



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 proposed Charter amendments that would affect various City departments. Over the course of the past several weeks, 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 Board of Health/Health Department.

Health Department/Board of Health Issues

Under Minnesota law, “[t]he governing body of a city or county must undertake the responsibilities of a board of health or establish a board of health and assign to it the powers and duties of a board of health”. Minn. Stat. §145A.03 (2008). Since the City is not mandated to create a board of health, it could appoint a separate board or commission to act or it could allow all of the functions of a board of health to be performed by the County. In Minnesota currently, only four (4) cities, including Minneapolis, have Boards of Health.

Under current Charter Chapter 14, the City Council has chosen to have and exercise the supervision and administrative control of all activities and agencies carried on and maintained by the City for health-related matters and for the care, management and operation of City hospitals, dispensaries and clinics and furnishing of medical and dental service to persons of low income.



The proposed Charter revision removes the entire Chapter 14 out of the Charter, with the exception of one provision related to the police chief's duties relating to the preservation of public health, and places it in ordinance.

I. Removal of Board of Health to Ordinance

The proposed Charter revision contemplates removing virtually all of Charter Chapter 14 to ordinance. In addition, since the Commissioner of Health is not referenced at all in the proposed Charter revision, this position would cease to be known as a "charter department head" in the proposed Charter. Instead, the function, department and department head would be governed by ordinance. Additional effects of moving the Board of Health and Commissioner of Health to ordinance include the following:

A. Chapter 4, Sec. 4.1(c) of the proposed Charter revisions provides that where the law provides for municipal action through a board, and the Charter does not reserve that authority to a board other than the City Council, the City Council must either itself serve as the board, or provide by ordinance for the board. The elimination of Chapter 14 of the current Charter appears to relieve and absolve the City Council of the responsibility and duty to exercise the powers of a board of health under Minn. Stat. §145A. The options available to the City Council as to how it can provide for the operation and administration of the Board of Health include: 1) City Council may serve as the board of health; 2) City Council may create a board of health, assigning to it the powers and duties of a board of health; or 3) City Council may ask the county or a joint powers board of health to undertake the responsibilities of a board of health for the City. The language of Chapter 4, Sec. 4.1 of the proposed Charter revision, suggests that the City Council can either serve as the Board of Health itself, or create by ordinance, a separate Board of Health. It is unclear if a Board of Health brought into existence by ordinance pursuant to Chapter 4, Sec. 4.1(c) of the proposed Charter revision would be governed by proposed Chapter 4, or if it would be governed by the ordinance that created it.

B. Moving provisions from charter to ordinance will result in greater ease in the way in which provisions may be altered. Where amending a charter provision requires either a 13-0 vote of the City Council or a majority popular vote in favor of the ballot question, amending an ordinance requires only a majority vote of all council members present.

C. The Commissioner of Health estimates that the Health Department is referenced in at least eight (8) titles and 30 chapters of the Minneapolis Code of Ordinances and the City Charter. Thus, a significant number of ordinances would need to be amended.

II. Removal of Commissioner of Health to Ordinance

As mentioned above, the proposed Charter revision removes reference to a Commissioner of Health from the Charter entirely. If a similar position is created by an ordinance created a Board of Health, shifting the creation of a Commissioner of Health to ordinance will mean that the powers of that officer can be much more easily changed, or even eliminated by the City Council. In addition, under Chapter 9, Sec. 9.5(b) of the proposed Charter revision, a chief health officer, if such a position is created by ordinance, would be in the unclassified service and not subject to Civil Service Commission rules.