

the area to the same extent as if such property were situated within its corporate limits, until the county or town board adopts a comprehensive zoning regulation which includes the area.

Approved March 19, 1982

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## CHAPTER 491 — S.F.No. 1715

*An act relating to the city of Minneapolis; providing duties of the civil service commission; providing for positions in the unclassified service; permitting the city to change the name of the housing and redevelopment authority; permitting the transfer of certain employees to employment of the housing and redevelopment authority; establishing terms for transfer of the employees; permitting certain employees to purchase service credit from the Minneapolis employees retirement fund; amending Laws 1969, Chapter 937, Section 1, Subdivision 1, as amended, and by adding subdivisions; and Laws 1980, Chapter 595, Section 2, Subdivision 1 and Section 3, by adding a subdivision.*

### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Laws 1969, Chapter 937, Section 1, Subdivision 1, as amended by Laws 1973, Chapter 132, Section 1, Laws 1974, Chapter 105, Section 1, Laws 1978, Chapter 652, Section 1, and Laws 1980, Chapter 448, Section 1, is amended to read:

#### Section 1. MINNEAPOLIS, CITY OF; PERSONNEL.

Subdivision 1. Notwithstanding any provisions of the Minneapolis city charter, veterans preference act, or civil service rule, law, or regulation to the contrary, the positions referred to in subdivisions 2 to 8 17 of this section shall be in the unclassified service of the city of Minneapolis, and any person presently holding or who shall hereafter be appointed to any of such positions shall serve at the pleasure of the appointing authority indicated in the respective subdivision. Except as herein otherwise provided such persons shall be eligible for the same employee benefits as persons in the classified service. Any incumbent of a position referred to in subdivisions 9 to 16 and subdivision 17, clause (b), shall be appointed to the position on the effective date of the subdivisions, and shall have the right to return to his permanent civil service classification pursuant to Laws 1969, Chapter 937, Section 2, except that an incumbent holding a position under subdivision 14 shall not be terminated by the appointing authority for 270 days following the effective date of subdivision 14. For 270 days after the first 270 days the appointing authority under subdivision 14 shall not terminate an incumbent without a vote of approval by a majority of the city council.

Sec. 2. Laws 1969, Chapter 937, Section 1, is amended by adding subdivisions to read:

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 9. The city coordinator of the city of Minneapolis may appoint a person to the following positions to perform the duties and services he may direct:

- (a) Purchasing agent;
- (b) Management information services director;
- (c) Director of labor relations;
- (d) Director of affirmative action;
- (e) Manager of auditorium;
- (f) Director of federal programs;
- (g) Legislative liaison;
- (h) Director of energy programs;
- (i) Manager of licenses and consumer services;
- (j) Manager, finance - city council.

Subd. 10. The city assessor of the city of Minneapolis may appoint a director of assessments to perform the duties and services he may direct.

Subd. 11. The city clerk of the city of Minneapolis may appoint an assistant city clerk to perform the duties and services he may direct.

Subd. 12. The civil service commission of the city of Minneapolis may appoint a civil service personnel director to perform the duties and services they may direct.

Subd. 13. The director, emergency communications, of the city of Minneapolis may appoint an assistant director, emergency communications to perform the duties and services he may direct.

Subd. 14. The city engineer of the city of Minneapolis may appoint nine public works division heads to perform the duties and services he may direct.

Subd. 15. The health commissioner of the city of Minneapolis may appoint seven bureau directors to perform the duties and services he may direct.

Subd. 16. The board of estimate and taxation of the city of Minneapolis may appoint an executive secretary, board of estimate and taxation, to perform the duties and services they may direct.

Subd. 17. By majority vote, the city council of the city of Minneapolis may appoint a person to the following positions to perform the duties and services they may direct:

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(a) Chief engineer of the fire department. Laws 1969, Chapter 937, Section 2 shall only apply to a chief engineer appointed pursuant to this subdivision.

(b) Executive secretary, capital long range improvement committee.

Sec. 3. Laws 1980, Chapter 595, Section 2, Subdivision 1, is amended to read:

**Sec. 2. MINNEAPOLIS REDEVELOPMENT STRUCTURE.**

Subdivision 1. Notwithstanding any contrary provision of law or charter, the city council of the city of Minneapolis may, by ordinance:

(a) Establish an independent development and redevelopment agency, corporate and politic, which shall be a governmental subdivision of the state of Minnesota. The agency shall be governed by a board of commissioners. The city council, by ordinance, shall provide for the establishment of the board of commissioners, and shall state the number of commissioners, terms of office, the appointing authority of the commissioners, and other matters relating to the composition of the board and shall designate the name for the agency. Notwithstanding any contrary provisions of the Minneapolis city charter, state statute, veterans preference act, or civil service rule, law, or regulation, all employees of the agency shall be selected and employed by the board of commissioners and shall not by virtue of employment by the agency be employees of the city of Minneapolis, and the terms and conditions of employment, including salary, shall be determined by the board of commissioners, subject only to limitations contained in this act. Throughout this act the term "agency" means the agency established pursuant to this clause.

The passage of the first ordinance establishing an agency, the passage of any ordinance changing the number of commissioners, the term of office of the commissioners, or the appointing authority of the commissioners, shall require affirmative votes of nine members of the city council. The vote of the city council adopting the ordinance shall be subject to mayoral veto and city council override of that veto.

(b) Establish a development and redevelopment department of the city. Notwithstanding any contrary provision of the Minneapolis city charter, statute, veterans preference act, or civil service rule, law or regulation, the ordinance creating the department may provide for a director and three assistant directors, who shall be in the unclassified service of the city of Minneapolis, and may provide for the director to appoint not more than ten employees to perform managerial duties as defined by the director, who shall be in the unclassified service of the city. The ordinance shall establish the appointing authority of the director and assistant directors, and the manner of appointment and term of office, if any, and shall provide for the terms and conditions of employment, including salary, subject only to the limitations contained within this act for all

employees of the department, and shall designate the name for the department. The director shall select and appoint all employees of the department. Throughout this act the term "department" means the department established pursuant to this clause.

(c) Any time up to six months after the passage of the first ordinance implementing the provisions of this section, transfer any employee of the city of Minneapolis or the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission to the employment of the agency or the department or the Minneapolis housing and redevelopment authority or the Minneapolis industrial development commission. An assistant city coordinator of the city of Minneapolis may be transferred to the Minneapolis housing and redevelopment authority at any time up to 18 months after passage of the first ordinance implementing the provisions of this section.

Any assistant city coordinator transferred to employment of the housing and redevelopment authority shall be entitled to purchase prior service credit from the Minneapolis employees retirement fund for actual service with the Minneapolis housing and redevelopment authority from May 4, 1964 to June 4, 1975 for which the assistant city coordinator has not previously received service credit from the Minneapolis employees retirement fund. The amount to be paid for the purchase of the prior service credit and the manner of payment shall be as provided in the first paragraph of Laws 1981, Chapter 297, Section 2, Subdivision 2 for persons authorized to purchase prior service credit by Laws 1981, Chapter 297, Section 2, Subdivision 1. The authority to make a lump sum payment or to make an agreement to make installment payments shall expire on July 1, 1983.

An employee who is in the classified service of the city of Minneapolis whose position is being transferred pursuant to this clause, may elect to remain in the classified service and exercise the rights provided by the Minneapolis civil service commission to an employee as if the position held by the employee had been eliminated. Any employee who is transferred from employment with one employer pursuant to this clause to another employer shall retain rights and benefits accumulated including seniority, accumulated vacation and sick leave, and length of service for the purposes of calculating benefits, layoffs, seniority rating for promotions and merit increases, emoluments or rewards. Notwithstanding any contrary provisions of law or city charter, any employee of the Minneapolis industrial development commission who is not in the classified service of the city of Minneapolis, and any person employed as a director or deputy director of the Minneapolis housing and redevelopment agency shall either be transferred to employment of the agency or department, or the city of Minneapolis, or shall remain an employee of the commission or authority, as determined by the city council, and the city council may transfer the person into the classified service of the city of Minneapolis and into a position for which the person is qualified as determined by the city council.

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Following implementation of this act, all existing employees of the Minneapolis housing and redevelopment authority except the director and deputy directors shall either be transferred to employment of the agency or department or shall continue to be employed by the Minneapolis housing and redevelopment authority or shall be transferred to employment of the city, as determined by the city council. In the event of transfer of employment to the city of Minneapolis, the city council may transfer the person into the classified service into a position for which the employee is qualified. In any event:

(a) the employee's salary shall not be diminished as a result of implementation of this act;

(b) the employee's job responsibilities shall not be substantially diminished as a result of implementation of this act;

(c) the employee shall not be required to change residence as a result of this legislation; and

(d) the employee shall have the right to apply and be considered for positions with the agency or department on an equal basis with the other employees of the agency or department. Length of service with the Minneapolis housing redevelopment authority shall count on the same basis as length of service is counted for existing employees of the city of Minneapolis.

The director and deputy directors shall be considered employees for the purposes of clauses (c) and (d).

If a person employed as an employee of the agency or as a director or assistant director or as a managerial employee of the department or as an employee of the Minneapolis housing and redevelopment authority is, at the time of agency employment or department employment or Minneapolis housing and redevelopment authority employment, a member of the classified service of the city of Minneapolis, the employee shall be deemed to be on leave of absence during his tenure in the employment, and upon termination of service, shall be returned to his permanent civil service classification. If no vacancy is available in his permanent civil service classification position, seniority shall prevail, and the person most recently certified to the position shall be returned to the permanent civil service classification held by him prior to certification.

Sec. 4. Laws 1980, Chapter 595, Section 3, is amended by adding a subdivision to read:

Subd. 12. The city council may by ordinance designate and change the name of the Minneapolis housing and redevelopment authority.

**Sec. 5. EFFECTIVE DATES.**

This act is effective the day after compliance with Minnesota Statutes, Section 645.021, Subdivision 3, by the Minneapolis city council. Sections 3 and 4 of this act shall then be retroactive to June 13, 1980.

Approved March 19, 1982

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