

Brooklyn Park Charter Commission Meeting Agenda
Wednesday, November 10, 2021, 7:00 p.m.
City Hall, Room A203

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1. Call to Order/Roll Call
2. Additions/Approval of the Agenda of November 10, 2021
3. Approval of Minutes
 - 3.1 October 13, 2021, Meeting Minutes
 - 3.1A** OCTOBER 13, 2021, MEETING MINUTES
4. Old Business
 - 4.1 Redistricting
 - 4.1A** OCTOBER 28 PRESENTATION
 - 4.1B** COMMUNITIES OF INTEREST
 - 4.1C** RESIDENTS OF GEORGETOWN APARTMENTS
 - 4.1D** OPTION 4 SCENARIO WITH ATTACHMENTS
 - 4.2 Amendment to Section 14.02
 - 4.2A** BANKED CHANGES
5. Reports of Officers, Boards, and Standing Committees
6. New Business
 - 6.1 Discussion on addition to the Work Plan – Policy and process for taking requests to amend the City Charter.
 - 6.1A** MN STATUTE 410.12
 - 6.1B** EXCERPT FROM HANDBOOK OF MN CITIES, CHAPTER 4 THE HOME RULE CHARTER CITY
 - 6.1C** GUIDE TO AMENDING THE CITY CHARTER - MINNEAPOLIS
7. Correspondence/Communications
 - 7.1 Update on Police Scorecard Task Force
 - 7.1A** RESPONSE FROM CITY ATTORNEY
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).

City of Brooklyn Park

CHARTER COMMISSION Attachments

Agenda Item No.:	3.1A	Meeting Date:	November 10, 2021
Prepared by:	Devin Montero	Presented By:	Dennis Secara, Chair

Attachments:

3.1A OCTOBER 13, 2021 CHARTER COMMISSION MEETING MINUTES

Brooklyn Park Charter Commission Meeting Minutes Wednesday, October 13, 2021, 7:00 p.m.

1. Call to Order/Roll Call

Chair Secara asked for a moment of silence for Commissioner John Irvin who passed away over the weekend.

Chair Dennis Secara called the meeting to order.

Commissioners present via telephone or other electronic means: Dennis Secara, Barbara Bor Teferi Fufa, John Hultquist, Susan Mabera, Dennis Secara, Scott Simmons, David Williams, Council Liaison Susan Pha and Staff Liaison Devin Montero.

Absent: Commissioners John Hultquist (excused), Beatrice Otieno and Shanna Woods (excused)

Also in attendance: Community Engagement Manager Josie Shardlow and GIS Coordinator John Nerge.

2. Additions/Approval of the Agenda of October 13, 2021

Motion Chair Secara, seconded by Commissioner Bor to approve the agenda as amended, moving Item 4.2 ahead of Item 3.1. The motion carried.

4.2 Charter Section 14.02 Discussion

City Attorney Thomson stated at the September meeting, the Commissioners asked him to look into two questions. One had to do with the Commissioners taking two oaths of office, one prescribed by the district courts and the other by the city Charter. He stated he looked into that issue and the commission could take two oaths and nothing that prohibited it. He stated they must take the oath that was prescribed by the district court because it appointed the Commissioners. He stated there was nothing that would prevent the Commissioners from taking a second oath from the Charter but was not mandatory.

He stated the second question was if there was a way to consolidate the change that Council Member Morson first proposed and the change that Chair Secara drafted in response to Council Member Morson's proposal. He stated he came up with a draft and sent it to the Commissioners yesterday and a copy of it was provided to the Commissioners tonight. He stated the changes were highlighted with green and yellow with Council Member Morson's suggested language in yellow, and Chair Secara's suggested language in green. He stated both phrases brought into the oath the concept of serving the residents and didn't see any harm in it and grammatically it made sense.

He stated he also wanted to clarify the consensus at the last meeting to bring in the concept of residents to the oath. He thought he heard yes but no vote was taken and no one objected to the concept of adding residents to the oath.

Commissioner Williams asked if Council Member Morson had seen that version and Commented on that version of the oath.

City Attorney Thomson stated Council Member Morson was copied on the email he sent yesterday to the Commissioners. He stated he get an email but the issue Council Member Morson raised was his underlying concerns about the process and he didn't feel his version received full accounting by the Commissioners and didn't comment on the proposed change.

Commissioner Alabi stated he didn't know the context of the original oath, what it said and why they were making all those changes. He stated it seems okay with him and asked what the key driver for making the change was.

Chair Secara stated the original oath was in Section 14.02 and Council Member Morson drove the change. He stated he raised his concern of the oath of office as currently written and did not mention anything about their accountability to the residents of the city and should be part of the oath taken when serving the residents and not just upholding the Constitution and the laws of the State.

Chair Secara stated Council Member Morson was presented with that in February and between February and March, he drafted a revision by adding "serving residents" and was part of the city attorneys suggested revision. He stated that unbeknownst to him Council Member Morson drafted his own oath and changed it as well and was presented in March and those two oaths came together at the March meeting. He stated the Commissioners raised concerns about what the general nature of it was, why there was a need to change the oath, and what the intent was, and if there was further discussion by the Council.

He stated Council Member Morson was invited to the April virtual meeting and Council Member Morson presented his version and his desire to have "we are beholden to the residents" and went to the resident issue and presented his own draft. He stated Council Member Morson was unaware they were discussing a second draft and that led to a letter of complaint against the Charter Commission. The letter stated he did not feel that his version got a fair hearing because of the process and were cutting him out of the process, which the Commissioners did not do.

He stated there were other allegations presented that there was a racial bias involved in that according to him that resulted in the Commissioners tabling that agenda item until September until a full investigation was conducted. He stated he participated in the fact finding in early June with the city attorney, city manager and Mayor pro tem. He stated he gave the Commission's accounting of events and went over what they did as a Charter Commission. He stated there were further fact findings and there was a report released in August finding there was no malice intended or produced and there were a series of recommendations. He stated one of those was that the Commissioners look into establishing a process for receiving specific language changes from Council Members, other commissions and the public. He stated that was part of their discussion tonight on the agenda.

He stated at the September meeting Council Member Morson was present and it was at that meeting where the Commissioners agreed the best way to move forward was for the city attorney to attempt to merge the two versions and come up with a common version that would satisfy everyone. He stated that was where they were tonight, and what the city attorney presented tonight was excellent. He stated it had "upholds the rights and privileges belong to the residents of Brooklyn Park" and liked that statement because it acknowledged those rights and privileges did actually exist. He stated the person taking the oath was acknowledging that and also served the residents and the discharges of those duties.

Commissioner Alabi stated the current oath, when taking the oath, implied serving the people and

he understood the concern was if it specifically called out “residents” and he thought it did and wanted to know what the issue was.

City Attorney Thomson stated he current version of the oath read:

"I solemnly swear (or affirm) that I will support and obey the Constitution and the Laws of the United States and of the State of Minnesota, that I will, in all respects, observe the provisions of the Charter and ordinances of the City of Brooklyn Park, and will faithfully discharge the duties of the office of _____ to the best of my judgment and ability."

He stated that was the current version and did not have the “residents” concept.

Commissioner Alabi stated it made sense to him and the concern raised was that it didn’t call out “residents” and the new version did.

Commissioner Bor stated at the September meeting there was agreement to use the word “resident” but with the Charter commission doing some gently modified wordsmithing there were hurt feelings and how that was communicated. She stated that it was paralleling his process that he had proposed, and the Commissioners spent a lot of time trying to appreciate that, respect that and acknowledged what would be needed including having him at the last meeting. She stated it was not much in writing as what the process occurred and interpreted and not what he would have wanted.

Council Member Pha stated it was something that Council Member Morson said at a Council meeting, to include language that they were supposed to serve the residents. She stated she was the one that seconded it and thought it was a great idea and put something in regarding the residents and should be brought up to the city manager and the Charter commission. She stated the original request from city manager Stroebel talked about wanting to include some language in there, but it did not include Council Member Morson’s version of the oath he wanted. She stated it just said he wanted to propose a version that had some language about it. She thought it started them down the path that would include something like that. She stated that it wasn’t until March or later that they got the version of his oath that was not in the original email from city manager Stroebel.

She thought it would have saved a lot of headaches if city manager Stroebel had been clear and said, there was a version already to Council Member Morson. She stated there was no malice and no one was trying to change what he was wanting to do. She stated that version was never given to the Charter Commission after the original request unless she was missing something, which she thought she read. She thought there was a lot of miscommunications and no malice or intent on the Charter commission to discount his oath or not consider it because it never came with the original request unless she missed something.

Commissioner Simmons agreed, there was no malice by the commission to any Council Member or particularly to Council Member Morson. He stated what was missing was at no time did the commission receive communication from the city manager and Council Member Pha might have been privy to it as a Council Member but there was no sharing of it on the idea or germination of the proposal. He stated it might have occurred at a work session or a meeting early on, but the proposal came solely from Council Member Morson. He stated that in retrospect, if something came from the city manager, they wouldn’t have had that miscommunication and could have been alleviated early on. He stated that if this was something the Council was interested in doing maybe four of the Council would vote on it, and then went to the city manager to the Commission to act

on it like the Council salary issue. He stated the Council requested it and come from the city manager, the Commissioners deliberated it at a couple of meetings and sent it back with their recommendations. He stated it didn't happen in this case and it was solely an initiative from Council Member Morson and claimed ownership of it.

Council Member Pha stated there had never been a Council discussion about the oath and he only mentioned it in a meeting. She stated she thought it was a great idea and they should bring it to the Charter commission and to the city manager. She stated it was a learning issue on how it got started and there was no ill intent on it.

Commissioner Bor stated they discussed it thoroughly and did their very best to rectify the perception and they had a new proposal as Attachment 4.2D from the city attorney. She stated she would like to go forward and approve what the intent was and move on because they had a huge agenda tonight.

Chair Secara asked Commissioner Bor if she was making a motion to accept the changes to Section 14.02 proposed by the city attorney.

Commissioner Bor stated yes that was the motion she wanted to make.

Commissioner Alabi seconded the motion.

Motion Commissioner Bor, Seconded by Commissioner Alabi to accept the changes to Section 14.02 proposed by the city attorney.

City Attorney Thomson stated he wanted to be certain that it was implicit in the motion to submit it to the Council for potential adoption by an ordinance and the ordinance process.

Council Member Pha stated she didn't understand what it meant to say, "uphold the rights and privileges belonging to the residents of the city of Brooklyn Park." She asked if that was explained what that meant by Council Member Morson.

Chair Secara stated that was from the Council Member Morson's version and didn't recall if he mentioned what it meant. He stated the way it was worded could mean a number of things and didn't think they should be entirely prescriptive to attach a one specific definition to it. He thought the language was broad enough with certain rights and privileges of residents as they did have privileges and was just an acknowledgement of that as office holders.

Commissioner Simmons stated that up until now with the motion on the table, they never had a proposal in front of them and was all speculative but a wish list of things that might or might not occur and competing proposals. He stated they could now start talking about the language and was intrigued by Council Liaison Pha's question because he was looking at the word "**uphold**" and it might be too strong. He stated it seemed to suggest some sort of duty and failure to do meant, there was possible repercussions. He stated he didn't know what it meant, "uphold the rights" and asked what the penalty was for not doing it if they failed to do what the oath said. He asked what the repercussions were in that and stated "**uphold**" seemed to be very strong. He stated he liked the word "**honor**" or something that didn't have a severe duty attached to it. He stated the second Issue, and they kind of scratched the surface last month, which was; and asked to whom was the duty owed and by whom? He stated the Council Member's duty was to the residents because they elected the Council Members. If on the planning commission asked who they owed the duty, was it to the appointing authority or was it to the residents. He stated it

could be conceivably both by being on a city commission and somewhat subordinate to the Council and appointed by the Council. He stated the Commissioners were not appointed by the Council and did not have that duty and was why he disagreed with Council Member Morson last month. He stated the Commissioners worked for the citizens and served their best interests but the appointing authority was not the city Council. He stated he felt strongly that they should maintain their independence as a Charter commission and not go down the road of having an oath the city gave them because that was encroaching on their independence.

He stated the former mayor was pretty clear on how he felt about the Charter commission's independent authority to serve as a watchdog over its actions. He stated he said it multiple times when Commissioner Simmons presented changes to the Council. He stated that to the extent that any oath now changed that relationship by saying they were going to owe a duty to the Council or by having a second oath that might be voluntary. He stated if it was purely voluntary then it was meaningless, surplus, extraneous; and got in the way. He stated to either have one oath by the district court or they didn't. He stated he felt strong about "uphold" versus "honor" and the Council could discuss it before the Commissioners vote on it. He stated he wanted to offer an amendment to the motion if the new language didn't change.

Staff Liaison Montero stated once they voted on the motion, it sets things in motion for him to do to get it ready for the Council such as set the public hearing and first reading of the ordinance amendment and the second reading of the ordinance amendment. He stated at the first reading of the ordinance that was where the Council could offer some of their suggested changes to the ordinance and brought back to the commission for consideration.

Commissioner Bor stated she would like the Commissioners entertain the amendment that was being proposed to the motion.

Commissioner Williams stated he would support the motion to the proposed changes as modified with the condition that Council Member Morson agreed with it. He stated he didn't want it to go forward and assume they had been told he agreed with it. He thought the Commissioners should give Council Member Morson a chance to discuss it other than the process. He stated if Council Member Morson was interested in the process that was another thing but if he wanted some changes to it, should respect that, because that's where it all came from. He stated he was concerned that the Commissioners had not seen any communication or if there had been communication that he agreed with the changes. If there were communications, then he would support it and if not, thought the Commissioners had an obligation to Council Member Morson to find out what he was objecting to.

Commissioner Alabi stated he wanted to be clear that Commissioner Bor stated there was a lot of hurt feelings and asked if they were obligated, if something came from the Council, to just rubber stamp it because that would be a waste of time for the Commissioners.

Commissioner Fufa stated he agreed with Commissioner Williams in that they needed to hear from Council Member Morson. He stated there were new changes to the amendment being adopted as opposed to going with the previous one. He stated the questions they were raising now, such as what did uphold mean, because it could change the way they acted and what they did. He stated at the last meeting he asked if there was anyway if someone could draft a common amendment between the two, they could vote on. He stated he didn't think Council Member Morson was consulted or communicated. He asked if they needed to communicate the new proposal to Council Member Morson and then revisit it because the longer it went on the harder it would get.

Commissioner Bor stated from reading the minutes from the last meeting Commissioner Hultquist said the Charter commission was an independent body and appointed by the chief judge, not elected or appointed by the city Council. That Council Member Morson was welcomed to bring the amendment to the Charter commission but that they were going to take it apart, wordsmith it, dig into it, go deep into the weeds on it and what was proposed by Council Member Morson might not look like it afterward. Commissioner Hultquist said the Commissioners would give it a thorough vetting and didn't take something Council Member Morson wanted and throw it in the Charter without a healthy discussion. She stated Council Member Morson didn't know the Commissioners had done it or started to do it and was obvious at the virtual meeting and from that point forward he was upset.

Commissioner Alabi stated he didn't believe Council Member Morson knew it was going to be debated, word smithed and voting on what the majority said it would be and took into account the changes he wanted. He stated if the Commissioners had a majority vote on it to send it to the Council, the Council would do what they wanted and the city clerk could do what he needed to do.

City Attorney Thomson stated that in Council Member Morson's email today he did not say he agreed with it and did not say, yes, he liked it or no he didn't like it. He stated there was more concern about the process.

Chair Secara stated it sounded like the Commissioners were not ready to vote on the motion and asked if they should table the motion until the next meeting until they heard from Council Member Morson.

Commissioner Williams stated he agreed the Commissioners would make the decision on the amendment and his only concern that due to the effort and the hurt feelings, they give Council Member Morson every opportunity to state his position and whether he agreed with it or not, they could move forward. He stated he would support having some more communication from Council Member Morson too.

Commissioner Simmons stated the language had to be not about the process and very clear on what they were looking for and didn't know if that language would be the outcome. He stated that until they got to that point thought they were one step ahead of themselves. He stated that maybe that's what happened after they vote on the amendment or two that might be down the road and then they could decide to table it, give him additional deference and come back to actually finalize it next month. He stated there was no rush to it and no one was getting elected until February and maybe some appointments to commissions. He stated he was happy voting on it tonight and was the will of the majority who decided it He stated he had strong feelings where the Commission should be subject to the oath and would like to offer amendments to clarify it and asked if they should finish the conversation about the process first.

Commissioner Bor thought they should entertain the amendment about the sentence on who took the oath to maintain their autonomy and independence with the judicial system and thought it was appropriate to include it but didn't mean there would be agreement along the road.

Commissioner Mabera stated she supported what Commissioner Bor had read from the city attorney so they could move forward. She stated they were an independent body, and the language would not be the entire language Council Member Morson wanted and should move ahead and vote on it.

Commissioner Alabi stated that even if they brought the Council Member back, they needed to be sure they didn't go back to hurt feelings and racial bias or whatever happened. He stated the commission was an independent body and they were not obligated to take whatever someone said to the commission and be fine with taking it. He stated the language that was proposed they would consider the amendment and come up with what they thought was appropriate and send it to the Council and take public comment. He stated they were not going to say whatever Council Member Morson wanted was what they were going to do.

City Attorney Thomson stated Commissioner Simmons brought up the concept of the Charter commission subject to the language and the amendment had nothing to do with it. He stated if there was additional language that the Commissioners wanted to suggest, that language wasn't before the Commissioners tonight. He stated the oath had been in the Charter for a long time and the Commissioners had never taken that oath and just took the oath from the district court. He stated he was asked at the last meeting if he could take the two oaths to come up with one. He stated if there was another amendment that would exempt the Charter commission from the oath since it specifically put in the Charter, they could do it and consider it but there was nothing in the proposed amendment that did that.

Commissioner Simmons stated the way it reads, it would include the Charter. He stated it said "any commission" and Council Member Morson would disagree with anything that came out tonight that said the Charter commission was not subject to that oath and believed it would cover the Charter commission based on an email he got yesterday. He stated Council Member Morson believed every commission whether appointed by the district court or Council would be subject to it. He stated when he read "or appointed to be a Member of the city Council or of any commission public board or body of the city shall," that "shall" was mandatory. He thought Council Member Morson's interpretation or anyone's interpretation it would cover the Charter commission. He stated he wanted to make it clear if it was needed to do that, they would do it. He stated he would offer an amendment substitute to strike the first sentence and rewrite it.

Commissioner Bor asked if they should undo the main motion.

Commissioner Alabi suggested a friendly amendment to the motion.

Commissioner Simmons stated that once a motion was put to the body it didn't belong to the maker of the motion and belonged to the body. He stated there was no such thing as a friendly amendment because it belonged to the body now.

City Attorney Thomson stated that was correct but was a common practice when the motioner and seconder voluntarily agreed to change the motion. He stated there was a motion on the floor and his understanding of the motion was to adopt the version that was in the packet, his updated version. He stated if someone wanted to make an amendment to that motion they could, if they wanted to add more language or change the language they could do it too. He stated they didn't have to vote on the motion but could amend the motion. He stated if they wanted to change the word "uphold" to "honor" that was an appropriate motion and if they wanted to add language that would exempt the Charter commission from the oath, they could do it too.

Commissioner Williams stated his understanding of independent was not that they were an independent body that they could do whatever they wanted. He stated independent had to do on who was appointed and thought the intent was not to say they were a totally independent body but to make them independent in their appointments so there wasn't political activity going on and

would affect who was on the commission. He stated the commission did have responsibility and was a city Charter and the city was made up of citizens or the residents. He stated to him both were the same, but his understanding was that the Charter commission, it's the city of Brooklyn Park and they were beholden to represent the citizens or the residents of the city and the whole idea of independence went so far.

City Attorney Thomson stated the Commissioners were independently appointed but their powers came from state law. He stated statutes said what their power were, and the city Council didn't tell them that. He stated they were very independent and could do things even if the Council didn't want them to. He stated they could submit a Charter amendment directly to the voters if one didn't get adopted by ordinance. He stated traditionally that had not happened as there had been cooperation with the Council. He stated it was not true in other cities where other Charter commissions mad requests. He stated that not only was the Charter independent there was a provision in state law that allowed a petition by the voters to directly submit a Charter amendment to the voters to adopt that you might night approve, and the city Council might not approve. He stated that was why the document from the League of Minnesota on how Charters were amended was part of the packet. He stated it was more than just a process and they were independent on their authority because that was what the law said. He stated historically they worked very closely with the Council and gave the example of the ranked choice voting issue where there was some thought on the commission to maybe switch to rcv. He stated it was clear it was not going to get a unanimous vote by the Council and the Charter commission decided to table it and put it on the back burner because they wanted to cooperate with the Council.

Chair Secara stated he didn't feel they were ready to vote on it tonight without hearing from Council Member Morson and there was some discomfort with some of the language. He stated when they heard from Council Member Morson then they could discuss any concerns he raised along with other concerns from Commissioners. He stated the motion was still on the table and asked if they had to vote on it tonight.

Commissioner Simmons stated if they deferred to give him one last chance, it wouldn't be fair to come back and change it again and that would undercut and be dismissive of the whole intent for him to see it again. He stated they should deliberate on the amendment and exhaust the ideas of amendments and give him a copy of what the Commissioners had a consensus of and might not be a full agreement but it wouldn't be fair to ask him to look at it again and then come back.

Commissioner Bor stated she agreed in asking for his input on the version they want to send to the Council.

Chair Secara stated he heard they would put it off for discussion until the next meeting.

Commissioner Simmons offered an amendment to the **motion** so they would have a version they deliberated on. He stated his amendment to the motion was.

“every person elected to be a Member of the city Council or appointed by the Council to any commission or public board or body of the city shall..”

He stated the distinction he was making, if elected to be a Member of the city Council or appointed by the Council to a commission, that the oath only applied to those that were appointed by the Council or if they were a Council Member.

Chair Secara asked if he would like to replace “**uphold**” with “**honoring**”?

Commissioner Simmons stated he didn't want to combine the motions.

City Attorney Thomson stated he understood the change as:

“Every person elected to be Member of the city Council or appointed by the Council to any commission or public board or body of the city shall...”

City Attorney Thomson suggested a simpler version as:

“every Council Member or a person appointed by the city Council” and stated it didn't have to stay with “every person elected to be a Member of the city Council” as it seemed wordy. He asked if they were saying every Council Member or person appointed by the city Council to any board or commission.

He stated it would say:

“Every Council Member or person appointed by the city Council to a commission or public board or body of the city shall...” instead of saying every person elected to be a Member of the city Council.

Commissioner Simmons stated the problem with it was a person was not a Council Member until they took the oath because it said “before entering upon the duties of office.” He stated it couldn't say every Council Member even if it was more grammatically more efficient. He stated he stood with his original motion.

Commissioner Alabi seconded the amendment to the motion.

Chair Secara called for a vote.

The vote on the amendment to the motion carried unanimously.

City Attorney Thomson stated it was appropriate to make other amendments to the motion.

Commissioner Bor stated she understood they were going forward with the draft and asking Council Member Morson to look at the draft. She proposed to change the word “**uphold**” to “**honor**” and would like to make an amendment to the motion.

Motion Commissioner Bor, second Commissioner Simmons to amend the motion to **change the word “uphold” to “honor”**.

Commissioner Alabi stated he wanted to be clear when they sent Council Member Morson the updated oath for him to look at, that they were not asking him to approve it and was a courtesy to him on the Commission's consensus of the updated oath. He stated if Council Member Morson had a concern with it that when it was sent to the Council, they could do discuss it because it was still coming back to the Charter commission again.

Chair Secara called for a vote on the amendment.

The motion carried unanimously.

Chair Secara stated it was now back to the main motion.

City Attorney Thomson stated the motion that was originally made was to approve it and send it on to the Council for consideration and stated that was not what they were doing.

Chair Secara asked if the original motion needed to be withdrawn.

City Attorney Thomson suggested withdrawing the original motion and if the seconder agreed to it they could do it without a vote.

Commissioner Fufa stated his reason for having Council Member Morson have a look at it was to go with the original idea bring the ideas together and everyone understood it is a merge of the two proposal. He stated they needed to make sure he understood what the Commissioners did without disregard to him. He stated it was not for him to approve what they did it was just for him to understand the process and accept it.

Commissioner Bor stated it was here understanding that Council Member Morson received the updated proposal from the city attorney.

City Attorney Thomson stated he received it yesterday.

Commissioner Bor stated he had an opportunity and would continue to have the opportunity to have input and that input could end up to the city Council and how further they wished to wordsmith it. She didn't think they were bypassing the continuation of having him participate and would get a copy of whatever evolved from the Commissioners. He was always open to give input and thought they should move on.

Chair Secara clarified the original motion and if they needed a new motion to approve it as amended.

City Attorney Thomson stated the motion on the floor was to pass it on to the Council for their consideration and not bring it back to the commission without any other input. He stated if the consensus of the Commissioners was not to do that, but was the language they liked and wanted to give Council Member Morson a courtesy who was the original proposer a chance to comment on the new version, they could do it,. He suggested the motion would be instead of the one pending or could not be a motion that it was now the consensus of the commission as to how they proposed to submit it to the Council and could give Council Member Morson an opportunity for input at the next meeting or any meeting.

He stated he agree they wanted to get the language they wanted to propose and that was the language they wanted Council Member Morson to comment on. If they didn't want comment and have Council Member Morson change it then they would start over.

Commissioner Williams stated it was intended to be a draft and not to be sent on to the Council and by all means they should repair hard feelings and give Council Member Morson a chance to comment and make it clear that they were not going not seat all his comments but did want to give him that last chance fairness to him.

Commissioner Bor stated she was withdrawing the motion to send it on to the Council directly as proposed draft in Attachment D. Seconder Commissioner Alabi agreed with the withdrawal.

Chair Secara stated with the motion being withdrawn, they were done with their version of the

draft.

Commissioner Simmons stated if the motion was withdrawn all of the previous work they had done on it went away. He suggested a motion to bank the changes they had just made. He stated sometimes the Commissioners kept possession of it, banked it for a future date and if there is another Charter amendment next month, they could combined them and send them to the Council. He stated that way they didn't negate the work and minutes they spent on it and start from scratch.

Catty: revise the motion to bank these changes to section 14.02 for further consideration by the Charter commission;

Motion Commissioner Bor, second by Commissioner Alabi to bank the changes that were discussed by the Commissioners tonight. The motion carried unanimously.

3. Approval of Minutes

3.1A SEPTEMBER 8, 2021 MEETING MINUTES

Chair Secara asked if there were any changes to the meeting minutes. Commissioner Williams stated he was not present for the September 8 meeting and should be reflected in the minutes.

Motion Commissioner Secara, seconded by Commissioner Fufa to approve the September 8, 2021. minutes as amended. The motion carried unanimously.

4. Old Business

4.1 Redistricting

Chair Secara introduced John Nerge, GIS Coordinator and Community Engagement Manager Josie Shardlow.

He stated before he went through some of the scenarios, that it was preliminary and waiting on the state and congressional boundaries, which could be between January and March 2022. He stated historically they were last minute and why they were looking at it now. He stated that all the data shown on the screen were the 2020 census numbers and redistricting was a long term. He stated that in thinking about residential development over the next few years, from the Planning team, sounded like there was not a lot of planning for the next few years and could change as LRT action happened. He stated the main thing they would see was the apartment buildings build up in the central district, otherwise there would not be significant changes in the next few years.

He stated that each scenario presented the map showed the districts and at the top had the census numbers with population and was also broken down by BIPOC and white population, percentages for those scenarios and what the maximum differences were. He stated the 2020 census data they had available was at district level, all the way down to the block level and currently were using block groups. He stated there were 64 of those in Brooklyn Park and census blocks there were 946.

He stated in the first scenario, the city clerk, looked at the precinct populations and to see how they could just move existing precincts around and how to balance out those populations. He stated the precincts populations had been distributed to the East and West districts, Precinct W-

5 to the Central and then Precinct E-40 to the Central. He stated by doing it would bring the maximum population down to 549 people and was currently sitting on 4,700 and was a significant number to bring closer. He stated they could also see the distribution of both white and BIPOC started coming closer together. He stated it had been 10 years since they redistricted and with the new census data it included new boundaries had 4 new block groups and in 2010 had 53. He stated the 2020 population was 86,478 and was from 75,781 in 2010, had significant growth and exceeded projections. He stated another thing they saw in the data, the trends continued over the last several years was the BIPOC populations. Since 2010 had gone into a situation where they are a majority BIPOC population. In 2010 it was nearly even with a 50/50 split and now sitting at 61% BIPOC and 39% white. He stated when they were looking at redistricting their primary mission was to balance out the overall population and given the diversity and make up of the city, also wanted to explore some scenarios where they were also creating representative districts where the racial breakdown of the city was reflected in each individual district.

Staff Liaison Montero asked if he could show what happened with the Council Members and their represented districts with the first scenario.

GIS Coordinator Nerge stated that was another consideration as there were elections 2022 where Council Members might not find themselves in the same district.

Commissioner Simmons asked how far down he could drill in terms of, the 64 blocks and thought they had the capacity to drill down to street level to actually identify population.

GIS Coordinator Nerge stated when they were looking at the additional scenarios instead of using the existing precincts, the started over. He stated their goals were, to continue to maintain three districts, still had to maintain even populations between the districts and also wanted to see if they could maintain the representative populations in them too.

He presented Option1 and stated there were two numbers, the larger number was the total population and the smaller number was the BIPOC population. He showed the 64 block groups the city was divided into and stated there was a further level and those were the 946 census blocks for the city. He stated it was the smallest geographic area for which census population was reported. He stated the reasons they were looking at it, was it was how those populations were reported. He stated if they started splitting blocks, they didn't know how the population in that block was distributed and lose the ability to accurately and precisely say how many people were in each district.

Commissioner Simmons stated the takeaway was that they could go further than reading the existing precincts and could draw line that were streets but there were other considerations they would talk about later and didn't want to create chaos like school districts where the borders were and power lines, etc. He stated the didn't want to split precincts and didn't where the legislative boundaries were going to be stated if it was a goal or a mandate to not split a precinct of two-house districts. He stated they didn't know what those were yet and would be speculation where those precincts were.

GIS Coordinator Nerge showed the data on the existing state house districts and the senate districts that were along 85th Avenue. He stated it was a goal to have the city's district follow those lines and they should because they were using the same source populations. He stated when using the census blocks they followed the major roads, try to capture logical blocks and wanted to avoid where they had a neighborhood street and one neighbor was in one district and the neighbor across the street was in a different district. He stated they wanted the lines to make

some kind of real-world sense.

Commissioner Williams stated that where the Council Members were in their districts, asked if consideration was given in the scenarios that a Council Member that wasn't up for reelection in 2022 would all of the sudden be out of their district they had been elected too.

Staff Liaison Montero those were just preliminary scenarios presented tonight to show the Commissioners what work would be needed to be done with the populations. He stated if a Council Member was redistricted out of their district, they would continue to serve out their term until the next election, then they would have to file in their new district.

GIS Coordinator Nerge presented 3 additional scenarios. He stated they were again looking at trying to maintain the 3 districts in equal population using the new 2020 census block group boundaries of the 64 and not down to the block populations. He stated they were not going to be the official boundaries. They were just to show the different ways they could divide them using block groups. He stated in Option 2 when drilled down to the neighborhood level particularly in the Edinburgh neighborhood, was a great example of what not to do where it ended in a situation where they had people across a residential street from each other who were in completely different district. He stated it didn't mean the populations weren't balanced but wanted to have some real world logic in the way they drew the precinct lines and was confident on how they drew the lines. He stated in Option 3 brought down the difference to 216, but was showing that they had a lot of different scenarios that were going to balance out the populations and follow the logical lines and staying with the census block group level. He stated there was a lot of flexibility and data they could digest and were still waiting on the legislative districts to make sure they lined up and tonight was more of introductory information to the Commissioners.

Staff Liaison Montero stated that is where the Redistricting Subcommittee would start their work. He stated they saw what GIS Coordinator Nerge could do with the data and now was the opportunity to start setting up meeting dates, work with him and come up with more scenarios. Once they got the legislative lines that was when they would work with those lines and have something to present to the Charter commission to approve and forward it to the Council.

Commissioner Williams stated that previously it was just populations, and this year was the special interest groups. He asked if there were other considerations of other groups other than BIPOC populations.

Staff Liaison Montero stated he was referring to communities of interest and did not specifically say it in the Charter, but the commission was to work with balancing the populations in each district.

Community Engagement Manager Shardlow stated they talked about the upcoming event at the last meeting, and she was working with the League of Women Voters to give a presentation. She stated that ACER and CAPI USA, were community-based organizations that were working with Our Maps Minnesota and had been doing some mapping of communities of interest and explained to the Charter commission what the communities of interest were. She thought Edinburgh was a community of interest, where people had an identity with that neighborhood. She encouraged the commission to attend the event and now was the time get the community to understand what it was all about. She stated at the event they would be sharing their maps they had been working on and their experiences and would be an opportunity to get some preliminary feedback from the community, such as what they wanted the Charter commission to consider as they come up with scenarios and getting people to digest this information since it would be a quick turnaround when

they got the actual boundaries and then have some real scenarios to get feedback from the community.

Chair Secara stated the Brooklyn Park Assembly event was October 28 and was a virtual event and he would be participating.

Community Engagement Manager Shardlow stated the other piece to the event agenda would be the redistricting subcommittee explaining basic process, philosophy, and what the Commission's charge is on redistricting. She stated the other speakers would be speaking broadly about the city's district and the committee could bring it down to Brooklyn Park's level and what the process would be.

Staff Liaison Montero stated he would prepare some slides for the Commission's presentation. He stated in the packet was a draft redistricting calendar that had all the city Council meeting dates, Charter commission meeting dates with possible meeting dates for the redistricting committee and the commission's goal was to have a date when they would be submitting the redistricting ordinance. He stated the proposed dates of March 7 would be first reading of the ordinance and March 14 would be the second reading. He stated the draft calendar would give the Commissioners an idea of what to expect when working on the redistricting documents. He stated the Commissioners should also think about the dates to hold the community meetings in each district to present the commission's thoughts on the redistricting. He stated at the October 28 Brooklyn Park Assembly forum, the commission would have a trial run when presenting the redistricting information to the public and would receive feedback from the public.

Commissioner Simmons stated asked about the subcommittee meetings if they were going to get notices of when they met. He stated he would like to attend and listen to what the subcommittee was discussing. He asked if it would be full Charter commission meeting or was it still up in the air.

Chair Secara stated it was up in the air because he envisioned sending a two part recommendation on March 7. One half of it would deal with the here and now with the three districts and how to reallocate the populations in the west, central and east districts. The second part of the recommendation would focus on future planning where they would take the scenarios discussed during the last redistricting of the 4, 5 and 6 districts and update those plans with current numbers. He stated the recommendation would be to advise or encourage them to consider discussing with the community of expanding the number of districts and would be considered after redistricting later in 2022 and looked at in 2023 when they got the city manager's population report in March of that year.

He stated he anticipated the subcommittee to be more active in that phase; because they would be dealing with actual numbers and working closely with GIS Coordinator Nerge to update those scenarios and looking at communities of interest and by that point they would have some direction from the Council. He stated they wouldn't take on the project unless the Council felt there was a groundswell of support from the community. He stated they had a very tight deadline and couldn't do anything big between now and March. He stated at the October 28 even, they might get some feedback from the residents if those scenarios were presented and hesitated to do it because they would think that was what the Charter commission was doing. He stated they were just proposals only and would not present them. He stated that with the deadline they had was hoping tonight to reach a consensus on which map presented tonight to work on and use that map as a working document to present to the Council and community and get feedback. He stated that when the legislature is finished with its work and get those lines, they would then update that

working document to be completed on time. He stated he didn't know if they were at that point but that was all he anticipated doing. He referred to Attachment 4.1G, Council staff reports from 2011 and 2012 and stated in one of the reports it contained a 5-district proposal. He stated his recommendation would be the similar staff reports with the recommendation to the Council as amended with the legislative boundary lines.

He asked the Commissioners if they wanted to adopt a working document tonight or wait until after the public event on October 28 and then adopt a working document.

Council Liaison Pha stated the Council had not talked about it at all and waiting on the Charter commission to update the Council. She asked if Attachment 4.1B was the current districts and the correct population numbers and stated she wanted to make a few recommendations for the Charter commission to think about when working on the districts.

She stated from her experience as being a Council Member that looking at the numbers in her district the racial makeup was more of a gap and not proportionately as the other two districts. She stated there was an 11% difference between BIPOC and white, the Central was only 2% and the East was 8% and liked the idea of it being more proportionate racially. She stated it was not about race, it was a fact that her district had more apartments than any other district because if her district was the only district that had more apartments, she was going to run into issues that the other Council Members did not understand. She stated they didn't have constituents that were renters and the Council Members didn't agree with a lot of things she brought up because it was based on what the constituents were telling her. She stated they should look the proportion of apartments in each district because they would have different issues that arise on the Council. She state the other Council Members from the other two districts did not have as many apartments and were not going to see those issues come up and not vote for it.

She stated the other thing was the north and south of 85th perception and always had more investment in the north side of 85th of the city than the south side. She stated if the districts were cut in a way where right now, almost all of her district residents were south of 85th and anything north was commercial and almost all of central was north. She stated the other Council Members didn't understand when she brought up ideas on investments south of 85th, which was the older part of the city and didn't have a lot of infrastructure and investment.

She stated the other thing was housing types, if they looked at the current districts the top piece of the West district was mainly commercial north of 85th and her district was mainly older smaller homes. The central district had a huge part of north of 85th and most of their district were new bigger, higher priced houses and newer developments. She thought the East district had the best combination of both but that made it hard and looked like the East district had a different type of representation because her district had more apartments, lower economic status, smaller homes and more crime. She stated if they could evenly do it in all 3 districts believed they could have better representation of every single resident in the city.

Commissioner Alabi agreed but the only problem he saw was the apartment part, that unless they drew some weird lines to have equal apartments and the way this city is configured, there was a concentration of apartments in one part of the city and didn't know how to get apartments in the Central district.

Council Liaison Pha stated in Option 3 it divided some of the apartments and put a few apartments from the West district the Central district. She asked if GIS Coordinator Nerge could present a map showing all of the apartments.

GIS Coordinator Nerge showed the apartments in the current districts. He stated 31 of the 46 apartment complexes were in the west district and that represented 56% of apartments.

Commissioner Bor stated part of it was zoning and where development was going to go, if it was a new building and rested on the zoning.

Commissioner Alabi stated they were going to do these divisions by populations the way the apartments were located placing them in the Central district would be impossible to have those lines to have equal apartments in each district.

Chair Secara stated that unless there were more districts or wards then they had the possibility of addressing those concerns and was why he suggest they include that in the recommendation.

Council Liaison Pha stated that it should be proportionate and not 56% in her district. She stated they were constantly talking about new developments of apartments north of 610 or 610 area but the older apartments that lack the investments were in the southern part of the city.

Commissioner Simmons stated she wanted to shed some of the apartments to be equitable in terms of populations and communities of interest. He stated apartments were significant as a community of interest. He asked how many homeowners associations there were in the West district and guessed they were concentrated in the Central and East districts in the newer residential. He stated were an abundance of people in homeowners' associations that were concerned about their property rights and that might be a community of interest. There were schools and all kinds of things to look at. He stated he agreed that the burden was not on the Commissioners and fell on the city Council and the staff who decided where to put them.

Chair Secara stated that in the interest of time, it was after 9pm and would like to move on.

Commissioner Simmons asked about the event on October 28 and heard the options would be presented to the public.

Staff Liaison Montero suggested showing a map that was considered for the 2010 Census to show the public what the commission was thinking back then on 3, 4, 5, or 6 districts. The maps presented tonight were only preliminary.

Commissioner Simmons stated that anything shown tonight was not discussed or digested and was premature to be presented.

Commissioner Williams thought that was the reason for the communities of interest brought up tonight other than just the population in areas. He stated there were a lot of other factors that went into making sure the boundaries and voting blocks were represented. He stated when they started their work, they had an obligation to look at it and agreed there were the homeowners north of 85th and apartment building to the south and all those need to be considered.

Chair Secara stated as he understood, for the October 28 event, they would gather the consensus of the people and from there at the next meeting divide what needed to be done with the subcommittee versus the entire commission. He stated there was not a lot they could do because they didn't have the boundaries from the legislature.

Chair Secara stated Items 6.1 and 6.2 information only and was not intended as discussion points.

He stated attachments 6.1A, 6.1B, 6.1C referred to the powers of the Charter commission and were going to discuss whether to add a policy and process for taking requests to amend the Charter. He suggested tabling it to the next meeting.

He stated Attachments 6.2A and 6.2B referred to something the city Council did back in June and Commissioner Simmons stated cities did that a lot.

Commissioner Simmons stated they could probably invite the finance director to explain it but they used the city as a pass through of funding and the bonds had no life or affected the taxpayers. He stated the city was only the fiscal agent and held harmless on those arrangements.

Chair Secara moved on Item 7.1.

7. Correspondence/Communications

7.1 Report on Council Member City Apparel Discussion

Staff Liaison Montero stated the Council had discussions on getting funds to purchase city apparel and decided on \$200 per term and the public purpose expenditures policy would be amended to reflect it.

Commissioner Simmons stated it had to do with the public purpose expenditures policy and whether giving Council Members those dollars to buy clothes and having a city logo on it was consistent with public purpose. He stated the Commissioners put it in the city Charter the notion that they should view that public purpose expenditure policy annually so that every Council Member knew what they could or couldn't spend money on.

8. Reports of Officers, Boards, and Standing Committees

Commissioner Williams asked about the Wilder Study presented at the last meeting.

Chair Secara stated the city Council established a task force and asked the city attorney if the Charter commission needed to look into amending the Charter to acknowledge that task force if it were to become a permanent body. He stated the city attorney had not responded on it yet and right now it was a temporary body and might evolve into something permanent.

8. Adjournment

Motion Chair Secara, second Commissioner Fufa to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 9:23 p.m.

Respectfully submitted,

Devin Montero, Staff Liaison

City of Brooklyn Park

CHARTER COMMISSION Attachments

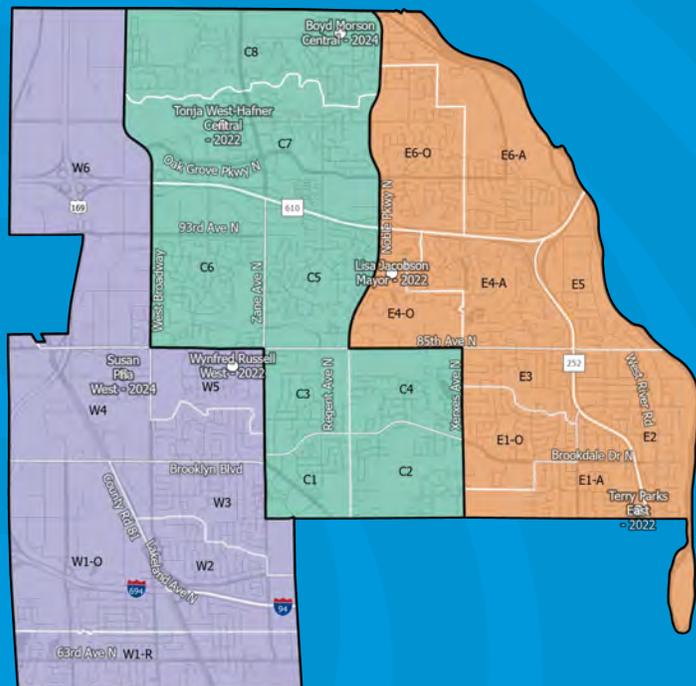
Agenda Item No.:	4.1A	Meeting Date:	November 10, 2021
Prepared by:	Devin Montero	Presented By:	Dennis Secara, Chair

Attachments:

4.1A OCTOBER 28 PRESENTATION

Brooklyn Park Redistricting

Presented by the
Charter Commission
Redistricting Subcommittee



Overview

Following the 2020 Census, the Brooklyn Park Charter Commission has begun the process of redistricting within the city. This process cannot be completed until the Minnesota Legislature has first completed legislative and congressional redistricting. The city has seen an increase in population since the last Census. To assure equal representation across all city council districts, it will be necessary to reestablish certain district and/or voting precinct boundaries. What follows is a summary of how the Charter Commission shall proceed with this rather complex process.

Principles of Redistricting in Brooklyn Park

1. Precinct boundaries should follow school district boundaries as much as possible
2. Precinct boundaries will follow Census block boundaries or other physical features
3. Precinct boundaries shall follow legislative or congressional boundaries
4. Council districts will be bounded by precinct lines which are drawn on Census blocks and follow school district boundaries
5. Council districts shall be as equal in population as practicable in keeping with the equal representation clause of the U.S. Constitution. Equal as practicable shall be operationally defined as no more than 5% deviation from the mean district population.

Process

1. Obtain maps of Osseo, Anoka-Hennepin, and Robbinsdale School Districts from those districts
2. Obtain legislative and congressional maps after legislative or court redistricting
3. Confirm or reestablish precinct boundaries in accordance with principles and statute
4. Redraw council district boundaries along reestablished or confirmed precinct boundaries
5. Send to full Charter Commission for approval
6. Send to city council for approval

Redistricting Subcommittee

The redistricting sub-committee will work with the G.I.S. personnel to implement the redistricting principles and information to reestablish boundaries. The sub-committee will do so after all new maps have been received from the school districts and the legislature. The work will then be presented to the full charter commission for deliberation and approval.

Beyond 2022

The city council should consider expanding the number of at-large council districts for any or all of the following reasons:

- a. The city population is not evenly divisible by the number of council districts
- b. This is the only way to achieve the operational definition of equal as practicable
- c. This can increase representation of potentially underrepresented populations
- d. This can preserve communities of interest within the city

Thank you!

Dennis Secara

Charter Commission Chair

Teferi Fufa

Charter Commission
Redistricting Committee

David Williams

Charter Commission
Redistricting Committee

City of Brooklyn Park

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CHARTER COMMISSION Attachments

Agenda Item No.:	4.1B	Meeting Date:	November 10, 2021
Prepared by:	Devin Montero	Presented By:	Dennis Secara, Chair

Attachments:

4.1B COMMUNITIES OF INTEREST



COMMUNITIES OF INTERESTS (COI)

What is a Community of Interest?

- A neighborhood or area whose residents have shared culture, history, and policy concerns and would benefit from being represented in the same district.

Why are Communities of Interest important in redistricting?

- COIs allow us to tell stories of our community that may get looked over by policy makers.
- Keeping communities together gives us a stronger input in government!
- Organizing your community = Ensuring your concerns are reflected in the redistricting process.



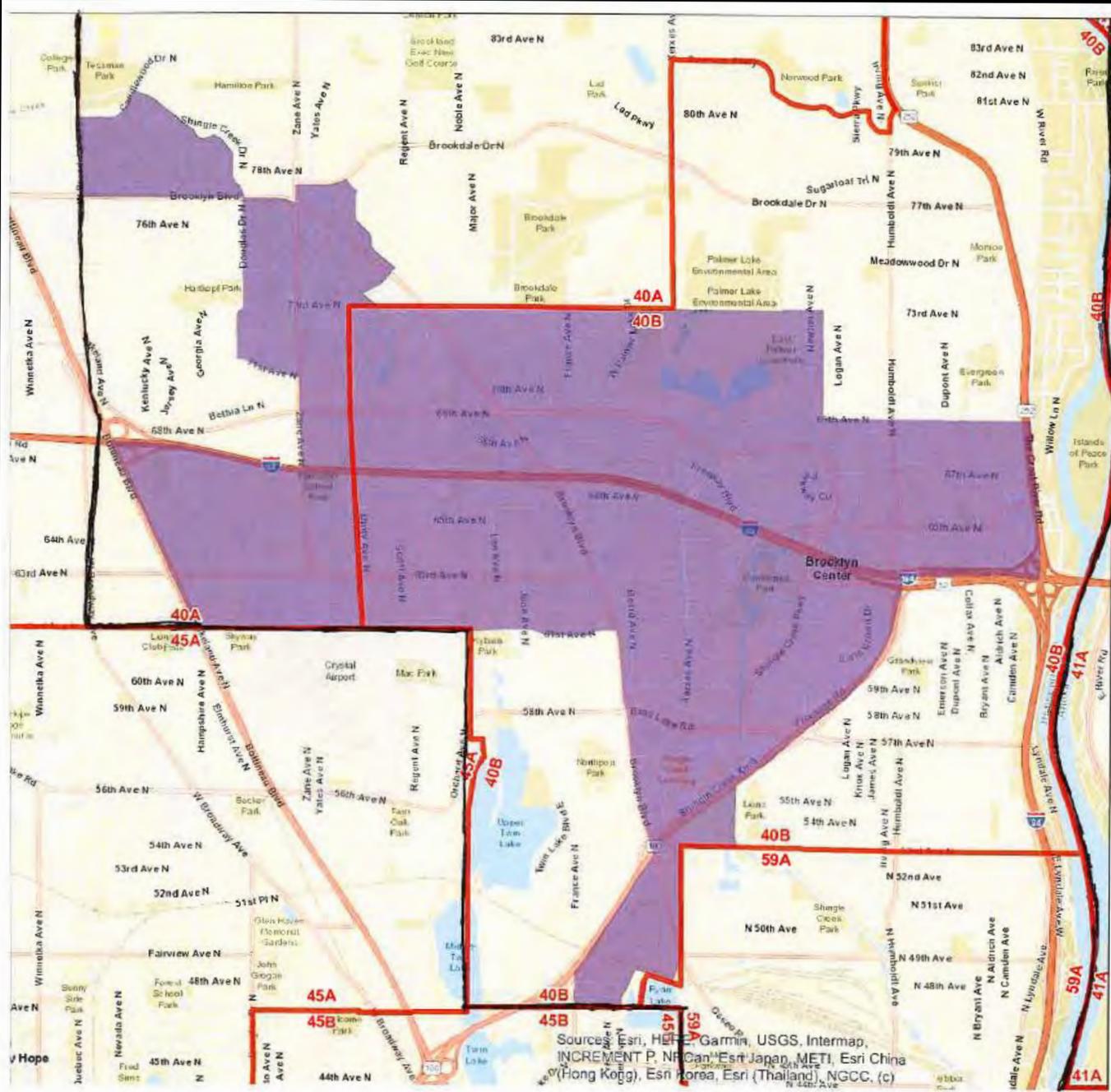
City of Brooklyn Park

CHARTER COMMISSION Attachments

Agenda Item No.:	4.1C	Meeting Date:	November 10, 2021
Prepared by:	Devin Montero	Presented By:	Dennis Secara, Chair

Attachments:

4.1C RESIDENTS OF GEORGETOWN APARTMENTS



Community Redistricting Project ID: 32290

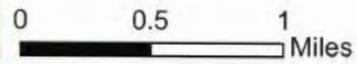


- MN State House Current Boundary
- community**
- Residents of Georgetown Park Apartments

4.1C RESIDENTS OF GEORGETOWN APARTMENTS

OLD MN House District

Community Location



Source: Esri, HERE, Garmin, USGS, Intermap, INCREMENT P, NRCan, Esri Japan, METI, Esri China (Hong Kong), Esri Korea, Esri (Thailand), NGCC, (c)

City of Brooklyn Park

CHARTER COMMISSION Attachments

Agenda Item No.:	4.1D	Meeting Date:	November 10, 2021
Prepared by:	Devin Montero	Presented By:	Dennis Secara, Chair

Attachments:

4.1D OPTION 4 SCENARIO WITH ATTACHMENTS

From: [John Nerge](#)
To: [Devin Montero](#); [Josie Shardlow](#)
Subject: RE: Mayor and Council Members Map
Date: Tuesday, November 2, 2021 12:24:03 PM
Attachments: [All numbers Hispanic.xlsx](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)

Here are the numbers with Hispanic pop grouped with BIPOC (labeled as BIPOCH) instead of distributed between BIPOC and White.

Short version: all the scenarios play out pretty much the same, with the “best” option, Option 4, have larger max differences in BIPOCH and White populations across districts but still performing better all than any of the other scenarios (save Option 2 have a smaller difference in BIPOCH but larger in White).

John Nerge, GISP (he/him/his)
GIS Coordinator
W. 763-493-8196

From: John Nerge
Sent: Tuesday, November 2, 2021 11:39 AM
To: Devin Montero <Devin.Montero@brooklynpark.org>; Josie Shardlow (<Josie.Shardlow@BrooklynPark.Org> <Josie.Shardlow@BrooklynPark.Org>
Subject: RE: Mayor and Council Members Map

Clarification: the numbers I’ve provided so far haven’t included a breakdown by Hispanic/Latino since the Census groups them differently. In short, each race also includes a Hispanic/not-Hispanic categorization.

We do have the data though, and I’ll be looking at it too as we explore districts populations!

John Nerge, GISP (he/him/his)
GIS Coordinator
W. 763-493-8196

From: John Nerge
Sent: Wednesday, October 20, 2021 3:25 PM
To: Devin Montero <Devin.Montero@brooklynpark.org>; Josie Shardlow (<Josie.Shardlow@BrooklynPark.Org> <Josie.Shardlow@BrooklynPark.Org>
Subject: RE: Mayor and Council Members Map

Here’s a fourth option for redrawing the lines. This time I went all the way down to the Census Block level and also tried to balance out the apartment units between West and Central (can’t really do anything about East because there’s so few apartments there). And just for kicks, I also balanced out the total white and BIPOC populations the closest yet.

John Nerge, GISP (he/him/his)

GIS Coordinator
W. 763-493-8196

From: John Nerge
Sent: Tuesday, October 12, 2021 11:11 AM
To: Devin Montero <Devin.Montero@brooklynpark.org>
Subject: RE: Mayor and Council Members Map

Here's everything put into a PowerPoint, I can present this at the meeting tomorrow if you want?

John Nerge, GISP (he/him/his)

GIS Coordinator
W. 763-493-8196

From: John Nerge
Sent: Tuesday, October 12, 2021 10:25 AM
To: Devin Montero <Devin.Montero@brooklynpark.org>
Subject: RE: Mayor and Council Members Map

Late entry, but I can pull it up tomorrow at the meeting. This option gets the overall population numbers the closest to each other, decreases the overall max difference between white and BIPOC pops between districts, and best avoids splitting neighbors across the street from each other of the three options that use block groups to redraw the districts.

John Nerge, GISP (he/him/his)

GIS Coordinator
W. 763-493-8196

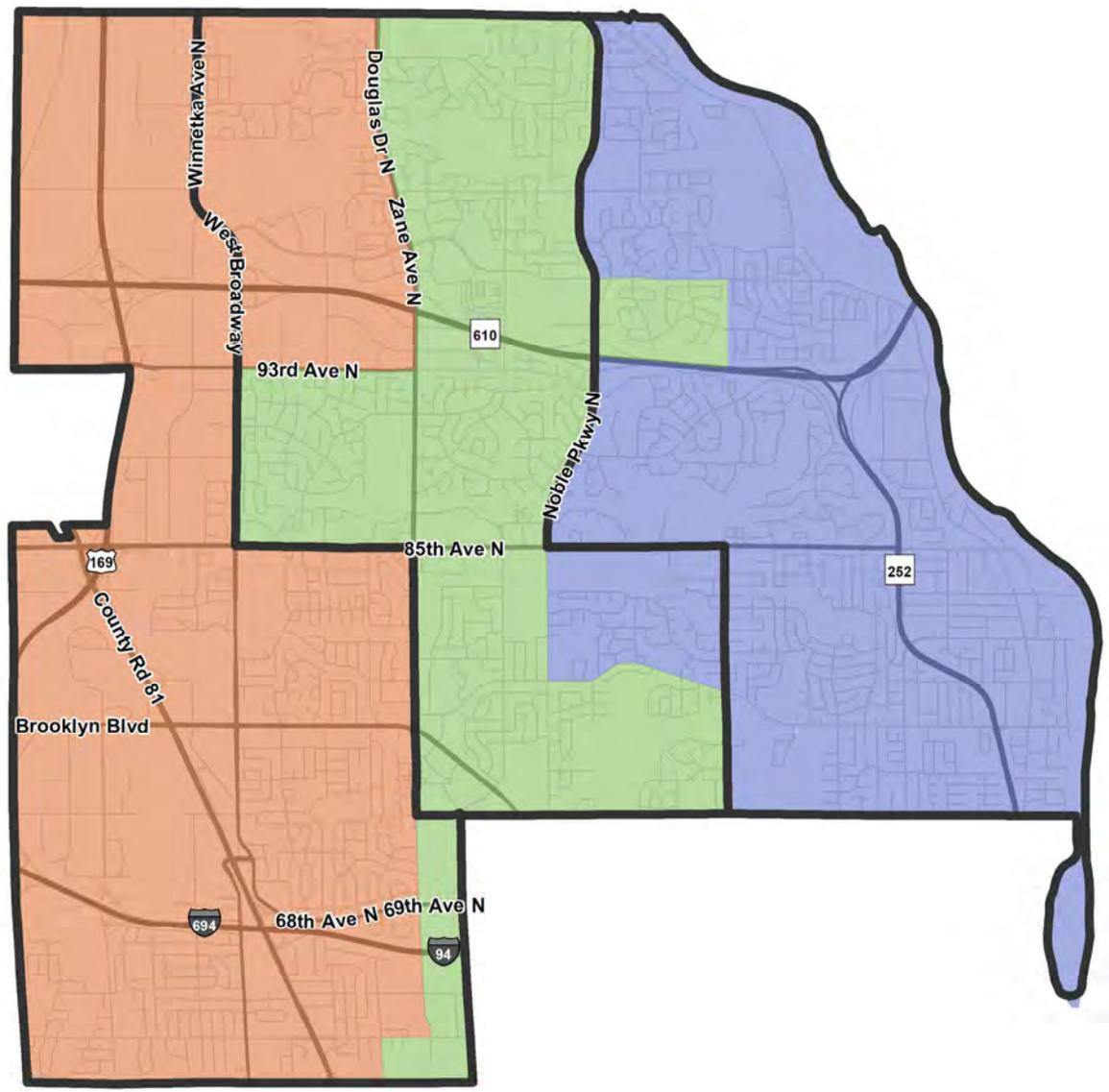
From: Devin Montero <Devin.Montero@brooklynpark.org>
Sent: Monday, October 11, 2021 5:39 PM
To: John Nerge <John.Nerge@BrooklynPark.Org>
Subject: RE: Mayor and Council Members Map

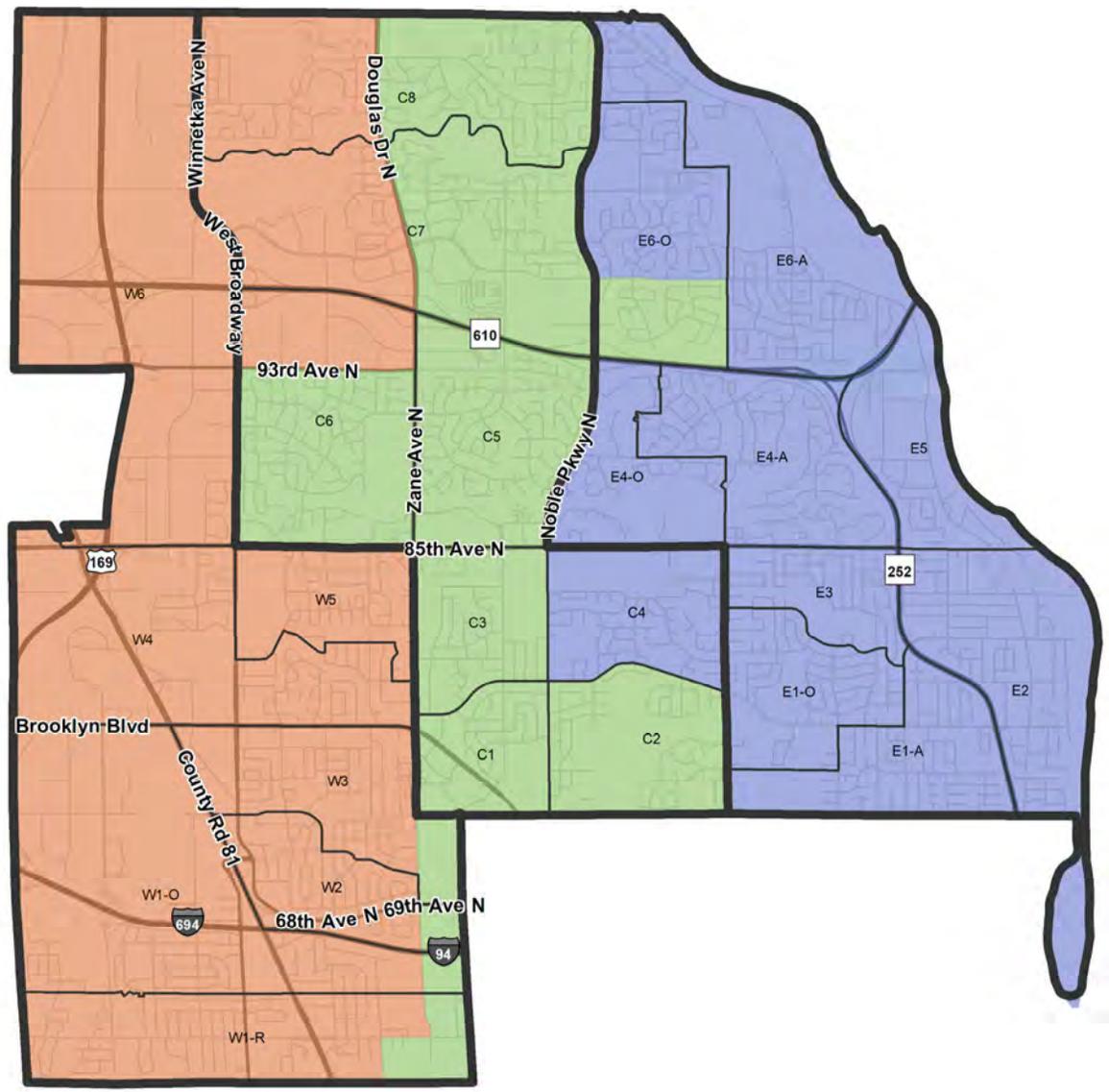
Below is the link to the Charter Commission E-packet. I'll try to set up a Teams meeting for Wednesday.

<https://www.brooklynpark.org/wp-content/uploads/2021/06/October-13-2021-EPACKET-1.pdf>

Devin Montero, CMC

City Clerk





District	Number of Blocks	Total Pop	BIPOC pop	White pop	Percent white pop	Percent of Total Pop	Percent of BIPOC Pop	Percent of white Pop	Number of apts	Number of units	Pct of units
New West	387	28,965	18,221	10,744	37%	33%	35%	31%	29	3,142	47%
New Central	254	28,525	17,779	10,746	38%	33%	34%	31%	16	3,022	45%
New East	305	28,988	16,174	12,814	44%	34%	31%	37%	2	493	7%
TOTAL	946	86,478	52,174	34,304	40%	100%	100%	100%	47	6,657	100%
	Max difference										
	133	463	2,047	2,070	7%	1%	4%	6%	27	2,649	40%

District	Number of Blocks	Total Pop	BIPOCH pop	White pop	Percent white pop	Percent of Total Pop	Percent of BIPOCH Pop	Percent of white Pop	Number of apts	Number of units	Pct of units
New West	387	28,965	18,594	10,371	36%	33%	36%	30%	29	3,142	47%
New Central	254	28,525	17,952	10,573	37%	33%	34%	31%	16	3,022	45%
New East	305	28,988	16,348	12,640	44%	34%	31%	37%	2	493	7%
TOTAL	946	86,478	52,894	33,584	39%	100%	101%	98%	47	6,657	100%
	Max difference										
	133	463	2,246	2,269	8%	1%	4%	7%	27	2,649	40%

City of Brooklyn Park

CHARTER COMMISSION Attachments

Agenda Item No.:	4.2A	Meeting Date:	November 10, 2021
Prepared by:	Devin Montero	Presented By:	Dennis Secara, Chair

Attachments:

4.2A BANKED CHANGES

2021 CHARTER BANKED CHANGES

As of October 13, 2021

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

Underlined text is proposed for insertion.

CHARTER CHAPTER	MEETING DATE OF APPROVAL	APPROVED CHANGES
14	October 13, 2021	<p>Motion Commissioner Bor, Second Commissioner Alabi to bank the changes to Charter Section 14.02 for further consideration as follows:</p> <p><i>SECTION 14.02 OATH OF OFFICE</i></p> <p>All officers <u>Every person elected to be a member of the city council or appointed by the city council to any commission or public board or body of the city shall, before entering upon the duties of <u>the</u> office, take and subscribe an oath of office in the following manner:</u></p> <p><i>"I solemnly swear (or affirm) that I will support and obey the Constitution and the Laws of the United States and of the State of Minnesota, that I will, in all respects, <u>honor the rights and privileges belonging to the residents of the City of Brooklyn Park,</u> observe the provisions of the Charter and ordinances of the City of Brooklyn Park, and will faithfully <u>serve its residents in the discharge of</u> the duties of the office of _____ to the best of my judgment and ability."</i></p> <p>The motion carried unanimously.</p>

City of Brooklyn Park

CHARTER COMMISSION Attachments

Agenda Item No.:	6.1A	Meeting Date:	November 10, 2021
Prepared by:	Devin Montero	Presented By:	Dennis Secara, Chair

Attachments:

6.1A MN STATUTE 410.12

The foregoing affidavit shall be strictly construed and any affiant convicted of swearing falsely as regards any particular thereof shall be punishable in accordance with existing law.

Subd. 3. May be assembled as one petition. All petition papers for a proposed amendment shall be assembled and filed with the charter commission as one instrument. Within ten days after such petition is transmitted to the city council, the city clerk shall determine whether each paper of the petition is properly attested and whether the petition is signed by a sufficient number of voters. The city clerk shall declare any petition paper entirely invalid which is not attested by the circulator thereof as required in this section. Upon completing an examination of the petition, the city clerk shall certify the result of the examination to the council. If the city clerk shall certify that the petition is insufficient the city clerk shall set forth in a certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of the findings. A petition may be amended at any time within ten days after the making of a certificate of insufficiency by the city clerk, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The city clerk shall within five days after such amendment is filed, make examination of the amended petition, and if the certificate shall show the petition still to be insufficient, the city clerk shall file it in the city clerk's office and notify the committee of the petitioners of the findings and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Subd. 4. Election. Amendments shall be submitted to the qualified voters at a general or special election and published as in the case of the original charter. The form of the ballot shall be fixed by the governing body. The statement of the question on the ballot shall be sufficient to identify the amendment clearly and to distinguish the question from every other question on the ballot at the same time. If 51 percent of the votes cast on any amendment are in favor of its adoption, copies of the amendment and certificates shall be filed, as in the case of the original charter and the amendment shall take effect in 30 days from the date of the election or at such other time as is fixed in the amendment.

Subd. 5. Amendments proposed by council. The council of any city having a home rule charter may propose charter amendments to the voters by ordinance. Any ordinance proposing such an amendment shall be submitted to the charter commission. Within 60 days thereafter, the charter commission shall review the proposed amendment but before the expiration of such period the commission may extend the time for review for an additional 90 days by filing with the city clerk its resolution determining that an additional time for review is needed. After reviewing the proposed amendment, the charter commission shall approve or reject the proposed amendment or suggest a substitute amendment. The commission shall promptly notify the council of the action taken. On notification of the charter commission's action, the council may submit to the people, in the same manner as provided in subdivision 4, the amendment originally proposed by it or the substitute amendment proposed by the charter commission. The amendment shall become effective only when approved by the voters as provided in subdivision 4. If so approved it shall be filed in the same manner as other amendments. Nothing in this subdivision precludes the charter commission from proposing charter amendments in the manner provided by subdivision 1.

Subd. 6. Amendments, cities of the fourth class. The council of a city of the fourth class having a home rule charter may propose charter amendments by ordinance without submission to the charter commission. Such ordinance, if enacted, shall be adopted by at least a four-fifths vote of all its members after a public hearing upon two weeks' published notice containing the text of the proposed amendment and shall be approved by the mayor and published as in the case of other ordinances. The council shall submit the proposed amendment to the people in the manner provided in subdivision 4, but not sooner than three months after the passage of the ordinance. The amendment becomes effective only when approved by the voters as provided in subdivision 4. If so approved, it shall be filed in the same manner as other amendments.

Subd. 7. **Amendment by ordinance.** Upon recommendation of the charter commission the city council may enact a charter amendment by ordinance. Within one month of receiving a recommendation to amend the charter by ordinance, the city must publish notice of a public hearing on the proposal and the notice must contain the text of the proposed amendment. The city council must hold the public hearing on the proposed charter amendment at least two weeks but not more than one month after the notice is published. Within one month of the public hearing, the city council must vote on the proposed charter amendment ordinance. The ordinance is enacted if it receives an affirmative vote of all members of the city council and is approved by the mayor and published as in the case of other ordinances. An ordinance amending a city charter shall not become effective until 90 days after passage and publication or at such later date as is fixed in the ordinance. Within 60 days after passage and publication of such an ordinance, a petition requesting a referendum on the ordinance may be filed with the city clerk. The petition must be signed by registered voters equal in number to at least five percent of the registered voters in the city or 2,000, whichever is less. If the requisite petition is filed within the prescribed period, the ordinance shall not become effective until it is approved by the voters as in the case of charter amendments submitted by the charter commission, the council, or by petition of the voters, except that the council may submit the ordinance at any general or special election held at least 60 days after submission of the petition, or it may reconsider its action in adopting the ordinance. As far as practicable the requirements of subdivisions 1 to 3 apply to petitions submitted under this section, to an ordinance amending a charter, and to the filing of such ordinance when approved by the voters.

History: (1286) RL s 756; 1907 c 199 s 1; 1911 c 343 s 1; 1939 c 292 s 1; 1943 c 227 s 1; 1949 c 122 s 1; 1959 c 305 s 3,4; 1961 c 608 s 5,6; 1969 c 1027 s 3; 1973 c 503 s 1-4; 1986 c 444; 1998 c 254 art 1 s 107; 1999 c 132 s 42; 2005 c 93 s 1; 2008 c 331 s 7; 2010 c 184 s 43

City of Brooklyn Park

CHARTER COMMISSION Attachments

Agenda Item No.:	6.1B	Meeting Date:	November 10, 2021
Prepared by:	Devin Montero	Presented By:	Dennis Secara, Chair

Attachments:

6.1B EXCERPT FROM HANDBOOK OF MN CITIES, CHAPTER 4 THE HOME RULE CHARTER CITY

HANDBOOK FOR MINNESOTA CITIES

Chapter 4 The Home Rule Charter City

C. AMENDMENTS

Charter cities will find it necessary to update or otherwise modify their charter to reflect current needs and expectations. Amendments must originate through one of the several ways that are provided in statute:

1. Amendment by proposal

a. Charter Commission

A charter commission may propose amendments to the charter at any time.

b. Citizen petition

A charter commission must propose amendments upon receiving a petition signed by a number of registered voters equal to 5 percent of the total votes cast at the previous state general election in the city. This percentage cannot be changed by the charter itself.

All petitions circulated must be uniform in character. The petition must state the proposed amendment to the charter in full. However, if the proposed amendment is larger than 1,000 words, a true and correct copy must be filed with the city clerk, and the petition will contain a summary (between 50 and 300 words) setting forth the “substance and nature” of the proposed amendment. When a summary is used, that summary (along with a copy of the proposed amendment) must be first submitted to the charter commission for its approval as to form and substance. The commission has 10 days to return the summary with any modifications necessary to fairly comply with these requirements.

The secretary of state is required to develop rules governing the manner in which petitions required for any election in this state are circulated, signed, filed, and inspected. The secretary of state shall provide samples of petition forms for use by election officials. Once received, the commission must submit the petition to popular vote.

c. Process and procedure

The amendment goes to the city clerk, who notifies the council. The council then provides for the election under the same rules that apply to a new charter. The council may not refuse to submit or change the amendment as long as it is constitutional. A city council does not need to submit an unconstitutional charter amendment or an amendment that violates state or federal law to the voters. When an amendment to a charter is proposed by the charter commission or petitioned for by the voters of the city, the proposed amendment must be submitted at least 17 weeks before the general election.

2. Amendment by ordinance

a. City council

The city council may propose an amendment by ordinance. The council submits the ordinance proposing an amendment to the commission, which has 60 days for review (which may be extended by the commission an additional 90 days by filing a resolution determining that additional time is necessary with the city clerk).

After the review period, the commission returns the amendment or its own substitute amendment to the council. The council then submits to the voters either the amendment it originally proposed or the commission's substitute amendment.

b. Charter commission

The charter commission may recommend the council amend the charter by ordinance. Within one month of receiving a recommendation to amend the charter by ordinance, the city must publish notice of a public hearing of the proposal (which must also contain the text of the proposed amendment).

The city must hold the public hearing on the proposed charter amendment at least two weeks but not more than one month after the notice is published. Within one month of the public hearing, the city council must vote on the proposed charter amendment ordinance. The vote must be unanimous, including approval by the mayor if the mayor has veto power.

The ordinance proposing the amendment is subject to the same publication requirements as other ordinances. The ordinance becomes effective 90 days after passage and publication, unless a later date is provided in the ordinance.

Within 60 days after passage and publication, a petition signed by registered voters equal in number to at least 5 percent of the registered voters in the city or 2,000, whichever is less, may be submitted to force a referendum on the amendment.

If voters file a proper petition, the city must handle the amendment like any other charter amendment, except the council may submit the ordinance at a general or special election that occurs within 60 days after filing the petition, or it may reconsider its action in adopting the ordinance.

City of Brooklyn Park

CHARTER COMMISSION Attachments

Agenda Item No.:	6.1C	Meeting Date:	November 10, 2021
Prepared by:	Devin Montero	Presented By:	Dennis Secara, Chair

Attachments:

6.1C GUIDE TO AMENDING THE CITY CHARTER - MINNEAPOLIS



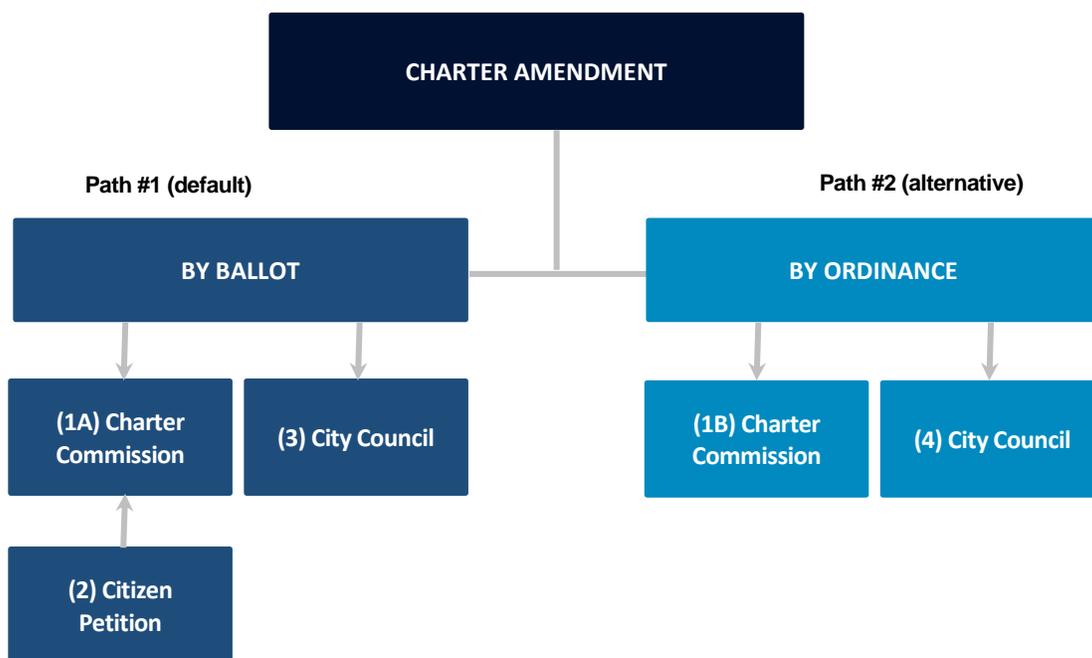
Guide to Amending the City Charter

By Ballot or By Ordinance

The City of Minneapolis operates within the governance framework established by its home rule charter, adopted in 1920, pursuant to Minnesota Statutes Chapter 410, and as variously amended over time and subsequently revised in the form of a plain-language version adopted in November 2013. The charter serves as the constitution of the local municipal government; legally, it is a delegation by the State of its central governing authority to be exercised at the local level. The charter defines the powers and overall structure of the municipal government, sets forth its lines of authority, and establishes the processes by which official actions and decisions are made. The State Legislature may pass special laws that supersede, contradict, or pre-empt the city charter.

There are two pathways to amend the city charter, found in Minnesota Statutes, Section 410.12:

1. **By ballot question.** An amendment enacted by vote of the electorate (see Path #1 below).
2. **By ordinance.** An amendment enacted by passage of an ordinance, requiring the unanimous affirmative vote of the entire membership of the City Council and approval by the Mayor (see Path #2 below).



As shown above, each of the two primary pathways offer options with respect to how exactly an amendment may be proposed and, ultimately, enacted. Referring to this chart above, these options include—

1. The Charter Commission may propose amendments, either as:
 - (1A) A ballot question, pursuant to the requirements set forth in [Minn. Stat. § 410.12, subd. 4](#); or
 - (1B) A referral to City Council for enactment by ordinance as set forth in [Minn. Stat. § 410.12, subd. 7](#).
2. A Citizen Petition requesting a ballot question when signed by a number of registered voters equal to at least 5 percent of the total votes cast at the last state general election pursuant to [Minn. Stat. § 410.12, subd. 2 and 3](#).
3. The City Council may refer a proposed amendment to the electorate, subject to review by the Charter Commission, as provided under [Minn. Stat. § 410.12, subd. 5](#).
4. The City Council may initiate an amendment by ordinance, with the concurrence of the Charter Commission, as provided under [Minn. Stat. § 410.12, subd. 7](#).

ABOUT THE CHARTER COMMISSION

If the charter is the constitution of a municipal government, the Charter Commission serves as its standing constitutional convention. In that capacity, it is rightfully understood that the Charter Commission holds the city charter in trust for the people of the City of Minneapolis. It is the body vested with authority under the Minnesota Constitution and state law to propose amendments to the charter or to consider proposals submitted by other methods pursuant to Minnesota Statutes, Section 410.12. Thus, any proposal to amend the city charter must first be addressed to the Charter Commission, which has a role to play in the process of determining whether and how an amendment is to be considered.

As provided under the Minnesota Constitution, Article XII, Section 4, and pursuant to Minnesota Statutes, Chapter 410, the Charter Commission is the body charged with oversight of the charter. In fulfillment of its duties, the Charter Commission is imbued with broad discretion. It may provide for any plan (form) of municipal government not otherwise inconsistent with the Minnesota constitution and may provide for the government's structure, distribution of powers and authority, and essential procedures; the establishment and administration of its departments; and the regulation of all local municipal functions as fully as if otherwise done by the State Legislature prior to the constitutional amendment granting local home rule powers in 1896.¹

The city charter may be amended, and the procedures for enacting such amendments are primarily set forth in Minn. Stat. 410.12. The level of discretion afforded to the Charter Commission in regard to the ways in which amendments are initiated, presented, and processed differs slightly; in particular, when an amendment is proposed by means of a citizen petition [pursuant to Minn. Stat. 410.12, subs. 1, 2 and 3] and when an amendment is proposed by the City Council as a question to be referred to the voters [pursuant to Minn. Stat. 410.12, subd. 5].

Authority with respect to Proposals via Citizen Petition

Pursuant to Minn. Stat. 410.12, subd. 1, the Charter Commission has a ministerial role in the processing of an amendment proposed by citizen petition. If the proposed amendment is more than 1,000 words, the petition circulated to registered voters must contain a summary of the proposed amendment approved by the Charter Commission with respect to its form and substance. Despite its authority to approve the petition summary as to form and substance, the Charter Commission does not have authority to opine on the original (underlying) amendment proposed through the petition process. The language of the statute indicates the Charter Commission "shall" submit a proposal to amend the charter if the petition is sufficient under all applicable legal requirements. Thus, the Charter Commission's authority in this respect is limited to determining the form and substance of the summary of a petition where the proposed amendment exceeds 1,000 words.²

Authority with respect to Proposals via the City Council (as referenda)

Pursuant to Minn. Stat. 410.12, subd. 5, the Charter Commission plays a substantive role in the processing of an amendment proposed by the City Council as a question to be referred to the electorate. Here the Charter Commission provides a check against the authority of the City Council to propose charter amendments. The statute provides that the statute, the Charter Commission is empowered to take the following actions on any amendment proposed by the City Council to be referred to the electorate:

- (1) Approve the amendment and recommend it be submitted, as proposed, as a ballot question submitted to voters;
- (2) Reject the amendment and recommend that it not be submitted, as proposed, as a ballot question to voters; or
- (3) Offer a substitute of its own design to be submitted to the City Council as a ballot question to be referred to voters.

In contrast to the role the Charter Commission plays in the processing of a citizen petition, there are no statutory limitations on what the Charter Commission's review of a proposal by the City Council may entail. In fact, the Charter Commission's role in evaluating a proposal submitted by the City Council as a referendum is broad and results in a formal recommendation by that body in reply to the City Council regarding its proposed amendment. Ultimately, the statute empowers the City Council to determine whether its proposed amendment or a substitute offered by the Charter Commission is referred to voters or if no amendment is pursued; however, those actions are dependent upon and are subsequent to the recommendation by the Charter Commission.

¹ Minn. Stat. §§ 410.07, 410.16, 410.18, 410.19, and 410.20

² See Op. Atty. Gen., 58c, July 5, 1968 and Op. Atty. Gen., 58-C, May 7, 1946.

AMENDMENT BY BALLOT

Unless a question is authorized by law to be submitted to the voters, it cannot be placed on a ballot. The requirements in the enabling legislation must be met first before a ballot question may be submitted. As stated in Minn. Stat. 205.10, subd. 5, a ballot question may not be submitted to the electorate unless all statutory requirements and deadlines are satisfied; however, failure to satisfy these statutory requirements does not prohibit the same question from being submitted at a future election, assuming these requirements can then be met.

Pursuant to Minn. Stat. 410.12, subd. 1, any proposed charter amendment to be submitted to the electorate as a ballot question must be submitted no later than seventeen (17) weeks prior to the date of the general election. Pursuant to Minn. Stat. 205.16, subd. 4, the City Clerk is required to give written notice to the County Auditor no less than 74 days prior to any municipal election, which notice must include the date of the election, the offices to be voted on at the election, and the title and language for each ballot question to be submitted to the electorate. This roughly equates to ten weeks before the scheduled date of any election. In addition to this statutory timeline, additional time is needed to enable the Charter Commission and/or City Council to complete their duties with respect to a proposal ballot question, which includes additional notice and publication requirements as well as timetabling of public meetings and/or hearings.

The Office of City Clerk is responsible for preparing a submission timeline for charter amendments each year.



Procedures for a Ballot Question initiated by the Charter Commission

Option 1A from the chart on page 2

1. Generate a proposal

The Charter Commission may itself generate proposals or entertain proposals to amend the charter from outside sources, and may consult the Mayor, City Council, City departments, or others about ideas for amendments. Once an idea is generated, regardless of the source, the Charter Commission works with the Office of City Attorney to capture the proposal in the form of a written draft. The Charter Commission may find it expedient to delegate the initial work of framing and developing the draft proposal to a small work group composed of its members, which is authorized under the Commission's rules (Rule 4).

2. File the formal proposal for a charter amendment

Under its own rules (Rule 5.1), a proposal to amend the charter must be filed with the Charter Commission at least three business days prior to the scheduled meeting at which time the proposal is to be formally introduced to meet agenda production and publication deadlines. Filing is made by submitting the proposal to the Charter Commission Coordinator, in the Office of City Clerk. Any proposal not submitted within this timeframe may be deferred to a later meeting. Under its rules (Rule 5.2), the Charter Commission will consider a non-petition amendment proposal for submission to the electorate if submitted prior to and in time for its regular meeting in June, provided all statutory deadlines and related requirements are met. The filing must include—at minimum—a draft of the proposed amendment, approved by the City Attorney, clearly showing the proposed change(s) according to drafting standards established by the Office of City Clerk (*see* LEGISLATIVE DRAFTING MANUAL). The Charter Commission Coordinator will include the proposed amendment as an item of new business to the agenda for the next meeting after receipt, which constitutes “notice” for such purposes as may be required. The Charter Commission's rules infer that the proposal should be submitted in the form of a resolution, which would incorporate the text of the proposed change(s) to the charter (*see* Rule 5.1 and 5.3).

3. Set a public hearing

At the next regular meeting after notice of a proposed charter amendment is filed (*see above*), the Charter Commission may take up and discuss the proposal, or it may defer or continue discussion to its next scheduled meeting thereafter (Rule 5.1). After the filing is made and notice has been given, the Charter Commission must act to set the date and time for a public hearing on the proposed amendment, as required under its rules. Such action must carry by a majority of the Commissioners present and voting at the meeting.

4. Conduct a public hearing

On the date and time set by its own action, subject to applicable noticing requirements, the Charter Commission must conduct a public hearing on the proposed charter amendment (Rule 5.1). The requirement for a public hearing may be waived by a two-thirds (2/3) affirmative vote of those Commissioners present and voting. After the public hearing is adjourned, the Charter Commission may, by a majority vote of those Commissioners present and voting, approve and adopt the proposed charter amendment (by resolution).

5. Transmit proposed amendment to the City Council

The Charter Commission Chair (or Vice-Chair, if necessary) formally submits the approved charter amendment, under cover letter, to the City Council by filing it with the City Clerk. The City Clerk prepares a legislative file of the subject matter, submits the proposed amendment to the Mayor and City Council, and adds the item to the agenda as an item of new business for the next regular meeting of the City Council. Under this scenario, the authority of the City Council is limited to determining the ballot language to be submitted to the electorate, assuming the subject is proper as an amendment to the City Charter.

6. Refer to standing policy committee of the City Council for review

Following its standard legislative process, the City Council, at its regular meeting, refers the matter of the proposed charter amendment to its standing policy committee with jurisdiction over charter amendments; this is traditionally the Intergovernmental Relations (IGR) Committee. Based on that referral, the City Clerk adds the matter to the agenda for the next regular meeting of the policy committee.

7. Action by policy committee and its recommendation

Consistent with the City Council's standard legislative process, the policy committee of reference receives the proposed charter amendment. The policy committee is tasked with preparing ballot language that will be submitted to the electorate, with the advice of the City Attorney, as provided under Minn. Stat. 410.12, subd. 4. The ballot language must clearly identify the amendment and distinguish it from every other question on the ballot at the same election. Once the policy committee finalizes its recommended ballot language, it is forwarded to the full City Council for its consideration at its next regular meeting.

8. Adopt ballot language

When it receives the recommendation of its policy committee, the City Council acts to finalize and approve the ballot language to be submitted to the electorate. This act is made in the form of a resolution and is subject to the normal legislative process defined in the City Charter (*see* Charter, Section 4.4). The City Council may not refuse to submit the proposed amendment and may not change the amendment itself as long as the proposal is constitutional (that is, the question itself is proper as an amendment to the City Charter). However, the City Council does not need to submit a proposed charter amendment deemed unconstitutional or a proposed charter amendment that violates federal or state law.

9. Action by the Mayor

Pursuant to City Charter Section 4.4(c), the Council's act is subject to the approval or disapproval of the Mayor. Here, the Mayor is approving (of disapproving) the ballot language adopted by the City Council, not the underlying question itself (the proposed amendment).

A. If the act is approved by the Mayor

If approving the act, the Mayor gives the affirmative indication and signs it, and it is returned to the City Clerk.

B. If the act is disapproved (vetoed) by the Mayor

If disapproving the act, the Mayor returns it to the City Clerk with the Mayor's objections in writing. The Mayor's veto is subject to an override by a two-thirds vote of the fixed membership of the full City Council at its next regular meeting (thus, a minimum of nine (9) votes are required to override the Mayor's veto). If the City Council overrides the Mayor's veto, then the act becomes effective notwithstanding the Mayor's veto.

C. If the act is neither approved or disapproved by the Mayor

If the Mayor neither approves or disapproves the act, it is returned unsigned to the City Clerk and is "deemed approved" and becomes effective notwithstanding no action on the part of the Mayor.

10. Submit question to electorate at general election, or call for special election

The proposed amendment must be submitted as a ballot question at the next general election if held within six (6) months of the date transmitted to the City Council, pursuant to Minn. Stat. 410.10; otherwise, the City Council must call a special election for that purpose in accordance with the uniform special election dates established pursuant to Minn. Stat. 205.10, subd. 3a.

11. Public notice of ballot question

Pursuant to Minn. Stat. 410.10, subd. 2, notice of the election must be published once each week in the two weeks prior to the election in a newspaper having a regular circulation of at least 25,000 subscribers. The published notice must contain the full text of the proposed amendment and the actual ballot language approved by the City Council.

12. Election

Pursuant to Minn. 410.12, subd. 4, passage of the ballot question requires the affirmative votes of at least fifty-one (51) percent of those casting a vote on the amendment, or fifty-five (55) percent if the amendment concerns the sale of intoxicating liquor or wine, as provided under Minn. Stat. 410.121. Between the third and tenth day after the election, the City Council—in its capacity as the municipal canvassing board pursuant to Minn. Stat. 205.185, subd. 3—must meet to canvass and to certify the results of the election.

13. Effective date

Assuming the required vote threshold is achieved and the proposal is adopted, the charter amendment becomes legally effective thirty (30) days after the date of the election, unless the amendment itself provides for a later effective date.

14. File and codify adopted amendment

The City Clerk arranges for the adopted charter amendment to be codified. The City Clerk must also file certified copies of the adopted charter amendment with the County Recorder and the Office of Secretary of State, pursuant to Minn. Stat. 410.11.



Procedures for a Ballot Question initiated by Citizen Petition

Option 2 from the chart on page 2

Any group of at least five electors (registered voters) may propose an amendment, in the form of a petition, after securing the signatures of the requisite number of registered voters who support the proposal. The Charter Commission oversees this process. Voters interested in sponsoring a petition for a charter amendment are advised to seek legal guidance to ensure their efforts comply with the requirements of law.

1. Petition by voters

Registered voters may petition for an amendment to the City Charter, pursuant to Minn. Stat. 410.12, subd. 2 and 3. Any such petition to amend the city charter must be carried by a “committee of petitioners” consisting of at least five electors (registered voters) of the city whose names and addresses must appear on each page of the petition [Minn. Stat. 410.12, subd. 2]. The committee of petitioners is responsible for the circulation and filing of the petition. To be valid, a petition must: (1) be uniform in character; (2) include the full text of the proposed charter amendment; and (3) be signed by a minimum number of registered voters equal to 5 percent of the total votes cast at the previous state general election in the city.

A. Petition language (or summary)

A petition to amend the city charter must include the full text of the proposed amendment. However, if the proposed amendment exceeds 1,000 words, then a summary providing the “substance and nature” of the proposed amendment of between 50 and 300 words may be used in lieu of the entire text; provided, that the summary must first be approved by the Charter Commission before the summary is circulated as part of any petition. If the entire text of a proposed amendment exceeds 1,000 words, then the committee of petitioners must submit both the full text of its proposed amendment together with a proposed summary to the Charter Commission for its review and approval, by filing with the Office of City Clerk. Petitioners are advised to contact the Office of City Clerk in advance to coordinate the filing date to align with the Charter Commission’s regular meeting schedule; otherwise, the Charter Commission Chair may need to call a special meeting to address the matter.

The Charter Commission has up to 10 days after filing to either approve the draft summary provided by the committee of petitioners or to provide its own summary of the proposed amendment that sufficiently provides the “substance and nature” of the proposal to be included on the petition; specifically, the summary must be sufficient to inform signers of the petition as to what change is to be achieved as a result of the amendment. The Charter Commission Chair may appoint a subcommittee, pursuant to the Charter Commission rules (Rule 4.1), to examine the petition and to prepare (or edit/refine) summary language consistent with the provisions of Minn. Stat. 410.12, subd. 1. Within 10 days after receipt of the filing, the Charter Commission shall act by a majority of its members to approve the summary statement and shall thereafter return to the committee of petitioners the proposed amendment and the summary in its final form as approved by the Charter Commission.

The committee of petitioners must file a true and correct copy of the entire text of the proposed amendment and, if necessary, the final approved summary if the proposed amendment exceeds 1,000 words with the Office of City Clerk.

B. Signatures required

Each petition to amend the city charter must be signed by a minimum number of registered voters that is equal to no less than 5 percent of the total votes cast at the previous state general election in the city, pursuant to Minn. Stat. 410.10, subd. 1. This number is set by state statute and cannot be altered by an amendment to the city charter, see A.G. Op. 59a-11 (Dec. 30, 1981). Signatures must be made in ink or indelible pencil; electronic signatures are not allowed and will not be counted. “Registered voters” are defined as persons registered to vote under their current name at their current address in Minneapolis at the time of signing the petition. An address using a post office box is invalid. The Office of City Clerk calculates the minimum number of signatories required and includes this information as part of its annual submission timeline for charter amendments.

C. Papers assembled as single petition

Affidavit of the circulator

A petition may be submitted as an assembled packet of multiple papers; provided, that each separate page of any such petition shall have attached to it: (1) the full text of the proposed amendment or the approved summary thereof as approved by the Charter Commission; (2) an affidavit of the circulator of the petition and (3) the names and addresses of the committee of petitioners. In addition to the foregoing, each page of the petition, as assembled, must be uniform in construction; that is, each page should provide the same number of signatory lines for petitioners. Each petitioner’s signature must be made in ink or indelible pencil and must indicate after the signature the signer’s place of residence by street and number, or other description sufficient to identify the place of residence.

Pursuant to Minn. Stat. 410.12, subd. 2, the affidavit attached to each petition page shall be as follows:

State of	
County of	
..... being duly sworn, deposes and says that the affiant, and the affiant only, personally circulated the foregoing paper, that all the signatures appended thereto were made in the affiant's presence, and that the affiant believes them to be the genuine signatures of the persons whose names they purport to be.	
Signed	
(Signature of Circulator)	
Subscribed and sworn to before me	
this day of	
Notary Public (or other officer authorized to administer oaths)	

The foregoing affidavit shall be strictly construed and any affiant convicted of swearing falsely as regards any particular thereof shall be punishable in accordance with existing law.

2. File and verify petition

In all cases, a ballot question submitting a proposed amendment to the city charter must be submitted no later than seventeen (17) weeks before the date of the general election, pursuant to Minn. Stat. 410.12, subd. 1; thus, the final date for a committee of petitioners to submit a proposed charter amendment would be early July in any year when a regular general election is scheduled to be conducted in November, aligned with the normal election cycle. To ensure sufficient time for the required filing, verification, noticing, public hearing, and approval of ballot language, the submission date for petitions is generally May 1 each year, reflected on the submission timeline published annually by the Office of City Clerk.

A. Filing of petition proposing charter amendment Transmittal to the City Council

In accordance with the Charter Commission's rules (Rule 6.2), a petition proposing an amendment to the city charter is deemed to be filed when it is received by the Office of City Clerk on behalf of the Charter Commission, as provided under Minn. Stat. 410.12, subd. 3. Pursuant to the statute, the entire petition is to be assembled and filed as one petition.

The committee of petitioners should contact the Office of City Clerk to arrange for the filing at a date and time which accommodates the schedule of the Charter Commission. Under the Charter Commission's rules (Rule 5.1), any such proposal should be filed at least three business days prior to a regularly scheduled meeting of the Charter Commission to accommodate agenda production and publication. If there is no regular meeting scheduled within 10 days of filing, then the Charter Commission Chair must call a special meeting for the purpose of acting on the matter. Given this timeline, petitioners are advised to file proposals for charter amendments no later than the final week in April of any year when a general election is scheduled to occur in November. This provides a sufficient window for administrative processing in the months of May and June before final action would be required for a ballot question in July, prior to the general election in November, in accordance with the minimum seventeen (17) weeks prior to the date of the general election, pursuant to Minn. Stat. 410.12, subd. 1.

At its meeting, the Charter Commission shall act by a majority vote of those commissioners in attendance, assuming a quorum, to transmit the petition to the City Council. The Charter Commission Chair (or Vice-Chair, if necessary) formally submits the petition proposing a charter amendment, under cover letter, to the City Council by filing with the Office of City Clerk. The City Clerk then prepares a legislative file of the subject matter, submits the proposed amendment to the Mayor and City Council, and adds the item to the agenda as an item of new business for the next regular meeting of the City Council.

B. Verification

Referral to standing policy committee for review

Upon receipt of a petition proposing to amend the city charter via referendum, the Office of City Clerk shall undertake a verification of the entire petition as required under Minn. Stat. 410.12, subd. 3, to assure the entire review is completed within the 10-day period, which may or may not align with the Council's regular calendar. To the extent practicable, the City Clerk should report the results of the verification to the appropriate standing policy committee designated by the City Council, which may necessitate the calling of a special meeting if the regular calendar is insufficient to meet the statutory timeframe. The verification must ensure each page of the petition is properly attested and signed by the requisite number of registered voters.

Concurrently as the City Clerk undertakes the verification process, the City Council will refer the petition proposing a charter amendment to its standing policy committee with subject-matter jurisdiction; this is traditionally the Intergovernmental Relations (IGR) Committee. Based on that referral, the City Clerk adds the matter to the agenda for the next regular meeting of the policy committee. Consistent with the foregoing paragraph, the City Clerk should be prepared to report the results of the clerk's verification.

Within prescribed statutory timelines, it can take upwards of one month to review and verify an original petition, cure any defects through supplemental filings, complete subsequent verification, and complete the final certification on sufficiency of a petition; thus, an original filing made in time for the regular meeting of the Charter Commission in May would take through approximately the first part of June.

- (1) *Petition verified sufficient.* If the City Clerk finds the petition sufficient to satisfy the statutory requirements, it shall be certified as such to the City Council, through the appropriate standing policy committee so designated, if possible.

- (2) *Petition verified insufficient.* If the City Clerk finds the petition insufficient to satisfy the statutory requirements, the City Clerk shall identify the details or particulars of any defects in a certificate presented to the City Council, through the standing policy committee so designated, if possible. At the same time, the City Clerk shall notify the committee of petitioners of these findings. The committee of petitions then has an additional period of up to 10 days after the City Clerk certifies the original petition as being insufficient to satisfy the statutory requirements to cure the petition; that is, within the additional 10-day period, the committee of petitioners may file supplemental pages to address any of the identified defects certified by the City Clerk. All supplemental pages must be filed with the Office of City Clerk as with the original petition. At the end of the 10-day supplemental period, the City Clerk shall determine if the amended petition is sufficient to satisfy the statutory requirements; if so, the City Clerk shall certify the same to the City Council through the appropriate standing policy committee designated by the City Council, which may necessitate the calling of a special meeting if the regular calendar of meetings is insufficient to meet the statutory timeframe. If the amended petition remains insufficient to satisfy the statutory requirements, it is deemed to fail. The finding of any petition being insufficient does not prejudice the filing of a new petition for the same proposal.

3. Action by policy committee and its recommendation

If the petition is certified sufficient to satisfy statutory requirements, and consistent with the City Council's standard legislative process, the standing policy committee of reference is tasked with preparing ballot language that will be submitted to the electorate, with the advice of the City Attorney, as provided under Minn. Stat. 410.12, subd. 4. The ballot language must clearly identify the amendment and distinguish it from every other question on the ballot.

4. Adopt ballot language

When it receives the recommendation of its policy committee, the City Council acts to approve the language of the ballot question to be submitted to the electorate. This act is made in the form of a resolution and is subject to the normal legislative process defined in the City Charter (see Charter, Section 4.4). The City Council may not refuse to submit the proposed amendment and may not change the amendment itself as long as the proposal is constitutional. However, the City Council does not need to submit a proposed charter amendment deemed to be unconstitutional or a proposed charter amendment that violates federal or state law.

5. Action by the Mayor

Pursuant to City Charter Section 4.4(c), the Council's act is subject to the approval or disapproval of the Mayor. Here, the Mayor is approving (of disapproving) the ballot language adopted by the City Council, not the underlying question itself (the proposed amendment).

A. If the act is approved by the Mayor

If approving the act, the Mayor gives the affirmative indication and signs it, and it is returned to the City Clerk.

B. If the act is disapproved (vetoed) by the Mayor

If disapproving the act, the Mayor returns it to the City Clerk with the Mayor's objections in writing. The Mayor's veto is subject to an override by a two-thirds vote of the fixed membership of the full City Council at its next regular meeting (thus, a minimum of nine (9) votes are required to override the Mayor's veto). If the City Council overrides the Mayor's veto, then the act becomes effective notwithstanding the Mayor's veto.

C. If the act is neither approved or disapproved by the Mayor

If the Mayor neither approves or disapproves the act, it is returned unsigned to the City Clerk and is "deemed approved" and becomes effective notwithstanding no action on the part of the Mayor.

6. Submit question to electorate at general election, or call for special election

The proposed amendment must be submitted as a ballot question at the next general election if one is to be held within six (6) months of the date that it was transmitted by the Charter Commission to the City Council, as stipulated under Minn. Stat. 410.10; otherwise, if there is not a general election within that six (6) month period, the City Council must call a special election for that purpose to be held in accordance with the uniform dates for special elections established pursuant to Minn. Stat. 205.10, subd. 3a.

7. Public notice of ballot question

Pursuant to Minn. Stat. 410.10, subd. 2, notice of the election must be published once each week in the two weeks prior to the election in a newspaper having a regular circulation of at least 25,000 subscribers. The published notice

must contain the full text of the proposed charter amendment and the actual ballot language approved by the City Council.

8. Election

Pursuant to Minn. 410.12, subd. 4, passage of the ballot question requires the affirmative votes of at least fifty-one (51) percent of those casting a vote on the amendment, or fifty-five (55) percent if the amendment concerns the sale of intoxicating liquor or wine, as provided under Minn. Stat. 410.121. Between the third and tenth day after the election, the City Council—in its capacity as the municipal canvassing board pursuant to Minn. Stat. 205.185, subd. 3—must meet to canvass and to certify the results of the election.

9. Effective date

Assuming the required vote threshold is achieved and the proposal is adopted, the charter amendment becomes legally effective thirty (30) days after the date of the election, unless the amendment itself provides for a later effective date.

10. File and codify adopted amendment

The City Clerk arranges for the adopted charter amendment to be codified. The City Clerk must also file certified copies of the adopted charter amendment with the County Recorder and the Office of Secretary of State, pursuant to Minn. Stat. 410.11.



Procedures for a Ballot Question initiated by the City Council

Option 3 from the chart on page 2

The City Council may by ordinance propose an amendment to the city charter to be referred to the electorate pursuant to Minn. Stat. 410.12, subd. 5. Any such proposed referendum must be submitted first to the Charter Commission for its review and consideration, and the Charter Commission may approve or reject the proposal, or offer a substitute proposal of its own design. Pursuant to Minn. Stat. 410.12, subd. 1, any such proposal to amend the charter by referendum must be submitted no later than seventeen (17) weeks prior to the date of the general election.

1. Generate a proposal

Like the Charter Commission, the City Council may initiate proposals to amend the charter. Once an idea is generated, the Council Member(s) authoring the proposal tasks the City Attorney with preparing a formal draft of an amendment, in the form of an ordinance, for formal introduction according to the standard legislative process.

2. Notice of Ordinance Introduction

Introduction, First Reading & Referral

When the draft is ready, and consistent with the City’s standard legislative process, notice of intent to introduce the ordinance is given by the Council Member(s) authoring the proposal at a regular meeting of the City Council under the order of *Notice of Ordinance Introductions*. At the next regular meeting of the full City Council, the matter is formally introduced, given its first of two required readings under the City Charter [see City Charter, Section 4.4(b)], and referred to the standing policy committee with subject-matter jurisdiction. Traditionally, the Intergovernmental Relations Committee has been designated as having subject-matter jurisdiction over all matters pertaining to the City Charter and/or Charter Commission.

3. Set a public hearing

At its meeting, the standing policy committee sets the date and time of a public hearing on the proposal.

A. Standard process

The standard process assumes that a draft of the ordinance (proposed amendment) is ready and available to policymakers and the public at the City Council meeting when formal introduction, first reading, and referral are made—

- (1) After formal introduction, the City Council refers the draft ordinance (proposed charter amendment) to the standing policy committee having subject-matter jurisdiction;
- (2) At its next regular meeting, the standing policy committee of reference sets the date and time of the public hearing on the ordinance (proposed amendment);
- (3) At the date and time set by the committee, a public hearing is conducted on the ordinance (proposed amendment).

B. Typical process

It is rare for a draft ordinance to be ready for publication in time for formal introduction and referral to the standing policy committee having subject-matter jurisdiction. In the more frequent scenario where a formal draft is not yet prepared, the more typical process is—

- (1) After formal introduction, the City Council refers the *subject matter* of an ordinance (proposed charter amendment), which is not yet drafted, to the standing policy committee having subject-matter jurisdiction;
- (2) At its next regular meeting, the standing policy committee of reference refers the proposal to staff to have an ordinance drafted and returned to the committee;
- (3) Once the draft ordinance is prepared, the committee sets the date and time of the public hearing on the ordinance (proposed amendment);
- (4) At the date and time set by the committee, a public hearing is conducted on the ordinance (proposed amendment).

C. Expedited process

In the exceptionally rare case where a draft ordinance is prepared and available with the agenda for the meeting where formal introduction is made and first reading given, the City Council may, at that time, also act to set the date and time of a public hearing on the ordinance (proposed amendment) by the standing policy committee of reference in the next cycle. This expedited process has the effect of significantly reducing the publicity of the proposal, notice to the community, and the potential for engagement and participation by those who may support or oppose the ordinance. It is not a recommended process, but is available to meet extraordinary circumstances.

4. Conduct public hearing

On the date and time set by its own action or by action of the City Council, subject to all applicable noticing requirements, the standing policy committee of reference conducts a public hearing on the ordinance (proposed amendment).

5. Transmit proposed amendment to City Council

The standing policy committee transmits its recommendation on the ordinance to the full City Council for its consideration.

6. Refer proposal to Charter Commission

If the City Council chooses to continue the process, it then refers the ordinance to the Charter Commission for its review and consideration, as required under Minn. Stat. 410.12, subd. 5. The transmittal is usually accomplished under cover letter from the City Clerk.

7. Deliberation and action by Charter Commission

At its next regular meeting, the Charter Commission takes up the proposed ordinance.

A. Review timeline

Pursuant to Minn. Stat. 410.12, subd. 5, the Charter Commission may take up to sixty (60) days to consider the proposal, and may extend that timeline for an additional ninety (90) days, for a total of not to exceed one hundred fifty (150) days to review and consider the proposed charter amendment. If the Charter Commission needs to extend the timeline for its consideration beyond the initial 60-day period, it may do so by formal action carried on a majority vote of its members, informing the City Clerk of the ninety (90) day extension, and the City Clerk then informs the Mayor and City Council of the extended timeline to be taken by the Charter Commission to complete its consideration of the proposed charter amendment.

B. Response

Pursuant to the provisions of Minn. Stat. 410.12, subd. 5, the Charter Commission may take one of three actions on any charter amendment proposed by the City Council as a referendum; these are:

- (1) Approve the proposed amendment submitted by the City Council (with no changes in the draft ordinance);
- (2) Reject the proposed amendment submitted by the City Council (with no changes in the draft ordinance); or
- (3) Submit a substitute amendment of its own design to be considered by the City Council in place of the original proposal.

The response from the Charter Commission is generally made in the form of a written report transmitted by its Chair which includes, in addition to the formal recommendation, a synopsis of the reasoning for the action by the Charter Commission and any background information that may be helpful in explaining its position. The Charter

Commission submits its response to the proposed charter amendment referred by the City Council by filing its report in writing with the City Clerk before the statutory timeline has expired.

C. Delegation of evaluation

The Charter Commission Chair may appoint a subcommittee, pursuant to the Charter Commission's rules (Rule 4.1), to examine the proposed amendment from City Council; such subcommittee may be tasked with preparing (or editing/refining) a response from the Charter Commission, which may include the responsibility for drafting an alternate proposal to submit to the City Council, as allowed under the statute.

D. Public hearing on proposed amendment

Under the Charter Commission's rules (Rule 5.1), any proposal to amend the charter must be subject to a public hearing, unless the Charter Commission by a two-thirds vote of those present waive that requirement for a hearing. Because the Council's standing policy committee has already conducted a public hearing on the proposal, the Charter Commission may opt to waive this requirement, upon the required vote threshold. The Charter Commission may conduct its own public hearing on the proposal to help inform its consideration of the proposed amendment to the city charter.

8. Action by City Council

Upon receiving the report of the Charter Commission, the City Council, following the standard legislative process, and according to the required vote threshold, must determine what action to take, which may include:

A. Refer its original amendment proposal to the electorate as a ballot question

The City Council may proceed to refer to the electorate its original proposal to amend the city charter as a ballot question. In this instance, the process continues with the adoption of the specific language to be referred to the electorate in the form of a ballot question, which is accomplished through the adoption of a resolution (*see* subsection D below).

B. Refer the substitute proposal offered by the Charter Commission to the electorate as a ballot question

The City Council may proceed to refer to the electorate as a ballot question the substitute proposal to amend the city charter offered by the Charter Commission, in place of its original proposal. This action terminates further consideration of the original proposal, which is replaced entirely by the substitute from the Charter Commission. In this instance, the process then continues with the adoption of the specific language to be referred to the electorate in the form of a ballot question, which is accomplished through the adoption of a resolution (*see* subsection D below).

C. Return the proposal to author, under the City Council rules, thereby expiring the proposal without prejudice.

The City Council may return its original proposal to author, as provided under Council Rule IX., Section 7, which has the effect of terminating further consideration of the matter. However, the same or similar proposal to amend the city charter may be introduced—which initiates an entirely new process—at a later time.

D. Adopt ballot language

If the policy committee of reference will submit a favorable response on the proposed amendment, as described in either subsection A or B above), then the committee also needs to submit its recommended language for the question to be submitted to the electorate, as provided under Minn. Stat. 410.12, subd. 4. The language of a ballot question is always adopted in the form of a resolution of the City Council and is subject to the normal legislative process defined in the City Charter (*see* Charter, Section 4.4). This parallel action may necessitate additional referrals between the City Council and its policy committee(s) before a resolution is finalized, working in conjunction with the City Attorney, and submitted for formal adoption by the full City Council.

9. Action by the Mayor

Pursuant to City Charter Section 4.4(c), the Council's act is subject to the approval or disapproval of the Mayor. Here the Mayor is considering two official acts of the City Council—

- First, the ordinance that presents the proposed amendment (the substantive issue); and
- Second, the resolution that presents the language of the ballot question.

The Mayor must consider whether to approve (or disapprove) both the substantive policy question (the ordinance) as well as the ballot language (the resolution). These are separate but related official acts.

A. If the acts are approved by the Mayor

If approving the act(s), the Mayor gives the affirmative indication and signs it, and it is returned to the City Clerk.

B. If the act(s) are disapproved (vetoed) by the Mayor

If disapproving the act(s), the Mayor returns it(them) to the City Clerk with the Mayor's objections in writing. The Mayor's veto is subject to an override by a two-thirds vote of the fixed membership of the full City Council at its next regular meeting (thus, a minimum of nine (9) votes are required to override the Mayor's veto). If the City Council overrides the Mayor's veto, then the act(s) becomes effective notwithstanding the Mayor's veto.

C. If the act(s) are neither approved or disapproved by the Mayor

If the Mayor neither approves or disapproves the act(s), it(them) is(are) returned unsigned to the City Clerk and is "deemed approved" and becomes effective notwithstanding no action on the part of the Mayor.

10. Submit question to electorate at general election, or call for special election

The proposed amendment must be submitted as a ballot question at the next general election if one is to be held within six (6) months of the date that it was transmitted by the Charter Commission to the City Council, as stipulated under Minn. Stat. 410.10; otherwise, if there is not a general election within that six (6) month period, the City Council must call a special election for that purpose to be held in accordance with the uniform dates for special elections pursuant to Minn. Stat. 205.10, subd. 3a.

11. Public notice of ballot question

Pursuant to Minn. Stat. 410.10, subd. 2, notice of the election must be published once each week in the two weeks prior to the election in a newspaper having a regular circulation of at least 25,000 subscribers. The published notice must contain the full text of the proposed charter amendment and the actual ballot language approved by the City Council.

12. Election

Pursuant to Minn. 410.12, subd. 4, passage of the ballot question requires the affirmative votes of at least fifty-one (51) percent of those casting a vote on the amendment, or fifty-five (55) percent if the amendment concerns the sale of intoxicating liquor or wine, as provided under Minn. Stat. 410.121. Between the third and tenth day after the election, the City Council—in its capacity as the municipal canvassing board pursuant to Minn. Stat. 205.185, subd. 3—must meet to canvass and to certify the results of the election.

13. Effective date

Assuming the required vote threshold is achieved and the proposal is adopted, the charter amendment becomes legally effective thirty (30) days after the date of the election, unless the amendment itself provides for a later effective date.

14. File and codify adopted amendment

The City Clerk arranges for the adopted charter amendment to be codified. The City Clerk must also file certified copies of the adopted charter amendment with the County Recorder and the Office of Secretary of State, pursuant to Minn. Stat. 410.11.

AMENDMENT BY ORDINANCE

Options 1B and 4 from the chart on page 2

Pursuant to Minn. Stat. 410.12, subd. 7, the city charter may be amended by ordinance, which is an alternative that is intended to address administrative changes, often referred to as “housekeeping amendments” because they are most frequently non-controversial and address topics dealing with the internal operations of the City government. Because this method of amendment bypasses the electorate, there are additional conditions required; these include—

- An affirmative recommendation by the Charter Commission that the proposed charter amendment is appropriate to be made by ordinance, rather than submitting the matter to voters;
- The affirmative vote of the entire fixed membership of the City Council and the approval of the Mayor; and
- A sixty (60) day protest period following enactment, followed by the usual thirty (30) day effective date period that is the same for amendments made by referendum.

The effect of this statutory protest period means any amendment by ordinance could be subject to a referendum; thus, both the subject matter and timing for any such amendments proposed by ordinance should be carefully considered and, in every case, must be aligned with the potential timing for a regular and/or special election, should a protest petition be filed and found to be sufficient pursuant to the statute (subd. 7).

A proposed amendment to be enacted by ordinance may be initiated by either the Charter Commission or the City Council; in either case, the statutory timelines and processing details begin when the Charter Commission submits its recommendation on the proposal to the City Council. This is often referred to as “starting the clock,” and the overall timeline and specific deadlines are closely monitored by the Office of City Clerk. The consultation and collaborative efforts between the Charter Commission and the City Council which may take place prior to the submission of a formal recommendation by the Charter Commission are not addressed here, as they do not fall under the statutory framework for considering amendments to the city charter. Those interactions would, however, remain subject to applicable laws, such as the Minnesota Government Data Practices Act (Chapter 13), the Minnesota Open Meeting Law (Chapter 13D), the adopted procedural rules of both bodies, and any applicable City policies and procedures, for example. Questions or concerns about these matters should be referred to the Office of City Clerk and/or Office of City Attorney.

1. Generate a proposal

Regardless of the source for the proposed amendment, once the idea is developed, it is the customary practice for either the Charter Commission or the City Council (whichever body is taking the lead in the initiative) to develop the details in the form of a draft ordinance, which is prepared by the Office of City Attorney. Here again, if the Charter Commission is taking the lead, it is often expedient to delegate the initial work of framing and developing the proposal to a small work group of its members, which is authorized under the Commission’s rules (Rule 4).

2. Notice of Ordinance Introduction

Introduction, First Reading & Referral

When a draft ordinance containing the details of the proposed amendment is ready, and consistent with the City’s standard legislative process, notice of intent to introduce the ordinance is given by the Council Member(s) authoring the proposal. This notice is given at a regular meeting of the City Council under the order of *Notice of Ordinance Introductions*. At the next regular meeting of the full City Council, the matter is formally introduced, given its first of two required readings under the City Charter [see City Charter, Section 4.4(b)], and referred to the standing policy committee with subject-matter jurisdiction. Traditionally, the City Council has designated the Intergovernmental Relations Committee as having subject-matter jurisdiction over all matters pertaining to the City Charter and/or Charter Commission.

3. Setting the date of a public hearing

Submission to the Charter Commission

At its meeting, the committee of reference sets a date and time for the conduct of a public hearing on the proposed charter amendment. This public hearing should be deliberately timed to occur *after* the Charter Commission has considered and returned its recommendation on the proposal (see *below*). When the matter is received by the committee of reference, the matter is referred to staff where it remains pending until the Charter Commission completes its review and submits its recommendation. Thus, at the same time this reference is made to the standing policy committee having subject-matter jurisdiction, the City Council also refers the proposal to the Charter Commission for its consideration. This dual-track sequencing helps to expedite the overall process and corresponding timelines.

4. Recommendation by the Charter Commission

Under its rules (Rule 5.1), a proposal to amend the charter must be filed with the Charter Commission Coordinator (in the Office of City Clerk); this filing should occur at least three business days prior to the scheduled meeting at which time the proposal is to be formally introduced to meet agenda production and publication deadlines. Any proposal not submitted within this timeframe may be deferred to a later meeting. Once the idea for a charter amendment has been prepared as a formal draft (*see above*), it must be submitted to the Charter Commission according to this filing procedure. The Charter Commission Coordinator will include the proposed amendment as an item of new business to the agenda for the next meeting after receipt, which constitutes “notice” for such purposes as may be required.

The Charter Commission Rules do not require a public hearing on a proposed amendment by ordinance; however, if the Charter Commission chooses, it may set and conduct a public hearing on the proposal. The statute requires that the Charter Commission submit its favorable recommendation on any proposal to amend the city charter by enactment of an ordinance. The Charter Commission’s recommendation is generally made in the form of a written report transmitted by its Chair which includes, in addition to the formal recommendation, a synopsis of the reasoning for the action by the Charter Commission and any background information that may be helpful in explaining its position. The Charter Commission submits its recommendation to the City Council by filing its report in writing with the City Clerk.

NOTE: The statutory “time clock” begins when the Charter Commission files its report (recommendation) with the City Clerk. Final action on the proposed amendment must be taken no later than a total of three (3) months of that date; thus, this sequencing between the City Council and the Charter Commission must be carefully coordinated.

5. Transmit proposed amendment to the City Council

The Charter Commission Chair (or Vice-Chair, if necessary) formally submits the Commission’s recommendation on the proposed charter amendment, under cover letter, to the City Council by filing it with the City Clerk, which starts the statutory clock for when final action must be taken (*see above*). The City Clerk submits the Charter Commission’s recommendation to the Mayor and City Council, and adds the item to the existing legislative file which has already been referred to the standing policy committee having subject-matter jurisdiction. Notice of the date and time of a public hearing on the proposed ordinance must be published within one (1) month of receiving the Charter Commission’s recommendation.

6. Conduct public hearing

On the date set by its own action, the standing policy committee of reference (traditionally the Intergovernmental Relations Committee) conducts a public hearing on the proposed charter amendment. Because the matter had already been referred to it, the policy committee acts to set the date and time of the hearing within the timeframe allowed by state law. Under the statute, this public hearing must be conducted at least two (2) weeks and not more than one (1) month after the notice of the public hearing is published. After the public is adjourned, the committee formulates a recommendation to submit to the full City Council on the ordinance.

7. Transmit proposed amendment to the City Council

The standing policy committee of reference transmits its recommendation on the ordinance to the full City Council for its consideration. Under the statutory timeline, the City Council must vote on the proposed charter amendment ordinance within one month of the public hearing.

8. Action by City Council

Unanimous affirmative vote of the entire fixed membership required

Upon receiving the recommendation of its standing committee, the City Council, following the standard legislative process, and according to the required vote threshold, must take final action to take on the ordinance (proposed charter amendment). Because an amendment enacted by ordinance bypasses the electorate, passage requires the affirmative vote of the entire fixed membership of the City Council; that is, thirteen (13) affirmative votes are needed to enact the amendment by ordinance.

9. Action by the Mayor

Pursuant to City Charter Section 4.4(c), the Council’s official act must be submitted for consideration by the Mayor and is subject to the Mayor’s approval or veto. Again, because this method of amendment bypasses the electorate, the Mayor may either approve and sign the ordinance or veto it and return it to the City Clerk with the Mayor’s objections in writing.

SPECIAL NOTE: Because of the statutory requirement that an amendment by ordinance must be enacted with the unanimous vote of the entire membership of the City Council and the approval of the Mayor, there is no provision which would enable the City Council to override a Mayoral veto in this situation. If the Mayor vetoes the ordinance, the measure fails. Similarly, the Mayor may not allow the ordinance to become effective without taking affirmative action (“deemed approve”), because the statute clearly states that the enactment of an amendment by ordinance requires the unanimous affirmative vote of the entire membership of the City Council and the approval of the Mayor (the statutory presumption is that the Council and Mayor both take formal action).

10. Publication

Protest period

If the ordinance is enacted, it must be published in the City’s legal newspaper, consistent with the City’s standard legislative process. The date of publication begins a sixty (60) day protest period during which time a petition requesting a referendum on the ordinance may be filed with the Office of City Clerk. To be valid, the petition must be signed by at least five (5) percent of the registered voters in the city or 2,000 registered voters, whichever is less. If the petition is found to be sufficient, then the ordinance does not become effective and is subject to a referendum where it may be approved by the voters (similar to amendments by ballot).

11. Effective date

Assuming the required vote threshold is achieved and the amendment enacted, and no protest petition is filed or, if filed, is insufficient, then the ordinance is passed and becomes legally effective thirty (30) days after the termination of the sixty (60) day protest period, for a total of ninety (90) days after publication, unless the ordinance itself provides for a later effective date.

12. File and codify adopted amendment

The City Clerk arranges for the adopted charter amendment to be codified. The City Clerk must also file certified copies of the adopted charter amendment with the County Recorder and the Office of Secretary of State, pursuant to Minn. Stat. 410.11.

City of Brooklyn Park

CHARTER COMMISSION Attachments

Agenda Item No.:	7.1A	Meeting Date:	November 10, 2021
Prepared by:	Devin Montero	Presented By:	Dennis Secara, Chair

Attachments:

7.1A RESPONSE FROM CITY ATTORNEY

From: Thomson, James J. <jthomson@Kennedy-Graven.com>
To: dasecara@aol.com <dasecara@aol.com>
Cc: devin.montero@brooklynpark.org <devin.montero@brooklynpark.org>
Sent: Mon, Oct 25, 2021 7:57 am
Subject: RE: Police Scorecard Task force for Brooklyn Park

Chair Secara,

Sorry for the delay in getting back to you on this.

Section 2.02 of the Charter grants authority to the City Council to establish boards and commissions to advise the Council with respect to any municipal function or activity. That being the case, no action by the Charter Commission would be necessary if the City Council ultimately determined that this task force should become a permanent commission of the City.

FYI – a commission can also be established by an amendment to the City Charter. For example, Section 9.04 establishes CLIC.

Let me know if you need anything else on this.

Jim

James J. Thomson
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From: dasecara@aol.com <dasecara@aol.com>
Sent: Thursday, September 9, 2021 2:32 PM
To: Thomson, James J. <jthomson@Kennedy-Graven.com>
Cc: devin.montero@brooklynpark.org
Subject: Police Scorecard Task force for Brooklyn Park

Dear Mr. Thomson

The Charter Commission reviewed the Wilder Foundation Report findings as part of its discussion of Police Reform and Accountability in Brooklyn Park. The city will be forming a task force to oversee the police scorecard as recommended by Wilder. The scope and duration of this task force is subject to change. Commissioners are interested in knowing if a charter amendment is necessary to authorize such a body were it to assume a permanent status. Any guidance on this issue would be greatly appreciated.

Thank you
Dennis Secara
Chair, Brooklyn Park City Charter Commission