

Charter for Change: Frequently Asked Questions

9/7/2021

City Election Questions:

When is the City election and when does early voting start?

The Minneapolis City election is Tuesday, November 2, 2021. Early voting starts on Friday, September 17, 2021.

What will be on the City election ballot for the November 2, 2021?

The City election will include: Mayor, 13 Council Members, 3 At-large Park Board members and 6 district Park Board member and 2 At-large Board of Estimate and Taxation members and Charter amendments that have qualified for the ballot.

What Charter amendments will be on the ballot for the November 2, 2021, city election?

The Charter amendment that are anticipated for the ballot include: Charter Commission Government Structure, Yes4 Petition Public Safety, City Council Public Safety, City Council Rent Stabilization, and Rent Stabilization limited initiative.

What has been the turnout of voters in Mpls in recent elections?

2020:

Total turnout in Minneapolis was 81.3%

Early voters: 170,631

Total vote: 238,104

2017: Last City election, total was 42.5%

Early voters: 11,975

Total vote: 105,928

Frey elected Mayor with 46,716 in 5th round of RCB with 44.69% and Ray Dehn with 34,976 with 33.469%. Frey had 26,116 in first votes.

2013: City election, total was 33.4%

Early voters: 4954

Total vote: 80,099

Hodges elected Mayor with 38,870 in RCV 48.75%, M Andrew with 24,973, 31.44%

1993: City election, total was 103,311 (no early voting, no RCV, had a Sept primary)

Sharon Sayles Belton with 59,269 with 57.07% of the vote and John Derus with 44,042 with 42.41% of the vote and write ins: 535.

Charter Questions:

Q: How many votes are need to pass a charter amendment proposal?

A: 51% of those voting on that specific charter amendment must vote YES for the amendment to pass.

This is different than an amendment to the state constitution that requires a majority of those voting in the election, not just those voting on the question.

Q: When does a charter amendment that passes become effective?

A: 30 days after the election. This year, that will be December 2, 2021.

Q: How will the City Council members be able to provide constituent service if they cannot interfere with the Mayor's direction of administration of departments?

A: There are two sections of the Charter Commission's proposal that address this question.

First, while Council members may not interfere with the direction of staff by the Mayor, this does not prevent the Council from seeking information or assistance on their own or on their residents behalf (see section 7.1(h)(A)). The Mayor must furnish to the Council information that they request to carry out their legislative, policymaking functions. See 7.1((h)(2)).

Second, Constituent service will continue to be most important function of the City Council, along with policymaking. The Charter Commission's proposal adds resources for the City Council to enhance their ability to provide constituent service.

Proposed Section 4.2(e)(2) provides that the council may provide resources for aides for each member. This is new; the current charter does not mention council aides.

In addition, proposed Section 4.2(e)(1) provides resources to the Council for legislative staff to support the policy function of the Council. The legislative staff would be classified service, non-partisan staff, and would report to the City Clerk, who then reports to the Council.

What is the impact of the Charter Commission government structure amendment?

Our city government would be more accountable, effective and responsible because it defines the Mayor as the chief executive officer and the Council as the legislative body. Our city would be more just, safe and equitable because our city government would work better for all of us.

Where does municipal government get authority? What is a Home Rule city?

Local governments are created by the state and only have powers granted by the state. Thus, cities receive their authority from the state. An exception to this is a Home Rule city. An amendment to the MN State Constitution established Home Rule as a local government structure in 1896. Included in the MN State Constitution is the requirement that Home Rule cities have a Charter Commission appointed by the Chief Judge of the county in which the city resides.

What is the role of the Charter Commission?

The Charter Commission is a standing appointed body of eligible voters who act as a standing constitutional convention. The Charter Commission is responsible for drafting the original Home Rule charter and any amendments thereafter. The original Home Rule Charter and any amendments must be submitted to the voters for adoption. Once a charter is adopted, the charter commission becomes a permanent body, who monitors city governance, assesses charter amendments brought by petition or the City Council and serves as a standing constitutional convention

Who drafts the ballot language for charter amendments?

- Charter amendments originated by petition: the petition language determines the ballot language.
- Charter amendments originated by the Charter Commission are referred to the City Council to be finalized. The Council can revise the language, but the Mayor has veto authority over the Council draft and the City Attorney will advise the Council on the final language.
- Charter amendments originated by the City Council: the Council with assistance of the City Attorney, drafts the ballot language and the Mayor has veto authority over the final ballot language.

When did Minneapolis become a Home Rule city?

Minneapolis voters adopted a Home Rule charter in 1920 and by that action became a Home Rule city with a Mayor-Council form of government. Despite many earlier attempts, Minneapolis voters had been unable to agree on the structure of their city government. After being urged by the Minnesota Legislature, the voters approved a city charter that compiled all state laws affecting Minneapolis—thus the structure of Minneapolis city government did not have a designed structure. Since 1920, the Minneapolis City Charter has been amended numerous times, which helps to explain why Minneapolis has one of the most complex and unorthodox city government structures in the US.

How many Council votes are needed to override a Mayor's veto?

Nine Council Members out of the 13 Council Members are required to override a Mayor's veto.

When will we know what charter amendments are on the ballot and the language?

The charter amendments and ballot language must be finalized by Friday, August 20, 2021, to be printed for early voting to start on Friday, September 17, 2021.

What is the current composition of the Minneapolis Charter Commission?

There are fifteen seats on the Minneapolis Charter Commission. Members are appointed to four-year terms by the Chief Judge of the Hennepin County District Court. Members must be residents of Minneapolis. Current members represent the gender, racial and geographic diversity of Minneapolis: they live in eleven of the thirteen City wards (Wards: 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 13); seven members are women, eight members are men and four members are people of color.

What is the Executive Committee? Who serves on the Executive Committee?

The Executive Committee is a decision-making body created by charter amendments in 1985 and 1989 to unite the executive oversight of the Mayor with the legislative authority of the City Council. The Mayor is the nominating authority for charter department heads, the Executive Committee then recommends the nominations to the City Council, who makes the appointment for the City's ten charter department heads with the City Coordinator as the "first among equals" recognized as the city administrator.

The Mayor is the chair and the Council President is its vice-chair, with the other council leaders (up to 3) as committee members. Current Executive Committee Members are:

- Mayor Jacob Frey (chair)
- Council President Lisa Bender (vice chair)
- Cam Gordon
- Andrea Jenkins
- Andrew Johnson

Public Safety Questions:

In the presentation, we mention that the council took away from the police department and the mayor some of the tools to reform the MPD. What were some of those tools?

When the Council took budget actions in August and December, 2020, they cut \$8M which eliminated funding from police training, technology to monitor police officer performance, Police Athletic League and Police communications office and moved functions from the MPD-- among them, the Community Crime Prevention Office, Community Navigators, programs in the Office of Violence Prevention. Essentially the Council on a split vote eliminated or moved community oriented policing programs and programs that would assist culture change in the MPD and left the Chief with fewer tools to do his job.

If the Charter Commission government structure amendment passed what would be the impact on Public Safety?

The amendment would consolidate public safety functions under the administrative control of the Mayor and it would not eliminate the Police Department, but would enable Police reform. By clarity in the reporting structure, Minneapolis City Government would provide better and more equitable services, improve constituent services, make better use of our money, and ensure accountability.

If the Yes4 petition proposed Public Safety Amendment passed and the Charter Commission's proposal does not pass, what would be the impact?

It would eliminate the police department from the City Charter and replace it with a Department of Public Safety. If there was a police chief, he/she would have 15 bosses (the Commissioner of Public Safety, Mayor and 13 Council Members). This would add an unnecessary layer of bureaucracy, and armed law enforcement officers would report to an unelected NEW Department Head, which lessens accountability to the people of Minneapolis. Who would be in charge? Who would decide in an emergency?

How would a Department of Public Safety as specified by the YES4 amendment improve Public Safety?

The amendment establishes a Department that defines the function of the department as *"responsible for integrating its public safety functions into a comprehensive public health approach to safety."* There is no plan or blueprint for implementation or even definitions as to which functions should be integrated. Defining the structure and creating a highly functional organization [that collaborates well not only within the city, but with county and state counterparts] is a complex task that requires experienced professionals and experts in public safety. This is why the Gov't Structure amendment is so important. We need a structure that provides clarity and accountability and allows Minneapolis to attract and hire the best and brightest to solve these difficult problems.

What Happens if the Yes4 petition or City Council Public Safety Amendments AND the Charter Commission's proposed Amendment pass?

If the Charter Commission proposal and the Yes4Minneapolis proposal both pass then, to the extent they are not inconsistent, both would be implemented. If there were inconsistent provisions, a judge would have to decide the outcome.

We believe that, in large part, the 2 provisions are NOT inconsistent. The Yes4Minneapolis proposal creates a Department of Public Safety and provides that the Commissioner of that Department is appointed under Section 8.4 of the Charter (which currently provides for appointment by the Executive Committee), but the Yes4Minneapolis proposal does not make any changes to Section 8.4. The Charter Commission proposal does change Section 8.4, to provide that department heads are appointed by the Mayor and can be terminated by the Mayor. Since the Charter Commission's proposal is not in direct conflict with the Yes4Minneapolis proposal, we believe both would be implemented. There would be a Department of Public Safety (which MIGHT have a law enforcement component), but the Commissioner of Public Safety would be appointed by, and serve at the pleasure of, the Mayor.

What is PELRA?

The Public Employee's Labor Relations Act (PELRA Chapter 179A) governs Minnesota state labor law and has authority over the public employees of Minneapolis including its police department.

Can a Charter amendment eliminate the Police Officer's Federation of Minneapolis?

No charter amendment can eliminate the Police Federation or the police contract. A 2019 MN Supreme Court opinion ruled that a city could not eliminate a bargaining unit that is governed by state labor law (PELRA), such as the Minneapolis Police Department.

Can a Charter amendment eliminate state mandated arbitration? Mandatory arbitration is required under state law for essential employees. The arbitrator decisions often reverses disciplinary action against police officers by police chiefs. Charter for Change supports state law amendment to current mandatory arbitration provisions.

Can a Charter amendment eliminate qualified immunity?

Qualified immunity is a judicially created doctrine established by the US Supreme Court law which limits someone who believes their civil rights have been violated by a law enforcement officer from seeking a remedy in court. To end qualified immunity Minneapolis should work with other cities to support the passage of the George Floyd Justice in Policing Act in the US Congress which would end qualified immunity. Another option would be for Minneapolis to work with other Minnesota cities to seek the Minnesota legislature to bypass federal qualified immunity by providing a remedy under Minnesota law for violation of someone's civil rights by a law enforcement officer. Colorado adopted this approach last year and it is being considered in other states. Qualified immunity limits options for redress by individuals harmed by excessive force by police officers.

How much funding is spent on police relative to health and human services in Minneapolis?

Claims have been made that Minneapolis spends about \$193 million annually for policing versus about \$24 million for health and human services. This is a distortion of the facts. Hennepin County is the primary provider of health and human services for the people living in Minneapolis conservatively spending more

than \$250 million annually. In addition, Hennepin County provides Minneapolis residents health and human service centers throughout Minneapolis; for example, NorthPoint, a star health care provider serving North Minneapolis. The funding for this significant county program and other health care programs have been ignored by some City Council Members when arguing to establish or re-establish these programs in City government. There is no need to duplicate Hennepin County programs or funding.

Should the City establish a program to have social workers respond to 911 crisis calls?

Hennepin County has Co-responder and embedded social worker programs that exist now in the Downtown Improvement District and 12 cities throughout the County. Minneapolis should expand this program with the County using social workers to assist with mental health and other crisis call to serve the entire city. Minneapolis city government does not have the expertise to establish or oversee these programs.

Should civilians/non-sworn personnel make traffic stops?

State law governs what constitutes traffic stops. People are not obligated to stop for non-sworn personnel. Changes to traffic law should be made by the state legislature, and we encourage our city leaders to consider this as a way to end pre-textual stops.

What community oriented policing programs has the current city Council defunded by \$\$ cuts to the MPD or transferred from the MPD to other city departments?

PAL Police Athletic League; CCP/Safe Community Crime Prevention; MPD Communications staff; DART –Domestic Abuse Response Team; to complete.....

How can the policing in Minneapolis be transformed?

- Support Chief Arradondo in reforming the culture of the police department and train and recruit officers to the community oriented policing service culture
- Partner with Hennepin County to utilize existing programs for crisis response
- Negotiate a better police contract for our city
- Work with federal and state governments to make essential reforms

What is Chief Arradondo's new oath of service for MPD Officers?

Our police chief is committed to transform police culture to one that "...Serves all people, with integrity, compassion and an unrelenting commitment to justice and regards the sanctity of life as the most precious of all of its duties."

What is the POST Board?

The POST (Minnesota Board of Peace Officers Standards and Training) established by state statute and governs the licensing, training and standards for Peace Officers in Minnesota.

Who licenses police officers in Minnesota?

Minnesota is unique in its licensing system for peace officers. Most other states retain some form of academy training followed by certification of the individual officer. Minnesota requires those aspiring to work in law enforcement to complete an educational program and pass a state board exam. Licensing itself only occurs when eligible candidates are appointed to a peace officer position and certain selection standards are met. Licensing is a cooperative process between the POST Board, the hiring agency and the candidate.

What are the requirements to become a police officer in Minneapolis?

Applicants must be a minimum of 21 years of age, have a Minnesota' driver's license and be a citizen of the United States. Candidates must have at least an associates degree or five years of continuous law enforcement or military experience to be considered for employment. Prospective officers must pass each stage of the hiring process to be conditionally hired as police recruits: These stages include: pass a physical agility test, pass background check and drug test, appear in-person for an oral exam and interview, pass medical and psychological exams which may be supplemented with additional pre-employment testing such as a polygraph test, successful completion of 16 weeks of training at the Minneapolis Police Academy and passing the Peace Officer Standards assignment.

What is the training regimen for Minneapolis police officers?

Minneapolis police officers must complete an accredited MN College of University education and obtain an AA or BA in a required Law Enforcement curriculum.

- Once hired by the City of Minneapolis, recruits attend a 16 week pre-service academy where they learn about the city of Minneapolis, its communities and geography, its ordinances, its Civil Service Rules, the Policy and Procedures Manual of the MPD, the Mission of the MPD and the Vision and expectations of the Chief of Police.
- Newly hired recruits then participate in a five month Field Training program where they work with an experienced officer in the community. This includes regular evaluations to determine if the recruit can meet expectations and perform as required.
- Going forward the MPD provides officers the ongoing training required by the POST Board that includes: annual use of force training, emergency driving, recognizing and valuing community diversity and cultural differences including implicit bias training, crisis intervention and mental health crisis training and conflict management & mediation.
- POST requires a minimum of 48 hours of approved and required training each 3 year license cycle. MPD always exceeds these requirements.
- MPD provides extensive additional training specific to the needs and expectations of Minneapolis; for example, training for officers and investigators in trauma informed response to sexual assault and advanced forensics training.