



Minneapolis

City of Lakes

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TO: Charter Revision Work Group Members

FROM: Dana Banwer, Assistant City Attorney

DATE: October 27, 2009

RE: Charter Revision – Civil Rights Department

MEMORANDUM

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 how the Charter treats the Civil Service Commission. This memorandum addresses impact of this proposal on the City and the Civil Rights Department.

Analysis

I. Civil Rights Charter References

The only reference to the Civil Rights department in the current Charter is found in Chapter 11, Sec. 18, which provides the following:

Notwithstanding any other Charter provision or ordinance to the contrary all city departments, boards commissions, agencies, and branches of the City of Minneapolis shall be subject to the jurisdiction of the Minneapolis Civil Rights Commission. No exemption of the jurisdiction conferred by this section shall be allowed to exempt any city department, boards, commissions, agencies, or branches of the City of Minneapolis.

Charter Chap. 11, Sec. 18.



The proposed Charter revision refers to the Civil Rights department in two places as indicated in the table below. In Sec. 8.2(a)(6) of the proposed Charter revision, the Civil Rights department is one of the departments that the City Council must establish, organize, and otherwise provide for. There is no parallel provision or requirement in the current Charter.

II. Expanded Jurisdiction

Under the current Charter, “all city departments, boards, commissions, agencies, and branches of the City of Minneapolis shall be subject to the jurisdiction of the Minneapolis Civil Rights Commission”. Chap. 11, §18. The proposed Charter revision appears to significantly expand the jurisdiction of the Civil Rights department by including individuals, including officers and agents of the boards, departments and agencies as those over whom the Civil Rights department has jurisdiction. (§8.2(d)).

Following is a side-by-side comparison of current Charter provisions related to the Civil Rights Department compared with the proposed Charter revisions.

Current Charter Provision	Proposed Charter Revision
	§ 8.2. Departments
	(a)(6) a civil rights department;
Notwithstanding any other Charter provision or ordinance to the contrary all city departments, boards, commissions, agencies, and branches of the City of Minneapolis shall be subject to the jurisdiction of the Minneapolis Civil Rights Commission. No exemption of the jurisdiction conferred by this section shall be allowed to exempt any city departments, boards, commissions, agencies, or branches of the City of Minneapolis. [ch. 11, § 18]	§8.2(d) Civil rights department. For the purpose of enforcing civil-rights legislation, the civil rights department enjoys jurisdiction over each board, department, officer, and other agency or agent, notwithstanding anything in this charter to the contrary. No board, department, officer, or other agency or agent may limit the department’s jurisdiction.

Conclusion

This memorandum exists only to provide a guide as to the suggested changes contained in the proposed Charter revision and to assist the Work Group in its discussion of those changes.

