

Barry Clegg
Minneapolis, Minnesota

July 31, 2016

Council Members:

I have served on the Charter Commission since 2003 and have been its Chair since 2010.

I have reviewed the opinions of the City Attorney's office with respect to the \$15 Minimum Wage and the Police Insurance proposals. I think the City Attorney's legal reasoning is sound and I agree with her conclusions. Neither of these proposed amendments should be placed on the ballot this fall.

I am not writing to rehash her analysis, but to give you a perspective that is perhaps unique to the Charter Commission.

As you know, Minnesota law permits Charter cities to provide in their Charters for initiative and referendum. Minneapolis has not done so and I personally don't believe that it should. In my view, legislative authority should be reserved to the City Council, as our Charter currently provides.

As the City Attorney correctly concludes, the \$15 Minimum Wage proposal is an impermissible initiative disguised as a Charter amendment. Unless we first adopt initiative and referendum in our Charter, this proposal should not be on the ballot. If this does go on the ballot, we will have effectively bypassed the statutory requirement that we provide for initiative and referendum in our Charter before putting an initiative on the ballot. Petitioners argue that the \$15 Minimum Wage is appropriate for the Charter because it deals with the "general welfare" of the City and its residents. If the bar is really this low, virtually every ordinance of the City could be enacted by Charter amendment – so why would it even be necessary to have a State option to have initiative and referendum?

If the \$15 Minimum Wage question goes on the ballot, what would this mean for the future? I think it would mean anything goes. If \$15 Minimum Wage is a proper Charter amendment, what rationale would the Council have to decline to put the next legislative initiative on the ballot? Future petitioners who obtain the requisite number of signatures or the Charter Commission (acting unilaterally and without having to gather any signatures) could put forward other legislative initiatives for the ballot. For myself, I don't want the Charter Commission to become the "backup City Council".

If the \$15 Minimum Wage petitioners can't convince 7 Council Members to agree with them, there is a Charter remedy available. They can petition to amend the Charter to provide for initiative and referendum and, if that passes, propose an initiative in accordance with State law. I don't like initiative and referendum, but there is no question that it would be a valid amendment to the Charter.

I urge you to decline to put both questions on the ballot. Thanks for your consideration.

A handwritten signature in black ink, appearing to read "Betsy Hodges". The signature is stylized and cursive, with the first name "Betsy" written above the last name "Hodges".

cc: Mayor Betsy Hodges
Susan Segal, Esq.
Casey Carl
Charter Commissioners