



Minneapolis
City of Lakes

Office of the City Attorney
Susan L. Segal
City Attorney

350 South 5th Street – Room 210
Minneapolis, MN 55415

Office 612 673-2010
Civil Division Fax 612 673-3362
Criminal Division Fax 612 673-2189

TO: Chair Betsy Hodges and Members of the Intergovernmental Relations Committee

FROM: Dana Banwer, Assistant City Attorney

DATE: October 27, 2009

RE: Proposed Charter Revision – Summary of Changes Related to City Attorney’s Office

MEMORANDUM

Overview

The Charter Revision Work Group plan required this office to review the proposed Charter revisions and provide an overview to the Charter Revision Work Group as to specific Charter amendments that would affect various City departments. Over the course of the past several months, we reviewed the proposed Charter amendments, discussed the changes with representatives from each department, and discussed the amendments with the Charter Revision Work Group. This memorandum summarizes the impact of this proposal on the City and the City Attorney’s Office.

City Attorney Department Issues

I. City Attorney as Legal Advisor

A. The language in the current Charter that specifies that the city attorney is the legal advisor of the “mayor, City Council, its committees, and all other officers of the city and of the boards hereinabove named [‘all the several boards of said city which now exist or are hereafter established in connection with the city government’]” is less clear than the language contained in the current Charter with respect to the scope of representation by the City Attorney.

B. The proposed revised Charter language is also arguably less clear in stating that the City Attorney is the sole counsel for the City and that the City’s boards and commissions have no authority to hire their own counsel. The current Charter states that in “no case” shall the boards “retain or employ any attorney for legal services” and must “call upon” the City Attorney for legal counsel and advice. The proposed Charter revision states that they “must consult only the City Attorney for any legal advice.”



C. In addition to the above, given that the definition of “officers” found in the proposed Charter revision includes “each board’s members and officers for which this charter or a general law, special law, or ordinance provides”, the proposed Charter revision language appears to authorize individual board and commission members to seek opinions from the City Attorney. The current Charter requires the City Attorney to provide legal opinions when requested by boards and commissions, but not in response to requests from individual members of such boards and commissions through their chairs.

II. Removal of Certain Provisions to Ordinance

In keeping with the philosophy of the Model Charter for Minnesota Cities, several current Charter provisions are recommended for removal to ordinance. Moving provisions to ordinance 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 questions. Amending an ordinance, however, requires only a majority vote of all Council Members present. Shifting the specific City Attorney’s Office provisions to ordinance will mean that those powers and duties can be much more easily changed, or even eliminated by the Council.

