

**OFFICE OF THE CITY ATTORNEY**

WALTER J. DUFFY, JR., CITY ATTORNEY  
KEITH M. STIDD, DEPUTY CITY ATTORNEY  
EMANUEL A. SERSTOCK, DEPUTY CITY ATTORNEY  
325M CITY HALL • 348-2010  
MINNEAPOLIS, MINN. 55415

minneapolis

city of lakes

November 20, 1975

The Honorable Lyall A. Schwarzkopf  
City Clerk  
311 City Hall  
Minneapolis, Minnesota 55415

Dear Mr. Schwarzkopf:

You have asked several questions regarding the recent amendment to the Minneapolis City Charter giving the Mayor certain additional veto power. Chapter 3, Section 1 of the City Charter now reads:

"All ordinances, resolutions, and other actions of the City Council, except those related to its organization, rules, or procedures, shall, before they take effect, be presented to the Mayor, and if he approves thereof, he shall sign the same, and such as he shall not sign he shall return to the City Council, with his objections thereto, by depositing the same with the City Clerk, to be presented to the City Council at their next meeting thereafter. Upon the return of any ordinance, resolution, or other action of the City Council by the Mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be again put upon the passage of the same, notwithstanding the objections of the Mayor, and if upon such vote the City Council shall pass the same by a vote of two-thirds of the members of the Council, it shall have the same effect as if approved by the Mayor. If any ordinance, resolution, or other action of the City Council shall not be returned by the Mayor within five days, Sundays excepted, after it shall be presented to him, the same shall have the same force and effect as if approved by the Mayor."

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POLICE LEGAL ADVISOR  
REIS MITCHEL  
INVESTIGATOR  
ROBERT-IAN SALIT

The following general principles regarding the veto power are to be noted. The power of veto is not inherent in the office of mayor of a municipal corporation, or other chief executive officer. It only exists when expressly conferred by law, and does not arise by implication. American Elec. Co. v. City of Waseca, 102 Minn. 329, 113 N.W. 899 (1907); State v. Armstrong, 54 Minn. 457, 56 N.W. 97 (1893); Rhyme, Municipal Law §9-5. Further, the mayor, when given a veto power, has such power only to the extent that it is given him by law, and the power cannot be enlarged by construction. 5 McQuillin, Municipal Corporations §16.42.

The substance of the legislative action rather than the form dictates whether the veto power is available. For instance, in Allen v. Wise, 204 Ga. 415, 50 S.E. 2d. 69 (1948), the court held that a motion to discharge an employee could be vetoed by the mayor even though the veto applied only to resolutions.

Many actions taken by the City Council are done pursuant to state law or charter. These laws may preclude the mayor's veto power. For instance, in Meyers v. Knott, 144 Minn. 199, 174 N.W. 842 (1919), the Court considered an act authorizing the City of Minneapolis to authorize by ordinance a street railway franchise subject to approval of the electorate. The then mayor contended that the ordinance was subject to his veto power. The Court closely examined the enabling act and concluded that the legislative intent was to permit passage of the ordinance by the city council alone. The Court concludes: "The act deals wholly with the city council, and there exists no sound reason why the mayor and his veto should take part." 144 Minn. at 204.

Similarly, in State ex rel Wenzel v. May, 190 Minn. 336, 251 N.W. 529 (1933), the mayor of St. Paul was found not to have a veto over the appointment by the city council of sanitary district trustees pursuant to state law. In contrast, the Court in Tamte v. Eddy, 205 Minn. 303, 285 N.W. 720 (1939), distinguished Meyers and May and held that a charter amendment did not impliedly repeal the existing mayor's veto power.

We have reviewed the various legal authorities and have not been able to find either a judicial or textual definition of the term "action" as it relates to legislative actions. Two courts have construed a veto power over "any measure". In Bierhorst v. Prieto, 131 So.2d. 308 (La. App. 1961) the court found that a resolution appointing a city attorney was a "measure" which was subject to the veto power. In Rich v. McLaurin, 83 Miss. 95, 35 So. 337 (1903) a municipal resolution providing for the election of a police justice was found not to be a "measure".

We find the dictionary definition of "action" includes: "Something done; an act; deed." American College Dictionary, p. 12; and "Conduct; behavior; something done; the condition of acting; an act or series of acts." Black's Law Dictionary, (4th ed.) p. 49. The statutory definition of action, however, is limited to court proceedings. M.S. §645.45(a).

Your questions are as follows:

Question: Are motions, such as a motion to adjourn, to lay over to another meeting, or to reconsider, actions which can be vetoed by the Mayor?

Answer: No. The Rules of the City Council are contained in Appendix D to the Minneapolis Code of Ordinances. Rule 20 adopts Robert's Rules of Order as the rules of parliamentary practice insofar as they are not inconsistent with the other City Council procedural rules. It is our opinion that procedural motions made pursuant to these rules, such as those which you have described, are excepted from the Mayor's veto power because they are actions related to rules and procedures of the City Council. In addition, to have such motions subject to the veto power would produce an absurd and unreasonable result which was not intended. See Minn. Stat. §645.17(1).

Question: What else does the phrase "other actions of the City Council" include.

Answer: We are of the opinion that the phrase "other actions of the City Council" includes any decision arrived at by the City Council by vote except actions which relate to its organization, its rules, or its

procedures. Based on the rationale of the Meyers and May decisions we are of the opinion that also excluded would be any action which is done pursuant to law which provides, directly or by implication, that the City Council alone can take the action. These exclusions will have to be determined on a case by case basis.

Question: Is it necessary to have the President of the City Council and the City Clerk sign the form which describes the City Council approval of a report of a committee of the City Council.

Answer: The City Clerk should attest to the action of the City Council. We are not aware of any requirement that the City Council President sign the action. You may want to do this, however, to be consistent with ordinances and resolutions.

Question: Will the Mayor have up to five days to veto committee reports and other actions?

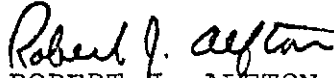
Answer: The Charter amendment provides that the five day period is applicable to "other actions" of the City Council.

Question: When does the committee report become effective?

Answer: "Actions" will become effective upon approval of the Mayor or upon expiration of the five day period without his having returned it with objection. Chapter 4, Section 9 of the City Charter, which requires publication of ordinances and resolutions prior to their being effective does not purport to apply to any other actions.

Very truly yours,

WALTER J. DUFFY, JR.  
City Attorney  
By

  
ROBERT J. ALFTON  
Assistant City Attorney

RIA/cy  
  
Approved:

Veto: Appointment of Library Board Trustee by City Council subject to veto by Mayor. 76-6

OFFICE OF THE CITY ATTORNEY

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325M CITY HALL • 348-2010  
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POLICE LEGAL ADVISOR

REIS MITCHEL

INVESTIGATOR

ROBERT-IAN SALIT

January 5, 1976

The Honorable Thomas L. Johnson  
Alderman, Second Ward  
307 City Hall  
Minneapolis, Minnesota

Dear Mr. Johnson:

You have asked the following questions regarding the Library Board of the City of Minneapolis:

1. Question: Do the appointed members of the Library Board sit until new appointments are duly qualified, or only until January 2nd?

Answer: Chapter 2 §1 of the Minneapolis City Charter provides that all officers, whether elected or appointed, continue in office "until their successors are elected or appointed and have qualified".

2. Question: Can the Mayor veto a City Council appointment?

Answer: Chapter 3 §1 of the Minneapolis City Charter has been recently amended to provide that the Mayor has veto power over all "ordinances, resolutions, and other actions of the City Council". A special law passed in 1965 provides that one of the two citizen members of the Library Board shall be appointed by "a majority vote of all of the members of the City Council". In general the phrase "any matter" includes appointments. The question then raised is whether the Minneapolis City Charter amendment can modify the 1965 special law relating to the appointment of Library Board trustees.

Article XI §2 of the Minnesota State Constitution provides that a special law may be modified or superseded by a later home rule charter amendment. This is true where the subject matter is of local or municipal

concern. State ex rel Town of Lowell v. City of Crookston, 252 Minn. 526, 91 N.W.2d. 81 (1958); A.C.E. Equipment Co. v. Erickson, 277 Minn. 457, 152 N.W.2d. 739 (1967); See 2 McQuillin, Municipal Corporations §4.83; 13A Dunnell's Minn. Digest §6539. We are of the opinion that the mayor's veto power over a City Council appointment of a library board trustee is of local concern. Therefore the charter amendment can modify the special law making the appointment by the City Council subject to the Mayor's veto power.

3. Question: Must the Mayor's appointment be confirmed by the City Council?

Answer: No.

4. Question: Can the Library Board delay the election of officers beyond its annual meeting (first Thursday after the first business day, Chapter 17, Section 9)?

Answer: The Minneapolis City Charter Ch. 17 §9 provides in part:

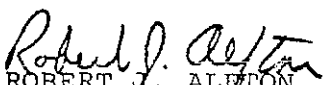
"The annual meeting of the Board for the election of its officers for the year shall always be on the first Thursday after the first Monday in July, at such hour and place as the Board may by its rules appoint for its regular meetings".

Article II, Section 1 and Article III, Section 3 of the Board's Bylaws also require the election to be at the annual meeting. The reference to July is now obsolete with all appointments being made in January.

We are of the opinion that the Board must have its annual meeting on the date specified but pursuant to Article III, Section 4 of the Bylaws could recess such meeting to a later date without having elected its officers.

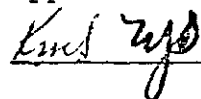
Very truly yours,

WALTER J. DUFFY, JR.  
City Attorney  
By

  
ROBERT J. ALFTON  
Assistant City Attorney

RJA/gr

Approved:



Veto: Council's action on Mayor's appointments to Campaign Regulation Commission not required under Chapter 3, Section 1 of the Charter to be returned to the Mayor for his approval.

76-71

OFFICE OF THE CITY ATTORNEY

WALTER J. DUFFY, JR., CITY ATTORNEY  
KEITH M. STIDD, DEPUTY CITY ATTORNEY  
EMARUELL A. SERSIOCK, DEPUTY CITY ATTORNEY  
A 1700 HENNEPIN COUNTY GOVERNMENT CENTER • 348-2010  
MINNEAPOLIS, MINN. 55487



December 27, 1976

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- ROBERT H. EDMAN
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- GARY J. MURPHY
- EDWARD D. KENNEDY
- FRANK J. LAUBACH
- JAMES M. PETERSON
- MARK A. FLAIVANAN
- LES G. PARJALA

Mr. Lyall A. Schwarzkopf  
City Clerk  
311 City Hall  
Minneapolis, MN 55415

Dear Mr. Schwarzkopf:

- INVESTIGATORS
- JOSEPH E. BURNS
- JOHN N. MITCHELL
- DENNIS PETERSON

You have asked our office for an opinion relative to the Campaign Ordinance recently passed by the City Council. You point out that under Section 2 of that Ordinance, the Mayor appoints three of the six members of the Campaign Regulation Commission with the advice and consent of two-thirds of the City Council. You further point out that Section 1 of Chapter 3 of the Charter of the City of Minneapolis provides: "All ordinances, resolutions and other actions of the City Council, except those related to its organization, rules or procedures, shall, before they take effect, be presented to the Mayor . . ."

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- JOHN J. FITZGERALD
- BILL A. ORR
- WILLIAM J. DONNELLY
- MARY M. WARE STRAND
- POLICE LEGAL ADVISOR
- DEIS MICHELI
- INVESTIGATOR
- ROBERT G. SAUT

You then ask in the case where the Mayor appoints three people to the commission subject to the advice and consent of the Council and the Council consents to those three appointments, must that action of consent by the Council be sent back to the Mayor for his approval pursuant to Chapter 3, Section 1. Our answer is no. It is our opinion that the above Charter provision neither requires nor contemplates that the Mayor approve something that he himself has already done. Minnesota Statutes Section 645.17(1) creates a presumption that legislation is not to be interpreted in such a way that its result is either unreasonable or absurd.

You also ask if the Council does not consent to the Mayor's said appointments, must that action of the Council be referred back to the Mayor so he can veto that action. Our answer again is no. Such a veto would accomplish nothing.

It is our opinion that the above Charter provision was not intended and does not apply to the two examples you give.

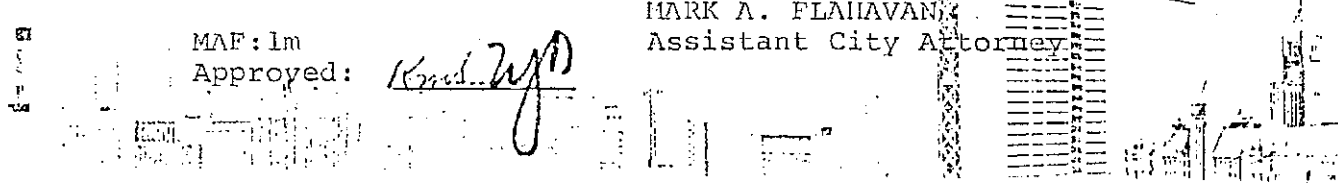
Very truly yours,

WALTER J. DUFFY, JR.  
City Attorney

By  
*Mark A. Flavianan*  
MARK A. FLAVIANAN  
Assistant City Attorney

MAF:lm

Approved: *Lyall A. Schwarzkopf*



minneapolis

city of lakes

**OFFICE OF THE CITY ATTORNEY**

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KEITH M. STIDD, DEPUTY, CIVIL DIVISION  
EMANUEL A. SERSTOCK, DEPUTY, CRIMINAL DIVISION  
GERALDINE J. JAUNTY, OFFICE MANAGER  
A-1700 HENNEPIN COUNTY GOVERNMENT CENTER  
MINNEAPOLIS, MINNESOTA 55487 (612) 348-2010

November 17, 1982

**CIVIL DIVISION**

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EDWARD A. BACKSTROM, III  
E. ROBERT PULLMAN  
ROGER E. BATTREALL  
C. LYNNE FUNDINGSLAND  
MICHAEL T. NORTON  
PETER W. GINDER  
TIMOTHY S. SKARDA

**CITIZENS DISPUTE  
SETTLEMENT PROGRAM**

JUDITH A. JACKSON

**CLAIMS INVESTIGATION**

JOSEPH P. BURNS  
JAMES G. POTTER

**REAL ESTATE  
ADMINISTRATION**

JANIS A. BOLSTAD

**WORKERS' COMPENSATION  
ADMINISTRATION**

MARY JO CHRISTY

The Honorable Donald M. Fraser  
Mayor of the City of Minneapolis  
127 City Hall  
Minneapolis, MN 55415

Dear Mayor Fraser:

You have requested an opinion based on the following facts:

The Mayor has submitted an appointment to the Commission on Civil Rights, which pursuant to the provisions of Section 141.20 of the Code of Ordinances must be confirmed by the City Council, to be effective. At its meeting on November 12, 1982 the Council voted to disapprove the appointment pursuant to Chapter 4, Section 22 of the City Charter.

You ask the following question:

Is such disapproval an action of the City Council which must be submitted to the Mayor for his approval or objection (veto)?

While we have not found any law or court decisions dispositive of the question, it is our conclusion, which is not free from doubt, that the disapproval is an action of the Council which should be presented to the Mayor for his approval or objection thereto.

On November 4, 1975 the electorate enacted an amendment to Chapter 3, Section 1 of the City Charter which reads in part:

"All ordinances, resolutions, and other actions of the City Council, except those related to its organization, rules, or procedures, shall, before they take effect, be presented to the Mayor, and if he approves thereof, he shall sign the same, and such as he shall not sign he shall return to the City Council, with his objections thereto, by depositing the same with the City Clerk, to be presented to the City Council at their next

Mayor Donald M. Fraser  
November 17, 1982  
Page 2

meeting thereafter. Upon the return of any ordinance, resolution, or other action of the City Council by the Mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be again put upon the passage of the same, notwithstanding the objections of the Mayor, and if upon such vote the City Council shall pass the same by a vote of two-thirds of the members of the Council, it shall have the same effect as if approved by the Mayor."

An opinion of this office dated November 20, 1975 generally reviewed that charter provision and in response to what does the phrase, "other actions of the City Council" include, we stated:

We are of the opinion that the phrase "other actions of the City Council" includes any decision arrived at by the City Council by vote except actions which relate to its organization, its rules, or its procedures.

In an opinion of January 5, 1976 relating to the appointment by the City Council of a Library Board trustee we concluded:

"We are of the opinion that the mayor's veto power over a City Council appointment of a library board trustee is of local concern. Therefore the charter amendment can modify the special law making the appointment by the City Council subject to the Mayor's veto power."

In an opinion dated December 27, 1976 to the City Clerk we held that where the Council confirms the Mayor's appointments, there was no reason to send the action back to the Mayor, and where it was rejected it did not have to be submitted to him. Copies of those opinions are attached.

The opinion of December 27, 1976 is modified to the extent that it is inconsistent with this opinion.

Mayor Donald M. Fraser  
November 17, 1982  
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In discussing the nature of a mayor's veto power McQuillin Municipal Corporations, 3rd edition revised, states in Volume 5 sect. 16.42:

"To veto is to exercise a separate and distinct function of government. The power of a mayor to approve or veto actions of the municipal legislative body is legislative in nature. Thus, the power can be taken from the mayor only by express law and not by implication."

And in Volume 3 section 12.74 relating to veto of appointments it is stated:

"The action of a council on an appointment is not subject to veto by the mayor in the absence of authorization of such veto power." But where authorized by law to do so the mayor may veto such an appointment," subject of course to the fact that there may be provision for overriding his veto by a specified vote."

The question arises as to whether appointments by the Council or council confirmation of Mayoral appointments are "other actions of the City Council" within the meaning of Chap. 3 Sect. 1 of the charter.

The Courts have defined the meaning of "any other acts" as the "phrase any other act means in addition to or distinct from those acts already mentioned in the code section." In Re Freshour's Estate (1955) 280 P.2d 642 at page 648.

Thus it would appear that the charter provision re "other actions" would include all acts of the Council in addition to ordinances and resolutions except those specifically excluded relating to "its organization, rules or procedures," or state law.

The fact that the appointment was submitted by the Mayor does not appear to remove the obligation to submit the Council action for approval or objection.

It has been held that if a statute requires ordinances or resolutions of a municipal council to be approved by the Mayor, the fact that he is the presiding officer of the Council and put forth the motion did not dispense with the need for approval of the Mayor in the manner set forth in the statute. 56 American Jurisprudence 2d Section 358. Whitney v. Port Huron Michigan, (1931) 50 N.W. 316.

Mayor Donald M. Fraser  
November 17, 1982  
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A 1964 New Jersey case, Woodhull, et al v. Monahan, et al, 85 N.J.Super. 157 204 at 2d 212 considered at length the authority of a mayor to veto appointments of the city council notwithstanding the fact the appointment of a city attorney was done by motion rather than resolution.

The applicable statute was very similar to our Charter provision except that it applied only to ordinances and resolutions.

The court reviewed decisions of New Jersey and other jurisdictions and stated on pages 217 and 218 :

"New Jersey does not stand alone in reaching the result that a resolution in effect encompasses all actions of the municipal body other than ordinances. New Jersey adheres to the view taken by many of its sister states. The Supreme Court of Pennsylvania, for example, has stated that:

"In substance, a resolution is merely the formal expression of the will of the majority of an official body. \* \* \* [t]here is no difference between a motion and a resolution \* \* \* [i]t is the substance of the corporate act, not the form, that governs."

In Allen v. Wise, 204 Ga. 415, 50 S.E.2d 69, 71 (Sup.Ct.1948), the mayor had the statutory power to veto ordinances and resolutions. The city council attempted to discharge the city controller by a "motion" which the mayor vetoed. The court, in upholding the veto, was quick to point out that there is no difference between a resolution and a motion.

In the case sub judice the attempt to avoid the mayor's veto by calling plaintiff Woodhull's nomination of plaintiff Watson to be town attorney a "motion" instead of a resolution, is ineffectual to deprive the mayor of his right of veto and is not sanctioned by the cases."

Mayor Donald M. Fraser  
November 17, 1982  
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A somewhat similar situation was considered by the Arkansas court in Steward v. Rust (1952) 252 S.W.2d 816 where the statute involved gave the Council authority to elect certain members to a board. The election was by voice vote and the statute gave the mayor the right to veto "any ordinance, resolution or order adopted or made by the City Council." The court states at page 818:

"The argument is advanced that to allow the mayor the right of veto here would be to destroy the whole intent of the act because it would give the mayor a voice in selecting the members of the board. The answer to this argument appears that the legislature had a right to make any arrangements it saw fit to make; after all, the act does give some degree of independence to the council because it is given the right to override the mayor's veto by a two-thirds vote."

Although the practice of sending Council confirmation or rejection of appointments to the Mayor has not been completely consistent, most such decisions since 1976 have been sent to the Mayor for approval or veto. For example, appointment of a Civil Rights Director and Civil Service Commissioner were disapproved, submitted to the Mayor and not vetoed. An appointment to the Planning Commission was disapproved by Council, sent to the Mayor and approved. Several appointments to the Civil Rights Commission and Capital Long-Range Improvements Commission were approved by the Council, sent to the Mayor and approved. In one instance, a slate of appointments to the Civil Rights Commission was submitted to the Council which approved several and disapproved one. We do not find that that action was submitted to the Mayor.

As stated earlier, our conclusion is not free from doubt but it is our conclusion that if the issue was submitted to litigation the court would likely hold that the Council action had to be submitted to the Mayor for approval or to return with his objections thereto.

Very truly yours,

ROBERT J. ALFTON  
City Attorney  
by



KEITH M. STIDD  
Deputy City Attorney

KMS:pas

cc: Lyall Schwarzkopf, City Clerk  
All Minneapolis Aldermen

Approved: RSJ

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Minneapolis MN 55402-2453

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Michael T. Norton  
Acting City Attorney

C. Lynne Fundingsland  
Acting Deputy, Civil Division

Henry J. Martinez, Jr.  
Deputy, Criminal Division

Frank J. Chiodi, Jr.  
Manager Administration



August 28, 1996

Ms. Merry Keefe  
City Clerk  
City of Minneapolis  
Room 304, City Hall  
350 South Fifth Street  
Minneapolis, MN 55415

Re: Requirements of Minneapolis City Charter Chapter 3, §1

Dear Ms. Keefe:

On August 9, 1996, the Minneapolis City Council considered the recommendation of the Zoning & Planning Committee relating to an appeal of a decision of the Board of Adjustment by Check Express located in the Butler Drug at 26th and Nicollet. The Council approved the recommendation of the Zoning & Planning Committee, thereby denying the appeal of the operator of the Check Express and precluding operation of Check Express in the Butler Drug. It is my understanding that this action was not presented to the Mayor by the City Clerk as contemplated by Minneapolis City Charter Chapter 3, §1. Apparently it was determined, based on past practice of your office, that a negative action of the City Council denying an appeal did not have to be presented to the Mayor. It is my opinion that this past practice is in error and that the final Council action must be presented to the Mayor in accordance with Charter Chapter 3, §1.

Charter Chapter 3, §1, provides in pertinent part:

All ordinances, resolutions and other actions of the City Council, except those related to its organization, rules or procedures, shall, before they take effect, be presented to the Mayor, and if (the Mayor) approves thereof, the Mayor shall sign the same, and such as shall not be signed, the Mayor shall return to the City Council, with his or her objections thereto, by

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depositing the same with the City Clerk, to be presented to the City Council at their next meeting thereafter. Upon the return of any ordinance, resolution or other action of the City Council by the Mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be again put upon the passage of the same, notwithstanding the objections of the Mayor, and if upon such vote the City Council shall pass the same by a vote of two-thirds of the members of the Council, it shall have the same effect as if approved by the Mayor. If any ordinance, resolution or other action of the City Council shall not be returned by the Mayor within five days, Sundays excepted, after it shall be presented to the Mayor, the same shall have the same force and effect as if approved by the Mayor. (Emphasis added).

We have previously opined in several prior Opinions on the distinction between "actions" of the Council which must be presented to the Mayor, and other Council decisions which are not final within the meaning of Charter Chapter 3, §1. I have reviewed the Opinion of the City Attorney of November 20, 1975, which concluded that most decisions of the City Council which are made by a final vote are "other actions" which must be presented to the Mayor. This Opinion recognizes an exception for actions which relate to Council organization. A subsequent Opinion from November 17, 1982, affirmed this earlier Opinion in the context of Council approval or disapproval of a Mayoral appointment. The Opinion concluded that final Council actions, negative or positive, were required by Charter Chapter 3, §1 to be presented to the Mayor. The Opinion also concluded that the only exceptions are actions relating to Council procedure or rules, preliminary actions such as direction to staff, or actions required to be acted on by the Council only pursuant to statute.

There is no question that the decision of the City Council with respect to Check Express was an "action" of the City Council. All other "actions" on the same Zoning & Planning Committee agenda were apparently presented to the Mayor, except for this matter relating to Check Express. I find no exceptions in the Charter which would find that a "negative action" of the City Council is exempt from the requirements of Charter Chapter 3, §1. Even though presenting a "negative action" to the Mayor could result in a veto and could potentially result in no specific formal action of the City with respect to a matter (such as the Check Express appeal) if there is no override of a veto, the plain language of Charter Chapter 3, §1 does not contemplate an administrative exception to presenting this action of the City Council to the Mayor. (While not the subject of this Opinion, in the event of a veto and a failure to override, the matter could be referred to the Zoning Administrator to make a "final" decision. We would advise the Zoning Administrator to carefully consider the last action of the Board of Adjustment or Planning Commission in arriving at a determination.)

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It is my recommendation that you present this action to the Mayor as soon as possible so that the requirements of Charter Chapter 3, §1, can be met. The Mayor, or in the Mayor's absence, the Council President as Acting Mayor, would have the normal five days exclusive of Sundays to consider the appropriate decision regarding this Council action. The Mayor (or Council President as Acting Mayor) could approve, veto or simply let the Council action become final pursuant Charter Chapter 3, §1.

Very truly yours,



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MTN:hnp