

**OFFICIAL PUBLICATION
MINNEAPOLIS NOTICE OF PUBLIC HEARING**

(Published in Finance & Commerce November 10, 2016)

The Intergovernmental Relations Committee of the Minneapolis City Council will hold a public hearing at their regular meeting on December 1, 2016, at 1:30 p.m., or shortly thereafter, in Room 317 City Hall, 350 South 5th St, Minneapolis, to consider the Plain Language Charter technical amendment ordinance.

The full text of the proposed ordinance follows:

Amending Article II Boundaries, Article IV City Council, Article V Board of Estimate and Taxation, Article VI Park and Recreation Board, and Article VIII Officers and Other Employees to address technical amendments to the Plain Language Charter.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Article II, §2.2(c)(3)(A) of the Minneapolis City Charter be amended to read as follows:

§ 2.2. Wards

(c) Redistricting.

(3) Schedule. Subject to any applicable ordinance, general or special law, or judicial decree:

(A) Plan. The Commission must adopt a ward-boundary plan, which includes each ward's population and boundaries—

(i) after a decennial census, ~~on February 1 in the calendar year ending in 2, or after the legislature has been redistricted, whichever is later~~ as the Minnesota election law provides;

(ii) when required by law or judicial decree, as the law or decree provides; or

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

Section 2. That Article II, §2.4 of the Minneapolis City Charter be amended to read as follows:

§ 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 old polling place is unavailable.~~ as the Minnesota election law provides.

Section 3. That Article IV, Section 4.2(d) of the Minneapolis City Charter be amended to read as follows:

§ 4.2. Organization.

(d) Vacancy.

(1) Early vacancy. When a Council member vacates his or her office before March 1 in the year of the next regular election, the Council must schedule a special election filling the vacancy, held within ~~75~~ 90 days after the vacancy occurs.

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

(A) on or 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 member is elected.

(3) Election after vacancy. When a Council membership is vacant at the time of an election, the elected member takes office upon being elected and qualified, and serves out the unexpired term as well as the term for which he or she was elected.

Section 4. That Article IV, §4.4(d) of the Minneapolis City Charter be amended to read as follows:

§ 4.4. Proceedings

(d) **Publication.** An ordinance or resolution takes effect upon publication in an official newspaper. At the direction of the City Council, publication may be accomplished by publishing only the title and summary of the ordinance or resolution. An act so published—

- (1) is admissible as evidence;
- (2) establishes a presumption that the act is valid; and
- (3) is entitled to judicial notice.

Section 5. That Article V, §5.3 of the Minneapolis City Charter be amended to read as follows:

§ 5.3. Organization

(a) **Composition.** The Board comprises six members:

- (1) the Mayor;
- (2) the Council president;
- (3) the Council member who chairs the Council committee whose charge includes the budget;
- (4) a commissioner elected by and from the Park and Recreation Board (or, if the Park and Recreation Board has not elected a commissioner, ~~the Board's~~ its president); and
- (5) two members elected by the voters in a regular election held in each year following a year whose number is evenly divisible by four.

(b) **Officers.** The Board elects, in addition to its president (~~section 5.2(b)~~), a member as its vice-president, and other officers it deems necessary.

(c) **Vacancies.** The Mayor and the City Council must, by an appointment under section 8.4(b), fill any vacancy in the office of any member elected to the Board by the voters.

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

Section 6. That Article VI, §6.2(c) of the Minneapolis City Charter be amended to read as follows:

§ 6.2. Functions and powers

(c) **Ordinances.** The Board may enact any necessary or prudent ordinance within this article VI's purposes. An ordinance takes effect upon publication in an official newspaper of the title and summary of the ordinance. Such an ordinance may provide for a fine, imprisonment, other penalty, or any combination of such penalties for its violation, in which case the city attorney prosecutes any such violation. Any resulting fine or other monetary penalty goes to the park and recreation fund.

Section 7. That Article VIII, §8.1(b) of the Minneapolis City Charter be amended to read as follows:

§ 8.1. Definitions

(b) an "employee" includes—

- (1) everyone in the classified or unclassified service who is not an officer; and
- (2) each officer, other than a member of a board, commission, or committee, who is not otherwise classified as an employee under this charter, and ordinance, or a general or special law.

Section 8. That Article VIII, §8.2(d) of the Minneapolis City Charter be amended to read as follows:

§ 8.2. Officers generally

(d) **Tenure.** Each officer takes office, after having qualified and taking the required oath—

- (1) in the case of an elected officer other than a Council member, elected in a regular election, on the first weekday in January that is not a holiday in the calendar year next following the election;
- (2) in the case of Council members, elected in a regular election, on the first Monday in January in the calendar year next following the election;
- ~~(3)~~ (3) in the case of an elected officer elected at a special election, when the results are certified;
- ~~(4)~~ (4) in the case of an officer appointed under section 8.4(b), other than the police chief, on the first weekday in January that is not a holiday in an even-numbered year; ~~and~~

(5) in the case of the police chief, on the first weekday in January that is not a holiday in the year the appointment starts; and

~~(4) (6)~~ in the case of any other office, as any applicable ordinance provides, otherwise upon election or appointment.

Section 9. That Article VIII, §8.2(h) of the Minneapolis City Charter be and is hereby repealed.

§ 8.2. Officers generally

~~(h) **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.~~

Section 10. That Article VIII, §8.5(c)(3), §8.5(c)(4)(C) and (D), and §8.5(d)(4)(A) and (B) of the Minneapolis City Charter be amended to read as follows:

§ 8.5. Classified service

(c) **Commission.**

(3) **Meetings and Officers.** The Commission must annually hold an organizational meeting on the second Monday in August and elect a chair and other officers by a majority of its membership.

(4) **Rules.**

(C) **Notice of rules.** The Commission must send its rules, including each amendment, to—

~~(1) (i)~~ the Mayor,

~~(2) (ii)~~ the City Council, and

~~(3) (iii)~~ each other board, commission, and officer who can hire an employee in the classified service.

(D) **Report.** The Commission must annually report in January to the Mayor and the City Council, and publish its report to each other board, each commission, and each officer who can hire an employee in the classified service. The report must cover the preceding calendar year, and include—

~~(1) (i)~~ the Commission's rules, including any amendment during the preceding year;

~~(2) (ii)~~ each action under this section 8.5(c);

~~(3) (iii)~~ an accounting for the civil service fund;

~~(4) (iv)~~ the state of the civil service and any results of the Commission's work; and

~~(5) (v)~~ any recommendation for the civil service's greater efficiency and integrity.

(d) **Employment.**

(4) **Tenure.** After a probationary period that begins upon hiring, an employee in the classified service may be disciplined or discharged only as this charter, the Commission's rules, or any other applicable law or agreement provides.

(A) **Probation.** The probationary period is established—

~~(1) (i)~~ by the applicable collective-bargaining agreement or other contract between the City and the bargaining unit or employee; or, if there is no such contract,

~~(2) (ii)~~ by ordinance; or, if there is no applicable contract or ordinance,

~~(3) (iii)~~ by a rule that the Commission adopts.

(B) **Discharge.** No employee in the classified service, having completed the probationary period, may be discharged except for just cause after—

~~(1) (i)~~ written notice of the cause for dismissal;

~~(2) (ii)~~ a hearing before the Commission, or an officer or board that the Commission designates; and

~~(3) (iii)~~ a finding by the ~~hearing authority~~ Commission that the evidence supports the cause charged and warrants dismissal.

Section 11. That Article IX, §9.2(a) of the Minneapolis City Charter be amended to read as follows:

§ 9.2. Appropriations

(a) **Payments.** Except as this section 9.2 otherwise provides, no money may be paid out of the City's treasury except—

- (1) pursuant to a budgeted appropriation, and approval of a contract or order for payment, by the City Council or other authorized board or commission;
- (2) in payment of principal or interest on a bond issued or other debt incurred under this charter or other law; or
- (3) pursuant to a resolution by the City Council, by three-fourths of its membership, authorizing a payment out of current funds.

Section 12. That Article IX, §9.3(a)(4) of the Minneapolis City Charter be amended to read as follows:

§ 9.3. Budget

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

(4) **Maximum taxation.** By ~~September 15~~ the time set by general law, after a public hearing, the Board of Estimate and Taxation must set the maximum amounts and rates that the City Council and other boards may levy, including the maximum amount and rate for the general fund and each other fund. The amounts and rates set under this section 9.3(a)(4) are subject to any other applicable law.

Section 13. That Article IX, §9.4(a)(1) of the Minneapolis City Charter be amended to read as follows:

§ 9.4. Debt

(a) **Borrowing power.**

(1) **Conditions.** The City may issue bonds, borrow money, or otherwise pledge its credit only for a lawful purpose, consistent with this charter; and with the concurrence of—

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

(B) the Board of Estimate and Taxation, with an affirmative vote of at least two-thirds of all of its members; and

(C) ~~any other board in which this charter vests the borrowing power, if the proceeds are intended for the use of the Park and Recreation Board, then~~ by two-thirds of its membership.

Section 14. That Article IX, §9.4(d) of the Minneapolis City Charter be amended to read as follows:

§ 9.4. Debt

(d) **Capital improvements.** The City may not issue bonds, borrow money, or otherwise incur debt under Section 9.4(a) in connection with any capital improvement where the debt exceeds \$15 million for the entire project unless the voters so authorize.

Section 15. That Article IX, §9.4 of the Minneapolis City Charter be amended by adding thereto a new subsection (h) to read as follows:

§ 9.4. Debt

(h) **Additional Authority.** When issuing bonds, the City may proceed under this section 9.4 or under any other applicable law.

For reasonable accommodations or alternative formats please contact the City Clerk's Office, 612-673-2216, councilcommitteecoordinators@minneapolismn.gov. People who are deaf or hard of hearing can use a relay service to call 311 at 612-673-3000. TTY users call 612-673-2157 or 612-673-2626. Para asistencia 612-673-2700 - Rau kev pab 612-673-2800 - Hadii aad Caawimaad u baahantahay 612-673-3500