

Brooklyn Park Charter Commission Meeting Minutes Wednesday, January 11, 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, Amy Hanson, Susan Maberera, Beatrice Otieno,, Dennis Secara, LaDawn Severin, Scott Simmons, Gregory Szach, David Williams, Council Liaison Nichole Klonowski and Staff Liaison Montero; city attorney Jim Thomson.

Absent: Commissioners Barbara Bor (excused), Adam Hunt (excused)

2. Public Comment-None.

3. Additions/Approval of the Agenda of January 11, 2023

Motion Chair Secara, Second Commissioner Hanson to approve the agenda as presented. Motion carried unanimously.

- 3. Approval of Minutes
 - 3.1 FEBRUARY 9, 2022 REGULAR MEETING

Motion Commissioner Alabi, second Commissioner Williams to approve the February 9, 2022 minutes as presented. Motion carried unanimously.

- 3.2 FEBRUARY 19, 2022 SPECIAL MEETING

Motion Chair Secara, second Commissioner Alabi to approve the February 19, 2022 minutes as presented. Motion carried unanimously.

- 3.3 FEBRUARY 24, 2022 SPECIAL MEETING

Motion Commissioner Alabi, second Chair Secara to approve the February 2022 minutes as presented. Motion carried unanimously.

4. Old Business

4.1 City Charter Appendix

Chair Secara briefed the Commissioners on the proposed city Charter appendix. He stated in discussions with the city attorney, an ordinance would be required.

City Attorney Thomson stated as he understood what Commissioner Williams was trying to accomplish, to put some of the sections that didn't apply anymore because it already happened into an appendix. He stated there was no appendix to the Charter and checked other cities, Minnetonka, Plymouth and Brooklyn Center and they had an appendix and all were different. Minnetonka's was very extensive and used to show the history of various Charter amendments. In the Brooklyn Park's city Charter, the history was shown right after each section, as shown with a parenthetical, saying it was amended by ordinance number and effective date. He stated if the Commissioners felt it was better to take out sections and put them in an appendix

it could be done. He stated in any case, it was safer to do it by an ordinance, because, one of the sections was taking out an entire section, Section 2.03 and moving it from one place to another and would require an ordinance because it was amending the Charter. He stated if the goal of the Commissioners was to streamline the Charter and put everything in an appendix, they could do it. He stated the draft provided had an old provision and was not sure if that's what they were trying to accomplish, by having all of the old provisions or wanted the appendix to say, "here is the history". He stated Minnetonka showed theirs chronologically and went back to the date the Charter was enacted and then a chronological history of all of the amendments. His recommendation if they were going to do it was to go all the way back to the beginning and not start now because they didn't have a partial history and wanted the entire history. He stated it would take a lot of staff time to get that done.

Staff Liaison Montero asked if it would be going back to 1969 and listing only the ordinance amendments.

City Attorney Thomson stated it would be all amendments and some were amended by the voters. He stated if what they were trying to accomplish was to have a convenient place for someone to go, a one stop shop and look at all of the changes to the Charter since 1969, suggested starting in 1969 or could say Charter amended beginning in 2023 and would be less administrative hassles to it.

Commissioner Williams stated it was based on a comment from a citizen to him, who incorrectly read the Charter during the voting and saw the old language from 1969, related to a two year to a four-year term and questioned it. He stated he looked at the Charter to find it and read the Charter many times to find out what was going on. He stated it was the city's constitution and would like to see it plain as possible. He stated he didn't want to forget those sections because it was part of the Charter at one time. By putting them in an appendix and the ordinances, would show the changes to those sections. He asked how long it would take if they really wanted to find out why something was change and find those ordinances. He stated he would be in favor if not the full ordinance, some synopsis, of the ordinance number and what that change was so they had a history of the sections of the Charter.

Commissioner Severin stated the parenthetical statement seemed it was the history.

City Attorney Thomson stated the parenthetical section didn't tell what the amendment was and only said there was an amendment. He stated not all appendixes went as far as what Commissioner Williams was talking about. He stated some just had the history, when it was amended, and thought Minnetonka had another column and summary of what the amendment did.

Commissioner Severin stated every time there was a vague parenthetical statement, they had to go and find the information.

City Attorney gave an example, for Section 10.06, there was a parenthetical, amended by ordinance 1999-911, and they would have to go back and look at that ordinance to see what it did. He stated there was not another parenthetical that said what the amendment did and was the source document.

Commissioner Alabi stated they would have to rely on someone doing the summaries and going back to research and asked if there was a middle point to achieve what Commissioner Williams was trying to get to. He stated right now, they would have to look at the ordinance number and go and find it and asked how that would be different with an appendix. He asked about the Brooklyn Center appendix.

City Attorney thought it was just a chronological list and instead of having to go to each section would have it done chronologically but had the same information as the Brooklyn Park Charter, amended by ordinance number. He stated it was chronological by date and not in order of each section of the Charter. He thought Minnetonka and Plymouth had chronological and one of them had a cross reference and a summary of what each amendment did. He stated if there was a consensus to move in that direction, they might get a copy of a couple of Charters and look at the appendixes.

Commissioner Simmons asked the staff liaison if the ordinances were digitized or going way back it was on paper.

Staff Liaison Montero stated it was all on paper and not digitized.

Commissioner Simmons didn't recall having the conversation of doing a complete chronological history of every Charter change by ordinance from 1969 forward. His understanding was moving obsolete, inactive provisions out of the main text into some other appendix or format. He stated if that was the only issue, if all they saw was a caption and a title without text, asked why it would that be an ordinance requirement to limit the risk and what was the risk of not doing an ordinance.

City Attorney Thomson stated there was a suggestion to eliminate Section 2.03.

Commissioner Simmons stated that was not a good example because not all of it was obsolete. He used Section 4.03 that didn't have text associated with it because it was repealed. He asked why an ordinance would be needed to move a repealed section into an appendix.

City Attorney Thomson stated it probable didn't but there were two types of things going on, one, was to change section 2.03 of the Charter by deleting a paragraph, and that was a change. He stated they didn't have to put it in an appendix and could just change it. he stated he didn't know why they would take that paragraph out of the Charter and create an appendix that says the exact same thing. He thought the role of the appendix was to have a history of the changes and not the substance of each. He stated that would require an ordinance.

He stated on Section 10.04, it was not being changed and only moving it and agreed an ordinance was not needed to take it out of the Charter and put it in an appendix and not changing the Charter. He stated it could be safer doing it by ordinance because someone could challenge it later by saying it was not done by an ordinance and not valid. He stated there was no harm because it didn't exist anymore.

Chair Secara clarified what sections did not have text beyond the parentheticals, "amended by an ordinance number" and was safe to move to an appendix. He stated Section 4.02 and 2.03 which were being deleted because it contained language that was no longer relevant or necessary would require an ordinance.

Commissioner Simmons asked what their goal was. To do chronological historical work on the history of the Brooklyn Park Charter and put that in a new section so someone who wanted to do a historical research could see every time the city made a change. He suggested a law intern at a lower rate of pay than the city clerk to do that work. He didn't know what the goal was after hearing from the city attorney.

Commissioner Williams stated the goal came down to two things, one, to make the Charter clearer to citizens. He thought it should be a living document that a citizen could pick up with a minimum amount of work, second, that history was valuable and should know why the section was taken

out two years ago and thought it was relevant. He stated it would take a lot of work and wanted to improve the document. He was glad to hear there were other cities taking that action and the city needed to take that route too. He stated it would be a project that would take resources and whether to invest in those resources was another question but should go down the path of looking at the Charter, looking at what the resources would be and what other appendixes looked like.

Commissioner Simmons stated Commissioner Williams added another layer about the “why”, and was not talked about, why something happened. He stated they were talking about the “what” and the “when” but the “why” was another piece of research, audio tapes, and minutes. He stated he wanted to be careful if they were going to get into that issue, the Commissioners knew what they were getting into.

Commissioner Williams stated he didn’t say “why”, the Charter was changed because of a political issue, or whatnot. He stated it was historical data that it was changed on a date and didn’t want to get into the “why” of the changes.

Commissioner Alabi stated they needed to go back to the “why”, and what they were trying to accomplish because his recollection was, they were going to remove obsolete sections to an appendix and now moved away from that and anytime there was a change in addition to the things that were obsolete. He asked for clarification on what direction they were going to go on the issue.

Chair Secara stated he understood that Section 4.03 and 11.05 and others like it, would be in the appendix and there would be a notation explaining what. Such as, Section 10.04 repealed by ordinance #1996-539A, effective November 20, 1996. He stated it was repealed and asked if there should be a sentence or two explaining what was repealed and why.

Commissioner Alabi asked what they were trying to do and understood what Chair Secara said, but thought when they started was moving obsolete sections and asked if they were expanding on it, when things changed and when they became obsolete were moved to the appendix.

Commissioner Severin suggested the first step as the original intent which, was streamline the document, make it user friendly and creating a simple appendix of items already found by Commissioner Williams. She stated it would be a data entry job and not urgent and could go from there if they wanted to investment more resources to go deeper.

Staff Liaison Montero stated he kept a running list of Charter changes by section but not chronological. He stated he could update it to show a chronological order if needed.

Commissioner Williams asked if the ordinances that changed the Charter sections were available. If someone wanted to look at the different ordinances that changed the sections, how would they become available.

Staff Liaison Montero stated he would have to retrieve them from the vault and were in record boxes.

Chair Secara clarified they didn’t want to the add to the appendix the documentation for each ordinances that changed the Charter because it was possible to have a document larger than the Charter. He stated if they wanted the appendix to be a list of ordinances that amended the Charter, they would be looking at a book larger than the Charter and didn’t want that.

Commissioner Williams was in favor of it but would go along with the Commissioner Severin’s suggested to start with the obsolete sections. He stated he would be in favor to improve the document in a controlled fashion toward getting all the changes to the Charter over the years in

an appendix. He stated that would be a project to work on over the years. He stated other cities were doing it and the Charter serving almost 100,000 people and thought it should be complete.

Chair Secara stated it would involve time and resources and would have to be maintained on an ongoing basis.

City Attorney Thomson thought the issue of whether they wanted to delete obsolete provisions in the Charter was a freestanding decision they could make without dealing with an appendix at the same time. He stated they didn't have to do a new appendix just because they were deleting obsolete provisions and thought they could get that goal accomplished. He stated they could go on to the appendix issue, if all they wanted to do was to have the amendments organized chronologically, didn't know how big of a task that would be because all of the sections already had a chronology in them but was not organized chronologically but by sections of the Charter. He stated it would take some time but what they would have was a chronological list and the ordinance that did it and if someone wanted to look at it chronologically that's the place they could go. He stated that would take a lot less time than adding what the amendment did.

Commissioner Severin stated they didn't want to delete things, they wanted to have an appendix because they didn't want people, and gave an example, "what happened to Section 7.06 is this numbered wrong" and didn't want to renumber anything. She stated they wanted to move sections that confused people, didn't belong there, and moved to the appendix. The numbering would remain and not renumbered.

City attorney Thomson stated if they were doing it the way they always did it, referred to Section 4.03, adopt an ordinance, deleting those two paragraphs, from that section, it would pass by ordinance, and when going to that section, it would have a new parenthetical, "amended by ordinance 2023-xx" on a date". He stated the history would still be there but what was in that section and the language wouldn't be there. If they thought about changing the procedure and every time a Charter provision was changed, would substantively put that change in the appendix. He thought they would have to think that through. He suggested the Commissioners look at the other appendixes from other cities that might give the Commissioners an idea of which one they liked that accomplishes what they wanted. He stated they were from Brooklyn Center, Minnetonka and Plymouth could be others too.

Motion Commissioner Williams to table the item tonight and move to looking at a few municipalities' appendixes including the ordinance list maintained by the City Clerk and add it to the work plan and look at it again once they reviewed those other appendixes.

Commissioner Williams stated he didn't think it would be different from what they had, he referred to Section 10.04, and it said that section was repealed, and showed the ordinance and could look that up now. He asked what they were trying to do that was different.

He stated that was why he asked the staff liaison about the ordinances. He stated they were in the vault, and retrieving that ordinance, required going to the city, setting up an appointment to review the ordinance. He stated it needed to be updated to the 21st century.

Commissioner Alabi asked if the appendix was easily accessible today.

Commissioner Williams stated the ordinances that had changed the sections were not accessible, in a vault and hard to find.

Chair Secara asked if someone wanted to find out or read the actual amending ordinance they would have to go to the city and meet with the city clerk and provide that information versus if a

person was looking through the Charter, looked at Section 10.06, being repealed by an ordinance and wanted to look up that ordinance to see why it was repealed. He stated they would go to the back of the Charter to the ordinance and find the relevant ordinance and read it and was not possible today.

City Attorney Thomson stated that Minnesota Statutes were organized by just like the Charter. It had the statute, had the legislative history, all the dates and times when it was amended. He stated a person could click on the link and would take them to that statute, the law that changed it and could read it and see the changed that were made and could be done electronically. He stated it could not be done at the city, going to the website and search the ordinance.

Commissioner Alabi asked if they were going to digitize the appendix or if that was going to be in paper.

Chair Secara stated if it was digitized, it would be online to look up, and referred to Section 2.03, would have the parenthetical citation, amended by ordinance 1975-208A, there would be link to that ordinance and would have to pay someone to do that work. He stated if they did that, then they would not have to create the appendix and then that would be the appendix. He stated right now it was not possible and would need the completed appendix with all of the documentation.

Commissioner Hanson asked the staff liaison how many people came to him in the past five years to dig into the archives to find an ordinance from 1976 or 1986.

Staff Liaison Montero stated it was rare for someone to ask about the ordinances.

Commissioner Hanson agreed that it could be confusing and might seem it was out of date, or seemed something needed to be done. She stated there weren't residents, knocking down the door to find out the information and if someone wanted to, they could. She stated they could call the city clerk or Council member, or staff at city hall to find out more about the ordinance. She stated she was worried of asking the Council to spend thousands of dollars to digitize documents and was not sure there was a need for it.

Commissioner Alabi stated if someone was interested in looking at it, didn't think it would be too much to ask for an appointment with the city clerk and get the information from the vault. He agreed no one was knocking down the doors for the information. He stated if anyone wanted to get the information, they could follow the protocols already established and seemed they were trying to find a solution to a problem that currently didn't exist.

Commissioner Williams stated whether a problem existed or not was in the eye of the beholder. He stated many cities had appendixes to explain the history of the documents. He stated other non-governmental documents had it and wouldn't be able to publish it if it didn't have the history of the changes to codes and other documents. He stated he had two citizens call him but shouldn't defer them from moving in the direction of digitizing an important document like the Charter.

Commissioner Hanson stated the question was about digitizing the Charter and they went from wanting to move those sections to now saying the overall point was to digitize the entire Charter and history.

Commissioner Williams agreed and now that he heard from the city attorney and what could be done, what the State did and thought they should move in that direction.

Commissioner Simmons stated the way the State did it was a marvelous thing and thought about time saved for everyone to figure out where the statutes had changed over the years. He stated

it was not done now for the city ordinances.

City Attorney Thomson stated the way the Charter history was laid out by each section was the exact way done by the city code, parenthetically when the city code was amended.

Commissioner Simmons stated more people were impacted by the city code than impacted by the Charter and the changes were more frequent to the city code than they were to City Charter. He didn't see the value of expending any resources on doing it to the Charter. He stated no one was knocking down the doors to get the historical data. He stated the Brooklyns Historical Society should take it on if they were interested in it than spending resources on the Charter and was not a wise investment. He stated it was not that complicated, every change was listed by ordinance and if someone wanted to know the history could get it. He stated he didn't know why a change to the Charter would provide that inquiry. He stated the real legal purpose, the laws of the ordinance were what affected people and if that wasn't digitized didn't know why they wanted to do it with the Charter.

Commissioner Williams asked who would know when the digitization would happen and they should move in that direction. He stated agreed with Commissioner Severin's idea to start with the obsolete sections into the appendix and keep it on the work plan and move toward that direction. He didn't believe it would be a hundred thousand dollar project, thought thousands of dollars and should look at other appendixes and inquire about the city's resources on what the costs would be and if it was feasible over time, should move in that direction.

Chair Secara stated there were three different issues they were talking about: Digitizing the city Charter, with special emphasis with links on each amendment. Before they did that, look at what other city Charters did with appendixes. He suggested the next meeting or after if they wanted the current Charter to look like it and there were one or two sections, they wanted to delete but had to be deleted by ordinance. He stated they could go ahead with Sections 2.03 and 4.02, there was some language they wanted delete and could do that with ordinances and pass those tonight. He stated beyond that, the obsolete sections that were totally deleted, they could leave those in the Charter as they were because they were three different sections.

Commissioner Williams stated he had a motion on the table but didn't discuss digital.

Chair Secara recalled the motion was to table it until they had a chance to review other Charters.

Staff Liaison Montero stated the motion also said to provide the list of Charter changes.

Chair Secara asked if there was a second to Commissioner Williams' motion.

Commissioner Mabera seconded the motion made by Commissioner Williams.

Staff Liaison Montero stated the motion also said to put it on the work plan.

Chair Secara stated the Work Plan was later on and would discuss it at that time and could make a separate motion for it. He asked the Staff Liaison to restate the motion.

Staff Liaison Montero stated the motion was to table the item tonight and to looking at other cities and see what they are doing with their appendixes and provide a list of Charter changes maintained by the City Clerk and look at it again once they reviewed those other appendixes.

Chair Secara called for a roll call vote.

The motion failed on a roll call vote as follows: YES-Commissioners Mabera, Williams, Secara; NO-Commissioners Alabi, Hanson, Simmons, Szach; ABSTAINED-Commissioner Severin.

5. Reports of Officers, Boards, and Standing Committees

5.1 Treasurer's Report

Chair Secara stated no expenses were made for 2022.

Motion Commissioner Szach, second Commissioner Severin to accept the Treasurer's Report. Motion carried unanimously.

6. New Business

6.1 Election of Officers

Chair Secara stated the Chair, First Vice Chair, Second Vice Chair, and Secretary Treasurer positions to be filled. He stated it was the tradition the First Vice Chair to move up to be Chair, Second Vice Chair to move up to be First Vice Chair.

He stated the First Vice Chair Bor, was absent tonight and hesitated to nominate her without her consent.

He opened up the nominations for Secretary/Treasurer.

Commissioner Simmons stated he read the bylaws to make sure it was permissible for the Chair to serve two consecutive two year terms and asked if he served two years or a partial.

Chair Secara stated he served one two-year term.

Commissioner Alabi nominated Chair Secara as Chair.

Chair Secara accepted the nomination. He stated he was renominated as Chair and asked if there were other names to be nominated.

Motion Commissioner Alabi, second by Commissioner Mabera to reelect Chair Secara as Charter Commission Chair. The motion carried unanimously.

Chair Secara stated First Vice Chair Barbara Bor was not present and moved on to Secretary/Treasurer position.

Commissioner Alabi nominated Commissioner Amy Hanson as Secretary/Treasurer. Commissioner Hanson declined the nomination.

Commissioner Simmons stated he recalled putting off the election for some reason and didn't vote on it in January.

Chair Secara thought they should table the other elections until next month.

Motion Commissioner Hanson, Commissioner Severin to table the election off the officers of First Vice Chair, Second Vice Chair and Secretary/Treasurer until the next meeting. The motion carried unanimously.

6.2 Review of By-Laws

Chair Secara asked the Commissioners if there were any changes to the by-laws.

Commissioner Simmons stated for Item #15, during the year, they added Public Comment to the order of business and wanted to make sure they added it to the bylaws.

Chair Secara stated public comment was after Call to Order/Roll Call.

Commissioner Severin asked for a clarification to Item #11, that said, “the secretary/treasurer shall keep the minutes of all commission meetings and ensure the same are preserved in the official records maintained and preserved by the Commission. She stated the recording secretary was the staff liaison Montero and seemed the Secretary/Treasure hardly had to do anything since the staff liaison was working hard on it.

Staff Liaison Montero stated there could be times when he would need help with recording the meeting and taking notes.

Chair Secara stated if that person was not available at the meeting the Chair would take up those duties as he had done previously to help out the Staff Liaison.

Commissioner Simmons stated they spend time on Item #11 in the Terms, and wanted to be clear on the sentence that said, “officers may not be elected to serve more than one full consecutive term”; He stated it meant a full Charter Commission term and not one term as Chair, and it was referring to the 4 year term and not the 2 year term. He stated it was one four year term. He stated a Chair could be elected two times back to back for a full Charter Commission term. He stated he remembered his scenario, when he assumed the Chair position after a partially completed term and then could have 2 consecutive, two year terms and that was the maximum.

Commissioner Severin stated the term was used interchangeably but shouldn't be because there was the officers term which was two years and the Charter commission term which was four years.

Commissioner Simmons stated the terms were two years and those were officer terms.

Commissioner Severin suggested to amend the bylaws, #11 to:

Officers terms are two years.

Commissioner Simmons suggested to amend the bylaws, #11 to:

Officers may not be elected to serve more than two full officer terms. ~~one full consecutive term.~~

He stated he wanted to make sure it was clear and understandable. He gave an example, if Commissioner Secara assumed the Chair, was elected because someone moved or resigned, that was a partial and did not count against the two consecutive two year terms.

Commissioner Williams stated he wanted to look through the Charter and asked if it was part of the Charter or was a separate document.

Staff Liaison Montero stated the by-laws was a separate document.

Chair Secara asked about the sentence to #11 that said:

“A recording secretary may be hired by the City of Brooklyn Park to take the minutes of all meetings.”

He stated the staff liaison was hired.

Staff Liaison Montero stated he or another staff would be available too.

Commissioner Simmons stated the Commissioners spent some time on clarifying the recording secretary role about 4 years ago.

Chair Secara stated the staff liaison mentioned discussing the term limits for being on the Charter commission. He stated there wasn't term limits in the bylaws; He gave an example, on the Charter commission terms of 4 years, did they want to limit it to two consecutive terms then step down or one four year term and then step down.

Commissioner Severin stated that since it was a voluntary unpaid position, they should be grateful for any people who were willing to committed to the meetings. She stated sometimes the longevity was nice and would get new people in but would also have people who had stuck around for a long time.

Commissioner Severin stated 7b and 7c gave the Commissioners an out if they were noticing someone was just filling a spot but were not making any meaningful contributions and or not showing up, they had a procedure to remove them and open the spot for someone else who is willing to participate and show up.

Motion Chair Secara, second Commissioner Hanson to amend By-Laws Section #11 and #15 as discussed. Motion carried unanimously.

6.3 Charter Commission 2023 Meeting Dates

The Commissioners reviewed the 2023 meeting dates. Chair Secara stated the city manager's secretary Marlene, sends out monthly updates about city activities including the Charter commission meeting date. He stated to put the meeting dates on their calendars and attend the meetings and if they cannot attend a meeting to send an him or the staff liaison an email.

6.4 Review Work Plan

The Commissioners reviewed the work plan.

- *“Census 2020 preparation/Redistricting”* Chair Secara stated the other item related to that was *“Redistricting/Equal Representation”* and they were done.
- *“Ranked Choice Voting Discussion”* Chair Secara stated they voted to remove it from the work plan.
- *“Review 2017 Election Laws changes related to Section 2.06”* Chair Secara stated they discussed it and agreed to leave it as is.
- *“What other Charter Commission are Doing”* Staff Liaison Montero stated he would obtain the Annual Reports from other Commissions.
- *“Monitor Discussion on Police Reform Related to Creation of independent entity”*, Chair Secara stated that had been done.
- *“Review of Section 2.06”*, Chair Secara stated that had been done.

- *“Review By-laws to determine language is needed for remote meetings”* Chair Secara stated it was related to the COVID situation and had been resolved.
- *“Review Section 14.02, Oath of Office”*. Chair Secara stated that had been completed.
- *“Review Section 2.04, Districts and Redistricting Procedures”* Chair Secara stated that had already been done.
- *“Council Compensation”* Chair Secara stated they sent a proposal to the Council, and the Council adopted part of it.
- *“Mapping of Community of Interest”* Chair Secara stated they did that or attempted to do it and stated it was the first time they attempted to map communities of interest for the purposes of redistricting.
- *“Redistricting-Equal Representation”*. Chair Secara stated it was proposed by Commissioner Simmons. He stated there was one current Council Member in the East District and was elected to represent the Central District and was redistricted out of the Central District. He stated the Charter procedure was he would run for the East District when his term is over or choose not to run. He stated Commissioner Simmons proposed after redistricting that anyone who had been redistricted out of their District, would have to run in their new districts immediately after redistricting so the Charter was consistent with the legislative procedures.

Commissioner Simmons stated it was tabled until March.

Chair Secara stated it would coincide with the City Manager’s Population Report in March.

Commissioner Simmons stated he would not be at the March meeting.

- *“Review of Charter Sections for outdated information”* Chair Secara stated it was a standing item.

Commissioner Williams stated at the September meeting the Commissioners decided to remove the Ranked Choice Voting (RCV) discussion from the work plan. He stated he would like to discuss putting it back on the work plan.

He stated it was a widely discussed new voting system and whether the city was ready for it now remained to be seen. He stated they were not keeping up with the current trends if they don’t keep it on the work plan. He stated there were many advantages to it and would support putting it back on the work plan.

Commissioner Hanson stated they said there needed to be a few things to happen to put it back on the work plan and one of them was they needed to be directed by the Council or the legislature had to make the change for the city to move to odd year.

Commissioner Williams stated right now it was not feasible for the city to adopt ranked choice voting because of state restrictions on the ballot, there can only be one ballot and the ballot was on the even year election. He stated there was a lot of discussion in the legislature about changing those and updated the restrictions. He stated there was also a restriction in the ballot that has to conform to state regulations and how the ballot should be and ranked choice voting did not fit onto the ballot.

Commissioner Hanson stated when she made the motion in September, they didn’t say it could never come back on the work plan, but said they needed to be feasible to do it as a city to want to discuss it further. She stated they didn’t want to continue down the path of discussing it on the work plan every month or every so often.

Commissioner Alabi stated even though there was discussion at the state level and the dependency on the state and didn't see it changing. He stated they would put it back on the work plan depending on those requirements.

Commissioner Hanson stated it was the Council taking it up and making a change to make it happen or the state legislature saying it could happen. She stated the Council say they want it to happen and ask the Charter commission to look into it.

Commissioner Williams stated the Charter Commission did not have to wait for direction from the Council. He stated the last time they took it to the Council the vote was 0-7 against it and if they waited for the Council to bring it back, they would never look at ranked choice voting. He stated they needed to bring that to the Council. He stated it was a new Council and didn't have to wait for the Council to give them direction. He stated they could keep it on the work plan and wait until there was a movement to be enacted by the city and was only a bookmark, so it was not forgotten.

Commissioner Mabera stated there needed to be more education for the community and the city had to organize it. She stated they did not say to remove it from the work plan. She stated they could leave it on the work plan but there needed to be education for the community and can't just approve things without educating the community before talking about it.

Chair Secara asked if the Charter commission made a recommendation for ranked choice voting provision and the Council approves it can they bank it or hold on to it for a while until the legislature approved ranked choice voting at the end of the session in May and then activate it or could we pass it and they could hold onto it until such time as it does.

Staff Liaison Montero stated the Charter commission could make a recommendation to the Council with that language that it does not go forward until the legislature approves the ranked choice voting.

Commissioner Williams stated he was not proposing to have education or discussion or anything on RCV until things are settled at the state level. He stated he was just asking to keep it as a book mark in the work plan.

Commissioner Simmons stated that assuming that continue to have elections on even year municipal elections in conjunction with state and federal the roadblock set up by law was they were prohibited from using two ballots. In an even year there was so much on the ballot on both sides and add RCV would have a second ballot. He stated that was the obstacle if they were to assume would continue on the path of even year elections. He stated he didn't know if there was interest in moving to odd year elections but if they went to odd year elections then it became more feasible for a Charter city to do it. He stated there was no bar on Charter cities from holding RCV and only statutory cities. He stated the statutory cities did not have legal authority to conduct RCV. He stated there were laws right now, the legislature just started last week and have bills in the hopper already to eliminate that prohibition for statutory cities. He stated that didn't affect the city because it was a Charter city and didn't need legislation to tell them what to do. He stated they only needed authority either by law or by rule they could have something other than one ballot. The secretary of state, it was not outside the realm of possibility the Secretary of State governed it by a rule. He stated Secretary Simon said he didn't think the state was ready for RCV, not ready for prime time and was his public opinion.

He stated what they did as a commission said criteria we would consider RCV, and stated earlier conditions to be met, twofold, something had to change legislatively or by rule to allow two ballots or going to odd year municipal elections and second the Council would require a majority to say

they recommend the Charter commission re-review that issue and come back to us with a recommendation and that was a four vote command to have the commission do it. He stated they could do it on their but they took the path and voted at a meeting not to do that. He stated those two things had to be met before they would take it back to discuss.

Chair Secara asked if it was possible for the city to petition the Secretary of State's office to allow RCV on the ballot for the even year. If he says no, then the issue is did they want to instead of RCV should they be looking at odd year elections in place of RCV.

Commissioner Simmons stated there was no petition authority or waiver to do what they wanted to do and was by law or rules and unless it was changed they were prohibited from two ballots.

Chair Secara stated the only option for RCV would be odd year elections for municipal elections.

Commissioner Williams stated the city would need to have a change at the state level that would allow separate ballots for RCV.

Commissioner Williams asked who would monitor it in the commission as it could be easily missed and never get addressed and take another 20 years. He stated if it was on the work plan, it was not a big deal and was an ongoing reminder, to see if there were any changes in the legislature they needed to look at but will not trigger ongoing discussions every month.

Commissioner Alabi stated that was not the motion they approved but the motion they approved was with the criteria.

Commissioner Williams stated that any motion they made couldn't be overturned.

Commissioner Alabi asked if he was asking to return to that motion from the previous meeting.

Commissioner Williams stated he thought he made that motion to add RCV to the work plan.

Commissioner Alabi asked about the previous motion if the motion made by Commissioner Williams killed the previous motion and asked Commissioner Williams to restate his motion.

Commissioner Williams made a motion to have a book marker to remind the Commissioners an important voting procedure to put RCV back on the work plan.

Staff Liaison Montero stated they could rescind the previous motion that was made from the meeting.

Commissioner Williams stated they didn't need to rescind the past motions and thought the majority vote of the commission could add something to the work plan.

Staff Liaison Montero suggested making a new motion tonight related to RCV on the work plan and see how the vote would go.

Motion Commissioner Williams to add RCV to the work plan.

Commissioner Alabi stated before they voted wanted clarification.

Commissioner Simmons stated he needed a second to the motion before discussion was held.

Commissioner Alabi seconded the motion made by Commissioner Williams.

Commissioner Alabi asked if they were setting a precedent tonight, if they voted on something they could revisit it again. He stated it appeared the motion at the previous meeting was killed by the motion tonight and try to present the motion on the table and disregard what had already been voted on and disregard it.

Commissioner Severin stated they still needed a majority vote to put it back on the work plan.

Chair Secara stated there was a motion on the table and seconded.

Commissioner Simmons asked if the motion made was without conditions or was it to just put it back on the work plan.

Chair Secara stated it was to put it back on the work plan without conditions.

The vote on the motion failed. Commissioner Williams voted Yes; Commissioners Simmons, Secara, Hanson, Szach, Severin, Mabera, Otieno, Alabi voted No.

Commissioner Williams stated a year ago they put RCV on a survey to the residents and 53% said they thought the Charter commission should look at RCV. He stated there had been citizen input and was favorable.

Commissioner Hanson stated she respected the citizen said that in the survey to look at it. She stated over the past year, it had been done and looked at by the Commission. She stated they looked at RCV and was not saying not to look at RCV and spend a lot of time and energy looking at RCV. She stated to say they were not looking at RCV was not a fair statement. She stated 53% wanted the commission to look at RCV and the Commission did look at RCV.

Commissioner Williams agreed not doing anything with RCV until there were changes at the state level.

Chair Secara continued with the review of the Work Plan.

- *“Discussion on Charter Commission mailings and paper waste and use technology”*. He stated the discussed it and would continue with the electronic packet.

Staff Liaison Montero stated he would continue to provide paper copies until the Commissioners said otherwise.

- *“Review of Charter amendments proposed by Council Member Morson”*; Chair Secara stated that was done.
- *“Revisit, review strong Mayor versus City Manager”* Chair Secara stated that was part of the amendments provided by Council Member Morson. He suggested that to be an ongoing item and should continue to have that front and center because it was a Charter issue.
- *“City Manager annual performance review”*; Chair Secara stated they were still looking at that and was still pending.
- *“Review Charter Sections listed in Commissioner Williams email”* Chair Secara stated that was done related to the appendix issue and would be brought back next month.

Motion Chair Secara, second Commissioner Hanson to approve the work plan as reviewed and amended. Motion carried. Commissioner Williams voted No.

7. Correspondence/Communications

Council Liaison Klonowski stated they were sworn in on Monday and was a new Council. She stated new Assistant City Manager Dr. Angela Smith started. She stated the official city newspaper was traditionally the Sun Post but Council Member Morson wanted to look at alternatives and would be brought back to the Council at a future meeting. She stated the new commission Council liaisons were appointed by the Mayor and Council Member Xp Lee was elected as Mayor Pro Tem for the year. She stated they started discussions on the legislative agenda and would be looking at it again at the next Council meeting. She stated some of the items addressed were: affordable housing, mental health, hard water to discuss potential earmarks, and the historical milestone of having the first African American mayor.

8. Adjournment

Motion Chair Secara, second by Commissioner Alabi to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 8:30 p.m.

Respectfully submitted,

Devin Montero
Staff Liaison