MINNEAPOLIS CHARTER COMMISSION
CHARTER REVISION COMMITTEE

CITY OF MINNEAPOLIS
REVISED CHARTER

Fifth Draft
September 2004

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Article I
General Provisions

§ 1.1. Name

The body corporate and politic that this charter governs is named the "City of Minneapolis." For this charter's purposes, the "City" means the City of Minneapolis, and its terms refer to the City unless the context clearly indicates otherwise.

§ 1.2. Status

The City is a municipal corporation having adopted this home-rule charter under the Minnesota Constitution, article XII, section 4.

§ 1.3. Authority

(a) **Basic authority.** Subject to applicable law, this charter and action taken under its authority are the basis for the conduct of all the City's business.

(b) **Restatement and supersession.** This charter fully restates and supersedes every prior version of, and any ordinance or other municipal act inconsistent with, this charter. But except as this charter or an amendment explicitly provides otherwise, the charter does not affect—

(1) any ordinance or other municipal act adopted before its adoption or its latest revision or amendment;

(2) the existence, status, function, composition, powers, or duties of any board, department, or other public body; or

(3) the office, tenure, powers, or duties of any officer.

(c) **Special laws.**

(1) **Inconsistent laws superseded.** This charter supersedes any special law enacted before the charter's latest revision on _____, 2004, to the extent of any inconsistency between them.

(2) **Certain laws preserved.** The charter does not affect any special or other law that confers upon the City, or upon any board, department, or officer for which this charter or an ordinance provides, a power, right, or role in addition to those for which the charter or ordinance provides.

(d) **Construction.** Except as this charter otherwise provides—

(1) each term used in this charter has the same meaning as in the Minnesota constitution and statutes, and other law relating to the same subject;

(2) the canons of construction and other principles of interpretation in the Minnesota statutes apply to this charter;

(3) each heading is a part of the charter; and

(4) any reference to population refers to the latest decennial federal census.

§ 1.4. Powers

(a) **Powers plenary.** The City, acting through the boards, departments, and officers for which this charter or an ordinance provides, may exercise any power that a municipal corporation can lawfully exercise.

(b) **Optional powers claimed.** If a municipal corporation may enjoy or exercise a certain power at its option, without forgoing any other power, then the City hereby claims and may exercise that power.

(c) **Laws excepting home-rule cities.** Whenever a law grants a power or an option to cities generally or to cities of a certain class, but excepts cities having adopted a home-rule charter, the City may

nevertheless exercise the power or option if that exercise is not inconsistent with this charter, notwithstanding its having adopted this charter.

(d) **Unmentioned powers.** This charter's mention of certain powers does not limit the City's powers to those mentioned.

§ 1.5. Jurisdiction

The district court has jurisdiction over any case arising under this charter or an ordinance, including the prosecution for any violation.

Article II
Boundaries

§ 2.1. City

The City has the boundaries established under law.

§ 2.2. Wards

(a) **Number.** The City comprises 13 wards, designated by number. If possible, a redistricted ward keeps the number of the former ward from which its population mostly came.

(b) **Characteristics.** The wards must be as equal in population as practicable. Each ward must—

(1) not deviate from the mean ward population by more than five percent of that average, according to—

(A) the latest decennial federal census; or

(B) a special computation or enumeration ordered by the Redistricting Commission with respect to any particular block or tract, computed or enumerated as of the same time and in the same manner as the latest decennial federal census; and

(2) consist of a compact, contiguous area, not longer than twice its width, whose boundaries lie along the centerline of public ways and, as far as practicable, run due north–south or east–west. A body of water within a ward does not affect these characteristics.

(c) **Redistricting.**

(1) **Policy.** The City must redistrict the wards, as this section 2.2(c) provides,—

(A) after each decennial federal census;

(B) as required by statute or by judicial decree; or

(C) when the number of wards changes,

and may not otherwise redistrict them.

(2) **Redistricting Commission.** For this section 2.2(c)'s purposes, the "Commission" means the Redistricting Commission for which this section 2.2(c)(2) provides.

(A) **Composition.** The Commission comprises—

(i) one commissioner elected by but not from the greatest number of Council members who are members of the same political party (or, if there is more than one such number, from the majority that elected the Council president);

(ii) one commissioner elected by but not from the remaining Council members;

(iii) two commissioners elected by the Charter Commission from each major political party, at least one of whom was nominated by the party;

(iv) up to two commissioners elected by the Charter Commission who are either—

(I) members of a political party or parties that are not a major political party, or

(II) unaffiliated with any political party; and

(v) a chair elected by but not from the other commissioners.

No political party's members may constitute a majority of the commissioners.

(B) **Qualifications.** Each commissioner must be a qualified voter in the City.

(C) **Nominations.**

(i) **Political parties.** For this section 2.2(c)'s purposes—

(I) a "political party" has the same meaning as in the Minnesota election law; and

(II) a "major political party" means one within the Minnesota election law's meaning, whose nominee for governor or for United States senator received more than five percent of the votes in the City at the last gubernatorial or senatorial election.

(ii) **Nomination by party.** Each major political party may nominate six to ten members for commissioner. The party's list must broadly reflect the City's population and must include racial minorities and other groups historically underrepresented in City government. A party may not nominate anyone who, since two years before the process began, is or has—

(I) held any elected public office;

(II) appeared on a ballot listing his or her partisan affiliation in any primary or general election;

(III) worked as an employee of any political party; or

(IV) worked as an employee for the City.

If any major political party does not communicate its list to the Charter Commission by the applicable deadline, or if the list does not comply with this section 2.2(c)(2)(C)(ii), then the Charter Commission may elect a commissioner from the party without regard to the party's list.

(iii) **Nomination by voter.** Any eligible voter may nominate himself or herself or any other eligible voter for commissioner. The nomination must identify the political party of which the nominee is a member or state that the nominee is unaffiliated with any political party.

(3) **Schedule.** Subject to any applicable ordinance, statute, or judicial decree:

(A) **Nominations.** At least 45 days before the process begins, the Charter Commission must request nominations by letter to each major political party's city chair (or, if there is no city chair, its state chair); and by public notice inviting nominations by voters. The deadline for nominations is 15 days before the process begins.

(B) **Process begins.** The redistricting process begins—

(i) after a decennial census, on February 1 in the calendar year ending in —2;

(ii) when required by statute or judicial decree, as the statute or decree provides, otherwise 60 days after it takes effect; or

(iii) when the number of wards changes, 60 days after the amendment takes effect (even if the change takes effect later).

(C) **Election by Council members.** The Council members must elect their commissioners within 45 days before the process begins.

(D) **Election by Charter Commission.** The Charter Commission must elect its commissioners within 15 days before or after the process begins.

(E) **Organizational meeting.** Within 30 days after the process begins, the Commission must convene at the Charter Commission's call, and must elect its chair by simple majority. If the Commission has not elected a chair within 15 days after convening, then each commissioner may cast a written ballot for chair and, if no chair is thereby elected, the city clerk will draw one ballot by lot and the person named on that ballot is the chair.

(F) **Tentative plan.** Within 60 days after the process begins, the Commission must—

(i) give public notice of a tentative plan or plans; and

(ii) invite comments from each neighborhood organization recognized in a manner for which the City Council provides.

(G) **Public hearings.** Between seven and 30 days after giving public notice, the Commission must hold a public hearing on its tentative plan or plans. At least seven days after the first public hearing, and before adopting a final plan, the Commission must hold a second public hearing, either on a tentative plan or on its proposed final plan.

(H) **Final plan.** Within 90 days after the process begins, the Commission must—

(i) adopt a final plan redistricting the wards and delineating each redistricted ward's boundaries and stating its population, and

(ii) file the plan with the city clerk.

If the Commission has not adopted a final plan by the deadline, then each commissioner may cast a written ballot identifying a proposed final plan, and the city clerk will draw one ballot by lot and the plan identified on that ballot is the final plan.

(*I*) **Effective date.** The final plan takes effect upon, and applies to the first general election for which filing opens after, its adoption (or its being drawn by lot). A redistricting does not affect the eligibility or term of any incumbent holding office when the plan takes effect, and does not apply to any special election held before the next regular election.

(J) **Expiration.** The Commission expires when the final plan takes effect, but must reconvene for the purpose of conforming the plan to the law if the district court finds that the plan is unlawful.

(4) **Funding.** The City Council must provide for the staff and other resources that the Commission needs.

(5) **Ordinances.** The City Council may enact any necessary or prudent ordinance implementing this section 2.2(c). No such ordinance applies to any redistricting process that begins within 30 days.

(6) **Jurisdiction.** The district court enjoys original jurisdiction over any case arising out of redistricting under this section 2.2(c).

§ 2.3. **Park districts**

The provisions of the preceding section 2.2 regarding redistricting wards likewise apply as far as possible to redistricting park districts, except as this section 2.3 otherwise provides.

(a) **Number.** The City comprises six park districts, designated by number.

(b) **Commission.** The Redistricting Commission must redistrict the park districts in the same manner as it redistricts the wards, for which purpose the Commission includes two commissioners elected by but not from the Park & Recreation Board's commissioners, in the same manner as and in place of the commissioners elected by the Council members under section 2.2(c)(2)(A)(i)–(ii). If the park districts are redistricted when the wards are not being redistricted, then the Charter Commission must convene a new Commission, with the Park & Recreation Board serving in the City Council's place. For this section 2.3's purposes, the "Commission" means the Redistricting Commission for which this section 2.3(b) provides.

(c) Before holding a public hearing on any tentative plan, the Commission must—

(1) notify the Park & Recreation Board of its tentative plan; and

(2) consider any recommendation by the Board.

(d) **Schedule.** Before filing opens for the first general election after the process begins, the Commission may extend its schedule for redistricting park districts if—

(1) at least 14 days before, it notifies the Park & Recreation Board of its tentative plan, and

(2) at least seven days before, it files a final plan with the city clerk.

§ 2.4. **Precincts**

(a) **Precincts, polling places.** For the convenient administration of elections, the City Council must divide each ward into precincts and designate a polling place in each precinct. Each precinct must lie wholly within a single ward and park district.

(b) **Effective date.** An act dividing a ward into precincts, or designating a polling place, takes effect after 90 days or at such later time as the act provides. An act designating a new polling place may take effect sooner if the former polling place is unavailable.

§ 2.5. **Annexed territory**

Any annexed territory joins the ward and the park district to which it is adjacent or, if adjacent to more than one ward or district, the least populous such ward or district.

§ 2.6. **Special districts**

For the more efficient delivery of municipal services in the City and its surroundings, and with a view toward their orderly growth, the City Council may designate any area within three miles of the City's boundaries as a special district, in which it may—

(a) lay out the streets and other infrastructure so that they consistently continue the City's system;

(b) accept or dedicate property for streets or any other public purpose; and

(c) plat the district accordingly.

Article III
Elections

§ 3.1. General provisions

(a) **General law applies.** Unless it is inconsistent with this charter, the Minnesota election law applies to each municipal election.

(b) **Administration.** The city clerk administers each election under the City Council's direction. The clerk must give public notice of the time and place of holding each election at least 15 days before the election.

(c) **Nomination by primary.** A candidate for elected office advances to the general election if nominated in a primary election, which nominates twice as many candidates as the general election will elect. If filing closes with fewer candidates filing for nomination than twice the number to be elected, then each such candidate is thereby nominated without a primary election.

(d) **Ballots.**

(1) **Nonpartisan ballot.** The ballot for each elected office is a nonpartisan ballot; but each candidate may state, in up to three words, his or her political party or principle, which shall appear on the ballot.

(2) **Order.** The ballot lists the offices being elected in this order:

(A) Mayor;

(B) Council member;

(C) Board of Estimate & Taxation member;

(D) Park & Recreation commissioner at large;

(E) Park & Recreation commissioner by district; and

(F) Library trustee.

(e) **Ties.** When more than one candidate receives the same number of votes in a primary or general election, which number is otherwise sufficient for nomination or election, then the city clerk breaks the tie by lot at a time and place that the City Council establishes.

§ 3.2. Regular elections

(a) **Election years.** A regular election occurs in the last calendar year before any elected officer's term expires.

(b) **Primary election.** For each general election, the City Council must provide by ordinance for—

(1) a primary election at least 40 days before the general election, and

(2) a filing period of at least 15 days ending at least 30 days before the primary election.

No act scheduling a primary election or filing period applies to any regular election held in the same calendar year.

(c) **General election.** The City holds its regular general election on the uniform municipal election day for which the Minnesota election law provides.

§ 3.3. Special elections

(a) **Schedule.** A special election occurs whenever a vacancy occurs in an elected office before the term expires, and this charter does not provide another method of filling the vacancy.

(b) **Primary election.** For each special election, the City Council must schedule—

(1) a primary election at least 35 days before the general election, and

(2) a filing period of at least eight days ending at least 20 days before the primary election.

(c) **Other special elections.** The City Council must schedule a special election as required by law on any question that the voters may lawfully decide. Unless the law provides otherwise, the Council may schedule such an election in connection with the next regular election. This section 3.3(c) is subject to section 8.4(e).

Article IV
City Council

For this charter's purposes, the "Council" means the City Council for which this article IV provides.

§ 4.1. Function.

(a) **Governing body.** The governing body is the City Council, in which the City's general legislative and policymaking authority resides.

(b) **Scope.** The Council may act on the City's behalf in any matter, except where—

(1) this charter reserves the action for a different board;

(2) the action is inconsistent with this charter; or

(3) the action is otherwise unlawful.

(c) **Council as statutory board.** Where the law provides for municipal action through a board, and this charter does not reserve that authority to a board other than the Council, the Council must either—

(1) itself serve as the board for which the law provides; or

(2) provide by ordinance for the board, whose membership may partly or wholly consist of Council members.

(d) **Franchises.** The Council may grant and regulate any lawful franchise.

§ 4.2. **Organization.**

(a) **Composition.** The City Council comprises one Council member elected by and from each ward.

(b) **Term; election.** Each Council member's term is four years. Each ward's voters elect their Council member in each year following a year whose number is evenly divisible by four.

(c) **Council judges elections.** The Council judges its members' elections.

(d) **Vacancy.**

(1) **Early vacancy.** When a Council member vacates his or her office by 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.

(2) **Late vacancy.** When a Council member vacates his or her office—

(A) after March 1 in the year of the next regular election, and

(B) before filing opens for the election,

the Council appoints a successor who serves until a new member is elected.

(3) **Election after vacancy.** When a Council member is elected while the office is vacant or an appointed member is serving, the elected member takes office upon election, and serves out the unexpired term as well as the term for which he or she was elected.

§ 4.3 **Meetings.**

(a) **Organizational meeting.** The Council must elect its officers and organize its committees at the first meeting in January following each general election.

(b) **Regular meetings.** The Council's rules must provide for regular and other necessary meetings.

(c) **Special meetings.** The Council's rules may provide for special meetings. The Mayor may call a special meeting by notice to each Council member. A special meeting may transact only the business stated in the notice.

(d) **Attendance.** The Council may compel the attendance of absent members, and may remove a member for persistent or recurring nonattendance.

§ 4.4. Ordinances, resolutions, other acts.

For this section 4.4's purposes, an "act" includes an ordinance, resolution, appointment, appropriation, any other lawful act of a legislative nature, and any act amending any such act.

(a) **Vote required.**

(1) **Rules.** The Council at its organizational meeting may by simple majority adopt or amend its rules of order for the conduct of its own business. The Council may thereafter amend its rules by simple majority unless the rules themselves require a supermajority.

(2) **Other acts.** An ordinance, resolution, or any other act by the Council takes a majority of its membership, except as this charter otherwise provides.

(3) **Action taking supermajority.** The Council may take the following action only with the prescribed supermajority:

(A) by two-thirds of its membership, authorize an improvement (other than a sidewalk) subject to a special assessment, as section 4.4(a)(4) provides;

(B) by two-thirds of its membership, regrade a graded street;

(C) by two-thirds of its membership, sell realty;

(D) by two-thirds of its membership, vacate wholly or partly any street or plat, which power the Council enjoys exclusively;

(E) by two-thirds of its membership, remit or discharge any judgment in the City's favor;

(F) by two-thirds of its membership, pass an act over the Mayor's veto, as section 4.4(c) provides; and

(G) by three-fourths of its membership, authorize a slaughterhouse within the City. No person may operate a slaughterhouse within the City without such authorization.

(4) **Improvements.** The Council may by a majority of its membership authorize a sidewalk, with or without a special assessment. The Council may, by two-thirds of its membership, authorize any other improvement subject to a special assessment. The Council may by a majority of its membership act with respect to an improvement already authorized or to a special assessment in connection with such an improvement.

(b) **Timing.** The Council may enact or adopt any necessary or prudent ordinance, resolution, or other act—

(1) at least one week after its introduction at a meeting;

(2) after a report from a committee to which the matter was referred at a Council meeting held at least one week earlier;

(3) in the case of an appointment, after a recommendation from the Executive Committee; or

(4) by unanimous consent.

This section 4.4(b) does not apply to rules of order for the conduct of business, for which section 4.4(a)(1) provides.

(c) **Mayor's signature or veto.** The Council must present each ordinance, resolution, or other act (except rules of order for the

conduct of its own business) to the Mayor in the manner that this charter prescribes for giving notice. The act takes effect—

(1) when the Mayor signs it;

(2) five days after its presentation to the Mayor, if he or she neither signs nor vetoes it; or

(3) if the Mayor vetoes it by returning it with an objection within five days (excluding Sundays) after its presentation, only if the Council by two-thirds of its membership again passes the act over the Mayor's veto.

(d) **Violations.** An ordinance may provide for a fine, imprisonment, other penalty, or any combination of such penalties for its violation.

Article V
Boards

§ 5.1. Boards generally

Except as this charter otherwise provides:

(a) **"Board" defined.** For this charter's purposes, a "board" 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."

A "board" does not include a department (but does include a commission heading a department).

(b) **Quorum.** Each board's quorum is a simple majority of its membership, disregarding any vacancy. A quorumless meeting may adjourn to a more convenient time, and may take measures to obtain a quorum.

(c) **Majority.** A board ordinarily acts by simple majority of a quorum, disregarding any abstention. Where this charter or a statute, ordinance, rule, or other authority provides for action by a majority of the board's membership, it refers to a majority of the board's members then serving, disregarding any vacancy.

(d) **Rules.** Each board may adopt rules of order for the conduct of its own business.

(e) **Officers.**

(1) **President.** Each board at its organizational meeting must elect from its membership a president.

(2) **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.

(3) **Tenure.** Each officer serves until his or her successor takes office.

(f) **Meetings.** Each board meets as this charter or its rules provide. Each such meeting must comply with the Minnesota open meeting law.

(g) **Proceedings.** The board's secretary must carefully and faithfully record its proceedings, including each action taken and each member's vote on each such action, which the secretary must promptly file with the city clerk or in the board's office. The clerk or board must keep the board's proceedings on file and available for inspection and copying by any voter during normal business hours at the clerk's or board's office.

(h) **Delegation.** A board may delegate its authority over a particular subject or in a particular matter to a committee or officer subject to the board's direction.

(*i*) **Notice.** Any notice of a board's meeting must comply with the Minnesota open meeting law. Any other notice to a board may be given by—

(1) certified mail to its office (or, if the board does not have an office, to the city clerk); or

(2) delivery to its chair or secretary in the manner provided by law for service of a summons in a civil action,

mailed or delivered at least 10 days before the meeting or other event for which notice is given.

(j) **Finances.** Each board with borrowing or taxing power may apply the proceeds for its own purposes and controls its own finances.

(1) **Borrowing power.** A board's borrowing power includes the power of issuing bonds, taking out loans, and otherwise incurring debt, to which the City pledges its full faith and credit. Any such power is subject to section 8.4.

(2) **Taxing power.** Each board's taxing power is subject to the maximum set under section 8.3(a)(4).

(3) **Accounting.** The City Council may prescribe general accounting and auditing practices for boards, which apply even if a particular board otherwise controls its own finances.

(k) **Ethics.** Each board may adopt ethical standards for its members, officers, and employees. The City Council may adopt ethical standards for boards and officers generally, which apply in addition to any standards that a particular board adopts.

§ 5.2. Executive Committee

(a) **Policy.** [Omitted.]

(b) **Function and powers.** The Executive Committee enjoys the powers and performs the duties that this charter or the City Council prescribes.

(c) **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.

§ 5.3. Board of Estimate & Taxation

For this section 5.3's purposes, the "Board" means the Board of Estimate & Taxation.

(a) **Policy.** The City will coordinate its various taxes and taxing and borrowing powers in the general interest.

(b) **Function and powers.** The Board enjoys the powers and performs the duties that this charter or an ordinance prescribes.

(c) **Organization.**

(1) **Composition.** The Board comprises seven members:

(A) the Mayor;

(B) the Council president;

(C) the Council member who chairs the Council committee whose charge includes the budget;

(D) a trustee elected by the voters to the Library Board, and elected by the Library Board to the Board of Estimate & Taxation;

(E) a commissioner elected by and from the Park & Recreation Board (or, if the Board has not elected a commissioner, the Board's president);

(F) two members elected by the voters in a regular election held in each year following a year whose number is evenly divisible by four.

(2) **Vacancies.** The Mayor and the City Council must, by an appointment under section 7.3(b), fill any vacancy in the office of any member elected to the Board by the voters.

(d) **Meetings.** The Board meets at least monthly.

(e) **Borrowing power.** The Board may, by five-sevenths of its membership, borrow against anticipated tax revenues up to half the amount due and not delinquent, which debt is redeemable or otherwise payable not later than the revenue is anticipated.

(f) **Taxing power.** The Board may annually tax up to 0.0012 percent of the total value of the City's taxable property.

§ 5.4. Library Board

For this section 5.4's purposes, the "Board" means the Library Board.

(a) **Policy.** The City will provide for libraries, museums, galleries, and other cultural and educational institutions for its residents' free use.

(b) **Function and powers.** The Library Board maintains the City's libraries, museums, and galleries, for which purpose it may act on the City's behalf and enjoys all the City's lawful powers.

(1) **Regulations.** The Board may regulate the orderly operation of the facilities in its care. A regulation may charge a fee for a specified service available at such a facility.

(2) **Buying and selling realty.** The Board may buy realty with a majority of at least six trustees, and may sell realty with a majority of at least five trustees.

(c) **Organization.**

(1) **Composition.** The Board comprises eight trustees:

(A) one trustee appointed by the Mayor;

(B) one trustee elected by the City Council; and

(C) six trustees elected by the voters in a regular election held in each year following a year whose number is evenly divisible by four.

(2) **Officers.** The Board elects a member as its secretary. The Board may provide for the compensation and duties of its secretary, and of any other necessary staff in the classified service.

(3) **Vacancies.** The Board must fill any vacancy in the office of any trustee elected by the voters.

(d) **Meetings.**

(1) **Organizational meeting.** The Board must annually hold an organizational meeting on the first weekday after January 1.

(2) **Special meetings.** The Board president or any two trustees may call a special meeting.

§ 5.5. Park & Recreation Board

For this section 5.5's purposes, the "Board" means the Park & Recreation Board.

(a) **Policy.** The City will provide for parks, parkways, and recreational opportunities for its current and future residents' free use.

(b) **Function and powers.** The Park & Recreation Board governs and administers the parks, parkways, and recreational opportunities in and adjacent to the City, for which purpose it may act on the City's behalf and enjoys all the City's lawful powers, including eminent domain. The Board may also, without regard to this charter, exercise any power, right, or role for which the law provides in addition to those for which this charter provides.

(1) **Ordinances.** The Board may enact any necessary or prudent ordinance within this section 5.5's purposes. An ordinance may provide for a fine, imprisonment, other penalty, or any combination of such penalties for its violation.

(2) **Realty.** The Board may dedicate, buy, or lease realty only by a majority of at least six commissioners. The Board may issue a mortgage that evidences its indebtedness for any such realty. The Board may sell realty only if it has abandoned the realty, and the district court approves the sale.

(3) **Compensation.** The Board may provide for the commissioners' compensation.

(4) **Mayor's signature or veto.** The Board must present each ordinance, resolution, or other act (except rules of order for the conduct of its own business) to the Mayor in the manner that this charter prescribes for giving notice. The act takes effect—

(A) when the Mayor signs it;

(B) five days after its presentation to the Mayor, if he or she neither signs nor vetoes it; or

(C) if the Mayor vetoes it by returning it with an objection within five days (excluding Sundays) after its presentation, only if the Board by two-thirds of its membership again passes the act over the Mayor's veto.

(c) **Organization.**

(1) **Composition.** The Board comprises nine commissioners:

(A) three commissioners at large, and

(B) six commissioners elected by district,

elected by the voters in a regular election held in each year following a year whose number is evenly divisible by four.

(2) **Removal.**

(A) **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.

(B) **Nonattendance.** The Board may remove any commissioner absent from its meetings for 90 days.

(3) **Vacancies.** The Board, by a majority of at least six commissioners, may fill any vacancy in its membership.

(4) **Secretary.** The Board elects a secretary who does not serve on the Board.

(5) **Attorney.** The Board may appoint its own attorney at law.

(d) **Meetings.**

(1) **Organizational meeting.** The Board must annually hold an organizational meeting on the first weekday after January 1.

(2) **Special meetings.** The Mayor may call a special meeting by notice to each member. A special meeting may transact only the business stated in the notice.

(e) **Borrowing power.** The Board, by a majority of at least six commissioners, may borrow an amount on which the annual interest does not exceed $35,000, for up to 50 years, with the debt secured by the parks and parkways.

(f) **Taxing power.**

(1) **Park & recreation fund.** The Board may annually tax up to 0.06 percent of the total value of the City's taxable property.

(2) **Park museum fund.** The Board may annually tax up to 0.0125 percent of the total value of the City's taxable property for the benefit a park, museum, gallery, or school of arts and crafts.

(3) **Trees.** The Board may annually tax up to 0.005 percent of the total value of the City's taxable property for taking care of shade and ornamental trees and shrubbery in the streets.

Article VI
Administration

§ 6.1. Mayor

(a) **Chief executive.** The chief executive officer is the Mayor.

(b) **Term; election.** The Mayor's term is four years. The Mayor is elected by the voters in a regular election held in each year following a year whose number is evenly divisible by four.

(c) **Duties.** The Mayor must—

(1) take care that all laws and ordinances are faithfully observed and enforced within the City;

(2) take care that each other officer discharges his or her duties, for which purpose the Mayor may seek a writ of mandamus or other appropriate action against any delinquent officer;

(3) recommend action in the City's interest by any other government;

(4) report annually to the City Council on the state of the City, and recommend appropriate measures for the City's physical and economic development; and

(5) notify the City Council and any other interested board or department of any litigation against the City.

(d) **Delegation.** The Mayor may attend by proxy any board, committee, or other public body of which he or she is a member.

(e) **Vacancy.**

(1) 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.

(2) When a Mayor is elected after the last-elected Mayor has vacated the office, the Mayor-elect takes office upon election.

(f) **Succession.**

(1) **Temporary vacancy.** Whenever the Mayor cannot discharge his or her duties, or the office is vacant pending an election, then the Council president (or, if the Council president cannot act, the Council vice-president) must act as Mayor until the Mayor (or the Council president, if the vice-president is acting as Mayor) resumes his or her duties or a new Mayor takes office. Any act taken by the Council president or vice-president, or any other successor, acting as Mayor is as valid as if taken by the Mayor. Any successor acting as Mayor draws the Mayor's salary instead of the salary of the office by virtue of which he or she is acting as Mayor.

(2) **Succession plan.** The City Council must by ordinance adopt a succession plan, which must—

(A) define the circumstances under which the Mayor cannot discharge his or her duties, and how such an inability ends; and

(B) establish a line of succession beyond the Council vice-president, which must include each Council member, and may include other elected or appointed officers after the Council members.

The City Council must review the plan at each organizational meeting.

(g) **Resources.** The City Council must provide for the staff and other resources that the Mayor needs for the effective performance of his or her duties.

(1) **Staff.** For the Mayor's support, the Council must provide for at least—

(A) one administrative deputy,

(B) two administrative aides,

(C) one administrative assistant,

(D) one executive secretary,

and any other appropriate staff.

(2) **Contingent fund.** The Council must annually appropriate a fund of not less than $5000 for use at the Mayor's discretion. The Mayor may not contribute from this fund to any individual's political campaign. The Mayor must report each expense from this fund to the Council.

§ 6.2. **Departments**

The City Council must establish, organize, and otherwise provide for—

(a) a city clerk, and an appropriate office and staff;

(b) a city assessor, and an appropriate office and staff;

(c) a city attorney and legal department, whom the City and each board, department, and officer must consult for any necessary legal advice, except as this charter otherwise provides;

(d) a civil rights department, with jurisdiction over every board, department, and officer for the purpose of enforcing civil-rights legislation; and

(e) any other department necessary or convenient for the efficient delivery of municipal services.

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.

§ 6.3. **Police**

(a) **Police department.** The Mayor regulates and commands the police department. Except where the law vests an appointment in the police department, the Mayor appoints and may discipline or discharge any police officer, subject to the Civil Service Commission's rules. The

Mayor may appoint any such officer, other than the police chief, without regard to section 7.3(b).

(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. The Mayor may appoint any such officer without regard to section 7.3(b).

(c) **Park police.** The Mayor must appoint as many police officers for the parks and parkways as the Park & Recreation 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. The Mayor may appoint any such officer without regard to section 7.3(b).

(d) **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.

(e) **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.

(f) **Funding.** The City Council must fund a police force of at least 0.0017 officers per resident, for which purpose it may annually tax up to 0.03591 percent of the total value of the City's taxable property, in addition to any other tax.

Article VII
Officers and Other Employees

For this charter's purposes—

(a) an "officer" includes—

(1) each board's members and officers;

(2) each employee in the unclassified service; and

(3) each employee that this charter or an ordinance designates as an officer; and

(b) an "employee" includes, but is not limited to, each officer.

§ 7.1. Officers generally

Except as this charter otherwise provides:

(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."

(b) **Bond.** The city clerk, the finance officer, and any other officer that the City Council requires, must before taking office deliver an executed bond in whatever amount and form and on whatever conditions the Council requires.

(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 after January 1 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.

(d) **Duties.** Each officer must perform the duties that this charter or any other applicable statute, ordinance, or rule, or the electing or appointing body, prescribes.

(e) **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.

(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.

(3) **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—

(A) the cause for removal, and

(B) the hearing's time and place.

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.

(4) **Vacancies.** The electing or appointing body may fill any vacancy that this charter does not provide another method of filling. Where the voters are the electing body, the City Council may fill the vacancy. A successor filling a vacancy serves only until an elected successor takes office or for the unexpired term's remainder.

(f) **Notice.** Any notice to an officer may be given by—

(1) certified mail addressed to his or her last-known residence, or

(2) delivery in the manner provided by law for service of a summons in a civil action,

mailed or delivered at least 10 days before the meeting or other event for which notice is given.

§ 7.2. **Elected officers**

(a) **"Elected office" defined.** For this charter's purposes—

(1) an "elected office" means one that the voters elect; and

(2) an "elected officer"—

(A) means the incumbent holding an elected office, and includes an appointee filling a vacancy in such an office pending an election; but

(B) does not include an officer elected by a board to an office that is not an elected office.

(b) **Qualifications.** No person is eligible for nomination, election, or service as an elected officer unless he or she can vote for that office. A redistricting does not affect the eligibility or term of any incumbent holding office when the plan takes effect.

(c) **Resignation.** Any elected officer may resign by tendering a written resignation to the city clerk.

§ 7.3. **Other officers**

(a) **Other offices.** The City Council may establish any other necessary office, in which case the Council must provide for its title, appointment, term, compensation, and duties.

(b) **Appointment by Mayor or Council.** Where this charter or a statute, 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, then the appointment is vested collectively in the Mayor, Executive Committee, and Council as this section 7.3(b) 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.

(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. If the Executive Committee does not forward or reject a nomination within 60 days, then the candidate is automatically recommended.

(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.

(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.

(5) **Suspension.** The Executive Committee may suspend without pay any officer in the unclassified service. Any such suspension expires after five days unless the City Council extends it.

(6) **Removal.** The City Council may not remove an officer appointed under this section 7.3(b) unless the Executive Committee so recommends, and may not remove a Civil Service commissioner except for cause.

(7) **Holding over.** The Mayor may continue in office for up to 180 days any officer subject to appointment under this section 7.3(b) whose term has expired but whose successor has not been appointed. The Executive Committee may thereafter appoint a temporary successor for up to 90 days. The office is otherwise vacant until a successor is appointed.

§ 7.4. Classified service

For this section 7.4's purposes, the "Commission" means the Civil Service Commission for which section 7.4(c) provides.

(a) **Policy.** The City will adopt and follow fair, impartial, and practical rules for the classified service. Except as this charter otherwise provides, the City must fill each vacancy in the classified service with the most qualified applicant according to an examination that measures qualifications and fitness for the job. The examination may inquire into the applicant's experience, skill, and character to the extent that the job requires them. The examination may not inquire into any applicant's—

(1) ancestry, color, or race;

(2) cultural or ethnic background;

(3) political, ideological, or philosophical belief or affiliation;

(4) marital or parental status;

(5) national or regional origin;

(6) religion, or religious or denominational affiliation; or

(7) sexual or affectional orientation or preference,

or into any other status on the basis of which discrimination is unlawful.

(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.

(2) **Unclassified service.** The "unclassified service" includes the elected officers and—

(A) for each board for which this charter provides—

(i) its members,

(ii) its secretary, if he or she serves without pay, and

(iii) any senior manager or other employee for whose unclassified status the board provides;

(B) the Mayor's staff;

(C) for each department, its head, and any senior deputies for whose unclassified status an ordinance provides; and

(D) any officer or other employee for whose unclassified status a statute provides.

(c) **Commission.**

(1) **Function and powers.** The Civil Service Commission administers the classified service, with respect to which it—

(A) must classify each job into a grade based on the job's description and duties, so that each grade includes jobs with similar descriptions and duties;

(B) must establish standards and qualifications for each job, and design a competitive examination that will measure those standards and qualifications;

(C) must administer or provide for the administration of a competitive examination for each job in the classified service, and maintain an eligibility register based on

the results, from which each vacancy in the classified service is filled;

(D) must maintain and monitor a service register listing each employee in the classified service together with his or her title, compensation, employment record, and any other useful information, for which purpose each officer, board, and department must furnish any information that the Commission requests;

(E) must adopt rules for hiring, evaluation, discipline, and discharge that promote an efficient and effective classified service;

(F) must report at least annually to the City Council on its actions since its last report; and

(G) may waive an examination in a particular case if—

(i) the job requires unusual professional or scientific credentials or expertise; and

(ii) all three members conclude after a public hearing that a competitive examination is impracticable,

in which case its next report must so note.

(2) **Composition.** The Commission comprises three residents, appointed under section 7.3(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.

(3) **Meetings.** The Commission must annually hold an organizational meeting on the second Monday in August.

(d) **Fund.** The City Council must annually establish a civil-service fund for this section 7.4's purposes by levying, in addition to any other tax, a tax upon all taxable property in the City that yields at least 2.5 cents per resident. The Commission may use the proceeds from this fund and controls its own finances.

Article VIII
Finance

§ 8.1. Fiscal year

The fiscal year coincides with the calendar year.

§ 8.2. Appropriations

No money may be paid out of the City's treasury except—

(a) pursuant to an appropriation by the City Council or other authorized board; or

(b) in payment of principal or interest on a bond issued or other debt incurred under this charter.

§ 8.3. Budget

(a) **Schedule.** Each year, for the next fiscal year—

(1) **Goals and priorities.** By April 1, the Mayor must establish the City's goals and priorities. The City Council must review, and may amend, those goals and priorities by August 15.

(2) **Departmental estimates and recommendations.** By July 1, each board with taxing power and each board, department, or office that the City funds must notify the Mayor and the Board of Estimate & Taxation of—

(A) its estimated revenue and expenses and its budgetary needs for the next fiscal year; and

(B) any recommended capital improvements for the next five fiscal years.

(3) **Recommended budget.** By August 15, the Mayor must recommend to the City Council and to the Board of Estimate & Taxation a budget, which must—

(A) include a message outlining the budget's significant features;

(B) estimate the revenue, expenses, and budgetary needs for each board, department, and officer;

(C) recommend any capital improvements for the next five fiscal years;

(D) summarize all taxes applicable to property in the City and their effect; and

(E) recommend any necessary or prudent legislation or other action affecting the City's finances.

(4) **Maximum taxation.** By September 15, after a public hearing, the Board of Estimate & Taxation must set the maximum amounts and rates that the City Council and other boards may levy, including the maximum amount and rate of each fund. The levy for the general fund must not exceed 0.53871 percent of the total value of the City's taxable property.

(5) **Budget.** After a public hearing on the budget for and taxes payable in the following year, the City Council and each board must adopt a budget, which must—

(A) appropriate money for each board's, department's, and officer's operations;

(B) provide for payment of the City's general-obligation debt service, by taxation if necessary; and

(C) tax the property in the City in an amount, without regard to the maximum set by the Board of Estimate & Taxation, that will satisfy any judgment against the City.

(6) **Transfers.**

(A) **Administrative transfers.** The budget may provide for transferring money appropriated for one purpose to another by administrative transfer without further action by the City Council.

(B) **Transfers within same board's or department's budget.** A board that controls its own finances may transfer money appropriated for one purpose to another within its budget only if the Board of Estimate & Taxation, by a majority of at least five members, approves a request to that effect. No such transfer may affect the proceeds from bonds issued or other debt incurred for a particular purpose.

(C) **Other transfers.** Any other transfer within the budget, or any additional expense in excess of the amount budgeted, requires action by the Council.

(b) **Cooperation, information.** For this article VIII's purposes, each officer, board, or department must cooperate with the Mayor, with the Board of Estimate & Taxation, and with the budget director, and must furnish any information that the Mayor, the Board, or the director requests.

§ 8.4. **Debt**

(a) **Borrowing power.** The City may issue bonds, borrow money, or otherwise pledge its credit only for a lawful purpose, only if the action is consistent with this charter, and only if—

(1) the City Council, by two-thirds of its membership;

(2) the Board of Estimate & Taxation, by a majority of at least five members; and

(3) if this charter vests the borrowing power in any other board, that board, by two-thirds of its membership,

concur.

(b) **Sinking fund.** The City Council must maintain a sinking fund sufficient at least for paying off the City's debt as it comes due. Any tax collected for interest or principal on any such debt goes into the sinking fund, and may not be diverted to any other purpose. Any other revenue not otherwise appropriated, and any proceeds from bonds whose purpose has been discharged or abandoned, may go into the sinking fund.

(c) **Premium from bonds.** Any premium received from selling bonds must service those bonds.

(d) **Capital improvements.** The City may not issue bonds, borrow money, or otherwise incur debt in connection with any capital improvement whose total cost exceeds $15 million unless the voters so authorize.

(e) **Professional sports facility.** Neither the City, nor any governmental body whose territorial jurisdiction is coextensive with or falls wholly within the City, may finance any professional sports facility in an amount greater than $10 million unless the voters in an otherwise scheduled election (and not an election held only for that purpose) so authorize. For this section 8.4(e)'s purposes, "finance" includes applying existing realty, infrastructure, overhead, or other resources, and forgoing taxes or any other revenue, as well as spending money directly, issuing bonds, or otherwise incurring debt.

(f) **Standing.** Any taxpayer may enforce this section 8.4, and any creditor may enforce section 8.4(b) or section 8.4(c), by an action in the district court.

§ 8.5. Taxable value

For this charter's purposes, a property's "value" means the assessor's estimated total market value.

§ 8.6. **Improvements**

(a) **Tax.** For permanent improvements, the City Council may annually tax up to 0.02993 percent of the total value of the City's taxable property.

(b) **Permanent improvement fund.** The City Council must maintain a permanent improvement fund into which go the proceeds from each bond issued, and each tax levied, for permanent improvements, which proceeds may not be diverted to any other purpose.

(c) **Special assessments.**

(1) **Improvements.** The City Council may levy a special assessment that partly or wholly defrays the cost of any improvement of a local character against the property fronting or benefited by the improvement.

(2) **Parks and parkways.** The Park & Recreation Board may levy a special assessment that partly or wholly defrays the cost of condemning realty for a park or parkway, or of any improvement in or along a park or parkway, against the property fronting or benefited by the park, parkway, or improvement. The City Council may levy an assessment with respect to an improvement in or along a park or parkway only after a request by the Park & Recreation Board.

(3) **Services.** The City Council or the Park & Recreation Board may likewise assess the cost of municipal services to any street, sidewalk, or other property against the property benefited.