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July 6, 2011

Mr. Barry Clegg, Chair
Minneapolis Charter Commission
City Hall
350 S 5th St Rm 304
Minneapolis, MN 55415

Re: Proposed Minneapolis City Charter Amendments – Draft 12

Dear Mr. Clegg:

I am writing on behalf of the Minneapolis Board of Business Agents ("MBBA") regarding the proposed amendments to the City Charter as set forth in Draft 12, dated March, 2009.

When the project to restate the Charter originated, the stated purpose of the endeavor was to simplify the document while not making substantive changes. The Charter Commission, specifically past Chairs Brian Melendez and later Jim Bernstein, was very good about keeping the MBBA informed as to the progress of the project and incorporating the recommendations of the MBBA as to provisions that impacted the employees of the City of Minneapolis. Accordingly, the concerns of the MBBA had been satisfied as of December, 2005, relative to Draft 8. The MBBA remains supportive of the restatement project, provided that substantive changes are not made.

The MBBA has reviewed Draft 12 and raises the following concerns as to the provisions that directly or indirectly impact the employees represented by our member unions:

1. **Section 8.4 – Fire Department – Senior Management.** The originally proposed language of subsection (2)(A)(iv) provides for the appointment of "three assistant chiefs of training." The proposal is to delete the word "three." This is a substantive change. The MBBA would not oppose adding the words "up to" so that the Department may have less than three if it chooses. We believe that this is more clarifying than substantive as we interpret the language of the current provision to create enabling language rather than establishing a required number. However, the MBBA does oppose the substantive change resulting from the elimination of a maximum number of appointed positions in the unclassified service.

2. **Section 8.4 – Fire Department – Funding.** The current charter requires the City Council to fund the Fire Department to "maintain the double platoon system." The proposal is to require the funding to maintain "adequate staffing levels." This change would permit the gutting of the Fire Department as the term "adequate staffing" is far too vague to constitute any meaningful staffing requirement. This is a substantive change that the MBBA strongly opposes.

3. **Section 9.4 – Other Officers – Appointment Process.** The originally proposed language of subsection (b)(3) retains the provision in the current charter a nominee is deemed appointed if the Council does not accept or reject a recommendation from the Executive Committee within 60 days. The proposal in Draft 12 eliminates that provision and thus constitutes a substantive change. As such, the MBBA is opposed to the change.

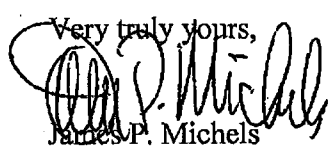
4. **Section 9.5 – Classified Service – Eligibility Lists.** The current charter and the prior drafts provide that eligibility lists shall remain in place for two years unless extended by the Civil Service Commission. The proposed change to subsection (c)(1)(C)(ii) eliminates the two-year provision and replaces it with "the time specified in the examination notice." This change is substantive and the MBBA opposes it.

5. **Section 9.5 – Classified Service – Probation.** Currently, the Charter specifies that the probationary period for police officers, fire fighters and assistant City Attorneys is 12 months and 6 months for all other employees. The proposed change to subsection (d)(4)(A) is to change it to the time "as specified in a collective bargaining agreement, ordinance, contract, Commission rules, or other document that defines the terms and conditions of employment between the City and the employee's labor representative or the employee or officer." This is a substantive change and, as such, is opposed by the MBBA.

6. **Section 9.5 – Civil Service – Funding.** The current charter provides for a 2.5 cent tax for the Civil Service Commission and specifies that the Commission controls its own finances. The proposed amendment to subparagraph (f) provides that any unspent funds at the end of the year must be returned to the City's General Fund. This is a substantive change. As such, the MBBA is opposed to the change.

The MBBA respectfully requests that the concerns set forth above be addressed and incorporated into the next and any subsequent drafts of the restated Charter. If you have any questions or would like to meet to discuss the concerns of the MBBA, please do not hesitate to contact me.

Very truly yours,



James P. Michels

cc: Members of the Charter Commission