

Brooklyn Park Charter Commission Meeting Minutes Wednesday, February 8, 2023, 7:00 p.m.

1. Call to Order/Roll Call

Chair Dennis Secara called the meeting to order at 7:00 p.m.

Present: Commissioners Sunday Alabi, Barbara Bor, Amy Hanson, Adam Hunt, Dennis Secara, LaDawn Severin, Scott Simmons, Gregory Szach, Council Liaison Nichole Klonowski and Staff Liaison Montero.

Absent: Commissioners Beatrice Otieno, Susan Mabera, (excused) David Williams (excused)

2. Public Comment-None.

3. Additions/Approval of the Agenda of February 8, 2023

Motion Chair Secara, Seconded by Commissioner Alabi to approve the agenda as submitted. Motion carried unanimously.

4. Approval of Minutes

4.1 JUNE 8, 2022, MEETING

Motion Secara, Seconded by Commissioner Severin to approve the June 8, 2022 meeting minutes as presented. The Motion carried unanimously.

4.2 SEPTEMBER 14, 2022 MEETING

Motion Secara, Seconded by Commissioner Hunt to approve the September 14, 2022 meeting minutes as presented. The Motion carried unanimously.

4.3 OCTOBER 12, 2022, MEETING

Motion Secara, Seconded by Commissioner Bor to approve the October 12, 2022 meeting minutes as presented. The Motion carried unanimously.

4.4 NOVEMBER 9, 2022, MEETING

Motion Secara, Seconded by Commissioner Alabi to approve the November 9, 2022 meeting minutes as presented. The Motion carried unanimously.

4.5 DECEMBER 14, 2022, MEETING

Motion Secara, Seconded by Commissioner Severin to approve the December 14, 2022 meeting minutes as presented. The Motion carried. Commissioner Alabi abstained.

5. Old Business

5.1 Election of Officers

Chair Secara stated the election of officers were for the ones they didn't elect at the last meeting, First Vice Chair, Second Vice Chair and Secretary/Treasurer.

He opened the nominations for Secretary/Treasurer.

Commissioner Alabi nominated Commissioner Hanson as Secretary/Treasurer. There were no other nominations. **The vote on Commissioner Hanson as Secretary/Treasurer carried unanimously.**

Chair Secara and Commissioners asked Commissioner Bor if she would like to continue to serve as First Vice Chair. Commissioner Bor stated she would like to continue to serve as the First Vice Chair. **The vote on Commissioner Bor as First Vice Chair carried unanimously.**

Chair Secara stated Commissioner Mabera was not present to see if she would like to continue to serve as Second Vice Chair.

Commissioner Hanson suggested Chair Secara or the Staff Liaison to contact Commissioner Mabera if she was attending the meeting and interested in the Second Vice Chair position so they could close the elections next month.

Motion Chair Secara, seconded by Commissioner Hanson to table the election of Second Vice Chair to the March meeting. The motion carried unanimously.

6. Reports of Officers, Boards, and Standing Committees
6.1 Council Liaison Klonowski Update on Council Actions

Council Liaison Klonowski stated on the EDA side, the small business center was accepting Applications and would be open by May 23. She stated the council was still discussing the official newspaper issue and researching other options. She stated they were also discussing another potential Sister City with Udu, Nigeria. He council interviewed applicants for Commissions and would be appointed the next council meeting. She stated one of the areas they were looking was the hard water issue. She stated they continually were hearing from residents about the hard water issues and was an expensive undertaking. She stated they were investigating a regional approach, doing it locally and what all the costs would look like. She stated it had been discussed since the 1990s. She stated the hard water had doubled in its hardness levels, from 17-37 and didn't know if it would hit a cap or continue to increase in hardness and when it would happen. She stated they were working with some engineering firms to do that.

Commissioner Severin asked where they were getting the water from and if from the river.

Council Liaison Klonowski stated the city had aquifers and wells. She stated the river was one of the options they were looking at and were risks from taking it from the river, expensive to run the pipes. She stated the majority of the aquifers were very hard. She stated there a few areas in the northwest that were less hard but low producing water. She stated it was a lot of looking into but worth investigating.

Commissioner Bor asked about the engineering firms, if there would be an assessment of the water with hardness what the costs were to the homeowner, building owner over time. She asked if that was part of the consideration.

Council Liaison Klonowski stated they had been asking about the financial impact from residents from inaction if they continued to do nothing to soften the water from a physical standpoint because it did impact people's skin and hair and also how it was impacting the infrastructure of the city and homeowners.

Chair Secara stated State Senator Pha was trying to sponsor some legislation to steer some money to the city to build a treatment plant or some type of solution the problem at the state level. He asked if there had been any contact with Senator Pha.

Council Liaison Klonowski stated that was good to know she was working on it and would reach out to her.

She stated the light rail was at Phase 2 with the potential ride being on 2028. She stated they were in the environmental phase again, environmental design and looking at the stations in the city and hadn't been fully funded and still a lot of work to do.

7. New Business

7.1 Amendment for Charter Section 2.06

Commissioner Simmons stated the city attorney did the statutory research and found out there was a statutory preemption on their ability to do what they wanted to the Charter. He stated what he was going to proposed to the Charter, if their district changed and no longer reside in the district, then they would have to see reelection and automatically trigger an election for that ward.

He stated one of the fundamental requirements of the democracy that said a person had to live in the district where they legislate from. To be a resident of the district they represented. He stated Minnesota law had an anomaly that only municipalities in wards allow you to continue to be an elected member of that body even though they no longer reside in that district. He stated state senators by constitution had to run in the year ending in "2" no matter what and then had 4 year cycles. He stated that was constitutionally required for senators and every other office we could find was required that they had to live in the district they represented except for cities that had wards. He stated Minneapolis was carved out as an exception such that Minneapolis has to run, in 2010, the redistricting law 205.84 was amended so Minneapolis had to have their council members run again if their wards changed by a threshold percentage in population change. He stated Representative Kahn put that in 2010 and why they saw a number of Minneapolis wards up for election this year, in the year ending "3" because of redistricting. He stated the city was stuck with it, because it was not Minneapolis and not a first class city of over 100,000 in population. He stated they were not able to change the Charter and statutorily preempted from doing it and couldn't go forward on what he wanted to propose. He stated they couldn't do anything to the past and was proactive and would have been for 2032 and still had eight and half years to figure it out if they wanted to change the state law for the city and make sure it didn't happen again by having an elected member live in a district that was not their district.

Commissioner Simmons stated he would cross it off the work plan.

7.2 Strong Mayor Vs. City Manager – Report by Commissioner Severin

Chair Secara stated the Commissioners received a copy of Commissioner Severin's email sent to the city manager and there had been a response. He stated Commissioner Severin would give a summary.

Commissioner Severin stated she sent 14 questions to the city manager and city clerk and had a lot to do with what kind of accountability or interface was there between elected officials and hired people in the city and who had more power. She stated that was what they were trying to get to the bottom of with the two structures. She stated the strong mayor structure sounded like for large cities, were about a third of large cities that did strong mayor and two thirds of the cities had what the city had the blend of the city manager and the council with the mayor. In the documents she provided, she stated the pink shaded areas represented council power and the yellow represented

city manager power and thought it was a good blend.

She briefed from a document:

“The city manager shall be the chief administrative officer of the city. Is appointed by the city council” She stated the council appointed the city manager but also the city attorney and were the two they hired and fired. She stated from there, the city manager hires department heads and have seven different departments, two were interior, Finance and Administration Department and five exterior departments, police, fire, operations and maintenance, recreation and parks, and community development.

She stated the council had the power to hire and fire two people, city manager and city attorney. The city manager, the seven departments, would hire and fire those seven department directors. She stated those department directors, like a pyramid, had supervisors. She stated that answered #1 of her email .

She stated question #2 had to do with performance reviews and metrics. She stated she didn't find a lot of metrics but in the (Employee Handbook) Section 4, page 7, a section called performance evaluations. She stated the city's goal was to conduct the performance review for each regular and fulltime employee once per year. Everything from people teaching swimming lessons all the way to bigger positions. She stated there was a Section Titled, Employee Behavior. In the middle of question #2, she asked about the employees performing well, and there was a lot of different things, from appearance, dressing professionally to how they were using their breaks, if they were being respectful to other employees.

Commissioner Alabi stated he understood about the goal but didn't preclude them and they way he read it was that they still had the latitude of doing more than one but still had to do the minimum of one and that was the goal.

Commissioner Severin stated the other items for #2 was the closest things she could find to metrics was Section 4, page 8, which showed a grid of variety of things in an employees file. Things like education and previous work experience, when they started working, if there are complaints about them, gotten any honors or awards. She stated they weren't necessarily metrics but was data they were keeping on employees.

Commissioner Simmons asked if Commissioner Severin found employee reviews that showed a consistent method of evaluations too compare similar items on an annual basis across time or was it arbitrary or discretionary.

Commissioner Severin stated she should have dug deeper in Human Resources, as she felt they had documents related to it so they were not coming up with new things all the time. The employees would know what their accountabilities and expectations were.

Commissioner Simmons stated when he was an employer and responsible for employee reviews used the same instrument annually as a base line against which to measure performance.

Council Liaison Klonowski stated the council did the annual review for the city manager as the attorney is the consultant. She asked if his performance was reviewed by the city manager.

Staff Liaison Montero stated the city attorney was hired by contract and if the council was not satisfied by the performance they would not renew the contract when it was due for renewal.

Commissioner Severin stated the city Charter Section 7.08, said, *“there shall be a city attorney,*

whose qualifications shall be determined by the city council and whose appointment and removal shall be at the discretion of the city council.” She stated it sounded like they could remove the attorney in the middle of a four year contract.

Commissioner Severin moved on to Question #3, *“where is the best place to find the actual job descriptions and job requirements for the city manager and other city staff positions?”* She stated Human Resources had all the jobs online and were different places to post them.

Question #4, *“Does BP have one main “employee handbook” or “code of conduct” type document that applies to all staff.”* Commissioner Severin stated the city had a handbook and as she provided parts of it tonight. She stated there were a lot of code of conduct flavored items in the handbook.

Question #5, *Similarly, does BP have one main “Code of Conduct” type document that applies to all elected officials?”* She stated the council had the “Elected Officials Rules of Procedures and Code of Conduct. She referenced parts of the document related to respect, contact with city employees.

Question #6, *“What is the protocol for open job postings?”* She referred to the handouts provided, Section 4, (employee handbook), Hiring Guidelines, “position vacancies are published by posting announcements at city hall of official bulletin boards, media sources, and any other manner Human Resources deems advisable.” She stated it looked like they were trying to get the word out there and keep it as an open opportunity for anyone.

Question #7, *“Does Brooklyn Park have Affirmative Action requirements in writing that affect its hiring or bidding on projects or anything similar to that concept? If, so do they come from the state or did they originate with our city council or elsewhere? If not, is there more “unofficial “ or “unwritten but encouraged “ influence toward what some call “equity” in hiring? If so, where does that influence originate?”* She stated it sounded like the city didn’t do affirmative action but very strong wording of equal employment opportunities in Section 7 (employee handbook), Equal employment of Policy. She stated in the Purchasing Manual, related to buying items or hiring people, how to get the bids, and were different thresholds. If it was a big project or under \$2,000, there was a chart and the special things needed to be done to get the bids, the bigger the project, the more rules there are about how and why the need to get the bids. She stated in the Purchasing Manual there was a section, “Minority People, People of Color and Women owned business development” and she read the language related to contracts, bids and proposals.

Question #8, *“What is the protocol for gathering bids for building, art, or improvement projects in the city budget?”* She stated there were many regulations on how the city got bids in the Purchasing Manual.

Question #9, *With your birds-eye view of the inner workings of this city, do you see any areas in which accountability is flimsy and certain departments or sections of our bureaucracy could “go rogue” in a sense and pursue their own personal preferences in public policy and not have any accountability or checks-and-balances to reign them in?* She read the response from the City Manager.

“No, that’s very unlikely. Most policy related items go before the City Council or EDA for approval. From an administrative standpoint, we have weekly leadership team meetings in addition to 1:1 direct report meetings weekly or bi-weekly. Departments are also asked to develop annual work plans. In addition, there is an annual joint elected and staff leadership retreat each year to discuss citywide priorities. Annually, departments share key performance measures and identify strategic priorities and organizational challenges that are shared with Council as part of the annual budget process.”

Question #10, *Does the City Manager or any of their colleagues have any power individually or collectively to keep the Council accountable?* She stated the only thing she found in Section 8.1 of the Code of Conduct, "Accountability Consequences". She stated there were three consequences the council or mayor would have to go through, Admonishment, Reprimand or Censure. She stated none of the actions removed the council. She stated the only way they would be removed if they broke the law.

Council Liaison Klonowski stated there was a high threshold where the citizens could remove a council member and in the city Charter on the procedures.

Commissioner Severin stated the other item was if they violated the travel policy and that was in the Purchasing Manual. She stated there were rules when a council member travels and if they violated them there were consequences.

Question #11, *Phrased in another way, if there were to be complaints or suspicions of misconduct by a Mayor or Councilmember (our elected officials), is there anything the public or a staff member could do to reign them in or give them a meaningful consequence?* Commissioner Severin read the reply from the City Manager and City Clerk:

"See the Rules of Procedure and Code of Conduct Manual for the process. The public or a staff member can always bring forward concerns relative to the Elected Officials Code of Conduct process. The process is designed to appropriately address any type of issue, whether that is potentially criminal in nature to minor in nature. An additional meaningful consequence by the public, if the elected official seeks reelection, is that the voters could choose not to reelect them."

Question #12, *On the flip side, if there were to be complaints or suspicions of misconduct by a city staff member, is there anything the public or elected officials could do to reign them in or give them a meaningful consequence?* Commissioner Severin referred to the Employee Handbook, Section 7, Accountability, "each supervisor and director is responsible for the implementation of this policy within their department. They will periodically review this policy with their own employees to reinforce disrespectful behavior is considered an form of employee misconduct and discipline will be enforced against those. They will encourage individuals who have been the recipient of disrespectful behavior to report such incidents to either Human Resources or their directors, supervisor or the city manager. They will cooperate with the investigation of disrespectful behavior and monitor the workplace.

Question #13, *Who decides what gets placed on the agenda for each City Council meeting - how does the timing of that whole process work and who is responsible for it?* Commissioner Severin stated the city clerk and city manager prepared the agenda. Upon the request of two council members the city manager will add the item to the agenda. She stated the council members can also spontaneously add something to the agenda if they get a majority of the council to agree to it.

Question #14, *Lastly, it is my understanding that in our current form of government here in BP, the City Council and Mayor are elected to set policy and overall budget limits for the city, and the City Manager and teams of staff are hired to work out the logistical needs of the city while abiding within those policies and parameters. That is probably grossly oversimplified...what am I missing and what am I mistaken about?* She stated the city manager and city clerk said yes to the question.

Commissioner Severin stated the first packet provided was most helpful to show a visual representation of trying to have checks and balances type of environment in the structure of the city. She stated that even when the city manager hired the directors, they all had to be approved,

because the Charter said the council had to approve everyone of those hired.

Commissioner Simmons asked after the research and feedback was done, was there anything she felt incomplete or inadequacies in the responses she got that would require a next step or further evaluation and asked what would be the recommendation after she received the feedback.

Commissioner Severin stated the only gap she noticed was the smaller employees, the ones that aren't noticed. What if they were doing something inappropriate and what was the recourse for it. Did it have to come from their supervisors, giving them a reprimand or firing them or could someone make a complaint.

Staff Liaison Montero stated it would go through the chain of command with in the city and had to be reported if there were inappropriate things being done by an employee.

Commissioner Severin stated with Council Member Morson's concerns he was a council member but was also a person that lived in the city and he could make a complaint if he wanted to and was really concerned that some staff person was not fit.

Staff Liaison Montero stated if a concerned resident complained about an employee at the front desk, staffs would have to act on the complaint and would go to Human Resources and City Manager.

Commissioner Severin stated from reviewing the documents and seeing the majority of cities did have the city's structure rather than a strong mayor structure, felt it was well established and functioning. She stated especially if people knew it as she didn't know about it and hadn't looked into it. If the council member realized the power they had and the staff understand where they came in and felt it was well balanced. She stated she would recommend the Commissioner done with the conversation and didn't see a need to go to strong mayor form of government. She stated it could be a lot by looking at the magnitude of the handbooks, manuals and the jobs the staff was doing and felt why elect a mayor who is a beloved mayor but wouldn't know if he knew how to do those things and hire all those people.

Chair Secara asked what Council Member Morson's original concern was.

Commissioner Severin stated his description was.

"City government restructure with mayor operated control". "Revisit, review and adopt the structure and operations of a strong mayor council government operation versus our current city manager operated city structure." Consider replacing the current operating structure and adopting an up to date and deserving mayor council government operation for the city of our size and population."

Commissioner Hunt stated the Commissioners revisited and reviewed his request.

Chair Secara stated the Commissioner revisited and reviewed and determined the checks and balances did exist. The Commissioners found no need to recommend a change in the structure of city government.

Commissioner Alabi stated he didn't think Council Member Morson has read the Charter. He stated he remember asking him about reading the Purchasing manual and he didn't. Commissioner Alabi asked what the driver was for all his proposals. His only concern he had was, the Commissioners spent a lot of time on whatever the flavor of the month or time topic and didn't think they would have done the research and work for just doing it and enjoying the settings. He

thought they were setting a bad precedent. He asked if they were afraid what he would say in public to tell him the proposal didn't make sense. He stated Commissioner Severin spent a lot of time on the research and Council Member Morson had not even read the city Charter. Council Member Moron wanted to change something and didn't know what the Charter currently had. He stated he had not read the Purchasing manual and wanted to change it and put things in place that probably was governed by state law on purchasing. He stated the Commissioners spent too much time trying to deal with the proposals and the Commissioners didn't have anything to add to it.

He stated the Commissioner spent a lot of time on it and didn't think they would of done everything they did on it if another person from the public made those proposals. He suggested formalizing a process on how the Commissioners would take and have guidelines when someone sends a petition with proposals to maintain consistency when dealing with those issues.

Commissioner Bor asked if they needed to do bullets in terms of all of the documents that were brought in so it had real substance to his questions. She stated she also heard in Commissioner Severin's presentation that it was an understood process, the people within, whether the purchasing document or HR, how it flowed on a chart and understood. She stated Commissioner Severin was asked about gaps or deficiencies and was not apparent, but listing the references she reviewed and consulted on would be important. She stated it could be brief and could say what the Commission did related to his proposals. She stated it would bring closure to it.

Chair Secara stated he would be delivering the annual report on February 27 and would mention Commissioner Severin's work to bring it to closure.

7.3 Charter Commission 2022 Annual Report

The Commissioners reviewed the annual report of the activities done in 2022.

Chair Secara stated he will give the annual verbal report to the Council at the February 27 meeting. He stated he would cover ranked choice voting, redistricting an equal representation, proposed Charter amendments by Council Member Morson and also talk about the strong mayor versus the city manager positions.

Motion Commissioner Hanson, Seconded by Chair Secara to approve the draft Charter Commission 202 annual report as presented. The motion carried unanimously.

8. Correspondence/Communications

8.1 Updated Bylaws

The Commissioners reviewed the bylaws.

Chair Secara stated Commissioner Alabi mentioned it tonight and brought up before they needed clarity on the process on how things came to the Charter Commission's attention and how they took them on or not to take them on. He stated that would fall under the by-laws. He asked if the Commissioners wanted to think about because there were ways things could come to the Charter Commission's attention, the council could bring it through the Council Liaison or Staff Liaison; individual Commissioners could raise issues; and individual citizens could petition the Charter Commissioners and that process should be clarified as how a citizen contacts the city and how they could get something to the Charter Commission.

Commissioner Hanson stated they should also think about council members too. She stated

council member Morson came to the Charter Commission with a list of items and asked how the Commission decided they were going to look into those items or do something with those items and to have it in the by-laws.

Discussions were held on adding guidelines and process when a citizen, council or council member submits a proposal to change the city Charter. She asked if they make a motion and vote on it when it came to the Commission to put it on the work plan or on an agenda for further discussion and think about what the wording would look like.

Commissioner Alabi stated they also needed to be clear as to what was in their purview the can actually do something about or what was needed to be sent back to the council because that was outside the scope of the Charter Commission's work. He stated whatever guideline they are going to create needed to focus on what was within the scope allowed to do.

Commissioner Bor asked if it was a citizen coming forward to the Commissioners or was it a council member. She stated when they did the oath amendment, they asked if the council had been involved in the discussions on it and they answer was no and bypassed the council and opportunity to get input before asking the Commissioners to deal with it. She stated those were the things they needed to talk about on what is the expectation of the election official and the process.

Commissioner Hunt stated a normal citizen would know what was in the Commission and should own it, such as a criteria tree, when a request came in, was it Charter issue, yes or no. If it was no, the Commissioners didn't take it up. If it was yes, there was the next question, did it go to a vote or not, or refer it to the appropriate office or had it been considered by the council. He thought there was easy criteria to put into place to establish a fair and equitable process for incoming request so they were not showing preference or spending a lot of time on someone based on the incoming request was a citizen. He asked if there was any special requests from the elected officials.

Chair Secara stated that was another issue and did they want to avoid being someone's personal legislative Commission and stated he made it clear on one or more occasions the Charter Commission was not a legislative body and an advisory body. He stated another thing to consider was should they only take up issues the council has looked at and would avoid a scenario like the oath of office, coming to the Commissioner's attention before the council had looked at it or knew about it. He asked if they should stated if it was something the council had looked at and had asked the Commission's advice on or was a council member looking to bypass the council and if they were it cant be done anyway. He stated if they didn't have the votes to bring it up at a council work session, that was too bad. He stated if they wanted to bring it to the council they should build support for it. He stated that should be made clear to the citizens too make it clear to everyone the Charter Commission was an advisory body. He stated as a Commission, the would discussion everything that came to their attention and decide if it they wanted to do something about it, was within the Commission's purview and what they could do about it if anything. He stated it was the process on how things came to the Commission and what they were seeking advice on and not they want to change this and that. He suggested taking it to the council first to get them to make the change and if the council wanted advice on it they Commissioners would consider it. He thought that would be the process by only taking things from the council that had been discussed by the council. He didn't know if that could be limited to that process, but the resident should be going not the council representative first, the council discussing it and bring it to the Commission if necessary.

Commissioner Hanson stated they needed to focus on things that were truly an issue. She gave an example of the city manager not getting a review, why he didn't get it and how the Charter

Commission could change the Charter to make it happen. She stated whether it came from the council or a citizen, it should be something that was an issue and be able to vet it out and look beyond the paperwork and emails, the hypotheticals or dreams to change the Charter. She stated there was nothing wrong in saying, “thank you for the feedback, we would like a month to digest the information” and then the next month have a vote on whether to do something with it or not.

Commissioner Simmons stated he believed that everyone who came the Commissions doorstep was treated equally regardless of their title or position in the community. He stated if they had an idea that affected the Charter they had just as much standing in front of the Commission as the council member did independently. He stated there was a difference between a council member acting as a council member then it should be brought up; if the council wants to speak up as a body, it took four, and did that on the compensation issue and that was how it came to the Commission. He stated to say that the council member independently get a higher standing than a citizen or lesser standing because they had to go through a different channel he was not onboard with it. He stated they were a citizen to be on the council and had just as much standing as a citizen to go before the Commission and not a different path. Once the got before the Commission they were not treated differently because they were an elected member. If they wanted to be treated differently, they should go to the council first. He stated he also didn't like the idea of seeking action from the council before it came to the Commission and was not how it was supposed to work. He believed everyone should be treated equally if at the Commissions doorstep.

Commissioner Bor also stated if the request was an issue, was valid, and something that was going not warrant how much hours of work on it and wanted to make sure it had some substance to it and fit within the Charter.

9. Adjournment

Motion Chair Secara, Seconded by Commissioner Hunt to adjourn the meeting. The motion carried unanimously.

The meeting adjourned at 8:15 p.m.

Respectfully submitted,

Devin Montero, Staff Liaison