clerical force as may be necessary. Deputy City Attorneys shall have the same employee benefits, except as to appointment and removal, as persons in the classified service and any person appointed as a deputy who has a permanent civil service classification shall be deemed to be on leave of absence from such classified position while serving in such appointive position and upon termination of such service shall be returned to the permanent civil service classification from which such leave was taken and if no vacancy is available in such civil service classified position, seniority shall prevail and the person most recently certified to such position shall be returned to the civil service classification held by that person prior to such certification.</p>	<p>[§ 8.2(c)] (2) Deputy city attorneys. The city attorney may appoint two deputies, who serve in the unclassified service, but with the same employee benefits (except as to hiring and removal) as an officer in the classified service. If a deputy is appointed from the classified service, then he or she is treated as taking a leave of absence while serving as a deputy, after which he or she is entitled to return to his or her permanent grade in the classified service. If no vacancy is available in that grade, then the least senior employee so classified returns to his or her grade before being so classified.</p> <p>[§ 8.2] (a) The departments generally. The City Council must establish, organize, and otherwise provide for— (5) a city attorney and legal department;</p>
<p>§ 8. Department of Public Works- Director of Public Works—Compensation</p>	
<p><i>There shall be in the City of Minneapolis a department of the City to be known as the “Department of Public Works.” The Director of Public Works shall be the head of such department and shall have the control, supervision and</i></p>	



<p><i>direction of all matters of such department. The Director of Public Works shall be appointed and removed by the City Council and Mayor as provided for in Chapter 3, Section 4, of this Charter. The Director of Public Works shall be neither in the classified service nor subject to the provisions of Chapter 19 of this Charter. If the person appointed to the Director of Public Works is a member of the classified service, such person shall be deemed to be on leave of absence from such classified position while serving in such appointive position and upon termination of such service shall be returned to the permanent civil service classification from which such leave was taken and if no vacancy is available in such civil service classified position, seniority shall prevail and the person most recently certified to such position shall be returned to the civil service classification held by that person prior to such certification.</i></p>	
<p>§ 10. Finance Officer—Powers and Duties—Assistant Finance Officer</p>	
<p>Pursuant to, and subject to the limitations of, Minnesota Laws of 1983, Chapter 160, the City Council may, by ordinance, provide the manner of appointment and prescribe the functions, duties and responsibilities of the Finance Officer. The Council may also designate by such ordinance a title for the Finance Officer. <i>Except as is or may be otherwise provided by any such ordinance or by the aforementioned statute, the Finance Officer shall have all the powers, duties, functions, responsibilities and ex officio positions heretofore vested by charter or statute in the Comptroller-Treasurer of the City. It shall be the duty of the Finance Officer to keep regular books of account, both of the City of Minneapolis and of the several boards of said City, in which the Finance Officer shall enter all indebtedness of said City, and which shall at all times show the precise financial condition of the City and of said several boards, the amount of bonds, orders, certificates or other evidences of indebtedness outstanding, and the redemption of the same when redeemed.</i></p>	<p>[§ 8.2(a)(4)] a city finance officer, and an appropriate office and staff;</p>
<p><i>The Finance Officer may, by and with the consent of the City Council, appoint an Assistant Finance Officer who shall assist in the duties of the office and act as Finance Officer in the absence or in case of the inability of the Finance Officer to act. The Finance Officer may from time to time designate in writing a person regularly employed in the office to act as Finance Officer in the event of the simultaneous absence or inability to act of both the Finance Officer and assistant Finance Officer.</i></p>	



<p>§ 23. City Council—May Prescribe Additional Duties for City Officers— Appoint Additional Officers The City Council shall have power at any time to require other and further duties to be performed by any officer whose duties are herein prescribed, not inconsistent with this Chapter, and to appoint such other officers as may be necessary to carry into effect the provisions of this Chapter, and to prescribe their duties, unless herein otherwise provided for.</p>	<p>[§ 9.2(d)] Duties. Each officer must perform the duties that this charter or any other applicable general or special law, ordinance, or rule, or the electing or appointing body, prescribes.</p> <p>§ 8.2. Departments (a) The departments generally. The City Council must establish, organize, and otherwise provide for— (9) any other department necessary or convenient for the efficient delivery of municipal services. (b) Departmental organization. The ordinance establishing each department must provide for an officer or a board as its head, for any other necessary officer, and for appropriate staff and other resources. . . .</p>
<p>§ 26. Appointments in Classified Service The appointment, employment, suspension and discharge of any deputy, assistant, clerk or employee by any of the officers enumerated in this Chapter, if included in the classified service of the City as defined in the Chapter on civil service of this Charter, shall be under and pursuant to the provisions contained in such Chapter.</p>	<p>[§ 9.5] (a) Policy. Through the Civil Service Commission, the City will adopt and follow fair, impartial, and practical rules for the classified service. (b) Classified service defined. (1) Classified service. The “classified service” includes— (A) each employee of the Commission; and (B) each officer and other employee not in the unclassified service.</p>
<p>§ 27. Board Defined The term “Board” or “Boards” as used in this Chapter shall include all the boards existing in the City of Minneapolis at the time this Charter goes into effect and all boards which may be hereafter established in connection with the City Government under this Charter</p>	<p>§ 5.1. “Board” defined For this charter’s purposes, a “board”— (a) includes— (1) the City Council; (2) the Executive Committee; and (3) any other body that this charter or an ordinance calls a “board” or a “commission”; but (b) does not include a department (but does include a commission heading a department).</p>
<p>Chapter 6 Police Department</p>	
<p>§ 1. Powers of Mayor over Police—Chief The mayor shall be vested with all the powers of said city connected with and incident to the establishment, maintenance, appointment, removal, discipline, control and supervision of its police force, subject to the limitations herein contained and the provisions of the civil service chapter of this Charter, and may make all needful rules and regulations for the efficiency and discipline, and promulgate and enforce general and special orders for the government of the same, and have the care and custody of all public property connected with the police department of the city.</p>	<p>[§ 8.3(a)] The Mayor regulates and commands the police department.</p>
<p>The executive committee shall, by and with the consent of a majority of all of the members of the city council, appoint for a term of three (3) years commencing January 2, 1980, some suitable person as chief of police, subject to removal upon the recommendation of the executive committee by a vote of a majority of all of the members of the city</p>	<p>[§ 8.3(a)(1)] Police chief. (A) Appointment. The Mayor nominates and the City Council appoints a police chief under section 9.4(b). (B) Term. The chief’s term is three years. (C) Civil service. The chief serves in the unclassified service, but with the same employee benefits (except as to hiring and removal) as an</p>



<p>council. Such position shall be in the unclassified service. The term of office of each chief of police shall be three (3) years from and after the second day of January of the year of appointment. In case of a vacancy occurring otherwise, the appointment shall be for the unexpired term. <i>Ten (10) days prior to the appointment of a chief of police, the executive committee shall file with the city clerk the name of all persons the executive committee is then considering for the appointment. The chief of police may be reappointed by a majority of all members of the city council. In the event that the council does not reappoint within thirty (30) days of the termination of the term, the executive committee shall within sixty (60) days thereafter make a new appointment.</i> Persons holding the position of chief of police shall be entitled to the same employee benefits as persons in the classified service except as to appointment and removal. If the person appointed chief of police is a member of the classified service, such person shall be deemed to be on leave of absence during the tenure as chief of police, and upon the termination of service as chief of police shall be returned to his or her permanent civil service classification. If no vacancy is available in that permanent civil service classified position, seniority shall prevail and the person most recently certified to such position shall be returned to the permanent civil service classification held prior to such certification.</p>	<p>officer in the classified service. If a chief is appointed from the classified service, then he or she is treated as taking a leave of absence while serving as chief, after which he or she is entitled to return to his or her permanent grade in the classified service. If no vacancy is available in that grade, then the least senior employee so classified returns to his or her grade before being so classified.</p>
<p>The Mayor shall also appoint, subject to the provisions of the civil service chapter of this Charter, all members of the police force and other employees of the department prescribing the title, rank and duties of each, and report a list thereof to the city council, and the civil service commission.</p>	<p>[§ 8.3(a)] Except where the law vests an appointment in the department itself, the Mayor appoints and may discipline or discharge any employee in the department (subject to the Civil Service Commission's rules, in the case of an employee in the classified service).</p>
<p>The personnel of the police department shall be established and maintained at a ratio, or as closely thereto as is possible within the limits of section 2 hereof, of not less than one and seven-tenths (1.7) employees per one thousand (1,000) of population of the city according to the latest United States official census.</p>	<p>[§ 8.3(d)] Funding. The City Council must fund a police force of at least 0.0017 employees per citizen</p>
<p><i>Each and every person so appointed shall be subject to removal by the mayor when the mayor shall deem the same necessary after proper investigation in accordance with the civil service chapter of this Charter.</i></p>	<p>[§ 8.3(a)] Except where the law vests an appointment in the department itself, the Mayor appoints and may discipline or discharge any employee in the department (subject to the Civil Service Commission's rules, in the case of an employee in the classified service).</p>
<p>The mayor may also, in case of riot, large public gatherings or other unusual occasions demanding the same, appoint such number of temporary police as may be needed but not for a period of more than one (1) week, without the consent of the city</p>	<p>[§ 8.3(b)] Temporary police. The Mayor may, in case of riot or other emergency, appoint any necessary temporary police officer for up to one week. Each such officer must be a licensed peace officer.</p>



council.	
<p>All police officers so appointed shall be licensed as required by law and shall possess all the common law and statutory powers of peace officers, and any warrant for search or arrest issued by any magistrate or court of record in Hennepin County may be executed in any part of said county by any member of said police force.</p>	<p>[§ 8.3(a)(3)] Police officers. Each peace officer appointed in the police department must be licensed as required by law. Each such licensed officer may exercise any lawful power that a peace officer enjoys at common law or by general or special law, and may execute a warrant anywhere in the county.</p>
<p>§ 2. Buildings, Etc., Salaries and Bonds of Police Officers <i>The city council shall provide all buildings, facilities and equipments, and all other public property as may be necessary or deemed essential to the efficiency of said police force and department, and shall, by resolution, fix the salary and compensation of each member of the force and provide for the payment thereof. The City Council shall also fix the amount of the bonds to be required from each officer and the conditions thereof, and pass upon the same, and when so requested by the Mayor, shall determine the maximum number of members to constitute said Police Force.</i> For the sole purpose of maintaining the personnel of the Police Department as provided in Section 1 hereof, the City Council, notwithstanding other statutory or Charter tax limitations, shall levy a tax annually, in addition to the City general fund levy, in such amount as is necessary to maintain the Police Department personnel ratio, <i>but only to the extent such amount is in excess of the sum used to maintain the number of employees constituting the Police Department on January 1, 1961.</i> In no event shall such additional tax exceed three (3) mills on each dollar of assessed valuation on all taxable real and personal property of the City, such mill rate limitation to be converted and adjusted in the manner provided in Minnesota Statutes, Sections 273.1102 and 275.011. The additional tax and levy herein provided shall not be reduced by the Board of Estimate & Taxation, and the proceeds therefrom shall be appropriated only to the use of the Police Department personnel, and related other than personnel items, and the City Council shall not reduce any other appropriation</p>	<p>[§ 8.3(d)] Funding. The City Council must fund a police force of at least 0.0017 employees per citizen, and provide for those employees' compensation, for which purpose it may annually tax up to 0.03591 percent of the total value of the property in the City. This tax is in addition to any other tax, and not subject to the maximum set under section 10.3(a)(4).</p>
<p>§ 3. Special Police—Powers The Mayor may at any time, at the request of any person, firm, society or organization, or several thereof, appoint special police officers or guards who shall serve without expense to the City and have police powers to preserve the peace and protect the property at such places and within such limits as may be designated in such appointment for</p>	<p>[§ 8.3(c)] Special police. The Mayor may appoint special police for a limited place and time at the request and expense of any organization, business, individual, or other person. The special police may not wear a badge or exercise any authority outside those limits.</p>



<p>the term therein mentioned, but such special police officers or guards shall not exercise any authority or wear any badge of office outside the limits so designated.</p>	
<p>§ 4. Oath and Bond of Police Officers Before entering upon or exercising any official duty, each and every appointee under this chapter shall take, subscribe, and file in the office of the City Clerk an oath to support the constitution of the United States and of the State of Minnesota, and faithfully perform the duties of the office, <i>under direction of the Mayor and Chief of Police, and, if the City Council shall so require, shall also file a bond, in manner, form and amount, as prescribed by the City Council, with said City Clerk.</i></p>	<p>[§ 9.2(a)] Oath. Before taking office, each officer must sign and file with the city clerk an oath in substantially the following form: “I swear [<i>or ‘affirm’</i>] that I will faithfully discharge the office of [title], and will support the constitutions of the United States and of Minnesota.”</p>
<p>§ 5. Community Services Bureau (Crime Prevention)—Appointment of Director There shall be established in the Police Department a Community Services Bureau (Crime Prevention) with duties as the Chief of Police may assign to it. The City Council shall by Ordinance determine how and by whom the Director of this Bureau is to be appointed. The Director of Community Services Bureau (Crime Prevention) shall serve in the unclassified service and is not required to be a peace officer.</p>	<p>[§ 8.3(a)(2)] Crime-prevention bureau. The City Council must provide for a crime-prevention bureau, headed by a director in the unclassified service, who need not be a peace officer. The Council must provide by ordinance for the director’s appointment, which need not comply with section 9.4(b). The bureau performs the duties that the police chief assigns.</p>
<p>Chapter 7 Fire Department</p>	
<p>§ 5. Chief Engineer—How Appointed—Officers and Personnel Pursuant to Chapter 3, section 4 of this Charter the executive committee shall appoint, subject to the approval of a majority of all the members of the City Council, a chief engineer of the fire department, subject to removal by the executive committee upon approval of a majority of all of the members of the City Council. The City Council shall provide by ordinance for such other officers and personnel as may be deemed necessary for such department, and define the respective ranks and duties of such chief engineer and other officers and personnel and their compensation. Such position shall be in the unclassified service. The person holding the position of chief engineer shall be entitled to the same employee benefits as persons in the classified service except as to appointment and removal. If the person appointed chief engineer is a member of this classified service, such person shall be deemed to be on leave of absence during tenure as chief engineer, and upon the termination of service as chief engineer, shall be returned to the person’s permanent civil service classification. If no</p>	<p>[§ 8.4(a)(1)] Fire chief. (A) Appointment. The Mayor nominates and the City Council appoints a fire chief under section 9.4(b). (B) Civil service. The chief serves in the unclassified service, but with the same employee benefits (except as to hiring and discharge) as an officer in the classified service. If a chief is appointed from the classified service, then he or she is treated as taking a leave of absence while serving as chief, after which he or she is entitled to return to his or her permanent grade in the classified service. If no vacancy is available in that grade, then the least senior employee so classified returns to his or her grade before being so classified.</p>



<p>vacancy is available in the permanent civil service classified position held by the chief engineer at the time of appointment as chief, seniority shall prevail and the person most recently certified to such position shall be returned to the permanent civil service classification which the person held prior to such certification.</p>	
<p>§ 6. Chief Engineer to Nominate Officers and Staff—Removals, Discharges, Etc.</p>	
<p>The Chief Engineer shall with the approval of the City Council, appoint, subject to the provisions of the Civil Service Chapter of this Charter, all other officers and staff connected with such department, and may at any time, as provided by the Civil Service Chapter of this Charter, remove or discharge such officers or staff as the Chief Engineer may deem it for the interest of the city to discharge, and whenever the City Council shall deem it necessary to reduce the number of staff employed, said Chief Engineer, shall, upon the direction of the City Council, recommend the layoff of such officers or staff as can be released without impairing the working efficiency of such department.</p>	<p>[§ 8.4(a)(3)] Officers and staff. (A) Appointment. The fire chief, with the City Council’s assent, appoints (subject to the Civil Service Commission’s rules) the department’s other officers and other employees. (B) Layoffs. The fire chief may (subject to the Civil Service Commission’s rules) discharge an employee in the City’s interest. If the City Council directs that the department reduce its force, then the chief must recommend only such layoffs as will not impair the department’s operations.</p>
<p>The Chief Engineer shall appoint competent officers, holding the rank of at least captain, to serve as the assistant chief, deputy chiefs, fire marshal, three (3) assistant chiefs of training and the engineering officer. The assistant chief, deputy chiefs, fire marshal, assistant chiefs of training and the engineering officer shall be appointed by the Chief Engineer, without examination, and such appointees may be removed by the Chief Engineer at will.</p>	<p>[§ 8.4(a)(2)] Senior management. (A) Appointment. The fire chief, with the City Council’s assent, appoints as the department’s senior managers— (i) an assistant chief, (ii) a deputy chief, (iii) a fire marshal, (iv) three assistant chiefs of training, and (v) an engineering officer. (B) Civil service. The fire chief appoints, without examination, a senior manager from the department’s firefighters with the rank of captain or higher; and may discharge him or her at will, without regard to the Civil Service Commission’s rules. An officer who accepts such an appointment is treated as taking a leave of absence, retains his or her grade and seniority in the classified service, and earns seniority in that grade while serving as a senior manager, after which he or she is entitled to return to his or her permanent grade in the classified service. If no vacancy is available in that grade, then the least senior employee so classified returns to his or her grade before being so classified.</p>
<p>§ 7. Fire Marshal—Duties, Etc. The City Council may, subject to the provisions of the Civil Service Chapter of this Charter, designate such officer of the Fire Department as it may select to act as Fire Marshal of the city to see that the ordinances of the city relating to precautions against danger from fire are not violated, and who shall have power and be fully authorized to enter and inspect any dwelling house or other building at all reasonable times to see that such ordinances are</p>	<p>[§ 8.4(b)] Fire marshal. The fire marshal must take care that all laws and ordinances against danger from fire are faithfully observed and enforced, for which purpose the marshal may enter and inspect any building (including a dwelling) at any reasonable time. The marshal must examine and record the cause of any fire.</p>



<p>enforced and, if entry be refused, the fire marshal shall have recourse to every remedy provided by law to secure such entry. It shall further be the duty of such Fire Marshal to examine particularly into the cause of every fire which shall happen within the city, and to make and keep a brief record of the same.</p>	
<p>§ 8. Fire Police—Duty of Regular Police Whenever the City Council shall deem it necessary it may provide for a Fire Police of such numbers and with such powers as it may determine, and for that purpose it may either give police powers to such of the officers or staff of the Fire Department as may be necessary, or authorize the appointment of the necessary Police Officers in the same manner as other Police Officers are appointed. In all cases, all Police Officers present at any fire shall be subject to the direction of the officers of the Fire Department present at such fires.</p>	<p>[§ 8.4(c)] Fire police. The City Council may provide for fire police within either the fire department or the police department. The fire department may command the police officers at any fire.</p>
<p>Chapter 13 City Planning Department</p>	
<p>§ 1. City Planning Department—Commission and Membership</p>	
<p>There shall be in the City of Minneapolis an executive department of the City to be known as the “City Planning Department,” which shall serve as the staff of a City planning commission consisting of nine (9) persons. One shall be the Mayor; one shall be a person selected by the County Board of the County of Hennepin as its representative; the City Council, the School Board, and the Park Board shall each select one of its own members, as a member of the Commission, <i>in January of each evennumbered year</i>; and four (4) legal voters of the municipality not members of any of the above bodies or boards shall be appointed by the Mayor with the approval of the City Council. The first Library Board Representative shall be appointed for a one-year term commencing January, 1995, thereafter the Library Board Representative shall be appointed as are the other Representative Commission members. <i>Each year the Mayor shall appoint two (2) members to serve for terms of two (2) years each, commencing on the first day of February of the year of their appointment.</i> The terms of appointed members serving for terms to expire in July, 1978, and July 1979, shall each terminate on January 31, 1978, and the terms of members appointed for terms to expire in July 1980, and July 1981, shall each terminate on January 31, 1979. <i>Vacancies for any unexpired term shall be filled by appointments or selection as in the first instance.</i></p>	<p>[§ 8.2(e)] Planning commission. (1) Commission. The commission consists of— (A) the Mayor; (B) a representative from the board of county commissioners; (C) a commissioner elected by and from the City Council; (D) a commissioner elected by and from the Park & Recreation Board; (E) a director elected by and from the Minneapolis Public Schools board of education; and (F) four citizens who are not members of any board otherwise represented on the commission, appointed under section 9.4(b).</p>



<p>§ 1A. Planning Director <i>The City Planning Department shall be administered by a planning director who shall perform such duties and functions as directed by the City Council and Mayor. The Planning Director shall be appointed and removed by the City Council and Mayor as provided for in Chapter 3, Section 4, of this Charter and may appoint a deputy planning director to assist the Planning Director and act as planning director in his or her absence or inability to act. The Planning Director and the Deputy Planning Director shall each serve at the pleasure of their respective appointing authority, and neither position shall be in the classified service nor subject to the provisions of Chapter 19 of this Charter.</i></p>	
<p>§ 8. Officers to Be Appointed <i>The Commissioner of Health shall be appointed as provided in Chapter 3 Section 4 of this Charter. The Commissioner of Health may appoint (1) seven bureau directors, (2) health physicians and (3) the assistant director of dentistry to perform the duties and services directed by the Commissioner. The Commissioner of Health and the above listed positions appointed by the Commissioner shall not be included in the classified service of the city, under the Civil Service Chapter of this Charter, and shall not subject to the provisions of such Chapter. All other employees of the Department of Health and Family Support shall be under the Civil Service Chapter.</i></p>	
<p>§ 1. Composition of Board of Estimate & Taxation There shall be in the City of Minneapolis a Board of Estimate & Taxation, consisting of the Mayor, the President of the City Council, the Chair of the Committee on Ways and Means/Budget of the City Council, an elected member of the Library Board as designated by the board at its annual meeting each year by a majority vote of all of its members, the President of the Board of Park Commissioners or such other member thereof as the Board may designate at its annual meeting each year, and two qualified electors to be elected at large for terms of four years each commencing on the first business day of January following their election. The two elected members shall be elected in 1989 and every four years thereafter at the General Municipal Election. Vacancies occurring in the office of any of the elective members shall be filled for the unexpired term by appointment by the Mayor, subject to the confirmation of the City Council. Before entering upon the discharge of the duties of</p>	<p>§ 6.3. Organization (a) Composition. The Board comprises seven members: (1) the Mayor; (2) the Council president; (3) the Council member who chairs the Council committee whose charge includes the budget; (4) a trustee, having been elected by the voters to the Library Board, and elected annually by the Library Board at its organizational meeting to the Board of Estimate & Taxation; (5) a commissioner elected by and from the Park & Recreation Board (or, if the Board has not elected a commissioner, the Board's president); (6) two members elected by the voters in a regular election held in each year following a year whose number is evenly divisible by four. (c) Vacancies. The Mayor and the City Council must, by an appointment under section 9.4(b), fill any vacancy in the office of any member elected to the Board by the voters.</p>



<p>the office each member of the Board shall make and file with the City Clerk an oath promising to faithfully discharge the duties of the office.</p>	
<p style="text-align: center;">Chapter 16 Parks and Parkways</p>	
<p>The Park and Recreation Board shall be authorized to employ and dismiss, subject to the provisions of the Civil Service Chapter of this Charter, such attorneys, surveyors, agents and employees as may be necessary, and to fix the compensation of all its appointees and employees, which shall be payable from the fund hereinafter established for the purpose of this Chapter, upon the order of said Board, <i>countersigned by the City Comptroller-Treasurer [Finance Officer].</i></p>	<p>[§ 7.2(h)(1)] Employment and compensation. The Board may provide for any necessary employees and for their compensation.</p>
<p>§ 14. Rules and Penalties</p>	
<p>The Mayor of the City of Minneapolis shall, upon request of the Park and Recreation Board, and subject to the provisions of the Civil Service Chapter of this Charter, appoint as police officers such persons as such Board may request; and which police officers shall be under the control and direction of said Board, and may be discharged by said Board subject to the provisions of said Civil Service Chapter, and said Board shall provide for the payment of such police officers out of the park funds.</p> <p><i>All police officers so appointed shall possess all the common law and statutory power of constables; and any warrant for search or arrest issued by any magistrate or court of record in Hennepin County may be executed in any part of said county by any member of said police force.</i></p>	<p>[§ 7.2(e)] Park police. The Mayor must appoint as many police officers for the parks and parkways as the Board requests. The Board must pay for such police out of the park & recreation fund, may regulate and direct them, and may discipline or discharge them (subject to the Civil Service Commission’s rules).</p>
<p style="text-align: center;">Chapter 19 Civil Service</p>	
<p>§ 1. Civil Service Commissioners of Minneapolis to Be Appointed by Mayor with Approval of a Majority of City Council and To Receive Salary To Be Set by City Council—Mayor To File Names of Prospective Appointees</p> <p>There shall be in the City of Minneapolis a civil service commission (hereinafter called the commission) of three commissioners, who shall be citizens of the State and residents of the City, and for this service each commissioner shall receive a salary, payable in equal monthly installments in an amount to be set from time to time by the City Council, but not less than the rate of fifteen hundred dollars (\$1,500.00) per annum. No commissioner shall at the time of appointment, or while serving, hold any other office or employment under the City,</p>	<p>[§ 9.5(c)(2)] Composition. The Commission comprises three citizens, appointed under section 9.4(b), who— (A) favor merit, efficiency, and affirmative action in the public service; and (B) hold no other office or employment under the federal, state, municipal, or any other government, or any department, agency, court, or political subdivision of any such government. Each commissioner serves a three-year term, with one commissioner’s term expiring each year on March 1.</p>



<p>the United States, the State of Minnesota, or any public corporation or political division thereof other than the office of notary public. The Mayor shall, with the consent and approval of the City Council, expressed by a majority vote thereof, appoint as commissioners, persons known to favor the principle of merit, efficiency and affirmative action in the public service. The term of office of that commissioner which was heretofore set by this section to expire on the 1st day of August, 1980, shall instead expire on the 1st day of March, 1980. The term of office for that commissioner which was heretofore set by this section to expire on the 1st day of August, 1981, shall instead expire on the 1st day of March, 1981. The term of office of that commissioner which was heretofore set by this section to commence on the 1st day of August, 1979, and expire on the 1st day of August, 1982, shall commence on the 1st day of August, 1979, but shall expire on the 1st day of March, 1982. Commencing in 1980, and thereafter, the term of office of each commissioner shall be three years from and after the 1st day of March of the year of such person's appointment. In case of a vacancy occurring otherwise the appointment shall be for the unexpired term. The commissioners shall continue in office until their successors are appointed and have duly qualified. Each commissioner, before entering upon the duties of office, shall subscribe and file with the City Clerk an oath for the faithful discharge of such duties. <i>Thirty days prior to the appointment of a commissioner, the Mayor shall file with the City Clerk the name of the person whom the Mayor proposed to so appoint.</i></p>	
<p>§ 3. Commission To Meet on Second Monday of August for Organization and All Employees to Be in Classified Service The commission shall meet on the second Monday of August of each year, and at each said meeting elect a president and vice-president to serve until their successors are elected.</p>	<p>[§ 5.2(b)] President. Each board at its organizational meeting must elect from its membership a president.</p>
<p>The commission shall select a secretary <i>who shall keep the records and files of the commission and be ex-officio the chief examiner.</i></p>	<p>[§ 5.2(d)] Secretary, other officers. Each board must elect a secretary and may elect or appoint, or provide for the election or appointment of, any other necessary officer. A board's rules may require that its secretary or any other officer must (or must not) come from or serve on the board, otherwise the officer may but need not come from or serve on the board.</p>
<p>The commission shall from time to time fix the times of its meetings, and adopt, amend and alter rules for its procedure.</p>	<p>[§ 5.3(d)] Rules. Each board may adopt rules of order for the conduct of its own business.</p>
<p>The commission may appoint other necessary employees.</p>	<p>[§ 5.4(b)] Employment. Each board may employ— (1) an appropriate staff, for which purpose it may hire, regulate and</p>



	direct, and discipline or discharge any employee (subject to the Civil Service Commission’s rules, in the case of an employee in the classified service);
All employees of the commission shall be in the classified service.	[§ 9.5(b)(1)] Classified service. The “classified service” includes— (A) each employee of the Commission
§ 4. Powers of Commission To Extend Only To Classified Service The powers of the commission shall extend only to the classified service which shall embrace the entire service of the City except	[§ 9.5(c)(1)] Function and powers. The Civil Service Commission administers the classified service,
the following officers, and employees, which shall be known as the “unclassified service”, namely: Officers who are elected by the people; members of boards and commissions; the city clerk; secretaries of the several boards and commissions serving without pay; the city engineer, the chief health officer; the Chief of police; the City assessor; superintendents, principals, supervisors of teachers and teachers in the public schools; the city attorney; the attorney of the park board; the director and librarians of the public library; the superintendent of parks; a landscape architect; a chief of park police; and the Mayor’s private secretary.	[§ 9.5(b)(2)] Unclassified service. The “unclassified service” includes the elected officers and— (A) for each board— (i) its members, and (ii) its secretary, if he or she serves without pay; (B) the city clerk; (C) the city assessor; (D) the city attorney; (E) the chief engineer; (F) the chief health officer; and (G) any officer or other employee for whose unclassified status this charter or a general or special law provides.
	[§ 8.3(a)(1)(C)] The [police] chief serves in the unclassified service,
	[§ 7.2(h)(2)] Unclassified service. The [Park & Recreation] Board may employ in the unclassified service— (A) the superintendent, (B) its attorney, (C) the park police chief, (D) a landscape architect, and (E) any officer or other employee for whose unclassified status this charter or a general or special law provides.
	[§ 8.1(g)(1)] The Mayor’s staff serves in the unclassified service.
None of the unclassified service shall be subject to examination or affected as to their selection, appointment, discharge or removal by the provisions of this Chapter.	
§ 5. “Employee” Designated The term “employee” as used in this Chapter, shall include every officer, agent, employee and other person in the classified service of the City.	[§ 9.1(b)] an “employee” includes— (1) each officer, and (2) everyone in the classified or unclassified service who is not an officer.

IV. Removal



A. Current Charter, Chapter 2, Sec. 19 addresses the circumstances that will lead to forfeiture of office for both elected and appointed officials, and the penalties for such conduct.

The proposed Charter revision, removes this section of the Charter to ordinance and adds that an ordinance “may impose a duty, and may provide that a violation will result in . . . (6) forfeiture of office, in the case of an officer who violates an ordinance relating to the office.” Chap.1, Sec. 1.5.

B. Pursuant to Chapter 3, Sec. 4 of the current Charter, the Executive Committee has the exclusive power to appoint and remove during their terms the following: Police Chief, Fire Chief, Director of Public Works, Commissioner of Health, City Attorney, City Assessor, City Coordinator, Civil Service Commissioner, and “any officer in a department or agency who, by statute, Charter or ordinance, is appointed by the Mayor or City Council or by any public board the majority of whose members are members of the City Council.” In addition, “an appointment or removal shall be effective only upon approval by action of the City Council taken in compliance with the requirements of Chapter 2, section 2, and Chapter 3, section 1 of this Charter.”

Proposed Charter revision Chapter 9, Sec. 9.4(b)(6) provides as follows: “Removal. The City Council may not remove an officer appointed under this section 9.4(b) unless the Executive Committee so recommends, and may not remove a Civil Service Commissioner except for cause.” Thus, the Executive Committee process applies to remove persons appointed pursuant to Sec. 9.4(b), including those positions specified in Chapter 8, Sec. 8.2, as well as those individuals whose positions are not specified in Sec. 8.2, but are created by ordinance, or Charter. In other words, as with the appointment process, it appears that Sec. 9.4(b) of the proposed Charter revision related to removal would apply to members of boards and commissions and would make their removal subject to the Executive Committee process in Sec. 9.4(b).

C. Current Charter Chap. 3, Sec. 4 provides that persons appointed pursuant to the Executive Committee process who have not been reappointed, “hold over” in the office if the person has not been reappointed and approved by the Executive Committee once the appointee’s term has expired. The appointee may not hold over for more than six months after his or her term has expired. If that occurs, the appointee must vacate the office or the seat and it remains vacant until a new appointment is made and confirmed. The Executive Committee may designate someone to fill the vacant office on a temporary basis, but the period may not exceed 90 days.

Chapter 9, Sec. 9.4(b)(7) of the proposed Charter revision specifies the “holding over” process, and is almost identical to the process described in current Charter Chap. 3, Sec. 4.

D. Current Charter Chap. 3, Sec. 4 provides that the “executive committee may suspend without pay any officer appointed by it in the unclassified service for a period not to exceed five (5) working days at one time, and for longer with the approval of the City Council.”

Proposed Charter revision Chapter 9, Sec. 9.4(b)(5) provides that the “Executive Committee may suspend without pay any officer appointed under this section 9.4(b). Any such suspension expires after five

days unless the City Council extends it. The practical effect of this provision is similar to the current Charter provision.

E. Chapter 4, Section 4 of the current Charter specifies the process for removal of appointed officers and elected officers, the type of “trial” that will occur, the notice to be provided the officer (at least 10 days’ notice) and the opportunity to be heard either in person or through his or her counsel. Under this Charter provision, the City Council acts as the hearing officer and has the power to compel the attendance of witnesses and the production of papers.

The “notice and hearing” process specified in Chap. 4, Sec. 4 has its counterpart in proposed Charter revision Sec. 9.2(e)(3) and Sec. 4.3(d) of the proposed Charter. The proposed Charter retains the current Charter’s lack of clarity regarding the standard of cause necessary to remove officers other than Civil Service Commissioners who require “just cause” for removal.

F. Current Charter Chap. 6, Sec. 1 provides that the Mayor is vested with all the powers of the city connected with . . . the establishment, maintenance, appointment, removal, discipline, control and supervision of its police force, subject to the limitations of the civil service chapter of the Charter. In addition, Chap. 6, Sec. 1 provides that the police chief is appointed by the Executive Committee with the consent of the City Council for a term of three (3) years, from January 2nd.

Under Chap. 8, Sec. 8.3(a) of the proposed Charter revision, the Mayor “regulates and commands the police department, and the Mayor appoints and may discipline or discharge any employee in the department, except “where the law vests an appointment in the department itself, . . . and subject to the Civil Service Commission’s rules, in the case of an employee in the classified service.” The impact is similar to the existing Charter.

G. Current Charter Chap. 7, Sec. 5 provides that the fire chief is subject to appointment and removal through the Executive Committee process of Chap. 3, Sec. 4. While the proposed Charter revision is silent about the method of removal for the fire chief, the removal provisions contained in Chap. 9, Sec. 9.4(b) would apply to the fire chief, and the chief would be removed through the Executive Committee process.

Following is a side-by side comparison of the current Charter provision and the proposed Charter revision related to removals:

Charter Removal Provisions

Current Charter Provision	Proposed Charter Revision
Chapter 2 Officers—Elections	
§ 17. Removal from City—Neglect, Etc. Any officer removing from the City or ward for which such officer was elected or appointed	[§ 9.3(b)] Qualifications. No person is eligible as an elected officer unless he or she can vote for that office.
<i>or any officer elected under the provisions of this Charter, who</i>	[§ 9.2(e)]



<p><i>shall refuse or neglect to enter upon the discharge of the duties of such office for ten (10) days after the beginning of the term which the officer was elected to fill, the officer having at least ten (10) days prior thereto been notified of his or her election, or any officer appointed under the provisions of this Charter who shall refuse or neglect to enter upon the discharge of the duties of office for ten (10) days after notice of his or her appointment shall be deemed to have vacated or abandoned the office.</i></p>	<p>Vacancy. (1) Determination. (A) Elected office. Each board to which the voters elect an elected officer determines when that office is vacant. (B) Other office. The electing or appointing body determines when any other office is vacant.</p>
<p>Any officer having entered upon the duties of an office may resign the same by and with the consent of the City Council.</p>	<p>[§ 9.2(e)(2)] Resignation. Any officer may resign— (A) by tendering a written resignation that the electing or appointing authority accepts; or (B) in any other manner provided by law.</p>
<p>§ 19. Violations by Officers—Penalty; Forfeiture <i>Any elective or appointive officer of the City of Minneapolis, or any person employed in the services of the City of Minneapolis, who shall willfully violate or evade any of the provisions of law, or commit any fraud upon the City, or convert any of the public property to his or her own use or knowingly permit any other person to convert it, or by gross or culpable neglect of duty allow the same to be lost to the City, shall be deemed guilty of a misdemeanor and in addition to the penalties imposed by law, and on conviction, shall forfeit the office and be excluded forever after from receiving or holding any office under the Charter of the City of Minneapolis and shall be liable to refund to the City, at the suit of any taxpayer or citizen, any amount lost to said City by reason of any such violation of law.</i></p>	<p>§ 1.5. Enforcement (a) Liability. An ordinance may impose a duty, and may provide that a violation will result in . . . (6) forfeiture of office, in the case of an officer who violates an ordinance relating to the office.</p>
<p style="text-align: center;">Chapter 3 Powers and Duties of Officers</p>	
<p>§ 4. Executive Committee There is hereby established an executive committee consisting of the Mayor, the President of the City Council, and up to three additional members of the City Council to be chosen by the Council; provided, however, that not all of the members of the executive committee shall be of the same political party, unless the Mayor and all of the members of the City Council shall be members of the same political party.</p>	<p>[§ 4.5(b)] Organization. The Executive Committee comprises— (1) the Mayor, as chair; (2) the Council president; and (3) up to three Council members elected by the Council. The Committee’s members may not all belong to the same political party unless the Mayor and all the Council members belong to the same political party.</p>
<p>Notwithstanding any other provision of this Charter or special law to the contrary, the executive committee shall have the exclusive power to appoint and remove during their terms of office the Police Chief, Fire Chief, Director of Public Works, Commissioner of Health, City Attorney, City Assessor, City Coordinator, Civil Service Commissioner, and any officer in a department or agency who, by statute, Charter or ordinance, is appointed by the Mayor or City Council or by any public board the majority of whose members are members of the City Council. An appointment or removal shall be effective only upon approval by action of the City Council taken in compliance with the requirements of Chapter 2, section 2, and Chapter 3, section 1 of this Charter.</p>	<p>[§ 9.4(b)] Appointment by Mayor or Council. Where a general law, special law, ordinance, rule, or other authority provides for an officer’s appointment by the Mayor, by the City Council, by any board whose membership mostly consists of Council members, or by any combination of them, and does not explicitly override this section 9.4(b), then the appointment is vested collectively in the Mayor, Executive Committee, and Council as this section provides. The Council may prescribe the Executive Committee’s process, and may require consultation with any interested Council committee or member, but may not limit the candidates that the Mayor may nominate or the Committee may review. This section 9.4(b) does not apply to any appointment for which another provision within this charter provides unless the other provision explicitly refers to this</p>



	<p>section.</p> <p>(1) Nomination by Mayor. The Mayor enjoys the exclusive power of nominating the officer in the first instance.</p> <p>(2) Recommendation by Executive Committee. The Executive Committee must review the Mayor’s nomination, which it may forward to the City Council with a recommendation that the candidate be appointed.</p> <p>(3) Appointment by City Council. The City Council may appoint a candidate that the Executive Committee has recommended. The Council may not appoint a candidate that the Executive Committee has not recommended. If the Council does not accept or reject a recommendation by its first meeting held at least 60 days after the Mayor’s nomination, then the nominee is appointed.</p>
	<p>[§ 9.4(b)(6)]</p> <p>Removal. The City Council may not remove an officer appointed under this section 9.4(b) unless the Executive Committee so recommends, and may not remove a Civil Service commissioner except for cause.</p>
<p>When considering an appointment or removal the executive committee shall follow procedures prescribed by ordinance or resolution of the City Council which may include provision for participation by members and committees of the City Council, but in the case of an appointment such procedures may not impose a limitation on the candidates to be considered by the executive committee.</p>	<p>[§ 9.4(b)]</p> <p>The Council may prescribe the Executive Committee’s process, and may require consultation with any interested Council committee or member, but may not limit the candidates that the Mayor may nominate or the Committee may review.</p>
<p>A person holding an office or seat filled by appointment by the executive committee who has not been reappointed and approved by the City Council within six months after expiration of his or her term shall vacate the office or seat and shall remain vacant until a new appointment is made and confirmed. The executive committee may designate someone to fill the vacated office on a temporary basis for a period not to exceed ninety days.</p>	<p>[§ 9.4(b)(7)]</p> <p>Holding over. Any officer subject to appointment under this section 9.4(b) whose term has expired but whose successor has not been appointed may continue in office for up to 180 days. The Executive Committee may thereafter appoint a temporary successor for up to 90 days. The office is otherwise vacant until a successor is appointed.</p>
<p>The executive committee may suspend without pay any officer appointed by it in the unclassified service for a period not to exceed five (5) working days at one time, and for longer periods with the approval of the City Council.</p>	<p>[§ 9.4(b)(5)]</p> <p>Suspension. The Executive Committee may suspend without pay any officer appointed under this section 9.4(b). Any such suspension expires after five days unless the City Council extends it.</p>
<p>Chapter 4 City Council—Powers—Duties, Etc.</p>	
<p>§ 4. City Council—Power to Remove Officers—Place and Manner of Trial</p>	
<p>The City Council shall have power to remove from office any officer of said City whether appointed by the City Council or elected by the people, but no officer elected by the people shall be removed except for cause, nor unless first furnished with a copy of the charges, nor until such person shall have had reasonable opportunity to be heard in person or by counsel in his or her own defense.</p>	<p>[§ 9.2(e)(3)]</p> <p>Removal. The electing or appointing body (or, in the case of an elected office, the City Council) may remove any officer after notice and hearing. The notice must specify—</p> <p>(A) the cause for removal, and</p> <p>(B) the hearing’s time and place.</p>
<p>Continued absence from the meetings of the Council in case of Council Members, and neglect of duty in case of other officers, unless for good reason, shall be deemed a good cause of</p>	<p>[§ 4.3(d)]</p> <p>Attendance. The Council may compel the attendance of absent members, and may remove a member for persistent or recurring</p>



removal.	nonattendance.
The City Council shall fix a time and place for the trial of such officer, of which not less than ten days' notice shall be given, and shall have power to compel the attendance of witnesses, and the production of papers, and to hear and determine the case, and if such officer shall refuse or neglect to appear and answer such charge the City Council may declare the office vacant.	[§ 9.2(e)(3)] The electing or appointing body may compel the testimony of any witness who may have relevant information, and may compel the production of any relevant book, document, or thing.
The executive committee shall have power to remove from office any officer of the city appointed by it subject to the provisions of Chapter 3, section 4 of this Charter, except that members of the civil service commission may only be removed during their term for cause.	[§ 9.4(b)(6)] Removal. The City Council may not remove an officer appointed under this section 9.4(b) unless the Executive Committee so recommends, and may not remove a Civil Service commissioner except for cause.
Chapter 6 Police Department	
§ 1. Powers of Mayor over Police—Chief The mayor shall be vested with all the powers of said city connected with and incident to the establishment, maintenance, appointment, removal, discipline, control and supervision of its police force, subject to the limitations herein contained and the provisions of the civil service chapter of this Charter, and may make all needful rules and regulations for the efficiency and discipline, and promulgate and enforce general and special orders for the government of the same, and have the care and custody of all public property connected with the police department of the city.	[§ 8.3(a)] The Mayor regulates and commands the police department.
The executive committee shall, by and with the consent of a majority of all of the members of the city council, appoint for a term of three (3) years commencing January 2, 1980, some suitable person as chief of police, subject to removal upon the recommendation of the executive committee by a vote of a majority of all of the members of the city council. Such position shall be in the unclassified service. The term of office of each chief of police shall be three (3) years from and after the second day of January of the year of appointment. In case of a vacancy occurring otherwise, the appointment shall be for the unexpired term. <i>Ten (10) days prior to the appointment of a chief of police, the executive committee shall file with the city clerk the name of all persons the executive committee is then considering for the appointment. The chief of police may be reappointed by a majority of all members of the city council. In the event that the council does not reappoint within thirty (30) days of the termination of the term, the executive committee shall within sixty (60) days thereafter make a new appointment.</i> Persons holding the position of chief of police shall be entitled to the same employee benefits as persons in the classified service except as to appointment and removal. If the person appointed chief of police is a member of the classified service, such person shall be deemed to be on leave of absence during the tenure as chief of police, and upon the termination of service as chief of police shall be returned to his or her permanent civil service classification. If no vacancy is available in that permanent civil service classified position, seniority shall	[§ 8.3(a)(1)] Police chief. (A) Appointment. The Mayor nominates and the City Council appoints a police chief under section 9.4(b). (B) Term. The chief's term is three years. (C) Civil service. The chief serves in the unclassified service, but with the same employee benefits (except as to hiring and removal) as an officer in the classified service. If a chief is appointed from the classified service, then he or she is treated as taking a leave of absence while serving as chief, after which he or she is entitled to return to his or her permanent grade in the classified service. If no vacancy is available in that grade, then the least senior employee so classified returns to his or her grade before being so classified.

prevail and the person most recently certified to such position shall be returned to the permanent civil service classification held prior to such certification.	
The Mayor shall also appoint, subject to the provisions of the civil service chapter of this Charter, all members of the police force and other employees of the department prescribing the title, rank and duties of each, and report a list thereof to the city council, and the civil service commission.	[§ 8.3(a)] Except where the law vests an appointment in the department itself, the Mayor appoints and may discipline or discharge any employee in the department (subject to the Civil Service Commission's rules, in the case of an employee in the classified service).
<i>Each and every person so appointed shall be subject to removal by the mayor when the mayor shall deem the same necessary after proper investigation in accordance with the civil service chapter of this Charter.</i>	[§ 8.3(a)] Except where the law vests an appointment in the department itself, the Mayor appoints and may discipline or discharge any employee in the department (subject to the Civil Service Commission's rules, in the case of an employee in the classified service).
Chapter 7 Fire Department	
<p>§ 5. Chief Engineer—How Appointed—Officers and Personnel</p> <p>Pursuant to Chapter 3, section 4 of this Charter the executive committee shall appoint, subject to the approval of a majority of all the members of the City Council, a chief engineer of the fire department, subject to removal by the executive committee upon approval of a majority of all of the members of the City Council. The City Council shall provide by ordinance for such other officers and personnel as may be deemed necessary for such department, and define the respective ranks and duties of such chief engineer and other officers and personnel and their compensation. Such position shall be in the unclassified service. The person holding the position of chief engineer shall be entitled to the same employee benefits as persons in the classified service except as to appointment and removal. If the person appointed chief engineer is a member of this classified service, such person shall be deemed to be on leave of absence during tenure as chief engineer, and upon the termination of service as chief engineer, shall be returned to the person's permanent civil service classification. If no vacancy is available in the permanent civil service classified position held by the chief engineer at the time of appointment as chief, seniority shall prevail and the person most recently certified to such position shall be returned to the permanent civil service classification which the person held prior to such certification.</p>	<p>[§ 8.4(a)(1)] Fire chief.</p> <p>(A) Appointment. The Mayor nominates and the City Council appoints a fire chief under section 9.4(b).</p> <p>(B) Civil service. The chief serves in the unclassified service, but with the same employee benefits (except as to hiring and discharge) as an officer in the classified service. If a chief is appointed from the classified service, then he or she is treated as taking a leave of absence while serving as chief, after which he or she is entitled to return to his or her permanent grade in the classified service. If no vacancy is available in that grade, then the least senior employee so classified returns to his or her grade before being so classified.</p>
<p>§ 6. Chief Engineer to Nominate Officers and Staff—Removals, Discharges, Etc.</p>	
<p>The Chief Engineer shall with the approval of the City Council, appoint, subject to the provisions of the Civil Service Chapter of this Charter, all other officers and staff connected with such department, and may at any time, as provided by the Civil Service Chapter of this Charter, remove or discharge such officers or staff as the Chief Engineer may deem it for the interest of the city to discharge, and whenever the City Council shall deem it necessary to reduce the number of staff employed, said Chief Engineer, shall, upon the direction of the City</p>	<p>[§ 8.4(a)(3)] Officers and staff.</p> <p>(A) Appointment. The fire chief, with the City Council's assent, appoints (subject to the Civil Service Commission's rules) the department's other officers and other employees.</p> <p>(B) Layoffs. The fire chief may (subject to the Civil Service Commission's rules) discharge an employee in the City's interest. If the City Council directs that the department reduce its force, then the chief must recommend only such layoffs as</p>



Council, recommend the layoff of such officers or staff as can be released without impairing the working efficiency of such department.	will not impair the department's operations.
The Chief Engineer shall appoint competent officers, holding the rank of at least captain, to serve as the assistant chief, deputy chiefs, fire marshal, three (3) assistant chiefs of training and the engineering officer. The assistant chief, deputy chiefs, fire marshal, assistant chiefs of training and the engineering officer shall be appointed by the Chief Engineer, without examination, and such appointees may be removed by the Chief Engineer at will. An officer of the Fire Department accepting appointment to one of the positions enumerated in this section shall retain the officer's civil service status and seniority, and time served in such appointed position shall be credited in computing the officer's seniority in the permanent civil service classification held by the officer immediately prior to accepting the appointment. An officer of the Fire Department accepting appointment to one of the positions enumerated in this section shall be deemed to be on leave of absence from the officer's permanent civil service classification. Upon termination of such appointed service, the officer shall be returned to the permanent civil service classification for which such leave was taken and if no vacancy is available in such civil service classified position, seniority shall prevail and the person most recently certified to such position shall be returned to the civil service classification held by that person prior to such certification.	[§ 8.4(a)(2)] Senior management. (A) Appointment. The fire chief, with the City Council's assent, appoints as the department's senior managers— (i) an assistant chief, (ii) a deputy chief, (iii) a fire marshal, (iv) three assistant chiefs of training, and (v) an engineering officer. (B) Civil service. The fire chief appoints, without examination, a senior manager from the department's firefighters with the rank of captain or higher; and may discharge him or her at will, without regard to the Civil Service Commission's rules. An officer who accepts such an appointment is treated as taking a leave of absence, retains his or her grade and seniority in the classified service, and earns seniority in that grade while serving as a senior manager, after which he or she is entitled to return to his or her permanent grade in the classified service. If no vacancy is available in that grade, then the least senior employee so classified returns to his or her grade before being so classified.
Chapter 16 Parks and Parkways	
§ 1. Park and Recreation Board—Election—Terms of Office	
Any Commissioner may be removed from office by the District Court of Hennepin County, after trial and conviction, upon the petition with sworn charges presented by not less than ten (10) reputable freeholders of said city, if it shall appear at the trial that such Commissioner has been guilty of misdemeanor, or malfeasance in office.	[§ 7.3(b)(1)] Petition. On a petition sworn by at least 10 citizens, the district court, after notice and hearing, may remove any commissioner for malfeasance or misdemeanor in office.
§ 14. Rules and Penalties	
The Mayor of the City of Minneapolis shall, upon request of the Park and Recreation Board, and subject to the provisions of the Civil Service Chapter of this Charter, appoint as police officers such persons as such Board may request; and which police officers shall be under the control and direction of said Board, and may be discharged by said Board subject to the provisions of said Civil Service Chapter, and said Board shall provide for the payment of such police officers out of the park funds.	[§ 7.2(e)] Park police. The Mayor must appoint as many police officers for the parks and parkways as the Board requests. The Board must pay for such police out of the park & recreation fund, may regulate and direct them, and may discipline or discharge them (subject to the Civil Service Commission's rules).
Chapter 19 Civil Service	
§ 10. Officers or Employees Not to Be Removed After Six Months Except for Cause—Investigation of Charges With the exception of firefighters initially employed after the effective date of this amendment, the police officers and assistant city attorneys, no officer or employee, after six months' continuous employment shall be removed or	[§ 9.5(d)(4)] Tenure. After a probationary period that begins upon hiring, an employee in the classified service may be disciplined or discharged only as this charter, the Commission's rules, or any other applicable law or agreement provides. (A) Probation. The probationary period is—



<p>discharged except for cause, upon written charges and after an opportunity to be heard. No police officer after twelve months' continuous employment following the satisfactory completion of the basic peace officers' training course of the Minneapolis Police Department and no assistant city attorney or firefighter, after twelve months of continuous employment, shall be removed or discharged except for cause, upon written charges and after an opportunity to be heard. Such charges shall be investigated by or before said Civil Service Commission or by or before some officer or board appointed by said commission to conduct said investigation. The finding and decision of such commission or investigating officer or board when approved by said commission shall be certified to the appointing officer and shall be forthwith enforced by such officer.</p>	<p>(1) for police officers, 12 months following satisfactory completion of basic training; (2) for an assistant city attorney or a firefighter, 12 months; and (3) for each other job, six months. (B) Discharge. No employee in the classified service, having completed the probationary period, may be discharged except for just cause after— (1) written notice of the cause for dismissal; (2) a hearing before the Commission, or an officer or board that the Commission designates; and (3) a finding by the hearing authority that the evidence supports the cause charged and warrants dismissal.</p>
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V. Removal of Charter Provisions to Ordinance

Throughout the proposed Charter revision, certain current Charter provisions have been removed from the Charter to ordinance. This is in keeping with the philosophy of the Model Charter for Minnesota Cities, which, according to the comments, “is based on modern drafting principles that a charter should deal only with fundamentals, leaving to the council by ordinance the authority to provide more detailed regulations as they are needed.”

Moving provisions to ordinance, however, results in a significant difference as to how easily those provisions may be altered. Amending a Charter provision requires either a 13-0 vote of the City Council or a majority popular vote in favor of a ballot question. Amending an ordinance³, however, requires only a majority vote of all Council Members present. Shifting the specific provisions related to appointment, removal, discipline, and the Executive Board from Charter to ordinance will mean that those powers and duties can be much more easily changed, or even eliminated by the Council.

CONCLUSION

This memorandum is provided as a guide as to the suggested changes contained in the Proposed Revised Charter and to assist the Work Group in its discussion of those changes.

