

Brooklyn Park Charter Commission Meeting Minutes

Wednesday, March 8, 2023, 7:00 p.m.

1. Call to Order/Roll Call

Present: Commissioners Sunday Alabi, Barbara Bor, Amy Hanson, Susan Maberera, Dennis Secara, Gregory Szach,

Absent: Commissioners Adam Hunt; Otieno, Scott Simmons (excused), David Williams (excused), LaDawn Severin and Council Liaison Nichole Klonowski.

2. Public Comment – None.

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

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

4. Approval of Minutes

4.1 JANUARY 11, 2023, MINUTES

Motion Commissioner Hanson, second Chair Secara to approve the minutes as presented. Motion carried. Commissioner Bor abstained and stated she wasn't at the meeting.

4.2 FEBRUARY 8, 2023, MINUTES

Motion Chair Secara, second Commissioner Hanson to approve the minutes as presented. Motion Carried. Commissioner Maberera abstained and stated she wasn't at the meeting.

5. Old Business

5.1 Election of Officer – 2nd Vice Chair

Chair Secara stated Commissioner Maberera would like to continue to serve as the 2nd Vice Chair. Chair Secara nominated Commissioner Maberera for a second term as 2nd Vice Chair. There were no other nominations.

Motion Commissioner Alabi, Second Chair Secara to elect Commissioner Maberera as 2nd Vice Chair. The motion carried unanimously.

6. New Business

6.1 By-Laws: Clarifying Process for Accepting and Considering Charter Amendments

Chair Secara stated everyone had a copy of the by-laws and document from the city of Minneapolis on how they handled the Charter amendment process.

Staff liaison Montero stated he made changes to the by-laws, Item #11 and #15, and were indicated in the red text, relating to the officers' terms and public comment.

Chair Secara referred to MN Statute 410.12 and stated it was how the state allowed Charter cities to amend their Charters and the ways the Charter could be amended. By ordinance, petition, which led to an ordinance; the Charter Commission had the ability to propose amendments, and city Council. He stated the Council amendments should go to the Charter Commission.

He stated the Commissioners would be discussing the way the Commissioner received proposals for amending the Charter and how the proposals and requests were processed.

He asked the staff liaison if the statute could be posted on the Charter Commission's webpage so everyone could have access to it.

Staff Liaison Montero stated he would get it added to the Charter Commission's web page.

Staff Liaison Montero presented a draft chart of guidelines for Charter amendments proposed by Charter Commissioners, Residents, Council Member and Council Directed. He went over each category and the steps during the process.

Commissioner Bor stated using "extensive research" under Resident, step #5, asked how that could be defined and was subjective and suggested using "further research". She stated if she was the person wanting it, she would challenge it.

Commissioner Hanson asked about the step going to the subcommittee and suggested adding language regarding consulting the city attorney if needed.

Chair Secara stated the city attorney would be needed in any one of the categories.

Commissioner Bor stated the subcommittee would make that referral to the city attorney if needed.

Staff Liaison Montero stated he struggled with the category for a Council Member, when a Council member proposed an amendment and the Commissioners could come up with language and steps for that category.

Commissioner Alabi stated the Council could make a recommendation and send something to the Charter Commissioners. He stated the Council member is a citizen and a voter and asked why there was a category for the Council Member.

Staff Liaison Montero stated that was why he added the step, *"If the proposed amendment is a Charter issue, determine if the proposed amendment should go to the full Council for discussion and presented by the Council Member making the proposal."*

Commissioner Hanson stated that step 3 and 4 should be switched. Once the agenda comes, what's on the agenda, Commissioners discuss the proposed amendment, if they decided it was a Charter issue, then advise that Council member to go to the Council and then they could decide the next steps.

Staff Liaison Montero continued presenting the categories and steps under each category. He stated the draft chart was for the Commissioner's discussion and editing. He stated that could be their homework: to edit the document would be discussed at the next meeting. He stated the other question was, how the guidelines would be added to the by-laws and the Commissioner's could discuss that at the next meeting too.

Commissioner Bor suggested sending their comments on the guidelines to the staff liaison to be updated and have an updated draft copy at the next meeting if it was on the agenda.

Chair Secara suggested adding Item 16, to the by-laws:

- 16a – Resident
- 16b – Charter Commission
- 16c – Council Member
- 16d – Council Directed

Staff Liaison Montero stated he heard from Commissioner Alabi treating Council member as a citizen and follow those steps.

Chair Secara stated the difference between the Council member and a resident; if the Commissioners got something from a resident that would be a different process than a city Council member giving a proposal. He stated the Commissioners would treat it the same way and given equal consideration but how it got to the Commissioners was different.

Commissioner Alabi stated there was not a lot of Council members knocking on the door with proposals. He stated the Commissioners had a single person now and they were creating an avenue for that person. He stated if the Council members discussed the proposal with other Council members what was the rationale for creating a different process for the Council member. He stated they should be with the residents and should not be given weight to it.

Chair Secara stated the Commissioner's concern was, did they want to preempt the city Council and send them something they should of taken a look at to begin with or send them something they were unaware of. He stated there was two ways to look at it, on the case of ranked choice voting, they did kind of preempt the Council because it was never on their agenda that he was aware of. He stated it didn't necessarily need to be discussed at the Council level first but if it was coming from a Council member, that was a valid question and could say in the bylaws, the Commissioners would only consider things from the Council members that had been discussed by the Council first, In which case, that Council lane was activated.

Commissioner Bor stated, the Statute, subdivision 5, "Amendments proposed by Council", didn't say it was an individual Council member or the Council as a whole and had to address it and not take it out. She stated the statute said, "such an amendment shall be submitted to the Charter Commission" and inferred that it went through the Council to begin with.

Chair Secara stated if it said the Council, and did not say an individual Council member, then Commissioner Bor was correct.

Commissioner Bor stated it also gave a timeline as to when to review it and it was weighted differently.

Staff Liaison Montero stated they could use the Statute to modify the draft guidelines relating to the Council too.

Commissioner Hanson agreed on the two and three tiers. The one thing she liked about the three, if a Council member on their own was to come to the Commission, the Commissioners could immediately tell the Council member to take it back to the Council and that would activate the Council path. She liked having the three tiers but was concerned about calling out the Council member. She stated if they did call out the Council member then the path would have to say, the first step, "did you bring it up to the Council" and if they hadn't they needed to go do it before the Commission looked at the proposal.

Commissioner Alabi agreed and suggested to shorten the Council part and remove the Council member path.

Chair Secara stated the last time a Council member brought issues to their attention, was a large document dump and the city attorney recommended that it should be treated as a citizen petition and if that was the case then it would fall under the “citizen” lane.

Commissioner Bor stated the Commissioners knew they were influenced by their recent experience and the guidelines should be written in terms of generically in accordance with the statutes, ought to protect the Commissioners and circumvent some of the uncomfortableness it was presented. She stated preferred the three tier guidelines.

Chair Secara stated with the three tier and preferred using “lanes”, because tier implied ranking order and preferred three lanes.

Commissioner Bor stated Minneapolis called it paths.

Chair Secara stated he liked that word better and consensus was to agree to the three paths. He stated it would be as Item 16 under the Bylaws, The Charter Commission shall receive Charter amendments through one of three paths; 16a Charter Commission Directed; 16b Council Initiated, 16c Resident Initiated.

Staff Liaison Montero asked if they were eliminating the Council member category.

Chair Secara stated they didn’t want to preempt the Council but then an individual Council member in their capacity as a resident could initiate something and that was what led to some previous uncomfortableness. He stated if it was not going to be brought up to the Council then that would be the path.

Commissioner Hanson thought about a lane with the single Council member could have language that if it was a change to the Charter involving Council actions, then it was referred back to the entire Council for review and that was where it would go back to the steps. If it was a Charter issue, it was their purview, but if it didn’t involve Council business, then the Commissioners would look at it before saying, yes, they had to send it back to the Council. She didn’t want a Council member going to the Commissioners with something that had to do with how the Council did their business because they didn’t want to go to the Council about it. She didn’t want the Council member to go to the Commissioners with their resident hat on and say, they thought the Council should do business this way and change the Charter when they should be discussing that with their fellow Council members before going to the Commissioners for a Charter change.

Commissioner Bor stated she would like an opportunity to review the updated draft and see where it all fit.

Chair Secara stated they identified three paths that were stated in statute and now clarified it tonight. He stated the hang up was what happened when an individual Council member brought something to the Commissioners that hadn’t been discussed by the Council. He stated that was something the Commissioners needed to think about because it crossed a lot of boundaries and put the Commissioners in an uncomfortable position by being a party of going behind the Council, trying to preempt the Council or something else. He stated he liked how the lane was for the city Council directed column and wondered if that should be a separate section, Section 17, he stated there was a check and balance in there.

Commissioner Hanson asked if the staff liaison could provide language on the single Council member, and give options from the discussion tonight.

Staff Liaison Montero stated he would email the draft to the Commissioners the next day.

Commissioner Bor asked if the Commissioners making comments or suggestions were sending it out to everyone.

Chair Secara recommended sending comments/edits to the Staff Liaison and not replay to all and it would be discussed at the next meeting.

7. Reports of Officers, Boards, and Standing Committees

7.1 Council Liaison Klonowski Update on Council Actions-Council Liaison Klonowski was not in attendance.

Chair Secara stated he presented the annual report and work plan at the Council meeting last Monday. He stated that night the Council was also interviewing applicants for openings on various Commissions. He stated other Commissions also were giving their annual reports too.

He stated the Council asked how someone could be appointed to the Charter Commission and replied by applying online when there was opening and being appointed by the district judge. He stated the Commissioners were focused entirely on the City Charter and not like other Commissions, Recreation and Parks, Planning Commission, Community Long Range Commission, which dealt with a broad range of city issues and the Charter Commission focused on the City Charter. He stated the Commission also worked closely with the city attorney and Council and their work was legalistic, required a lot of attention to detail and sometimes a lot of research.

He thanked Council member Klonowski for urging the audience to read the city Charter. He mentioned the Charter was posted online. He stated the Mayor asked how someone could be appointed and how the city Charter could be amended. Chair Secara replied the Commission could draft ordinances for the Charter and the Commission was not a legislative body and was an independent advisory body.

He stated Council Member lee thanked the Commissioners for the work on redistricting. Council Member Morson asked how his amendments were treated and Chair Secara referred him to the annual report and mentioned he was only giving a summary and the information was in the annual report.

Chair Secara talked about the work Commissioner Severin had done and held up the whole packet of information for everyone to see. He also mentioned ranked choice voting and said they couldn't move forward on it for the city, unless it moved to odd year municipal elections or a rule change that came down from the Secretary of State's office. He stated on redistricting mentioned it was the first time the communities of interest were mapped throughout the city.

He stated the Commissioners should be receiving the city manager's population update in May and usually received it in March and was not available and will also get population information from the Metropolitan Council too. He stated they would be able to look at how well they did last year. He stated if they needed to do boundary changes they could discuss it at that time and if not, they didn't have to send a redistricting recommendation to the Council.

He also mentioned their efforts in creating an appendix to the Charter. He stated Council Member Morson asked when the was the last time the entire Charter was reviewed and Chair Secara stated it was in January when they were discussing the appendix and was something the Commissioners would come back to but was not on the work plan.

He stated that aside from the Charter amendment process and population report they were done with the Work Plan.

8. Correspondence/Communications

9. Adjournment

Motion Chair Secara, Second Commissioner Hanson to adjourn. The motion carried unanimously. The meeting adjourned at 7:38 p.m.

Respectfully submitted.

Devin Montero, City Clerk
Staff Liaison