

# Brooklyn Park Charter Commission Meeting Agenda

## Wednesday, January 13, 2021, 7:00 p.m.

This meeting will be held by telephone or other electronic means.

All members of the Commission will participate in the meeting by telephone pursuant to Minnesota Statutes, Section 13D.021 rather than in-person at the Charter Commission's regular meeting place at City Hall, 5200 85th Avenue North, Brooklyn Park, Minnesota. Members of the public can monitor the Commission meeting by calling into the Conference Call Number: Dial 1-218-302-5973; Meeting ID: 335 165 611. After you join, press # when you are asked to enter a Participant ID.

*If you need these materials in an alternative format or need reasonable accommodations for a Charter Commission meeting, please provide the City with 72-hours' notice by calling 763-424-8000 or emailing Josie Shardlow at [josie.shardlow@brooklynpark.org](mailto:josie.shardlow@brooklynpark.org). Para asistencia, 763-424-8000; Yog xav tau kev pab, 763-424-8000.*

1. Call to Order/Roll Call
2. Additions/Approval of the Agenda of January 13, 2021
3. 3. Approval of Minutes
  - 3.1A September 9, 2020
  - 3.1B October 14, 2020
  - 3.1C December 9, 2020
4. Old Business
  - 4.1 Special Election Update
    - 4.1A CITY ATTORNEY MEMO, RE: SPECIAL ELECTIONS
5. Reports of Officers, Boards, and Standing Committees
  - 5.1 Treasurer's Report
    - 5.1A TREASURER'S REPORT
  - 5.2 Redistricting Subcommittee Update
6. New Business
  - 6.1 Election of Officers
    - 6.1A CURRENT OFFICERS
  - 6.2 Review of By-Laws
    - 6.2A CHARTER COMMISSION BY-LAWS
  - 6.3 Charter Commission 2021 Meeting Dates
    - 6.3A 2021 CHARTER COMMISSION MEETING DATES
  - 6.4 Review Work Plan
    - 6.4A CHARTER COMMISSION WORK PLAN
  - 6.5 Review of Proposed Charter Changes
    - 6.5A PROPOSED CHARTER CHANGES (CHAPTER 4)
7. Correspondence/Communications
8. Adjournment

*Commission members are asked to let Devin Montero, Staff Liaison, know if you won't be able to attend this meeting. Devin can be reached by phone (763-493-8180) or by email ([devin.montero@brooklynpark.org](mailto:devin.montero@brooklynpark.org)).*

**City of Brooklyn Park**  
**CHARTER COMMISSION Attachments**

<b>Agenda Item No.:</b>	<b>3.1A</b>	<b>Meeting Date:</b>	January 13, 2020
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Scott Simmons, Chair

**Attachments:**

3.1A SEPTEMBER 9, 2020 CHARTER COMMISSION MINUTES

**Brooklyn Park Charter Commission Meeting Minutes**  
**Wednesday, September 9, 2020 at 7:00 p.m.**  
**Community Activity Center, Grand Room 1**

1. Call to Order/Roll Call

Chair Simmons welcome the Commissioners to the in-person meeting since the March meeting. He stated everyone received the electronic Charter meeting packet but the paper packet was not received by the Commissioners.

Chair Scott Simmons called the meeting to order at 7:00 p.m. Members present were: Barbara Bor, Teferi Fufa, John Hultquist, John Irvin, Susan Maberera, Beatrice Otieno, Dennis Secara, Andrew Schmid, Scott Simmons, David Williams, Council Liaison Tonja West-Hafner and Staff Liaison

Absent: Evans Odhiambo, (excused)

Chair Simmons stated he would welcome the new Commissioners after the Redistricting presentation and would like to move Item 6.2 ahead of item 1.1.

He introduced Nick Harper, Civic Engagement Director, League of Women Voters, who connected virtually to the meeting and would be presenting on redistricting.

2. Additions/Approval of the Agenda of September 9, 2020

Motion Commission John Irving, second Commission Williams to approve the agenda as amended. The motion carried unanimously.

6.2 Common Cause Organization Redistricting Presentation

Chair Simmons stated the Charter Commission was responsible for drawing of the district boundaries for the Council districts following a census. He stated the data the Commission received and City Manager's Report, the Commission had a responsibility to work on the lines for future Council Member districts.

He stated Commissioner Secara was the Chair of the Redistricting Subcommittee and would need to make appointments to fill some vacancies on the subcommittee. He thought it was timely to have the presentation since the League of Women Voters and Common Cause and other partners were talking about it, what the process was and how to drawing lines not only for City Council but for Legislative and Congressional seats.

Chair Simmons introduced Nick Harper, Civic Engagement Director, League of Women Voters and he gave a presentation on Redistricting, Democracy and Census; What is Redistricting.

Commissioner Schmid asked about the community of interest principle and how it applied to redistricting. He stated it was heavily weighed but also seemed the most subjective of all of the principles. He asked how it was weighed in the ability to be used compared to the other two principles, contiguity and compactness.

Mr. Harper stated most redistricting principles had some kind of mathematical objective standard it was measure against. He stated compactness tested dozens of mathematical formulas, even things like partisanship and developed mathematical formulas to figure out whether a district was too partisan or not or gerrymandering.

He stated with communities of interest, it was the eye of the beholder, was subjective and that was why the transparency piece of the participation was important to the redistricting process. He stated they couldn't just say yes to want to use the communities of interest principle. He stated it had to be defined what the communities of interest was and had different definitions and not just point to an area or district and say it looked like a community of interest. He gave an example, for the Congressional District 8, those individuals in the community all shared a lot of the same natural resources because it was in the same water basin and had a lot of mining industries. He stated the important piece of communities of interest was to name that but still difficult to objectively measure it.

Commissioner Hultquist stated that the legislature being partisan they would protect their self-interests but also saw in other states problems with other citizen Commissions weren't nonpartisan, such as what happened in California. He asked what was wrong with just having the Supreme Court put together a redistricting panel of judges who were nonpartisan judges to draw the maps like it was done in Minnesota in 2000 and 2010.

Mr. Harper stated there were instancing of going through growing pains in figuring out how to make sure the process was clear and fair to get uses where they could learn on some of those things and build in fail safes to not encounter some of the same problems. He stated that in terms just relying on the system now, the problem was, it was relying on a broken system and didn't want to be doing anything that was underhanded and contrary to what it should be doing. He stated the system was essentially saying, it wanted the legislature to fail every 10 years and wanted to engage in expensive litigation the State had to pay for and wanted there to be violations that had to be litigated in order to get good maps.

He stated that didn't make good sense and there were people who were in favor of having a judicial panel. He stated that was not what the League of Women Voters and Common Cause was working for. He thought judges would have an opinion on that and redistricting was a legislative or a policy making role and not the role of judges in terms of their constitutional duties and why a lot of people were resistance to the judge approach. He stated if they wanted to do that judge approach, his advice was to advocate for that and put into law and make it the actual process rather than relying on a rogue process and expensive litigious process.

Chair Simmons stated one of the federal principles was equal populations about districts of the same size and asked if Mr. Harper if he could talk about it. He stated they often talked about as equal as practicable being the standard in the Charter Commission and asked if there was case law on a standard percent deviation.

Mr. Harper stated it was not clearly defined but historically for Minnesota with the court panels usually meant about two percent and at the legislative level but at the congressional level they tried to make it equal and deviate by one percent and that was not as equal as practicable it was just equal. He stated that equal as practicable definition tended to be around two percent but for local redistricting courts had found it that they could go up to five percent or 10% if it had good reasons to do it. He gave an example, relying on a community of interest or insuring they were not diluting the vote of an ethnic or racial minority. He stated it allowed for more deviation at the

local level and was one of the tradeoffs when discussing principles, to 2%, 1%, or 4% and those were some of the discussions that the Commission would have when it sets the principles to be operating from.

Commissioner Secara asked about the community of interest principle example for the 8<sup>th</sup> congressional district, and asked for an example of that principle in action in a city or township.

Mr. Harper stated that an example of a community of interest in an urban setting might be an area that used the same grocery store. He stated sometimes communities of interest would be a cross of racial and ethnicity plus some other divided characteristic such as socioeconomic status and might cross it with individuals of a certain ethnicity and a certain economic threshold. He stated if there were a significant number of people in the geographic area that shared both characteristics, they might call that a community of interest.

He stated in Texas there was a situation where they drew a district and ended up being a racial gerrymandering because they paired up Latinos from two different urban areas and had very little in common with each other in terms of economic status. He stated in that Texas court case, said it saw they were trying to make a community of interest but didn't do a good job and ended up being racial gerrymandering. He stated the Commission would have to be careful with that sometimes and needed to be race or ethnicity plus something. He stated there was also the Voting Rights Act, which, protected the racial and ethnic minorities.

He stated there also might be areas that shared an industry of some kind where a city had a lot of people who worked in a certain field or a certain business type that they might see in some locations. He stated they talked about congressional districts and agricultural but could get more fine tuned, to say they could see that at the state legislative level, were looking at individuals that worked at manufacturing or packing facilities and those were the set of individuals they relied on the manufacturing business and a lot of them were employed in that business and that could be a community of interest.

Chair Simmons stated once the Commission got the subcommittee going, they might use his resources for some assistance and explanations and would reach out to Mr. Harper. He thanked Mr. Harper for his presentation.

#### 1.1 Welcome New Commissioners

Chair Simmons stated a majority of Commissioners were present tonight and asked the Commissioners to introduce themselves and went around the room. He stated new members were Andrew Schmid, Susan Maberera and Teferi Fufa.

#### 3. Approval of Minutes

Commissioner Hultquist stated he had some minor corrections and passed them on to the Staff Liaison.

Motion Commissioner Hultquist, second Commissioner Fufa to approve the minutes as corrected. The motion carried unanimously.

#### 4. Unfinished Business – None.

## 5. Reports of Officers, Boards, and Standing Committees

Chair Simmons stated that former Charter Commissioner Mary Ann Bishman passed away this past summer unexpectedly on June 3. He stated she was a loyal, committed, kind person, was helpful to the Commission and served the Commission us well. He stated the City Council did a motion for adjournment in her honor shortly after they received news of her passing. He asked the Commissioners to honor her commitment and service to the Charter Commission with a brief moment of silence. A moment of silence was held by the Commissioners.

Chair Simmons stated the Commissioners might have read in the paper of the ongoing saga of the Bloomington Charter regarding organized collection they put on the ballot with a question of organized collection which was the result of litigation involving the community of Brooklyn Park following the Charter. He stated the Bloomington Council was going to do the organize collection but there was a lawsuit and litigation saying no it had to obey the Charter. He stated there was a question on the November ballot to determine if the city would move toward organized garbage collection or not. He stated Charters did matter, the process mattered and the citizens were right to make note of it and pursue those changes through the appropriate vehicles, and putting it up on a referendum.

### 5.1 Legislative Update

Chair Simmons stated the Commission discussed previously and ended supporting legislation pto Senate File 3298 and a letter was sent to the senate Senator Dan Hall, Chair of the Committee and Senator David Senjem, who was the author of the bill. He stated it was the bill that moved appointments away from city Councils if the district judge failed to appoint within a certain time period. He stated all of the responsibility for appointing Commissioners in Charter Cities was now the responsibility of the district judge. He stated it was passed into law and was effective august 1, 2020.

He stated he testified in a Zoom meeting on April 28 with senator Senjem, and another person from another community and the bill passed without discussion and moved on to the rules committee and ultimately to the Senate floor.

He stated the House passed the other bill, House Bill 1513, that set a threshold for city funding of Charter amendments and wasn't controversial. He stated the Charter Commission also discussed it and supported it. The House passed that bill and Senate the other bill and they were merged into law and both provisions passed. He stated the Charter Commission took action on it and had an effect and impact.

Commissioner Hultquist stated the bill stated that Commission members could be reappointed and previously it was not in the statutes and they could have questioned any of the reappointments.

## 6. New Business

### 6.1 Appointment of Officers to fill vacant positions

Chair Simmons stated the Commissioners needed to appoint officers because of some resignations. The vacant positions were First vice chair and a Secretary/Treasurer and the current officers were the Chair Simmons and Second Vice Chair Secara.

He stated that on the Secretary position, the City Clerk actually did the administrative work for the Commission, such as minutes and notices. He stated the Treasurer gave a report on funds that were expended by the Charter Commission and historically the report on that was zero dollars expended.

He asked for nominations to the First Vice Chair position and asked if Second Vice Chair Secara wanted to move up to First Vice Chair or if anyone wanted to seek that position.

Commissioner Hultquist stated the bylaws said the terms were two years and in January 2021 there would be elections. He asked if Chair Simmons would be term limited.

Chair Simmons stated the remaining term did not count against any future term and only for the remainder of 2020. He stated there would be new elections of officers at the first meeting in January 2021. He stated after December it would be the end of his second full term of two year terms and the terms were defined in the bylaws.

Commissioner Hultquist stated it was typical that the First Vice Chair often times would then become the Chair at the next meeting if that weighed in if someone wanted to be the First Vice Chair and didn't have to run for Chair.

Commissioner Hultquist stated he would nominate Commissioner Secara for First vice Chair and in Robert's Rules, didn't need seconds for nominations. He asked if there were other nominations for First Vice Chair. There were no other nominations for First Vice Chair.

Chair Simmons moved to a vote and the vote on the nomination carried unanimously to elect Commissioner Secara as the First Vice Chair.

Chair Simmons stated the Second Vice Chair was now vacant and asked for nominations.

Commissioner Hultquist asked Commissioner Bor was interested and willing to be the Second Vice Chair.

Chair Simmons asked Commissioner Bor if she was elected would she serve as Second Vice Chair.

Commissioner Bor stated she would serve as Second Vice Chair if elected.

Chair Simmons asked for other nominations for Second Vice Chair. There were no other nominations for Second Vice Chair. He moved to a vote and the vote on the nomination carried unanimously to elect Commissioner Bor as Second Vice Chair.

Chair Simmons asked for nomination for Secretary/Treasurer.

Commissioner Fufa nominated himself.

Chair Simmons asked if there were other nominations for Secretary/Treasurer. There were no other nominations for Secretary/Treasurer. He moved to a vote and the vote on the nomination carried unanimously to elect Commissioner Fufa as Secretary/Treasurer.

### 6.3 Appointment to Redistricting Subcommittee

Chair Simmons stated the Commission had standing committee on redistricting, which had three members and Commissioner Secara was the Chair.

Commissioner Secara stated Commissioner Williams replaced Commissioner Aune, Jr. and needed one more person on the subcommittee.

Chair Simmons stated it did involve some work and extra meetings and communications with the city, GIS team and was an ongoing process. He asked if anyone was interested in serving on the subcommittee.

Commissioner Secara stated the subcommittee was formed to look into redistricting issues and that function was covered under Chapter 2, Section 2.04 of the City Charter. He stated being on the subcommittee involved meeting with the City GIS staff and looking at how to configure the three wards or districts so they were as equal as practicable and presenting that information to the Charter Commission for consideration and a recommendation to the Council

He stated every two years the Charter Commission received a demographic report and population report from the City Manager that broke down the population in each district and gave some key demographic information. He stated at that time they could decide whether or not to send a redistricting recommendation to the city Council for consideration. Once the Council received it they must take action, either up or down. He stated in the past several years the Commission declined to action to send a report to the Council on the grounds that it was pending the Census data and felt the districts were about as equal as practicable. He stated they received new census data in April, they would be looking at that issue. He stated one other way that could happen was that the city could receive a redistricting order from the Secretary of State or County, to redraw the city's district boundaries in which case would have to comply and would have to send that back to the Council with an explanation for approval.

He stated it mentioned the percent deviation and how far apart the districts had to be in terms of population and how equal they had to be. He stated the Charter was silent on that particular point and had been a stumbling block for the Commission. He stated that was the reason the Commission made a change to Section 2.04 that if the Commission felt the districts were not as equal as practicable that it could send a redistricting report to the Council. He stated the information was not precise or 100 percent clear. There was case law they could refer to and state statute concerning how districts should be drawn and how they should look. He stated that for local governments there was a lot of grey areas and latitude and that latitude sometimes led to the grey area.

Commissioner Andrew Schmid stated he would be interested in joining the subcommittee.

Commissioner Williams stated he would like the subcommittee to be represented by the community's diversity and with the three on the committee it was not. He stated he was willing to give up his position on the subcommittee if someone else wanted to represent the diversity in the community. He stated they should have the diversity on the subcommittee.

Chair Simmons stated if anyone else wanted to consider themselves for appointment could speak now or let him know later. He stated it was a work in progress and not set in stone who the members were.

Commissioner Fufa asked if had to be three members or could it be more than three members on the subcommittee.

Chair Simmons stated it didn't have to be three members but the issue was not creating an issue

with a quorum and was in the bylaws.

Commissioner Hultquist stated the bylaws said:

*“13. Committees. The Chair shall designate and appoint any committee he/she feels is necessary to conduct the business of the Commission. The membership of the committee shall be made up of members of the Commission only, and the Chair may designate one of the committee members to serve as Chair. A committee so designated shall report its recommendations to the Charter Commission, which has the power to either accept, reject, or modify said recommendations.*

*The Commission may appoint a subcommittee and or task force(s) as it deems necessary to facilitate investigations and research for the Commission. These members serve in an advisory capacity only to the Commission. Subcommittees and or task force(s) shall not contain a quorum of the Commission.”*

He stated as with any committee it couldn't have a majority of Charter Commissioners serve on a committee or attend their meetings because it would run into quorum problems.

Chair Simmons stated they couldn't have 6 Commissioners if the Commission only had nine members, then that number was 6. He stated it was the number that occupied seats of the Commission at the time when evaluating what a quorum was. He stated he didn't see why they should limit involvement on subcommittees if people were interested and didn't object to having more than three members.

Commissioner Fufa stated the reason he asked was because he didn't think it was fair for Commissioner Williams to resign but if someone stepped up and there were four on the subcommittee it would be good for the Commission. Commissioner Fufa stated he would think about being on the subcommittee.

Commissioner Hultquist suggested to accept Commissioner Schmid's offer to serve on the subcommittee and then if Commissioner Fufa or other Commissioners who represent the diversity of the community would like to attend a meeting to see what they do before saying yes or commit now and then two months later question why they joined.

Chair Simmons agreed and stated the meetings were open to the public and anyone could attend but had to be cautious about the quorum issue. He stated he would be happy to appoint Commissioner Schmid to the Redistricting Subcommittee. He stated they would let the next Chair readdress it in January, February or March but would appoint Commissioner Schmid to the subcommittee.

#### 6.4 Police Reform and Racial Justice Discussion

Chair Simmons stated the Council had a standing item on the agenda at its meetings and had for a few months on the issue for police reform. He stated he had asked Council Liaison West-Hafner on the things the Council would be talking about. He stated one of the Council members had proposed to create an independent entity within the city. He stated If the city was creating government entities within the city, the Charter Commission should be aware and have knowledge about it, if not participating in the creation of it. He stated there was an editorial on that in the Sun Post and wanted the Commissioners to be aware of it that it was being proposed and where it ended up.

He stated after Council Liaison West-Hafner's update, he would ask whether the Charter Commission should be involved or not.

Council Liaison West-Hafner stated that after the George Floyd issue and having to put in place curfews in the city, the Council started talking about, if there were reforms needed to the police department and where if any, where to go and look at the whole picture. She stated the Human Rights Commission (HRC) and Multicultural Advisory Committee (MAC) hosted four sessions to hear from the community about what things they would like to see, their experiences and what they would like to see changed in the police department. She stated three were in person and one was virtual over June, July and August. She stated they got a lot of input and those comments were compiled into different categories and the Council tasked HRC/MAC to come up with things they would like to see changed in the police department.

She stated the first version of that report was a lengthy list of thing and what came to the forefront from a lot of people was that people didn't understand what things the police department did and didn't do. She stated they didn't do the warrior training or the choke holds. She stated they had already implemented six of seven items that were in the My Brother's Keeper and felt the department was ahead of Minneapolis on some of those things.

She stated right now the HRC was being educated on what things were already in place in the police department, what they did and didn't do. She stated the HRC went back and cut down the list of things that potentially could be worked on and was still a lengthy list of things. She stated there were Council members that wanted to be in a hurry to do things and the hard part was that the Council was not sure what to do because a lot of the things that were in place would of prevented a George Floyd incident from happening in the city. She stated she and a couple of other Council members had taken the approach that the Council needed to understand what they were doing not fix things that were not broken. She thought it would take longer than what the Council wanted.

She stated last night where it ended up landing was the Council put it back to staff to come up with some kind of plan that puts in place some actions, the first of which, would be, communication.

She stated that was one of the things she was pushing last night was that the Council needed to get that communication going when things happened that and not only was there a Tip411 system but could also sign up for the city's email blast so it was not just hanging out there and close the loop and people would know what was happening and what is being worked on.

She stated they didn't have any plans to do what the the city of Minneapolis said about defunding the police department. She stated the Council was not saying that at all and thought the Council could do other things without defunding the police department.

She stated the other item on the agenda last night was the budget with COVID, and reduction in income and whether people would be able to pay their taxes or not and could have a huge impact on what the Council was able to do next year and what they would have to do on potential tax increase. She stated it all tied together because part of the City Manger's proposal to the Council was the need for a 1% increase in taxes just to keep going what the city has now and his other recommendation was another 1% to work on any police reform issues that came out and another 1% to do miscellaneous work. She stated not all Council was on board with the 3% increase and guessing he would try to hold it to a 1% increase. She stated \$400,000 was 1% of budget and not a huge amount of money in the scope of what they could potentially be doing.

She stated the next step staff was taking it back to HRC/MAC and have them get help to write some kind of plan or staff would help them with the plan. She stated a few Council members were wanting some kind of a plan to move forward and have some direction. She stated the communication and educating people on what the police department was doing and what they didn't do, was to start doing that now while the other things might dig deeper. She stated that was where the plan came in with a timeline and a thought process on how to implement the things that came out of there. She stated it might be another meeting and didn't think that was something that would happen in the next few months and could be a six month process to get the Council to a point where they started to dig into things other than the communication and education piece.

Chair Simmons asked if the creation of a new entity, a new governing authority, came up at all.

Council Liaison West-Hafner stated it was on the list and the Council hadn't talked more about it other than it being on the list that came out of those four sessions. She stated there were two different schools of thought on it, on the Council. She thought it would be something that if they created it, not required by the state, they would have to figure that out how to put that into their process, into the Commissions and into Council. She stated in her opinion, that body was the Council and didn't know whether or not creating another layer was going to help anything and the other side of that coin was that it might bring more of a resident voice to it and help alleviate anything coming along or people were having trouble reporting something. She stated that was where she could see it helping the police department and staff were it felt it couldn't report some harassment or something they were going through that was happening. She stated that could be a place for them to do that and not have to come to the Council and go to the next body. She stated that was going to take the longest to sort things out and figure out if they were going to do that or not. But if they were told by the state, they had to do it, they would do it. She thought it wasn't high on the list yet, and to her it was the communication, education and seeing it there were things the Council needed to get at right now.

Chair Simmons stated he attended one of the sessions held in each of the Council districts and asked if the comments and input from those sessions were given to the HRC and Council.

Council Liaison West-Hafner stated the summaries were given to the Council.

Commissioner Williams stated he attended one in the Central district and thought it was a very good meeting. He stated he had been wondering what was going on in the past public meeting and believed it wasn't something that should take 6 months to do. He thought putting in place changes would take 6 months but because it was a national issue, thought there was a big part of the community that was waiting and to see what the city was going to do. He stated having some kind of communication, on just the status, to start off with, like what does the police department did and didn't do; what kind of great practices they had which he knew they had and people should be happy that were living in the community rather than a lot of other communities and why the community didn't see the kinds of things that went on in Minneapolis. He stated he didn't think the residents knew that and they don't know if there was another issue waiting to happen in the city. He thought it was vital and need to get some kind of communication out about, what the police department did. He stated it was a complicated situation and was going to take some time. He stated it could be an opportunity for the city to put their role in the state or in the country as a showcase. He stated the police department had a lot of good practices performs tremendously.

Council Liaison West-Hafner stated that hopefully the Council heard that last night and would

send an email to the City Manager and reiterate what the Charter Commission said too.

Commissioner Bor stated that making it understood to have an outcome that was measurable that people really knew some progress was being made. She thought it was critical and worried when it began and all of the Minneapolis Charter discussion did not want that to come to the city and thought there was work to be done by everyone.

Commissioner Schmid stated that actions spoke a lot louder than words and the people were expecting some sort of action. The longer the delay the less, that telling them that they needed to educate themselves, would have an impact on them.

Council Liaison West-Hafner stated Council had it as a standing item on the agenda for very meeting and last night was a work session but it was still on there. She stated they were back in the chambers on tv and could now tune in and watch it anytime or watch the recorded meetings. She stated they were saying exactly what the Council said last night, was the need to do something even if that was just communicating what the Council was planning to do or what they were working on, or what work was done and keep reiterating what had been happening.

She stated it spoke of what Commission Williams said that the fact that city could be looked as more of a showcase, that the city figured things out and was better than other cities. She stated that part of it was in My Brother's keeper and Cities United work the Mayor had been doing and bringing all that into the city and getting it put into the police department. She stated there was a list of 10 things that could be a change about the police department and already doing all of them but one of them. She appreciated the feedback and there was also an open forum during Council meetings if they wanted to come say anything to get on record, email Council members or call and talk to them too.

Chair Simmons stated the consensus was knowing of where the city was at. He stated he got emails on park planning and playground equipment a lot but had not heard anything on it. He stated if she could communicate that to the City Manager that might be helpful for the community.

Commissioner Fufa stated the feeling out in the community was that the police accountability wasn't there and sometimes they got investigated themselves. He stated there was no trust there and part of the information that needed to satisfy the concern was the procedure for police accountability, what procedure they were using, and was independent or was it trustworthy. He stated that was why he thought the people asked for an independent group to come in and do it but that information, on what was there, working and reliable would be sufficient to say they didn't need that or maybe do something else.

Council Liaison West-Hafner stated the police procedures were on the city's website and HRC had gone over the procedures but didn't know how it was written about police accountability and who reported to who.

She stated police chief had spoken and maybe some of the legislation changes that were made to the police would help some of that but one of the things he had said was that they were hamstrung when it came to getting rid of bad apples. She stated if the mediators didn't decide that was bad enough then they got to stay and had to keep them. She stated that was part of the police reform that was in there and didn't know if it was in the final version and thought it wasn't completely there in the final version that was passed.

Chair Simmons stated there were arbitration issues that were an impairment to accountability.

Commissioner Hultquist stated the proposal that legislatures considered was rejected was moving it out of the arbitration all together and into the office of administrative hearings where an administrative law judge, nonpartisan heard it, instead, they took a hybrid of the current system which would be a panel of arbitrators that only heard law enforcement grievance cases. He stated there is no striking of an arbitrator, so there was no financial incentive and was a step in the right direction for the chiefs but it was not what cities wanted because there was still a potential they would be hamstrung by an arbitrator who said that it didn't rise in their opinion to the level of dismissal so the officer was reinstated.

Chair Simmons stated with regard to the agenda item and the entity, thought the best course of action was to monitor the workings of the Council and where the Commission saw it going forward and what the consensus was of the policy makers. He stated if the Commissioners sensed the Commission should engage in it thought it was appropriate for the Commission to have a say in the creation of a government entity in the city. He stated he would bring it back immediately to the Commission if they saw it moving forward in any fashion and report on it in future meetings unless they saw something, they would keep it on the table if that was a position the Charter Commission finds acceptable, to monitor and bring it back should the need arises. He stated the Council Liaison could come back to the next meeting to give an update.

Council Liaison West-Hafner stated she was curious on what happened with the census data and when the Charter Commission would be working on it, with how much the data changed things for just the state overall, whether the state would lose a congressman or not and how that would work.

Chair Simmons stated he hadn't heard a lot about the partnership with Brooklyn Center or being active in terms of whether the Census work had been shut down or was continuing work.

Council Liaison West-Hafner stated they were back working and extended through September or end of the month to give them more time. She stated they were out talking to people while being socially distant but knew they had a decent turnout already in the city and Brooklyn Center. She stated most of the reporting was electronic and online and was instantaneously reported and hoping the information would be much easier to collate and bring together.

Chair Simmons stated he hoped the report was not delayed because of the current delay because the affect would be horrendous.

#### 7. Correspondence/Communications

Chair Simmons stated the City Clerk provided a copy of the Legislative Summary through the end of the third session and starting the fourth session later this week.

#### 8. Adjournment

Motion Commissioner Fufa, second Commissioner Irvin to adjourn the meeting at 9:11 p.m. The motion carried unanimously.

**City of Brooklyn Park**  
**CHARTER COMMISSION Attachments**

<b>Agenda Item No.:</b>	<b>3.1B</b>	<b>Meeting Date:</b>	January 13, 2020
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Scott Simmons, Chair

**Attachments:**

3.1B OCTOBER 14, 2020 CHARTER COMMISSION MINUTES

**Brooklyn Park Charter Commission Meeting Minutes**  
**Wednesday, October 14, 2020 at 7:00 p.m.**  
**Community Activity Center**  
**Grand Room 1**

At 7:00 P.M. a quorum of the Charter Commission was not present.

City Attorney Thomson suggested making a statement that the Charter Commission was gathered and didn't have a quorum, however, the Commissioners were there to get a presentation and would go ahead and hear from the Fire Chief and City Attorney. If the Commissioners get a quorum in the middle of the presentations, the Chair would call the meeting to order and go from there. He stated that was better than calling the meeting to order when there was not a quorum of the Charter Commission.

Chair Simmons stated it was 7:07 p.m. and given the members of the Charter Commission present and would dispense with approving the agenda until the Commission got a quorum.

He stated there were quest speakers present to talk about two items, one was to understand the emergency powers and how the city had powers and interrelated with the state's ability to call an emergency executive order and how the city operationally took its authority and proceeded with that locally.

He stated City Attorney Jim Thomson and Fire Chief John Cunningham, were virtually present for the presentation.

He stated the Commissioners received information regarding the resolution the city Council passed and the city attorney would give a background on how the city drew its powers, statutes, the benefit those where and how they put them into operation from the fire chief and then open it up for questions.

#### **6.1 Executive Emergency Powers and City Emergency Powers**

City Attorney Thomson stated that in his memo the authority for a city to declare an emergency came from state law, Statute 12.29. He stated an emergency could happen city wide, for example, there was a huge underground pipe near Interstate 694 that ruptured over the weekend and was causing significant damage and needed to act right away. There was a special meeting and declared an emergency. Under the state law allowed them to quickly get contracts, get it going, get it fixed, and that was an example where it was truly a local emergency and that particular city and the city Council acted according to that statute.

He stated in Brooklyn Park it was the same statute but, in this case,, there was a preexisting statewide emergency issued by the government. He stated it did prompt the city Council and the mayor to declare an emergency by resolution by the statute that states to be in effect for three days had to be approved by the Council and happened. He stated the local emergency was because of the covid19 pandemic and the resolution was still in effect. He stated the local emergency was still in effect and was not contingent on the statewide emergency. He stated the city Council could rescind the local emergency, even though the statewide emergency remained in effect. He stated if that was to happen the powers under state law would still not change because those powers existed because of a statewide emergency already. He stated the city's

local powers got changed if the local emergency was rescinded and that was where the authority came from. He stated even after that one was adopted the city adopted a later local emergency when they had the unrest and the protest that turned violent and adopted another emergency which resulted in curfews being established in Brooklyn Park for a few days while that was taking place.

Chair Simmons stated it was 7:10 p.m. and now had a quorum and would formalize the meeting after the presentation.

Chair Simmons asked if the second local emergency had been discontinued.

City Attorney Thomson stated there had not been a formal action to discontinue it but all that resolution did was give authority to grant curfews. He stated those curfews were issued and no longer in affect and at some point, they would probably go back to the Council on that but there was still enough of uncertainty about things, he knew and talked to Chief Cunningham and although he had not talked to the police chief, but would suspect that they would think it was premature to rescind it. He stated it was a Council decision and not a staff decision and was still in affect but not doing anything because there were no curfews in affect.

Chair Simmons stated the resolution that was passed on March 23 and the Mayor's declaration was a prior Monday, March 16, 2020, but if the state law said the Mayor's resolution was three days, there was a gap there. He asked how they accounted for the passage of the Council resolution after the three-day declaration of the Mayor.

City Attorney Thomson stated it might have been four days there but wasn't an emergency but by adopting a resolution the Council had ratified it and the resolution was in affect and not the mayors declaration.

Chair Simmons stated technically the Council didn't continue the resolution and just initiated one and there was a four-day gap and was checking the dates on that form of the documentation.

Commissioner Irvin asked how the Governor or Mayor could say they could only have six people in a room or something like that when the first amendment to the Constitution said they had freedom of assembly and they also forced all churches to close. He stated the Constitution prohibited any government official from doing it.

Chair Simmons stated it was a broad question that went above and beyond the city's authority. He asked the city attorney the Governors drive power to limit the size of groups particular when it was against first amendment rights for both religion and for other purposes.

City Attorney Thomson stated he understood the question but that was a governor issue and was being challenged in Minnesota and across the country and some had been successful, and some hadn't.

He stated the motivating factor of the city Council and staff's recommendation to the Council to adopt that emergency resolution was to ensure that any funding sources to reimburse the city and was not about CARES Act funding but about emergency funding for emergencies to make sure the declaration also came from the local city just in case it was a box it needed to check off to get emergency type funding. He stated that was the motivation for the Council to do that to add that funding available if it became available.

Chair Simmons asked Fire Chief Cunningham about his role and how he took his orders and put them into operation.

Chief Cunningham stated there were two prongs to it. From emergency management day to day work and then keeping a pulse on the emergency operations plan, contingency plans and operationalizing that when they needed too. He stated that involved standing up their emergency Operations Center to monitor activities related to COVID in the country that were relevant to the State. He stated then there was the emergency declaration. When looking at other disasters, which, was experienced at the local level County and then statewide, i.e., tornadoes, floods, winter storms and other natural disasters that come through. He stated those were limited in size and scope and typically a smaller geographical region. He stated they would see a lot more local and regional disaster declarations to open up the avenues of potential reimbursements for either state dollars, federal dollars. He stated a lot of it tied back to the ability to receive reimbursements at either state or federal level and sometimes it just existed at the county level. He stated when a disaster is made a lot of times those jurisdictions don't meet those thresholds and want to look at the County to declare that emergency.

He stated COVID was unique and had a disaster declaration existing essential at all levels at the city right now. He stated from a financial reimbursement, they had CARES funding, that was one bucket that they had which was much broader and included community spending they focused on. He stated there was the FEMA reimbursement model and they were working with finance to submit eligible emergency operating expenses and that was just submitted last week. He stated they were documenting everything and tracking everything appropriately. He stated there were some other financial benefits especially on the procurement side of declaring the disaster declaration because it sped up some of the processes especially for procurement when securing bids and entering contracts.

He stated the language stated that they didn't need to enter into the contracts that was typically done and from an emergency management standpoint they still did that because the last thing they wanted to do was to have a "he said/she said" situation at the end of the day. He stated that unfortunately price gouging and other things still happened even during an emergency and having those agreements even if it was on a simple piece of paper was important.

He stated that on the powers on the local emergency management level they operated the command system today and was on a broader scale while COVID was on a much larger level. He stated it stood up the emergency operations plan when they activate the local state of emergency and just put that plan into place. He stated they did operate on a regional plan within the County and had a north plan group with other cities surrounding Brooklyn Park. He stated that was for area emergency operations and was a high-level overview on what the emergency declaration did at the local level.

He stated as emergency managers at the city focused a lot on relying on subject matter experts. He stated they were not public health officials and was not the space they operated in. He stated they relied heavily on the Department of Health, Hennepin County Department of Health to provide that guidance. He stated there were two arms to it, the County had their own emergency management arm, their Emergency Operations Center, coordinating with local entities, like Brooklyn Park but then there was the Hennepin County Health Group that handled its own emergency management structure. He stated they had weekly meetings with those groups and saw yesterday, there was the standup of Brooklyn Park COVID19 testing site and that was a

multi- agency and collaboration project they had been involved in. He stated that was some of the benefits for having their local emergency management powers but at the end of the day it came down to collaboration and cooperation.

Chair Simmons asked about the price gouging if they became aware of that allegation, would they refer that to the Attorney General or deal with locally.

Fire Chief Cunningham stated there was a State hotline reporting for it and they saw that in every disaster. He stated they notice early on when the supply chains were short on M95 masks and gowns for public safety and getting phone calls from other countries trying to sell the city goods and do wire transfers to offshore accounts. He stated those things did come up.

Chair Simmons stated the Chief mentioned some revenue streams and asked how active the Council was in allocating those revenues for relief for emergency management. He asked if that was something he worked with the Council or was that something he had discretion on.

Fire Chief Cunningham stated that aside from CARES, that was something the Council was actively involved in on determining what kind those buckets were and what packages would be allocated to. He stated there were two buckets, one was year date expenses and for future expenses. He stated of the \$1.5 million in the future bucket a large majority of it was allocated to community spending and the Council was actively involved in and delegated to staff to implement the community outreach program. He stated internally when it came to the emergency management day to day functions that rested on the emergency management director and to make emergency purchases as needed but with the city's purchasing policy that was just updated, spelled out what the thresholds were, and it didn't change that much from the spending authority. He stated they still wanted the Council to obtain necessary approval even with an emergency declaration if it reached a certain threshold. He stated the City Manager could only authorize so much. He stated for any disaster declaration accepted that risk. He thought the police chief mentioned that at a Council meeting on civil unrest, where they still had resources and still assisted under the mutual aid and could asked for reimbursement but not guaranteed it. He stated that was something the emergency management directors would spend a lot of time focusing on and making sure any expenditures, expenses they incurred, were confident they could get reimbursed.

Commissioner Bor stated last week they submitted some of their costs for reimbursements and guess it was like the FEMA model. She asked if there was an after-action response or summary given with that application for funding. She asked if that was available publicly to the residents.

Fire Chief Cunningham stated they believed in after action reporting and did that on a regular basis either on a fire scene or disaster. He stated the pandemic was unique, especially the way FEMA handle reimbursements. He stated usually they waited until the end and everything was closed out and they were not there yet. He stated it was the first round and got the applications in for FEMA and submitted everything by a certain date with the hope of getting reimbursements under FEMA. He stated that since they submitted that, had become aware that the reimbursement criteria had gotten more stringent. He stated the first wave was trying to figure out what PPE and how much was needed, the overtime it was going to be and those type of factors. He stated it was a lot critical and had been taken back considerably. He didn't think they would have a challenge going forward and the door was still open for future reimbursements. He stated they were planning with the County what their demobilization phase was and not there yet after that everyone would assemble their after action reports and would be a lot of lessons learned after it

with interagency cooperation, resource deployment, PPE and just on their internal workings on the decision they had to make from the Fire Department to Police department on how they protected staff and keep them isolated. He stated that once they got there it would be public information.

Chair Simmons stated the resolution that was passed by the Council was necessarily vague and it talked about entering into necessary agreements, appropriate documents, any and all steps and actions. He stated it was broad and vague and assumed was purposeful.

City Attorney Thomson stated he would call it more unnecessary but, it was general because they wanted to make sure that it covered everything that could be done. He stated the statute, MS 12.37 listed more specific things. He stated it was general to make sure they gave all the authority they could. He stated that similar to the question that was raised earlier about the governor's power how far he could go, that someone could make a challenge on some action the city took under its emergency powers and claim it wasn't an emergency.

He stated that even though the Council gave itself broad authority every step the city would normally take in a contract situation believed it happened even if they had the emergency in affect. He gave an example where he was asked by the Operations and Maintenance Director, he had a concern about entering into a contract that he thought would exceed the competitive bidding threshold and wanted to know whether or not he could do that. He stated it turned out the contract didn't exceed the competitive bidding threshold, nevertheless, that contract went to the Council for a purchase of a trailer and medical apparatus and the total price didn't exceed the competitive bidding laws but the Council acted on it.

He stated if it had exceeded the competitive bidding laws, staff would have still brought to Council for action and pointed it out that it exceeded the competitive bidding laws but because of the emergency they didn't have time too comply with those laws. He stated the resolution clearly gave the Council that authority and the Statute would clearly give that authority because the Statue allowed them to do work without entering into any contract. He stated that someone could challenge it and could say, they should have followed the competitive bidding laws and the emergency resolution didn't give them that authority. He stated the reality was that every process staff typically would follow has been followed even though there was a an emergency. He stated he had not been asked to give an opinion by staff.

Chair Simmons thought the presentation would be helpful to the Commissioners to understand how the city played into it and where it came from and how it was executed operationally. He thanked the City Attorney and Fire Chief Cunningham for their presentations.

## **6.2 City Special Elections**

Chair Simmons stated he knew the Commission spent a lot of time on succession and what they did when the Council had vacancies for Mayor and Council. He stated that given there could be the reality of the Mayor could be elected to the Hennepin County Commission, creating a vacancy asked how that played with the state law that set limits on all cities whether they were a statutory or home rule Charter from holding elections on certain dates. He stated the City Attorney gave a memo describing it and election laws. He stated he was seeking to see if the Mayor was elected how it would play out and whether they could do the primary and special elections and still satisfy the Charter and state law.

City Attorney Thomson stated he confirmed with the city clerk that for a special election there would not be a primary and only for the general election. He stated when they had Mayor Lampi vacancy, and was checking the statutory authority for that and sure they would not need a primary, per Charter Section 2.06 if there were 365 days or more; and determines to be a vacancy that the Council must within 45 days after the declaration order a special election. He stated the other section of the Charter skipping the primary said if there was no primary the election needed to be held within 75 days in Section 2.06,

He stated he added a rough timeline with the assumption the Mayor was elected to the County board didn't know when their terms of office took place and guessing it was the first week in January. He stated if the Mayor stayed on as Mayor as long as he could because once he was sworn in as a County official he now held an incompatible office and be an automatic vacancy. He stated that typically what happened in those situations, the Mayor submitted a resignation letter effective the day before being sworn in. He stated that assuming the Council declared the vacancy on January 4, the first Monday in January; the Council needed to order the election by February 15 (45 days) after January 4 and then the election needed to be held within 75 days of that date. He stated with the recent state law looked like the only date that would work for the special election would be the second Tuesday in April (April 13) and that would be 57 days assuming the Council ordered the election on February 15.

He stated that per state law the first available date would be the second Tuesday in February unless the Mayor submitted a letter of resignation well in advance of taking office in the office of Commissioners and doubted it would happen. He stated it would be a 6 member Council while the Council would be adopting the budget and significant decisions. He thought the most likely vacancy would happen in early January which would make the second Tuesday in April the most likely date that would comply with state law and it wouldn't comply with all Charter provisions.

He stated he remember when they changed these dates in the Charter that was before that statute was enacted. He stated the statute put another layer over the Charter that needed to comply with. He thought it was feasible to comply both with the Charter provision and state law. He stated there was enough flexibility in ordering an election and enough flexibility within the 75 days that his guess was most likely that they could comply with the statutory requirement of holding an election on one of those days and also comply with the current provisions in the Charter but thought the 75 days gave the flexibility. He stated the Council would have to order the special election to comply with both Charter and new statutory requirement to only have the election on certain dates.

Chair Simmons stated it was consistent with his reasoning as well and with the latest scenario where the Mayor resigns until the day he was sworn in as County Commissioner. He stated if the Council acted on it in the first meeting in January then they would be looking at an election in the second Tuesday in April and thought it was worth refreshing the Commission's memories especially when they had a real reasons to deal with it.

At 7:40 p.m. Chair Simmons called the meeting to order.

### **1. Call to Order/Roll Call**

Members present were: Barbara Bor, Teferi Fufa, John Irvin, Susan Mabera, Dennis Secara, Scott Simmons, Council Liaison Tonja West-Hafner and Staff Liaison Devin Montero.

Absent: John Hultquist (excused), Evans Odhiambo, Beatrice Otieno (excused); Andrew Schmid

(excused) David Williams (excused)

## **2. Additions/Approval of the Agenda of October 14, 2020**

Motion Commissioner Fufa, seconded Commissioner Secara to approve the agenda as presented. The motion carried unanimously;

- 3. Approval of Minutes – None.**
- 4. Unfinished Business**
- 5. Reports of Officers, Boards, and Standing Committees**
- 7. Correspondence/Communications**
- 7.1 Charter Commission Work Plan**

Chair Simmons stated he asked the Staff Liaison put the work plan discussion on the agenda, and the work plan was a standing document. He stated there was the item on Ranked Choice Voting (RCV) and the Commissioners discussed it a couple of years ago and Commissioner Williams who was absent tonight was an advocate for it and was chairing the subcommittee on RCV. He asked the Commissioners what they thought about renewing the discussion about RCV and since Commissioner Williams was absent didn't know if they wanted to make a conclusion on it. He suggested bringing it back in December so Commissioner Williams could participate as long as it was on the agenda. He stated in December they could look ahead to next year and would have a new Chair and was important what they wanted to do on the Work Plan in 2021. He stated the item was high on the list and had new Commissioners since they talked about it.

Commissioner Secara stated in the absence of Commissioner Williams they should not remove it from the Work Plan. He stated that for the new members, perhaps they should invite someone from St. Louis Park which also used RCV to do a presentation. He stated the last time they discussed RCV they had someone from Minneapolis. He stated with St. Louis Park, they could give a perspective on a smaller suburban community and their experience with that and would be beneficial for the new members, formulate some opinions and maybe get a perspective on how that could work in the city if at all.

Council Liaison West-Hafner asked if the Council would approve it and added to the Charter. She asked if it was on a ballot at one point or was being talked about putting it on a ballot.

Chair Simmons stated there were number of ways things could become operational law in the city. If it was a governance issue a Charter was a conduit for local elections and how RCV ended up here. He stated it started here by Commissioners who wanted to bring it up as a topic and not from the Council handing it off to the Commission to study it and bring back to the Council. He stated sometimes that happened and the attorney or members of the Council do that and was a way of how the Commission built their agendas. He stated the RCV item came internally within the Commission to talk about it and acted on it and their result was passed onto the Council, the Council discussed it and his recollection was that it was 0-7 decision of the Council not to go forward with it. He stated a Charter change required a unanimous vote and didn't remember the vote coming out of the Charter Commission. He stated they could research when they last discussed it and if they decide to go forward with it.

Council Liaison West-Hafner asked if it was something the Commission brought to Council and Council had to vote on it and then changed the Charter or was it something to be voted on by putting it on a referendum.

Chair Simmons stated the Charter Commission could put something on the ballot or the city could make it an ordinance without it going to the voters but had to be unanimous.

Commissioner Bor asked if those that had history with the discussion with that form of election was there a strong interest in the city to pursue RCV. She stated at her first meeting Commissioner Williams spoke on why they should consider it but she didn't see or hear that in the community on their interest.

Chair Simmons stated engaging the community on whether there was interest was a hard thing to nail down.

Commissioner Bor stated if it went to a referendum, the Charter Commission was the one to formulate that and wanted to know that RCV was desire of the community and to know that would be done by a survey. She stated she would want to know if that was in the best interest for the residents.

Commissioner Fufa stated when the issue was debated in Minneapolis, at that time there was a problem specifying in elections that rank choice elections would solve and that was where you had contested elections and would go through ballot after ballot and the people end up staying until 1 a.m. end up deciding. He stated it might not be in the interest of the real majority and in order to avoid that to have one election and rank them. If the first choice didn't make it you have second choices and so forth and the voters had voted and now going home and didn't have to stay until the election was over. He stated he had been involved in the city elections since he moved to the city and didn't remember elections lasting through the night. He stated he didn't know if there was that demand and if it was going to answer a question for the Commission and solve a problem and deal with it if it didn't.

Chair Simmons stated the question was if there was a problem recognized by the community such that there was a ground swell or interest of the community in doing that. He stated those were valid questions. He stated the last time they discussed RCV there was no community member that came forward and there were people from Minneapolis that appeared before the Council but no community leadership other than Commissioner Williams. He stated that based on his last experience there wasn't a willingness of the public to come forward to say it was the right thing to do. He stated he didn't want to get into the merits on it before they got a consensus on going forward with it and had it as a work plan item. He stated then they could debate if it did solve a problem or not and those kind of things on the merits. He stated it was up to the Commission on how they approached it.

Commissioner Secara stated they could eliminate the primary altogether and just have a regular election and could have all candidates listed and that would be that. He suggested that as a compromise alternative to installing an RCV systems. He recalled that it was voted down and no interest in it by the Commission and maybe that could be back on for the discussion in addition to or in place of RCV.

Chair Simmons stated that was correct for a local municipal election and didn't need a primary

and could change the Charter, like they did for special elections. He stated there were 11 candidates after the passing of Mayor Lampi and the Commission could that right now and was an alternative to RCV which also didn't have a primary. He stated inviting people who were knowledge in the operations about RCV and talking about pros and cons who were well versed on how it operated. He stated the Commission had the Minneapolis City Clerk twice.

Staff Liaison Montero stated the other issue was the ballots during an even year election which could possibly have two ballots to be voted on. He stated the other RCV cities had their election during the odd years and the city of Bloomington would have a question on their ballot this year on whether to implement RCV and would be a good indication on other larger cities going to that process.

Chair Simmons stated that even year municipal elections there were a lot of campaign signs in Bloomington about RCV. He stated that would be the test case for Bloomington but St. Louis Park did their elections in the odd year and legislators hadn't passed a law to allow statutory cities to do it and only allowed Charter cities to adopt that method of voting. He stated that might change as they were building a consensus now and thought it wouldn't be long before it happenen.

Commissioner Irvin asked if there were resources that studied ranked choice voting.

Chair Simmons stated there were organizations that were solely dedicated to the promotion of RCV and an advocated for it, like FairVote Minnesota and there were people out there who didn't like it so much and didn't know if there was an organization that existed to oppose it.

Commissioner Irvin asked if they were trying to solve a problem that existed in the city or looking at it because it a hot new thing.

Chair Simmons stated it was back to the question of the merits and they polled everyone in the room they would have a different answer. He stated that on the comment of did it solve a problem, didn't know if it was a yes or no question. He stated his opinion would be different than Commissioner Williams opinion and that was they had a discussion. He stated that and unless Commissioners suggested to have the discussion before they took it on as an ongoing agenda item because it would take more than one meeting to flush it out. He stated he wanted to hear both sides if it was something worth pursuing and was model of conducting elections different from what the city had and had benefits and downsides. ;

Commissioner Bor asked if there was an action item they would speak on to keep it on the Work Plan and then move forward with the discussion in December. She asked if that was what they were recommending is going to a discussion and get Commissioner Williams to call in.

Chair Simmons stated it was on the work plan and whether to raise it to an agenda item. He stated it was there and asked if they would discuss it in 2021 or set it aside and take it off the Work Plan or keep it tabled. He stated that was the discussion they we needed to have and was not going to put it on as an item on an agenda unless there was agreement by the Commission to do that. He stated it was an exercise the three Commissioners had undertaken and the Council had deliberated on it and there was a majority of the Council on now that wasn't there when it was last discussed.

Council Liaison West-Hafner stated the time she had been on the Council no one had said anything about it. She stated if Bloomington had it on their ballot as a referendum, it would be a

good indication if it didn't pass that it probably wouldn't pass in the city either.

Chair Simmons stated they were the largest suburb, and the Brooklyn Park was the second largest suburb and were both Charter cities. He stated they had an increasing diverse population and Brooklyn Park was a lot bigger. He stated the Commission didn't have a November meeting could see what happens with the vote and could have it as a discussion item for December.

Commissioner Mabera stated she would like to have it on the agenda to get more information and would look at the community before she said to do it. She stated she didn't have enough information tonight and would like it to come back for discussion.

Chair Simmons stated it would be put on the December agenda and Commissioner Williams could Zoom in or call in.

He asked to go back to Item 5, Reports of Officers, Boards, and Standing Committees. He stated Commissioner Secara wanted to address a redistricting issue.

Commissioner Secara stated after the presentation at the last meeting the subcommittee was intrigued by a communities of interest principle especially as it pertained to Charter cities and their redistricting. He stated he reached out to the city attorney to get an opinion to the extent which that principle applied within Charter city redistricting decisions if it did at all, and gave an example, if they got a redistricting order or if they decided to redistrict would they be able to draw boundaries around a community of interest. He stated he read just the precinct boundary and or ward boundary to encompass a community of interest; or make a change to avoid splitting one; can this principle be used in Charter city redistricting just as it is used in state legislation redistricting and congressional redistricting

He stated he did some research and was inconclusive and looked at the 2011 redistricting document put out by the Secretary of State and was available, that on page 13 and 14 stated that "communities of interest principle was one of 7 nonstatutory principles that was used in redistricting meaning it was not law per say, it "must" do it, and said it "may." He stated that in the interest of having as much information in front of Commission as possible as they went forward on the redistricting next year, he would like to get an opinion if possible.

Chair Simmons asked Council Liaison West-Hafner for an update on Council items. He stated he did ask her prior to the meeting about the piece they talked about at the last meeting on the establishment of a civilian review board for police conduct. He stated it was one of the recommendations of the HRC/MAC who was working on police reform to see if that was going anywhere.

Council Liaison West-Hafner stated that last week instead of having an update on police reform work, they considered approving to put out an Request For Proposal to get someone in to help the HRC/MAC with the work they were doing. She stated they got to a certain point and then weren't able to sort of go past that and the original scope was pretty long, like A-J and now was down to A through D because they had funneled things out. She stated that one of the things still on there was the idea of a citizen review board and nothing been voted on or approved by the Council yet. She stated they wanted to understand the bigger picture and what they approved on Monday was getting the RFP so they could hire someone probably from a school research based approach in helping them dig into each one of those items and compared it to what the police department had already done for change. She stated the department started years ago

and what things still need to be tweaked and would use more of the research lens to help them hone in on creating a plan for any kind of reform and the Council would approve. She stated the Minneapolis citizen board had shut down and didn't know if it was because all of the things they were working on or not just didn't work out. She stated that one was still on the table because they didn't think the Council wanted to be driving the ship and wanted that input by the community when they looked at it which was why HRC/MAC were working on it first before it came back to the Council. She stated the RFP was put out this week and it also would help with writing a plan and would see what happened with the RFP to hire someone to help HRC/MAC to work on that list.

She stated the hardest part of CARES Act money was that the state got it from the federal government at the beginning of the year and it took them until August because it had to go through the legislature to figure out how they were going to get the money out. She stated the city ended up with their allocation in August and had to have it spent by November and what Chief Cunningham said was used to fund things that cost the city extra money, funding staff and extra emergency items. She stated one of the things they approved in the plan was the city's expenses first and then the community where businesses in the community could come in and request funds. She stated one of the things they approved for purchasing was a truck and a travel trailer that could be a health on the go system to get out in the community and to get into apartment buildings where people had less access to transportation and could do COVID testing, bring in PPE, do immunizations and would be similar to the Rec on the Go but Health on the Go and need a different piece of equipment to do that.

Commissioner Irvin stated the civilian review board in Minneapolis, the reason it died was that if someone wanted to put a complaint in, it had to go through their internal affairs and then they decided if the case would be complaint. He stated the city had that complaint review with the civil service Commission because they were empowered to do it.

Commissioner Bor stated Chief Cunningham said they submitted their costs and expectations but the criteria for having the funding and how you use it had changed with much more details. She stated the state issued that relatively late and why people were feeling pressure like with PPE, where they couldn't just say how much they needed because they had to actually calculate the burn rate because people were allocating it in a much different way than what the manufacture recommended. She stated there was a lot of work to it and more details being asked which was good and the logistic people were not keeping good records as they went along and became even more difficult.

Commissioner Fufa stated that when it came to redistricting, they should have a common understanding of what was a good, what redistricting looked like and what were the criteria that made it good so the working group had an idea on how to go about and have the best outcome.

Commissioner Secara stated that was one of the reasons he contacted the city attorney for something like that and hopefully avoid problems to get a thorough understanding of what was expected. He stated from there they would proceed and wanted the subcommittee to have all information so they could proceed confidently and produce an excellent outcome.

## 8. Adjournment

Motion Commissioner Bor, second Commissioner Fufa to adjourn the meeting. The motion carried unanimously. The meeting adjourned at 8:26 p.m.

Respectfully Submitted,

Devin Montero  
Staff Liaison

Draft

**City of Brooklyn Park**  
**CHARTER COMMISSION Attachments**

<b>Agenda Item No.:</b>	<b>4.1A</b>	<b>Meeting Date:</b>	January 13, 2020
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Scott Simmons, Chair

**Attachments:**

4.1A CITY ATTORNEY MEMO, RE: SPECIAL ELECTION PROCESS



Fifth Street Towers  
150 South Fifth Street, Suite 700  
Minneapolis, MN 55402  
(612) 337-9300 telephone  
(612) 337-9310 fax  
kennedy-graven.com  
Affirmative Action, Equal Opportunity Employer

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## **BROOKLYN PARK SPECIAL ELECTION PROCESS (Updated 12/9/20)**

### **City Charter Provisions**

- The City Council must declare a vacancy to exist at its first meeting after the vacancy occurs
- A special election is required because more than 364 days remain on the mayor's term
- The City Council must order the election within 45 days after declaring the vacancy
- A primary election must be held if more than two candidates file for the vacant seat
- If a primary is needed, a special election must be held no more than 120 days after it is ordered
- If a primary is not needed, a special election must be held no more than 75 days after it is ordered

### **State Law Provisions**

- In 2017, the legislature added a provision requiring a city special election to be held only on the second Tuesday in February, April, May, or August, or on the first Tuesday after the first Monday in November. A.G. has concluded that the legislation applies to primary elections,
- Absentee ballot voting must begin no later than 46 days before an election
- Affidavits of candidacy must be filed no more than 70 days and no less than 56 days before the special election

### **Conclusion**

- If a primary is needed, it is not possible to comply with all of the provisions in the charter and in state law
- A.G. has concluded that state law prevails

### **Most Likely Timetable\***

- **December 14** – City Council accepts mayor's resignation effective as of January 3 and declares vacancy
- **January 4** – City Council declares vacancy to exist and orders special election
- **January 14** – Notice published of candidacy filing period
- **February 2** – Candidate filing opens
- **February 16** – Candidate filing closes
- **February 26** – Absentee ballot voting begins for primary election
- **April 13** – Primary Election Day
- **June 25** – Absentee ballot voting begins for special election
- **August 10**—Special Election Day

\*Assuming that a primary election is needed and that it occurs on April 13. If the primary is held on May 11, the candidate filing and absentee ballot voting deadlines will be moved back by 30 days. If a primary is not needed, the special election could be held on either April 13 or May 11.

**City of Brooklyn Park**

**CHARTER COMMISSION Attachments**

<b>Agenda Item No.:</b>	<b>5.1A</b>	<b>Meeting Date:</b>	January 13, 2020
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Scott Simmons, Chair

**Attachments:**

5.1A TREASUER'S REPORT



## Memorandum

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Date: January 13, 2020

To: Charter Commission

From: Secretary/Treasurer Teferi Fufa

Subject: **TREASURER'S ANNUAL REPORT 2020**

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No expenses were accrued for the Charter Commission for calendar year 2020.

**City of Brooklyn Park**

**CHARTER COMMISSION Attachments**

<b>Agenda Item No.:</b>	<b>6.1A</b>	<b>Meeting Date:</b>	January 13, 2020
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Scott Simmons, Chair

**Attachments:**

6.1A CHARTER COMMISSION CURRENT OFFICERS

# CHARTER COMMISSION OFFICERS As of September 2020

CHARTER COMMISSION CHAIR .....Scott Simmons

FIRST VICE CHAIR.....Dennis Secara

SECOND VICE CHAIR .....Barbara Bor

SECRETARY/TREASURER .....Teferi Fufa

**Redistricting Subcommittee Members:** Dennis Secara, David Williams, Andrew Schmid

BROOKLYN PARK CHARTER COMMISSION BY-LAWS
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- |  |
|--|
| <p>12. <b>Officer Vacancy:</b> If an officer of the Commission shall resign or be unable to perform the duties of his/her office, the Commission shall be empowered to fill said vacancy at a regularly scheduled meeting of the Commission by majority vote of the members present so long as a quorum is present. An officer elected to complete an unexpired term may be subsequently elected to a full two year term in that office.</p> |
|--|

***Note: The officers were elected on January 2019. The next regular officer elections will be held January 2021.***

\*At the September 9, 2020 Charter Commission meeting, there were two vacant officer seats: First Vice Chair and Secretary/Treasurer. Second Vice Chair Dennis Secara was elected as First Vice Chair, Commissioner Barbara Bor was elected Second Vice Chair, and Teferi Fufa was elected as Secretary/Treasurer.

**City of Brooklyn Park**

**CHARTER COMMISSION Attachments**

<b>Agenda Item No.:</b>	<b>6.2A</b>	<b>Meeting Date:</b>	January 13, 2020
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Scott Simmons, Chair

**Attachments:**

6.2A CHARTER COMMISSION BYLAWS

# BROOKLYN PARK CHARTER COMMISSION BY-LAWS

1. **Meetings:** Regular meetings of the Charter Commission shall be convened on the second Wednesday of each month at 7:00 p.m. at the City Hall Special meetings shall be held at the call of the Chair of the Commission. Members of the Commission shall have a minimum of a three-day notice prior to the call of any Charter Commission meeting. The Charter Commission is required to have at least one meeting per (calendar) year.
2. **Quorum:** No meeting shall be convened, and no official action taken by the Commission if less than a majority of the duly appointed members of the Commission then serving are present.
3. **Conduct of Meetings:** The most recent version of "Robert's Rules of Order" shall govern the proceedings of the Brooklyn Park Charter Commission.
4. **Notice of Meetings:** Regular meetings shall adjourn to a time and place certain. If a regular meeting is not adjourned to a time and place certain, the recording secretary of the Commission shall notify all members of the Commission by mail and or email as to the date and place where the meeting will reconvene and said written notice shall be sent at least three days before said meeting.
5. **Telephone or Email Notice:** A notice reminding Commission members of a regular meeting is for the convenience of the membership only and failure of a member to receive notice shall not be a valid excuse for an absence from the meeting.
6. **Statutory Meetings:** Notwithstanding any provision of these bylaws to the contrary, the Charter Commission shall be convened upon presentation of a petition signed by at least ten percent of the voters of the city as shown by the returns of the last General municipal election. The Charter Commission shall also convene upon an approved resolution by the City Council.
- 7a. **Removal:** Any member of the Commission may be removed at any time from office by written order of the Hennepin District Court, the reason for such removal being stated in the order.
- 7b. **Unexcused Absences.** When any member has failed to attend four consecutive scheduled meetings of the Commission without excuse, the Commission shall determine whether said member is still performing the duties of his/her office satisfactorily. However, the Commission shall give strong consideration to said member's failure to attend four consecutive scheduled meetings of the Commission. If at any time the Commission determines that the Commissioner has failed to attend four consecutive scheduled meetings of the Commission without excuse, the Chief Judge shall be notified of the Commissioner's failure to perform the duties. The District Court may thereupon make its order of removal and the Chief Judge shall fill the vacancy.

This section shall not be interpreted to imply automatic removal upon meeting a threshold listed above. The Commission shall retain the right to consider any special circumstances a member may wish to present.

- 7c. **Failure to Perform the Duties:** If at any time the Commission determines that a Commissioner has failed to perform the duties of his/her office, the Chief Judge shall be notified. The District Court shall thereupon make its order of removal, and the Chief Judge shall fill the vacancy.
- 8a. **Reporting Requirements:** The Commission's Chair shall prepare a draft annual report and present it to the Commission at its first meeting in January for approval by the Commission. The Commission's Chair shall submit to the Chief Judge of the Hennepin District Court on or before February 1 of each year an annual report outlining its activities and accomplishments for the preceding year. The Commission Chair shall forward a copy of the report to the Clerk of the City of Brooklyn Park. The secretary/treasurer shall obtain an annual expense report from the City and present it to the Commission at their first meeting in January. The report shall be entered into the minutes.
- 8b. **Legislative Update:** Within 60 days of the conclusion of any legislative session, the Commission shall contact the City Attorney to receive a written update on legislative changes that may have been imposed by the Legislature that affect the City Charter.
9. **Commission Year:** A Commission year will commence January 1 and terminate December 31 of each calendar year.
10. **Members Term:** Terms of Commission members are for four years, with appointments on June 1 of an even numbered year. Terms are staggered with six members being appointed to serve four years and five members being appointed two years later to serve four years.
11. **Officers, Terms, Duties:** The officers of the Commission shall be the chair, two vice-chairs and a secretary/treasurer. A recording secretary may be hired by the City of Brooklyn Park to take the minutes of all meetings. Terms are two years. Officers may not be elected to serve more than one full consecutive term. Officers shall be elected by a majority of the Commission at the regularly scheduled meeting on the second Wednesday of January of each odd numbered year, provided that a quorum of the Commission is present. Notice of the convening of the meeting of the election of officers shall be sent to each member of the Commission at least three days prior to said meeting. The officers shall serve until their successors have been duly elected. The Chair shall preside at all Commission meetings and shall be empowered to call a special meeting upon complying with the notice requirements herein before set forth. The vice-chair shall exercise all of the powers of the Chair in the absence or disability of the Chair. The secretary/treasurer shall keep the minutes of all Commission meetings and ensure the same are preserved in the official records maintained and preserved by the Commission. The recording secretary shall also be charged with the responsibility of giving notice of the convening of any special meeting of the Commission.
12. **Officer Vacancy:** If an officer of the Commission shall resign or be unable to perform the duties of his/her office, the Commission shall be empowered to fill said vacancy at a regularly scheduled meeting of the Commission by majority vote of the members present so long as a quorum is present. An officer elected to complete an unexpired term may be subsequently elected to a full two-year term in that office.

13. **Committees:** The Chair shall designate and appoint any committee he/she feels is necessary to conduct the business of the Commission. The membership of the committee shall be made up of members of the Commission only, and the Chair may designate one of the committee members to serve as Chair. A committee so designated shall report its recommendations to the Charter Commission, which has the power to either accept, reject, or modify said recommendations.

The Commission may appoint a subcommittee and or task force(s) as it deems necessary to facilitate investigations and research for the Commission. These members serve in an advisory capacity only to the Commission. Subcommittees and or task force(s) shall not contain a quorum of the Commission.]

14. **Attendance:** Members of the Commission are expected to faithfully participate in the meetings or other activities of the Commission to which they have been appointed. A Commission member shall notify his/her staff liaison, Commission chair, or designated officer if he/she is unable to attend a Commission meeting.

15. **Order of business:** The order of business shall be as follows:
- Call to Order/Roll Call
  - Additions/Approval of the Agenda
  - Approval of Minutes
  - Old Business
  - Reports of Officers, Boards, and Standing Committees
  - New Business
  - Correspondence/Communications
  - Adjournment

*Approved and amended: February 12, 2020 – Item 8b revised.*

**City of Brooklyn Park**

**CHARTER COMMISSION Attachments**

<b>Agenda Item No.:</b>	<b>6.3A</b>	<b>Meeting Date:</b>	January 13, 2020
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Scott Simmons, Chair

**Attachments:**

6.3A 2021 CHARTER COMMISSION MEETING DATES



**CHARTER COMMISSION  
2021 REGULAR MEETING SCHEDULE  
7:00 P.M.**

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The Charter Commission meets the second Wednesday of each month.  
The 2021 schedule is as follows:

**January 13**

**July 14**

**February 10**

**August 11**

**March 10**

**September 8**

**April 14**

**October 13**

**May 12**

**November 10**

**June 9**

**December 8**

**City of Brooklyn Park**

**CHARTER COMMISSION Attachments**

<b>Agenda Item No.:</b>	<b>6.4A</b>	<b>Meeting Date:</b>	January 13, 2020
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Scott Simmons, Chair

**Attachments:**

6.4A CHARTER COMMISSION WORK PLAN

# Work Plan | CHARTER COMMISSION (CC)

2021

Time Frame CC Meeting	Project or Task(s)	BP2025	Purpose (see next page for info)	Outcome (fill in after completed)
May/June	Census 2020 preparation/Redistricting; <i>Subcommittee: Secara, Williams, Schmid</i>	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	<input checked="" type="checkbox"/> Report/Comment <input type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input checked="" type="checkbox"/> Commission <input type="checkbox"/> Council <input checked="" type="checkbox"/> City Manager	Note: Discussed at December 11 meeting; Redistricting Subcommittee to provide report. December 9, 2020 meeting discussed at the size of subcommittee and discussed at a future meeting;
December 9, 2020	Ranked Choice Voting Discussion	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	<input checked="" type="checkbox"/> Report/Comment <input type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input checked="" type="checkbox"/> Commission <input type="checkbox"/> Council <input type="checkbox"/> City Manager	Note: Discussed at <b>January</b> 2019 meeting. A future agenda item. Discussed at the <b>December 9, 2020</b> Meeting; Discussed adding a question to the City Survey to determine if commission should proceed with discussions
TBD	Discussion of Council Member meeting attendance	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	<input checked="" type="checkbox"/> Report/Comment <input type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input checked="" type="checkbox"/> Commission <input type="checkbox"/> Council <input type="checkbox"/> City Manager	Note:
TBD	Review City Council and part time city employment	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	<input checked="" type="checkbox"/> Report/Comment <input type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input checked="" type="checkbox"/> Commission <input type="checkbox"/> Council <input type="checkbox"/> City Manager	Note:
TBD	Review Non-Planning ordinance changes not affecting land use that affect city laws and City Charter	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	<input checked="" type="checkbox"/> Report/Comment <input type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input type="checkbox"/> Commission <input checked="" type="checkbox"/> Council <input type="checkbox"/> City Manager	Note: From the Governance Task Force Recommendation.
TBD	Review what other Charter Commissions are doing (work plans, ordinances, etc.)	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	<input type="checkbox"/> Report/Comment <input type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input checked="" type="checkbox"/> Commission <input type="checkbox"/> Council <input type="checkbox"/> City Manager	Note: Discussed at December 11, 2019 meeting.
December 9, 2020	Discuss Section 4.03 Primary Municipal Elections	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6		Note: Discussed at December 9, 2020 meeting and Amendment made and passed by commissioners; City Clerk to prepare the public hearing and ordinance;
TBD	Monitor discussion on Police Reform related to creation of independent entity	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	<input type="checkbox"/> Report/Comment <input type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input checked="" type="checkbox"/> Commission <input type="checkbox"/> Council <input type="checkbox"/> City Manager	Note: Discussed at September 9, 2020 meeting;

# Workplan Projects: What's the purpose?

Commissions can either initiate a project themselves OR be asked by the Council or City Manager to do one of the following:

## Report/Comment

- Commission studies a specific issue or topic and **reports its findings or comments to the Council**, either in writing or in a Council meeting.
- Commission does not vote.
- No direct action is taken.

*Example: Charter Commissioner provided a memo on the topic of Council Members being employed by the City part-time, at the Council's request.*

## Recommend

- Commission reviews a specific policy issue and **makes a formal recommendation** to City Council on what action to take.
- A recommendation requires a majority of the Commissioners' support.
- Individual member comments are not included.

*Examples: Planning Commission recommends approval on land use actions; RPAC made a recommendation on amplified sound policy.*

## Act

- Commission **initiates or takes on a project**, approved by Council through their workplan.

*Example: HRC partnered with a community organization on an event; City Manager requests that HRC coordinate the "All Are Welcome" sign contest.*

# Brooklyn Park 2025 Community Goals

Working together to make Brooklyn Park a thriving community  
inspiring pride where opportunities exist for all.

We asked and you answered! Our community wants to accomplish these goals by the year 2025:

## Unified Community

**A united and welcoming community, strengthened by our diversity.**

- We have connected neighbors who understand and celebrate our unique cultures.
- Brooklyn Park is unified with a strong positive identity and image.
- Our community's activities, events and services are inclusive, multi-cultural, and accessible.
- We have places and spaces for diverse communities to gather.
- Residents of every age contribute to our community.

## Healthy and Safe People

**People of all ages have what they need to feel healthy and safe.**

- Neighborhoods are empowered and supported by strengthened positive relationships with police.
- Youth are engaged in positive and quality experiences.
- Aging adults have services and amenities to thrive and age in place.
- Everyone has access to quality healthy food options.
- People have access to quality medical and emergency care.

## Beautiful Places

**Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination.**

- Modern transportation options (drive, ride, walk, bike) connect people to education, jobs, and recreation.
- Quality recreation and park amenities inspire activity for all ages and interests.
- Our rich diversity is showcased through our vibrant music, art, food, entertainment, and cultural scene.
- Attractive key corridors, corners, and city centers create destinations that meet community needs.
- Neighborhoods are well-maintained with quality housing for all ages and incomes integrated throughout the community.

## Increased Equity

**Partnerships that increase racial and economic equity empower residents and neighborhoods to prosper.**

- Each resident has access to the training and support needed to get and keep a living wage job.
- Each student graduates high school with a pathway to college or career.
- Aging neighborhoods and commercial centers are revitalized through continuous investment.
- The community provides necessary supports and services for community members to overcome life challenges such as hunger, mental illness, and homelessness.

## Thriving Economy

**A balanced economic environment that empowers businesses and people to thrive.**

- People of all ages and backgrounds enjoy financial stability.
- Residents and visitors support an abundance of retail stores, restaurants, and entertainment venues.
- Our business environment inspires private investment and job growth.
- Business and organizations of all types, sizes and specialties start, stay and grow here.
- We are a leader in environmental sustainability, benefiting our economy and community.

## Effective, Engaging Government

**Effective and engaging government recognized as a leader.**

- The City provides quality services at a reasonable cost.
- Elected officials, commissions, and City staff reflect the diversity of the community and are culturally competent.
- City information is clear, accessible, and delivered in ways that meet the community's needs.
- City laws are understandable, equitably enforced, and relevant to the community.
- The City is well-managed and recognized as a great place to work.

**City of Brooklyn Park**  
**CHARTER COMMISSION Attachments**

<b>Agenda Item No.:</b>	<b>6.5A</b>	<b>Meeting Date:</b>	January 13, 2020
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Scott Simmons, Chair

**Attachments:**

6.5A PROPOSED CHARTER CHANGES (CHAPTER 4)

# 2020 CHARTER BANKED CHANGES

As of December, 2020

Text with ~~strikeout~~ is proposed for deletion.

Underlined text is proposed for insertion.

CHARTER CHAPTER	MEETING DATE OF APPROVAL	APPROVED CHANGES
4	December 9, 2020	<p>Motion Chair Simmons, Second Commissioner Hultquist to amend Charter Section 4.03 as follows:</p> <p><b><i>SECTION 4.03 PRIMARY MUNICIPAL ELECTIONS</i></b></p> <p><i>The Council shall, whenever there are more than two candidates filing for any city wide office or for resident Council member of any district, provide through ordinance or resolution for a primary election to be held city wide or in any particular district, and such primary election shall be held on a date not less than 25 days prior to the <u>special or general</u> election. At least 15 days notice shall be given by the Clerk of the time and places of holding such election, and of the officers to be elected, by posting a notice thereof in at least one public place in each district where the election is held, and by publishing a notice thereof on the city website and at least once in the official newspaper of the city. Uncontrollable circumstances causing failure to give such notice shall not invalidate such election.</i></p> <p>Chair Simmons called for a roll call vote.</p> <p>6.2 The motion passed unanimously on a roll call vote as follows: Yes-Fufa, Hultquist, Mabera, Odhiambo, Otieno, Secara, Schmid, Williams, Simmons; No-None.</p>

# City of Brooklyn Park Request for Council Action

<b>Agenda Item:</b>	4.2	<b>Meeting Date:</b>	January 11, 2021
<b>Agenda Section:</b>	Consent	<b>Originating Department:</b>	Administration
<b>Resolution:</b>	N/A	<b>Prepared By:</b>	Devin Montero, City Clerk
<b>Ordinance:</b>	N/A		
<b>Attachments:</b>	1	<b>Presented By:</b>	Charter Commission Chair
<b>Item:</b>	Set Public Hearing Date for February 8, 2021 to Consider the Recommendation of the Brooklyn Park Charter Commission to Amend Charter Chapter 4, Section 4.03 of the Home Rule City Charter		

## City Manager's Proposed Action:

MOTION \_\_\_\_\_, SECOND \_\_\_\_\_, TO SET PUBLIC HEARING DATE FOR FEBRUARY 8, 2021 TO CONSIDER THE RECOMMENDATION OF THE BROOKLYN PARK CHARTER COMMISSION TO AMEND CHARTER CHAPTER 4, SECTION 4.03, OF THE HOME RULE CITY CHARTER

*The effect of this motion will be to set the public hearing to discuss changes to the City Charter. The proposed ordinances must be published in the official newspaper two weeks before the public hearings can be held.*

## Overview:

At the November 3, 2020 State General Election, Mayor Jeffrey Lunde was elected to be a Hennepin County Commissioner. As a result of that election, Mayor Lunde submitted his resignation as mayor effective January 3, 2021. At its January 4, 2021 Council meeting, the Council approved a resolution calling for a special election.

At the December 9, 2020 Charter Commission meeting, the Commissioners discussed Section 4.03 and the intent of the section was to require a primary election prior to either a special election or a general election when more than two candidates file for the election. This amendment will then be consistent with Section 2.06, which states:

*"If a special primary election is required by Section 4.03 of this Charter, the special election must be held no more than 120 days after the election is ordered. If a special primary election is not required, the special election must be held no more than 75 days after the election is ordered."*

The Charter Commission voted unanimously to recommend the amendment to Chapter 4, Section 4.03, to the City Council for approval.

The following is a routine timetable:

Jan 11	Council set the public hearing
Jan 21	Public Hearing Notice and text of proposed ordinance is published
Feb 8	Public hearing and First Reading of Ordinance Held
July 22	Second Reading of Ordinance Held
March 4	Ordinance Published in Newspaper
May 31	Ordinance becomes effective (90 days after passage and publication)

Publication must be the exact language the Council will vote on.

**Primary Issues/Alternatives to Consider:** N/A

**Budgetary/Fiscal Issues:** N/A

**Attachments:**

4.2A PUBLIC HEARING NOTICE

PUBLIC HEARING NOTICE  
CITY OF BROOKLYN PARK

NOTICE IS HEREBY GIVEN that the Brooklyn Park City Council will hold a public hearing in the City Hall Council Chambers, 5200 - 85<sup>th</sup> Avenue North, Brooklyn Park, MN on Monday, February 8, 2021 at 7:00 p.m. or as soon thereafter as possible.

The purpose of the public hearing will be to consider recommendations of the Brooklyn Park Charter Commission to amend Charter Chapter 4, Section 4.03 of the Home Rule City Charter as follows:

ORDINANCE #2021-

ORDINANCE AMENDING CHARTER CHAPTER 4, SECTION 4.03 OF THE  
HOME RULE CITY CHARTER

~~Text with strikeouts is proposed for deletion.~~  
Text with underline is proposed for insertion.

The City of Brooklyn Park does ordain:

**Section 1. Chapter 4, Section 4.03 of the City Charter is amended to read as follows:**

*SECTION 4.03 PRIMARY MUNICIPAL ELECTIONS*

*The Council shall, whenever there are more than two candidates filing for any city wide office or for resident Council member of any district, provide through ordinance or resolution for a primary election to be held city wide or in any particular district, and such primary election shall be held on a date not less than 25 days prior to the special or general election. At least 15 days notice shall be given by the Clerk of the time and places of holding such election, and of the officers to be elected, by posting a notice thereof in at least one public place in each district where the election is held, and by publishing a notice thereof on the city website and at least once in the official newspaper of the city. Uncontrollable circumstances causing failure to give such notice shall not invalidate such election.*

DEVIN MONTERO  
City Clerk

To be published in the Sun Post January 21, 2021