

**Brooklyn Park Charter Commission Meeting Agenda**  
**Wednesday, September 13, 2023, 7:00 p.m.**  
**City Hall Room A203**

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

1. Call to Order/Roll Call
2. Public Comment
3. Additions/Approval of the Agenda of September 13, 2023
4. Approval of Minutes
  - 4.1** MAY 10, 2023, MINUTES
5. Old Business
  - 5.1 By-Laws: Clarifying Process for Accepting and Considering Charter Amendments
    - 5.1A** DRAFT PROCESS TABLE FOR AMENDING THE CITY CHARTER
    - 5.1B** DRAFT FLOW CHARTS
    - 5.1C** DRAFT AMENDED BYLAWS
6. New Business
  - 6.1 Population Report
    - 6.1A** MEMO FROM GIS AND DATA ANALYSIS COORDINATOR JOHN NERGE, 5/1/23; RE: 2022 POPULATION ESTIMATES
    - 6.1B** DEVIATION PERCENTAGE CHART
    - 6.1C** METROPOLITAN COUNCIL LETTER, 5/25/23, RE: POPULATION ESTIMATES WITH ATTACHMENTS
  - 6.2 July 31, 2023, Council Work Session Charter Discussion Items
    - 6.2A** COUNCIL WORK SESSION SUMMARY REPORT, 7/31/23 – 2024 EVENTS DISCUSSION WITH ATTACHMENTS
    - 6.2B** COUNCIL WORK SESSION SUMMARY REPORT, 7/31/23 – FILLING COUNCIL VACANCIES WITH ATTACHMENTS
7. Reports of Officers, Boards, and Standing Committees
  - 7.1 Council Liaison Klonowski Update on Council Actions
8. Correspondence/Communications
9. Adjournment

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

**City of Brooklyn Park**

**CHARTER COMMISSION Attachments**

<b>Agenda Item No.:</b>	<b>4.1</b>	<b>Meeting Date:</b>	September 13, 2023
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Dennis Secara, Chair

**Attachments:**

4.1 MAY 10, 2023, MINUTES

**Brooklyn Park Charter Commission Meeting Minutes**  
**Wednesday, May 10, 2023, 7:00 p.m.**  
**City Hall Room A203**

1. Call to Order/Roll Call

Present: Commissioners Sunday Alabi, Barbara Bor, Amy Hanson, Susan Maberera, Dennis Secara, Scott Simmons, Gregory Szach, and Council Liaison Nichole Klonowski.

Absent: Commissioners Adam Hunt; Beatrice Otieno, David Williams, LaDawn Severin (excused)

2. Public Comment – None.

3. Additions/Approval of the Agenda of May 10, 2023

Motion Commission Hanson, Second Commissioner Alabi to approve the agenda as presented.  
Motion Carried unanimously.

4. Approval of Minutes

4.1 MARCH 8, 2023, MINUTES

Motion Commissioner Alabi, second Commission Hanson to approve the minutes as presented.  
Motion passed unanimously.

5. Old Business

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

Chair Secara and Commissioners reviewed the draft process chart for amending the City Charter. He stated Commissioner Simmons had concerns on the Charter Commission Directed, Resident Initiated and the separate Council or Council Member. He stated Commissioner Simmons would speak on it when he arrives.

Commission Hanson clarified, if it would be Charter Commission Directed, Resident Initiated only and still have the Council directed path.

Commissioner Alabi stated if they had the Council Member initiated path, it was implying the Commission treated Council Members differently and gave additional weight to the process. He stated Council Members could go to the Commission as a resident. He stated there should be three sections with Council Initiated.

Chair Secara state, item 16b would be eliminated from the proposal table and asked if they should have a separate process for Council Directed or be treating the council members as citizens, and have a separate path for that.

Commissioner Bor suggested waiting on the discussion until Commission Simmons arrived. She asked if they wanted to use the word “paths” and suggested other words, routing, flow, because it seemed odd to call it “path”.

Council Liaison Klonowski suggested changing “Council Directed” to have something the Council voted on to bring to the Charter Commission versus a Council Member. She stated it was the

decision by the Council to ask the Charter Commission to address an issue. She stated it would be different than the Charter Commission or Resident driven because it would be done by a motion of the council.

Chair Secara briefed the Commissioners on the proposed change to the By-Laws relating to the charter amendment process.

Commissioner Alabi suggested the item to be tabled until Commission Simmons arrived.

At 7:10 p.m. Commissioner Simmons arrived.

Chair Secara briefed the Commissioners on the draft Charter Amendment process.

Commissioner Simmons stated his concern was about the proposed "Council Member Initiated" column. He stated it lent itself toward giving Council Members a deference and was not in favor of it. He stated it was outside the statute and was not a statutory process to have a pathway because they had a special status as a Council Member.

He stated the Minneapolis Charter Commission pathway system was cut and dry. He stated the proposed table created something new and for their autonomy, and to preserve their independence, did not want to set up something that gave deference to any other group other than what was already in law. He stated it led the Commission in the direction of deference to be pay someone because they were an elected member. He stated the commission was autonomous a commission not set up by the council and was statutory and in the Charter and why it existed. He stated he was not in favor of having 16b at all, and if it was the consensus of the Commission to have it in the table, was fine. He stated the Commission could do fine without it by going by the statute and deal with things as they came up and do the normal course of business.

He stated there were other items regarding the wording; the table used the word "It" in the columns. He stated he was not sure what "it" was. A topic, a proposal or amendment? He stated it was too vague to give guidance to someone who wanted to understand the pathway and suggested to change that to something more concrete.

Commissioner Bor stated the word "path" referred to avenue, boulevard, corridor, highway, passage, road, route, sewer, thoroughfare, channel, entrance, entrance, outlet, promenade, artery, expressway, roadway, street and suggested an alternative word other than "path". She stated it was a process.

Council Liaison Klonowski stated "council directed" made sense and suggested the council make a motion that was supported and approved by a consensus of the council and brought to the Commission versus any Council Member. She stated she assumed the council had asked the Charter commission to look at certain amendments previously.

Chair Secara stated any specific council member could bring something to the Charter Commission and or the commission could take something the council directed by consensus. He stated item 16a, Charter Commission Directed, 16c, Resident Initiated, and 17, Council Directed would be kept and eliminate 16b.

Commissioner Hanson stated she liked Council Liaison Klonowski's idea that the proposal should be forwarded on the council's approval by consensus so it was clarified the proposal was coming from the council as a body and not an individual council member and should have that language in the table. She suggested "process" or "work direction" instead of "paths" for the proposed amendments table.

Commissioner Bor stated the definition of “process” from Merriman’s Dictionary was “a series of actions or steps taken in order to achieve a particular end.”

Chair Secara stated, the discussion was to replace “it” with “proposed amendment” and emphasize that the proposed amendment came from the full council and not just a council member; If an individual council member made a proposal, they would fall under the “Resident Initiated” column.

Commissioner Simmons stated he could envision at a work session where the council does not take a vote and would just achieve an agreement to move it forward to a Commission to be looked at.

Commissioner Hanson suggested the proposed amendment could be on a council agenda, because the work sessions had agendas and regular meetings had agendas. She stated that way, the commission would know the proposed amendment had gone through the process of getting on an agenda and presented in front of the entire council and they could read about it and make a comment on the proposed amendment.

Council Liaison Klonowski stated sometimes items on the work session agenda were not on the regular council agenda. She stated a directive could come out of the work session and not a formal vote but a census of the council.

Commissioner Alabi stated that even it was not a vote on how it got to the commission, agreed it should be a directive or a vote by council.

Commissioner Williams asked how the council came to a consensus or a vote.

Council Liaison Klonowski stated during discussions it was very clear and if there was one outlier, it was very clear too. The mayor would ask for a consensus and opinions to see if it was supported without it being a full motion or it would get turned down. She suggested the Council Liaison, Staff Liaison, ensure there was a consensus of the council for that directive to be given and should apply to all commissions too.

Commissioner Williams clarified the mayor would make the decision and would say there was a majority of the council to move the idea or proposal further.

Chair Secara stated it should come from the full council and there was early concern on preempting the council before the council had the chance to consider it and it was actually part of the discussion at a work session or on the regular meeting agenda.

Commissioner Williams stated the table was hard to follow and suggested the table be supplemented with a flowchart because it would be easier to see the logic of the process.

Commissioner Alabi asked if they were doing too much and thought the council had to determine their own process on getting things to the commission and might be overstepping on the council.

He stated if they had to draw a flowchart on how the council got the proposed amendment to the commission, they might be overstepping and the council should define their own process. He stated the council had their agenda and own plan and what they wanted to do by directive or a vote on a motion. He stated for the commission to draw a flowchart for the council felt it was overkill.

Commissioner Williams asked if the proposed table was sufficient.

Commission Alabi stated the table was readable and the commission could work on the language.

Commissioner Bor stated the table was the first draft and there would be discussions and another draft would evolve, would be looked at again for clarity. She stated from the discussions, they were eliminating one of the columns, and asked if anything from that column needed to be rolled over to the Council Directed column.

Commissioner Alabi stated that once they had the final language, unless it was going to be sequential, doing #1 before you doing #2, then they could do it that way and would be easier.

Commissioner Bor stated they should look at the next draft version to make sure they had what they wanted.

Commissioner Williams stated some people would relate to word descriptions and others relate to charts. He stated the purpose was to clarify how everyone could bring changes to the charter commission and communicate it to the public.

Chair Secara stated they could look at different visuals once they got the final language ironed out and it could be posted.

Commissioner Bor asked if there was an action item regarding making a recommendation on Item 16B.

**Motion Commissioner Alabi, Second Commissioner Simmons to remove Item 16B from the process for charter amendments. Motion Passed unanimously.**

**Chair Secara moved to Attachment 5.1B, By-Laws.** He stated a motion was previously made to strike 16B.

Staff Liaison Montero stated he took language from City Charter Chapter 6 related to initiating and adopting an ordinance and modified it to add to the by-laws to include Items 16a, 16b and 17.

Chair Secara the updated draft would be presented at the next meeting.

## 6. New Business

### **6.1 Population Report**

Chair Secara briefed the commissioners on the City Managers population estimates report. He stated that under Section 2.04, redistricting was a primary task of the charter commission. He stated the charter commission recently issued a redistricting recommendation last year and last March it was accepted by the council and implemented. He stated every odd year they would get a population update and based on the charter, they looked at the population updates to determine if a redistricting recommendation was needed to correct boundaries or balance the population. He stated historically, they used a five percent deviation from the mean and no district could be above or below that number. He stated the report had the population from the 2020 Census that the Charter Commission used for their recommendation. He stated there was the 2022 estimated population in the report that shows the population and households. He stated on Table 2 of the report, the West District had 28,080, Central District had 29,973, East District had 29,875 for a total of 87,928. He stated based on the report it didn't look like they needed to make any adjustments. He briefed on the Deviation Percentages chart.

He asked the commissioners if they should base the deviation numbers from the resolution they sent to the council or use the current numbers.

Staff Liaison Montero stated there was another population report coming out soon prepared by the Metropolitan Council and could be at the end of May.

Commissioner Simmons that based on the deviation chart, the one to be concerned about was the (4.19) below the mean in the West District which was close to five percent. Since it was not five percent and there was no will do anything other than something above the threshold of five percent should be the end of the story. He stated that unless something came up in May the city adopted, it was a situation where the Charter jumps the gun against the work it takes to do it. He stated the would want the information sooner that was available and they could revisit the population estimates. What is the deadline for changing districts?

Staff Liaison Montero stated any boundary changes would have to be done before the 2024 election.

Commissioner Bor stated it was less than five percent and thought the commission should wait.

Chair Secara stated they would move on to the next agenda item.

## **6.2 Summer Meetings**

Chair Secara stated it was the tradition of the commission to take June, July and August off and not meet unless there was something very important they were working on.

Motion Commissioner Alabi, Second Commission Hanson to take, June, July and August off. The motion carried. Commissioner Williams voted No.

Chair Secara stated the next meeting was on September 13.

## **7. Reports of Officers, Boards, and Standing Committees**

### **7.1 Council Liaison Klonowski Update on Council Actions**

Council Liaison Klonowski briefed the Commissioners are key items the Council was working internally with the city was:

A hiring new staff position for a Violence Interruption Coordinator and the title might change. She stated they had a smaller version of the contract for the violence interrupter work currently active with collaboration with the Village BP, A Mother's Love and former staff that work with MN Acts Now. Currently training to learn violence interruption, narcotics training, first aid and CPR. She stated they were gearing up to get out and do the work on the streets, particularly focused on the apartment communities in the southern part of the city.

The council asked via motion to put Tater Daze back as the official title of the parade and Celebration. The council wanted to make sure to honor the history and where its been as a city. She stated it was changed to Celebrate BP recently and changed it back to Tater Daze.

She stated the council had discussions on PFAS, the forever chemicals, familiar with 3M and Woodbury. She stated it was not a Brooklyn Park issue, it was a global issue. She stated the chemicals were in all modern life, cosmetics, pesticides; pizza boxes, she stated the were carcinogens. She stated EPA was working on the final amounts to be allowed in the city's water

and would be some level of mitigation. She stated the city had one well what was just over the allowed amount. She stated that put a damper on the council's conversation about mitigating the hard water. She stated it was requirement and were working on a pilot program to potentially remove the forever chemicals and soften the water and would be wonderful if it happened.

The fire chief was promoted as assistant commissioner of emergency services with Minnesota Department of Public Safety and in the process of filling the Fire Chief position soon.

The council was also having discussions on the role of council liaisons relating to the Commissions and also making sure, when they make recommendations the council have the appropriate weight with the council. The council was hearing the commissions and that work is going to the council in a timely manner. She stated they also want to make the commission aware of what is going to the council so the commissions would have the appropriate amount of time to review and provide recommendations. She stated currently there had been an issue with the issue going to the commission a week or two before the council voted on it and not providing the ample time to review it and provide recommendations.

#### 8. Correspondence/Communications

Staff Liaison Montero stated he posted the city charter amendment list to the commission's website.

Chair Secara stated it addressed the issue of the appendix or addendum to the charter, as it was similar information. He stated any changes to the charter amendment list would be updated for reference. He stated it was a nice reference guide and did not have to go through the process of drafting an ordinance to amend the charter to place the amendments list in it when it was already posted on the website separately. He stated it saved the commission and council a lot of effort and makes it easier to understand if someone wanted to look at that ordinance could request it to the city clerk.

Commissioner Williams asked if the ordinances were readily available if they wanted them.

Staff Liaison Montero stated the ordinances were not imaged and the paper ordinances were in the vault.

#### 9. Adjournment

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

The meeting adjourned at 8:08 p.m.

Respectfully submitted,

Devin Montero  
Staff Liaison

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

<b>Agenda Item No.:</b>	<b>5.1A</b>	<b>Meeting Date:</b>	September 13, 2023
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Dennis Secara, Chair

**Attachments:**

5.1A      DRAFT PROCESS TABLE FOR AMENDING THE CITY CHARTER

# PROCESS FOR CHARTER AMENDMENTS PROPOSED BY

<b>16a. CHARTER COMMISSION DIRECTED</b>	<b>16b. RESIDENT INITIATED</b>	<b>16c. COUNCIL DIRECTED</b> <i>by Motion or Directive by majority of the Council and on the Council agenda</i>
1. The Commissioners discuss the priority and place <b>the proposed amendment</b> on the Work Plan for a future meeting	1. Staff Liaison Coordinates with the Chair and the Chair determines when to place <b>the proposed amendment</b> on a future agenda for discussion	1. City Manager or Staff Liaison coordinates with the Chair and the Chair determines when to place <b>the proposed amendment</b> on a future agenda for discussion
2. The Chair and commissioners determine when to place <b>the proposed amendment</b> on a future agenda for discussion	2. Once on the agenda, commissioners discuss if the proposed amendment is a Charter issue or not.	2. Chair places the proposed amendment discussion on the next charter commission meeting agenda for discussion
3. Once on the charter commission agenda, commissioners discuss the amendment	3. If the proposed amendment is a charter issue, discuss the priority and place on the Work Plan for a future meeting;	3. Once on the agenda, commissioners discuss the proposed amendment
4. Determine if the proposed amendment should go to the full council for an update	4. If the proposed amendment is not a charter issue the resident will be contacted and provided guidance related to the city code or policy and the departments involved	4. Discuss the priority and place on the Work Plan for a future meeting
5. If the proposed amendment is briefed to the city council, the chair will provide comments to the commissioners at its next meeting.	5. <b>"Once on the charter agenda, commissioners will determine if a sub-committee is needed for further research that will report back to the commission." (Secara)</b>	5. <b>"Once on the charter agenda, commissioners will determine if a sub-committee is needed for further research that will report back to the commission." (Secara)</b>
6. Based on the council feedback, determine if a subcommittee is needed for further research and report back to the commission	6. After the research, the Subcommittee reports to the commission. The commissioners will determine if a recommendation to the council to amend the charter is needed	6. After the research, the subcommittee reports to the commission. The commissioners determine if a recommendation to the council to amend the charter is needed
7. The commissioners determine if a	7. If the recommendation is to amend the charter, the	7. If the recommendation is to amend the charter, the

<p style="text-align: center;"><b>16a. CHARTER COMMISSION DIRECTED</b></p>	<p style="text-align: center;"><b>16b. RESIDENT INITIATED</b></p>	<p style="text-align: center;"><b>16c. COUNCIL DIRECTED</b> <i>by Motion or Directive by majority of the Council and on the Council agenda</i></p>
<p>recommendation to the council to amend the charter is needed</p>	<p>Chair will report to the council at its next meeting</p>	<p>Chair will report to the council at its next meeting</p>
<p>8. If the commissioners recommend the proposed amendment; the staff liaison will proceed with the public hearing and first reading of the ordinance.</p>	<p>8. The staff liaison will then schedule the public hearings and first and second readings</p>	<p>8. The staff liaison will then schedule the public hearings and first and second readings</p>
<p>9. The public hearing and first reading is held at a council meeting. Council will provide comments to the Chair on the amendment.</p>	<p>9. At the public hearing and first reading of the charter ordinance, the Chair will brief the council on the proposed amendment</p>	<p>9. At the public hearing and first reading of the charter ordinance, the chair will brief the council on the proposed amendment</p>
<p>10. The Chair will brief the Commissioners on the comments</p>	<p>10. At the Second Reading (depending on the amendment) <b>the proposed amendment</b> could be placed on the Consent agenda or if the Chair needs to brief the council again, the item will be placed on the Action Items agenda</p>	<p>10. At the Second Reading (depending on the amendment) <b>the proposed amendment</b> could be placed on the Consent agenda or if the Chair needs to brief the council again, the item will be placed on the Action Items agenda</p>
<p>11. The second reading of the proposed ordinance is held. If the second reading is approved, the ordinance is published and the amendment is effective 90 days after publication</p>	<p>11. If the second reading is approved; the ordinance will be published and the amendment will be effective 90 days after publication</p>	<p>11. If the second reading is approved; the ordinance will be published and the amendment will be effective 90 days after publication</p>
<p>12. if the second reading is not approved; determine if the proposed amendment should be proposed to the voters.</p>	<p>12. If the Second Reading is not approved, determine if the amendment should go to the voters.</p>	<p>12. If the Second Reading is not approved, determine if the amendment should go to the voters.</p>

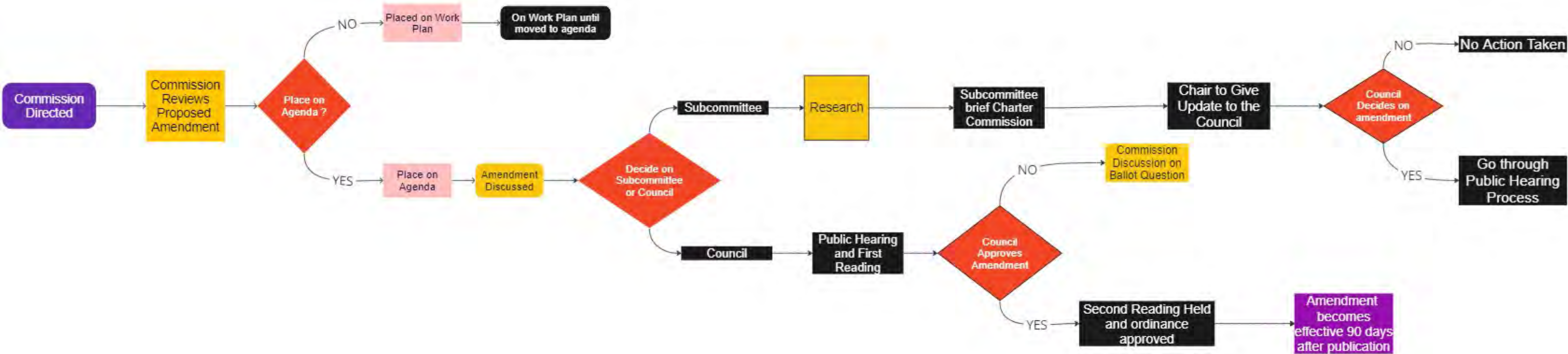
**City of Brooklyn Park**  
**CHARTER COMMISSION Attachments**

<b>Agenda Item No.:</b>	<b>5.1B</b>	<b>Meeting Date:</b>	September 13, 2023
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Dennis Secara, Chair

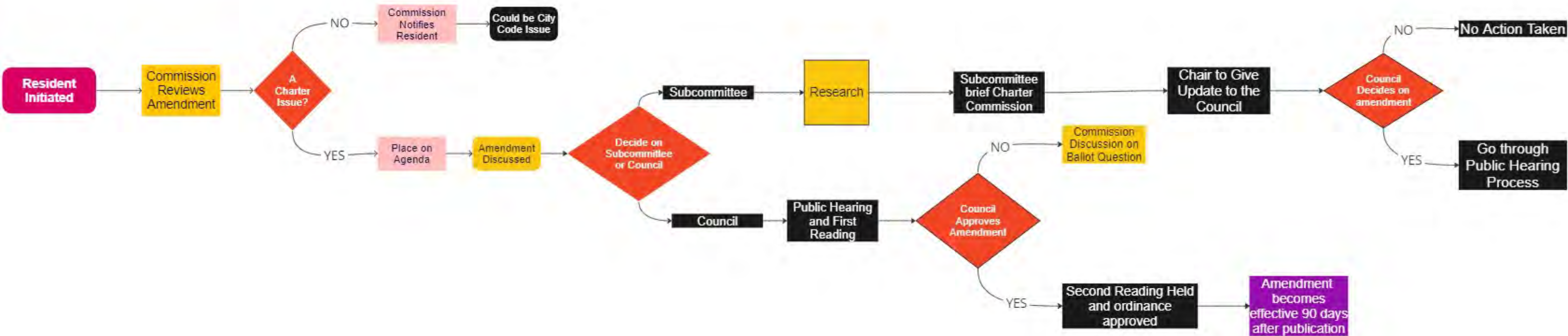
**Attachments:**

5.1B      DRAFT FLOW CHARTS

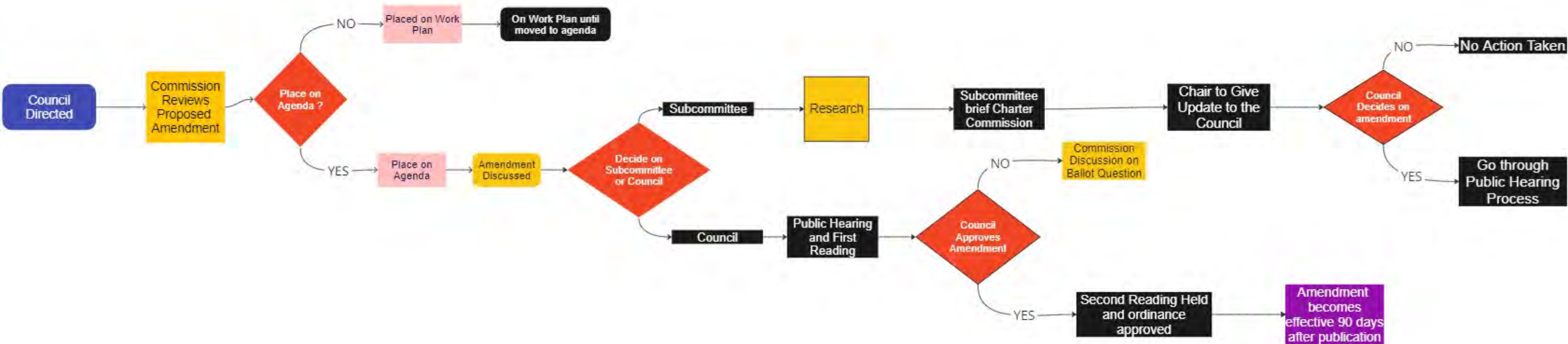
**5.1B CHARTER COMMISSION DIRECTED**



**5.1B RESIDENT INITIATED**



## 5.1B COUNCIL DIRECTED



**City of Brooklyn Park**

**CHARTER COMMISSION Attachments**

<b>Agenda Item No.:</b>	<b>5.1C</b>	<b>Meeting Date:</b>	September 13, 2023
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Dennis Secara, Chair

**Attachments:**

5.1C          DRAFT AMENDED BYLAWS

# BROOKLYN PARK CHARTER COMMISSION BY-LAWS

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

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

- 7c. **Failure to Perform the Duties:** If at any time the Commission determines that a

Commissioner has failed to perform the duties of his/her office, the Chief Judge shall be notified. The District Court shall thereupon make its order of removal, and the Chief Judge shall fill the vacancy.

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

The recording secretary shall also be charged with the responsibility of giving notice of the convening of any special meeting of the Commission.
12. **Officer Vacancy:** If an officer of the Commission shall resign or be unable to perform the duties of his/her office, the Commission shall be empowered to fill said vacancy at a regularly scheduled meeting of the Commission by majority vote of the members present so long as a quorum is present. An officer elected to complete an unexpired term may be subsequently elected to a full two-year term in that office.
13. **Committees:** The Chair shall designate and appoint any committee he/she feels is necessary to conduct the business of the Commission. The membership of the committee shall be made up of members of the Commission only, and the Chair may designate one of the committee members to serve as Chair. A committee so designated shall report its

recommendations to the Charter Commission, which has the power to either accept, reject, or modify said recommendations.

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

14. **Attendance:** Members of the Commission are expected to faithfully participate in the meetings or other activities of the Commission to which they have been appointed. A Commission member shall notify his/her staff liaison, Commission chair, or designated officer if he/she is unable to attend a Commission meeting.
15. **Order of business.** The order of business shall be as follows:
  - Call to Order/Roll Call
  - Public Comment
  - Additions/Approval of the Agenda
  - Approval of Minutes
  - Old Business
  - Reports of Officers, Boards, and Standing Committees
  - New Business
  - Correspondence/Communications
  - Adjournment
16. **City Charter Amendment Process.** To initiate and adopt any ordinance, except an ordinance relating to the budget or capital programs, the appropriation of money, the levy of taxes, the issuance of bonds, the salaries of city officials or employees, or the zoning of land. By-laws Sections 16a through 16c govern the proposed amendment process for the Charter Commission, Resident, or Council.
  - 16a. *Charter Commission Directed.* A proposed amendment to the city charter submitted by the charter commission.
  - 16b. *Resident Initiated.* A proposed amendment to the city charter submitted by a resident.
  - 16c. *Council Directed.* A proposed amendment to the city charter submitted by the full council by a passed motion or a directive of a majority of the council.

**City of Brooklyn Park**

**CHARTER COMMISSION Attachments**

<b>Agenda Item No.:</b>	<b>6.1A</b>	<b>Meeting Date:</b>	September 13, 2023
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Dennis Secara, Chair

**Attachments:**

6.1A MEMO FROM GIS AND DATA ANALYSIS COORDINATOR JOHN NERGE, 5/1/23; RE: 2022 POPULATION ESTIMATES

**MEMORANDUM**

**DATE:** May 1, 2023

**TO:** Jay Strobel, City Manager  
Devin Montero, City Clerk

**FROM:** John Nerge, GIS and Data Analysis Coordinator

**SUBJECT:** 2022 Population Estimates

The City's Charter requires that population estimates by City Council District be provided to the Charter Commission in odd-numbered years. The Commission uses the estimated population distribution to determine if redistricting is necessary.

<b>Table 1 City of Brooklyn Park Population and Household Estimates</b>			
	<b>2020 Census</b>	<b>2022 Estimate*</b>	<b>Change ( '20 to '22)</b>
<b>Population</b>	86,478	87,928	+1,450 (1.7%)
<b>Households</b>	28,749	29,181	+432 (1.5%)

<b>Table 2 Population Estimates by Council District</b>				
	<b>West</b>	<b>Central</b>	<b>East</b>	<b>Total</b>
<b>2020 Census</b>	27,805	28,991	29,682	86,478
<b>2022 Estimate*</b>	28,080	29,973	29,875	87,928
* Population estimates based on data provided by Esri Demographics 2022 estimates, which tend to skew higher than other data sources. Census numbers will not be released until May 2022.				

Please note that all population numbers provided in this memo are estimates based on the data available at this time. The above statistics should not be considered fact, but rather a general guide for decision making.

**MEMORANDUM**

**DATE:** March 5, 2021

**TO:** Jay Strobel, City Manager  
Devin Montero, City Clerk

**FROM:** Todd A. Larson, Senior Planner and  
John Nerge, GIS Coordinator

**SUBJECT:** January 1, 2020 Population Estimates

The City's Charter requires that population estimates by City Council District be provided to the Charter Commission in odd-numbered years. The Commission uses the estimated population distribution to determine if redistricting is necessary.

<b>Table 1</b> <b>City of Brooklyn Park Population and Household Estimates</b>			
	<b>2010 Census</b>	<b>2020 Estimate*</b>	<b>Change ('10 to '20)</b>
<b>Population</b>	75,781	83,440	+7,659 (9.2%)
<b>Households</b>	26,229	28,282	+2,053(7.8%)

<b>Table 2</b> <b>Population Estimates by Council District</b>				
	<b>West</b>	<b>Central</b>	<b>East</b>	<b>Total</b>
<b>2010 Census</b>	25,582	25,040	25,159	75,781
<b>2020 Estimate*</b>	27,661	29,199	26,580	83,440
* Population estimates based on data provided by Esri Demographics 2020 estimates, which tend to skew higher than other data sources. 2020 Census numbers will not be released until fall 2021.				

Please note that all population numbers provided in this memo are estimates based on the data available at this time. The above statistics should not be considered fact, but rather a general guide for decision making.

**CHARTER RESOLUTION**

**RESOLUTION RECOMMENDING CHANGES TO  
COUNCIL DISTRICT BOUNDARIES**

**WHEREAS, Section 2.04 of the City Charter states that the Charter Commission shall provide a redistricting report to the City Council as a result of the United States census or any court or legislative ordered redistricting; and**

**WHEREAS, the court issued a legislative redistricting order on February 15, 2022; and**

**WHEREAS, Minnesota Statutes, Section 204B.135, subd. 1, states that cities that elect council members by wards must be redistricted, if necessary, within 60 days after the legislature has been redistricted or at least 19 weeks before the primary election in the year ending in two, whichever is earlier; and**

**WHEREAS, the state primary election is August 9, 2022; and**

**WHEREAS, the city council districts must therefore be redistricted by March 29, 2022; and**

**WHEREAS, the Charter Commission finds that, based on the 2020 United States census, the mean population of a council district is 28,826.**

**WHEREAS, the Charter Commission considered and adopted the following guidelines with respect to redistricting:**

- a. The population of each council district shall be as equal as practicable**
- b. District boundaries shall be compact in size and be geographically contiguous.**
- c. No district shall be more than 5% above or below the district mean.**
- d. District boundaries shall follow school district boundaries.**
- e. District boundaries shall follow Census block boundaries or other physical features.**
- f. District boundaries shall follow legislative boundaries.**
- g. District boundaries shall consider communities of interest including, but not limited to neighborhoods, homeowners' associations, and residents with similar social, geographic, political, cultural, ethnic, economic, or other interests.**

**NOW, THEREFORE, BE IT RESOLVED by the Charter Commission for the City of Brooklyn Park that it makes this report to the City Council and recommends to the City Council that the three council districts be divided along the boundary lines set forth in Attachment A to this Resolution.**

**BE IT FURTHER RESOLVED that based on the boundary lines set forth in Attachment A, the 2020 United States census population for the Central District is 28,991; the East District is 29,682; and the West District is 27,805.**

---

**Dennis Secara  
Charter Commission Chair**

**City of Brooklyn Park**

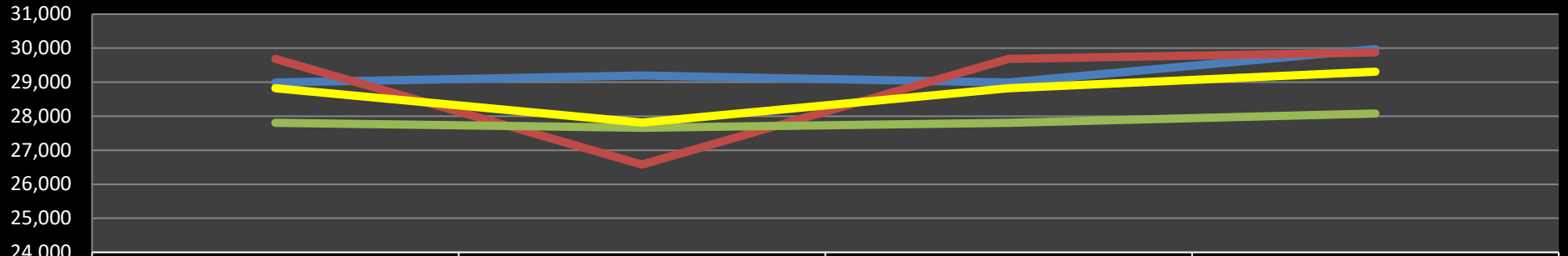
**CHARTER COMMISSION Attachments**

<b>Agenda Item No.:</b>	<b>6.1B</b>	<b>Meeting Date:</b>	September 13, 2023
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Dennis Secara, Chair

**Attachments:**

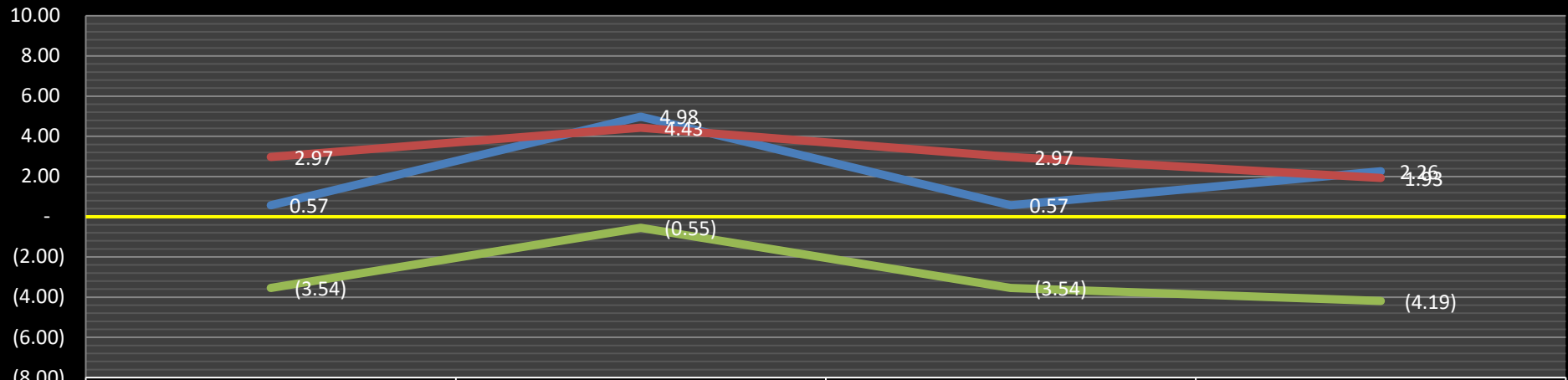
6.1B          DEVIATION PERCENTAGE CHART

## District Population Estimates



	2020CENSUS	2021	2022CHARTER	2023
Central	28,991	29,199	28,991	29,973
East	29,682	26,580	29,682	29,875
West	27,805	27,661	27,805	28,080
MEAN	28,826	27,813	28,826	29,309

## Deviation Percentages



	2020CENSUS	2021	2022CHARTER	2023
Central	0.57	4.98	0.57	2.26
East	2.97	4.43	2.97	1.93
West	(3.54)	(0.55)	(3.54)	(4.19)

**City of Brooklyn Park**

**CHARTER COMMISSION Attachments**

<b>Agenda Item No.:</b>	<b>6.1C</b>	<b>Meeting Date:</b>	September 13, 2023
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Dennis Secara, Chair

**Attachments:**

6.1C METROPOLITAN COUNCIL LETTER, 5/25/23, RE: POPULATION ESTIMATES WITH ATTACHMENTS

May 25, 2023

Jay Stroebel, City Manager  
City of Brooklyn Park  
5200 85th Ave N  
Brooklyn Park, MN 55443-4300

Dear Mr. Stroebel:

The Metropolitan Council has prepared preliminary population and household estimates for your community as of April 1, 2022. This is an annual process governed by *Minnesota Statutes 473.24*.

**As of April 1, 2022, the City of Brooklyn Park had 29,763 housing units, 28,638 households, and 84,993 people (of whom 576 lived in group quarters facilities). Household size averaged 2.948 persons per household.**

#### **How was this estimate calculated?**

We estimate households and population with a housing stock-based method, which involves three questions:

1. *How many housing units did each community have?*
2. *How many households occupied these housing units?*
3. *How many people lived in these occupied housing units?*

This letter includes an overview of our estimation method along with a report showing the data inputs and calculations used to develop the preliminary estimates for your community. For more information, visit <https://www.metrocouncil.org/populationestimates>, or contact me at 651-602-1513.

#### **How can local governments provide feedback on this estimate?**

We welcome discussion of the preliminary estimates and invite you to review and comment on them. Please send any comments or questions to [Matt.Schroeder@metc.state.mn.us](mailto:Matt.Schroeder@metc.state.mn.us) (preferred) or to Matt Schroeder, Community Development Research, 390 Robert St N, Saint Paul, MN 55101. *Under Minnesota Statutes 473.24, we must receive your comments or specific objections, in writing, by June 24, 2023.*

#### **What happens after local governments provide feedback?**

The Council will certify final estimates by July 15, 2023 for state government use in allocating certain funds.

#### **New 2020 Census data**

On a related note, the Census Bureau recently released new data from the 2020 Census, with more detailed information on age, homeownership rates, and household type – all including breakdowns by race. Please visit <https://www.metrocouncil.org/census2020> for more information.

Sincerely,



Matt Schroeder  
Principal Researcher



# Brooklyn Park city, Hennepin County

## 2022 Annual Population Estimate

Published May 25, 2023 (preliminary; distributed for local government review)

	Housing units	Occupancy rate	Households	Persons per household	Population in households	Population in group quarters	Total population
<b>2022 Estimate</b>	<b>29,763</b>	<b>96.22%</b>	<b>28,638</b>	<b>2.9477</b>	<b>84,417</b>	<b>576</b>	<b>84,993</b>
2020 Census	29,656	96.94%	28,749	2.9842	85,794	684	86,478

The Metropolitan Council estimates population using the housing unit method, which answers three main questions for each jurisdiction as of April 1, 2022.

### First, how many housing units did the community have?

- We start with housing units measured by the 2020 Census. We broke down the total number of housing units in the 2020 Census into different housing types using county parcel data and other data sources.
- We then add units built between April 1, 2020 and April 1, 2022, based on permits reported to us by communities. Permit data is [available on our website](#).
  - We assume that 90% of single-family detached units and 85% of townhome/duplex/triplex/quadplex units permitted in 2021 were completed and occupiable by April 1, 2022.
  - Multifamily units permitted in and after 2020 are assumed to be completed if they received a certificate of occupancy by April 1, 2022. Multifamily units permitted before 2020 that were not open at the time of the 2020 Census are also included.
  - Manufactured home data comes from our annual surveys of manufactured home park operators and local governments.
  - Data on other housing (boats, RVs, etc. used as housing) comes from the [most recent American Community Survey data](#); this housing is included in the estimates only if occupied.
- We also examine other housing stock changes reported by jurisdictions. These include demolitions, building conversions (units added or lost), boundary changes (units annexed in or out), and other changes.

	Housing stock April 1, 2020	Permitted and built since 2020	Other changes since 2020	Housing stock April 1, 2022
<i>Single-family detached</i>	17,567	18	0	17,585
<i>Townhome (Single-family attached)</i>	4,764	89	0	4,853
<i>Duplex/triplex/quadplex</i>	723	0	0	723
<i>Multifamily (5 or more units)</i>	6,602	0	0	6,602
<i>Accessory dwelling units (ADUs)</i>	0	0	0	0
<i>Manufactured homes</i>	0			0
<i>Other units</i>	0			0
<b>Total</b>	<b>29,656</b>			<b>29,763</b>

**Second, how many of these housing units were occupied by households?**

- Each housing type has an estimated occupancy rate. These data come from the most recent American Community Survey estimates for **housing units** and **households, decennial census data** from the U.S. Census Bureau, and the **U.S. Postal Service**. To estimate multifamily occupancy rates, we also use **CoStar**, a proprietary data source covering the apartment market.
- Multiplying the number of housing units of each type by the occupancy rate yields the number of households (occupied housing units).

**Third, how many people lived in these occupied housing units?**

- Each housing type has an estimated average household size. These data come from the most recent American Community Survey estimates of **households** and **population in households** as well as decennial census data from the U.S. Census Bureau.
- Multiplying the number of households in each housing type by the average household size yields the population in households.

	Housing stock April 1, 2022	Occupancy rate	Households (Occupied housing units)	Persons per household	Population in households
<i>Single-family detached</i>	17,585	97.62%	17,166	3.2207	55,287
<i>Townhome (Single-family attached)</i>	4,853	97.64%	4,738	3.2207	15,260
<i>Duplex/triplex/quadplex</i>	723	93.40%	675	2.8686	1,936
<i>Multifamily (5 or more units)</i>	6,602	91.78%	6,059	1.9697	11,934
<i>Accessory dwelling units (ADUs)</i>	0	92.55%	0	1.6486	0
<i>Manufactured homes</i>	0	97.65%	0	2.6783	0
<i>Other units</i>	0	100.00%	0	2.1626	0
<b>Total</b>	<b>29,763</b>	<b>96.22%</b>	<b>28,638</b>	<b>2.9477</b>	<b>84,417</b>

**To obtain the total population, we also add the number of residents in group quarters facilities.**

These are residences that are not part of the standard housing market, such as college dormitories, nursing homes, prisons and jails, and group homes. Data come from the Metropolitan Council's annual survey. A list of facilities in each community can be found at <https://www.metrocouncil.org/populationestimates>.

Population in households	Population in group quarters	Total population April 1, 2022
84,417	576	84,993

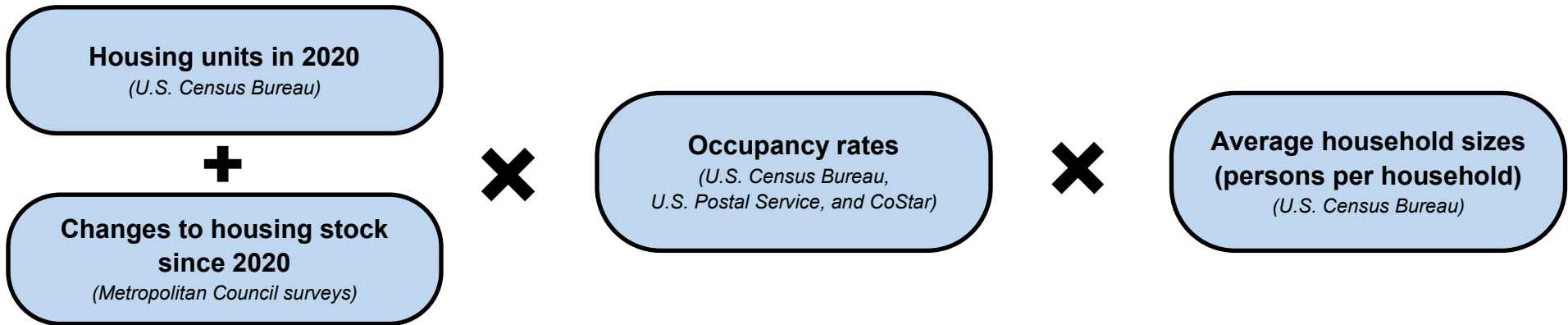
Due to rounding, not all estimates can be reproduced exactly from the above inputs.

For more information, see our methodology document, available from <https://www.metrocouncil.org/populationestimates>.

HOW MANY  
HOUSING UNITS  
 ARE IN THE  
 COMMUNITY?

HOW MANY  
HOUSEHOLDS  
 OCCUPY THESE  
 HOUSING UNITS?

HOW MANY PEOPLE  
 LIVE IN THESE  
 OCCUPIED HOUSING  
 UNITS?



We start with the housing units from the 2020 Census, then we add units identified in our annual surveys of residential construction (building permits and other housing stock changes) and manufactured housing parks.

This results in the estimated number of housing units in each community, broken down by the type of housing.

Not all of these housing units are occupied; some are vacant.

To estimate the number of households, we examine occupancy rates in the community for different types of housing. These data come from the U.S. Census Bureau's American Community Survey and Decennial Census as well as the U.S. Postal Service and CoStar.

This results in the estimated number of households in each community, again broken down by the type of housing.

Finally, we examine the average household sizes in the community for different types of housing. These data come from the U.S. Census Bureau's American Community Survey and Decennial Census.

To arrive at the total population, we add in residents of "group quarters" (places like correctional facilities, college dormitories, emergency housing shelters, and nursing homes), measured by our annual survey of such facilities.

**Devin Montero**

---

**From:** John Nerge  
**Sent:** Tuesday, May 30, 2023 9:49 AM  
**To:** Jay Stroebel; Paul Mogush  
**Cc:** Kimberly Berggren; Angel Smith; Risikat Adesaogun; Devin Montero  
**Subject:** RE: Metropolitan Council preliminary 2022 population estimates

Hi all,

The Census bureau also has our population decreasing for another year (table below). The change from the April 1, 2020 base to 2022 is 3,154 people, or 3.6%.

**Annual Estimates of the Resident Population for Incorporated Places of 50,000 or More, Ranked by July 1, 2020 to July 1, 2022**

Rank	Geographic Area	April 1, 2020 Estimates Base	P
			2020
423	Brooklyn Park city, Minnesota	86,462	

Candidly, I'm a data analyst who knows how to work with demographic data, but I'm not a full-fledged demographer. In other words, I don't really have any evidence or data to contest the Met Council's findings. If the Census bureau showed a completely different trend, then that might be something to raise flags. But seeing as how the Census' estimate is within 2% of the Met Council's, I think contesting it would be a hard sell?

For what it's worth, the Census shows similar adjustments for other MN cities with pops over 50,000:

Rank	City	April 1, 2020 Estimates Base
46	Minneapolis city, Minnesota	429,985
67	St. Paul city, Minnesota	311,518
234	Rochester city, Minnesota	121,388
391	Bloomington city, Minnesota	89,980
404	Duluth city, Minnesota	86,720
423	Brooklyn Park city, Minnesota	86,462
462	Plymouth city, Minnesota	81,017
463	Woodbury city, Minnesota	75,107
498	Lakeville city, Minnesota	69,496
519	Blaine city, Minnesota	70,221
535	Maple Grove city, Minnesota	70,264
542	St. Cloud city, Minnesota	68,882
562	Eagan city, Minnesota	68,861
603	Burnsville city, Minnesota	64,324
616	Coon Rapids city, Minnesota	63,624
620	Eden Prairie city, Minnesota	64,198
724	Apple Valley city, Minnesota	56,367
761	Mnetonka city, Minnesota	53,794
766	Edina city, Minnesota	53,487
805	St. Louis Park city, Minnesota	50,005

I believe there have been some questions around the [re-release of 2020 Census data](#) and whether or not there will be any attempts to make corrections for things like [undercounted non-citizen populations](#). At this time, I don't know what exactly the bureau is planning. If anyone's aware of any other press release or plans, I would value knowing them!

**John Nerge, GISP** (he/him/his)

GIS and Data Analysis Coordinator

W. 763-493-8196

---

**From:** Jay Stroebel <Jay.Stroebel@BrooklynPark.Org>

**Sent:** Monday, May 29, 2023 8:39 PM

**To:** Paul Mogush <Paul.Mogush@brooklynpark.org>; John Nerge <John.Nerge@BrooklynPark.Org>

**Cc:** Kimberly Berggren <Kimberly.Berggren@brooklynpark.org>; Angel Smith <Angel.Smith@brooklynpark.org>; Risikat Adesaogun <Risikat.Adesaogun@brooklynpark.org>; Devin Montero <Devin.Montero@brooklynpark.org>

**Subject:** FW: Metropolitan Council preliminary 2022 population estimates

FYI – see below. Any thoughts on providing feedback to Met Council on this estimate? I still don't understand how they believe our 2022 population is lower than our 2020 Census count of 86,478. My recollection is that we provided that feedback to them last year, or at least I thought it 😊

**Jay Stroebel**

City Manager

763-493-8002 Office

[Jay.stroebel@brooklynpark.org](mailto:Jay.stroebel@brooklynpark.org)

**Brooklyn Park**  
Unique. United. Undiscovered.

   [www.brooklynpark.org](http://www.brooklynpark.org)

5200 85th Avenue N, Brooklyn Park, MN 55443

---

**From:** Schroeder, Matt <[Matt.Schroeder@metc.state.mn.us](mailto:Matt.Schroeder@metc.state.mn.us)>  
**Sent:** Friday, May 26, 2023 4:36 PM  
**To:** Jay Stroebel <[Jay.Stroebel@BrooklynPark.Org](mailto:Jay.Stroebel@BrooklynPark.Org)>  
**Subject:** Metropolitan Council preliminary 2022 population estimates

Dear Mr. Stroebel:

The Metropolitan Council has prepared preliminary 2022 population and household estimates for the City of Brooklyn Park:

**As of April 1, 2022, the City of Brooklyn Park had 29,763 housing units, 28,638 households, and 84,993 people (of whom 576 lived in group quarters facilities). Household size averaged 2.948 persons per household.**

To assist local officials and staff who may be working remotely, we have placed PDF files of the 2022 estimates materials on our website. You may access them using the following links. (If your email software does not recognize them as links, you can copy them and paste them into the address bar of your web browser.)

- Transmittal letter: [https://metro council.org/METC/media/Estimates2022/AppointedLetter\\_07966\\_BrooklynPark.pdf](https://metro council.org/METC/media/Estimates2022/AppointedLetter_07966_BrooklynPark.pdf)
- Summary of results: [https://metro council.org/METC/media/Estimates2022/EstimatesReport\\_07966053\\_BrooklynPark.pdf](https://metro council.org/METC/media/Estimates2022/EstimatesReport_07966053_BrooklynPark.pdf)
- Overview of estimates calculations: <https://metro council.org/Data-and-Maps/Publications-And-Resources/Files-and-reports/How-We-Calculate-Population-Estimates.aspx>

A paper copy of these materials has been sent to you via regular mail. Additional information, including a detailed methodology, is available at <https://metro council.org/populationestimates>.

Information about local review and comments can be found in the transmittal letter. We must receive all comments and challenges in writing by Friday, June 24, 2023.

Please contact me if you have trouble accessing these electronic materials or have other questions.

I hope all is well with you.

Sincerely,





**Matt Schroeder**

Pronouns: he/him/his

Principal Researcher | Research

Metropolitan Council Community Development

390 Robert St N, Saint Paul, MN 55101

P. 651-602-1513

[metro council.org](http://metro council.org) | [facebook](https://www.facebook.com/metro council) | [twitter](https://twitter.com/metro council)

**City of Brooklyn Park**

**CHARTER COMMISSION Attachments**

<b>Agenda Item No.:</b>	<b>6.2A</b>	<b>Meeting Date:</b>	September 13, 2023
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Dennis Secara, Chair

**Attachments:**

6.2A COUNCIL WORK SESSION SUMMARY REPORT, 7/31/23 – 2024 EVENTS DISCUSSION WITH ATTACHMENTS

# City of Brooklyn Park Council Work Session

<b>Meeting Date:</b>	July 31, 2023	<b>Originating Department:</b>	Recreation & Parks
<b>Agenda Item:</b>	C.1	<b>Prepared By:</b>	Brad Tullberg, Recreation & Parks Director
<b>Agenda Section:</b>	Discussion Items/ General Action Items	<b>Presented By:</b>	Brad Tullberg, Recreation & Parks Director
<b>Item:</b>	2024 Events Discussion		

## Summary:

Over the past four years, the events offered by the City of Brooklyn Park have changed frequently to meet the changing needs of the community.

In October 2019, Recreation & Parks staff presented to Council the results of participant event surveys, along with event trends in nearby cities related to community-wide celebrations. As part of this discussion, staff shared they have seen an increase in participation at one-day, smaller scale community events like concerts, movies in the park and Brooklyn Park Night Out, and were receiving requests to increase the number of these type of family-oriented events. Events continued to build upon this direction until the pandemic.

Following the pandemic, a number of events were modified or needed to be recreated from scratch after one or two years without being held. Tater Daze had also experienced security challenges multiple times in recent years. Given the number of changes needed to the previous events portfolio, staff engaged a Community Events Task Force to help inform the 2022 events calendar. The Task Force developed the following parameters they would like to see implemented in events:

- Increase opportunities to gather and create shared sense of community
- Use performances & food to authentically celebrate different cultures of Brooklyn Park at events
- Collaborate with community groups in city-wide events

The vision is to celebrate Brooklyn Park by providing events and opportunities for residents to come together and celebrate our community. That led to the creation of the 2022 Celebrate Brooklyn Park events series which slightly modified and continued into 2023.

As staff begin planning for the 2024, they are seeking input from City Council on possible changes for event offerings and discussion about the resources needed to provide an expanded events portfolio.

## **Primary Issues/Alternatives to Consider:**

A related topic that will be raised is the City Attorney's recommendation for the Council to consider amending the City Charter to include a statement allowing the use of City funds for certain events. There is currently a general statement about such spending, but the City Attorney believes there could be benefit to adding a statement with more specificity.

**From:** [Brad Tullberg](#)  
**To:** [Devin Montero](#)  
**Subject:** FW: Crystal Charter Provision  
**Date:** Tuesday, July 25, 2023 11:11:57 AM

---

FYI... here is what Jim had sent to us about this

## Brad Tullberg

City of Brooklyn Park  
Recreation & Parks – Director  
W. 763.493.8344

---

**From:** Thomson, James J. <jthomson@Kennedy-Graven.com>  
**Sent:** Tuesday, May 16, 2023 11:11 AM  
**To:** Jay Stroebel <Jay.Stroebel@BrooklynPark.Org>; LaTonia Green <LaTonia.Green@BrooklynPark.Org>; Angel Smith <Angel.Smith@brooklynpark.org>; Brad Tullberg <Brad.Tullberg@BrooklynPark.Org>  
**Subject:** Crystal Charter Provision

Below is the Crystal Charter provision I mentioned during our meeting. It was adopted in 2021. The first paragraph is identical to BP's charter provision, which was adopted in 2005. Something like the second paragraph could be added to the BP charter.

Section 12.10. Authority for Expenditures. The council may establish a public expenditure policy ("Policy") to identify certain types of expenditures as being for a public purpose and within the city's authority to expend city funds on. The Policy shall not limit the authority of the city to make expenditures otherwise authorized by law. If adopted, the council shall review the Policy periodically and update it as needed. In establishing, reviewing, and approving the Policy, the council shall consider whether the expenditures to be authorized by the Policy: 1) benefits the community as a whole; 2) are directly related to governmental functions; and 3) primarily benefits the public interest, not a private interest. In establishing, reviewing, and approving the Policy, the council shall consider the opinion of the city attorney and statewide sources of authority, which may include judicial determinations, Minnesota Attorney General opinions, and findings of the Office of the State Auditor.

Expenditures related to any of the following activities shall be deemed authorized if the Policy expressly provides authorization: international, cultural, and economic development programs; community events, festivals, and celebrations; miscellaneous employee benefits; employee recognition; and funding for conference attendance. The council may also provide specific authorization regarding any other expenditure. (Added, Ordinance No. 2021-04, November 2, 2021)

**James J. Thomson**  
Direct: 612.337.9209  
[jthomson@kennedy-graven.com](mailto:jthomson@kennedy-graven.com)

# Celebrate Brooklyn Park Events Update

City Council Work Session  
July 31, 2023

1

## Discussion Purpose

- History and background that determined current event offerings
- Existing resources available (both human and financial)
- 2023 events schedule and proposed 2024 events
- Information about the resources needed to expand events
- Receive City Council feedback/input on 2024 events
- Future potential amendment to City Charter for events

2

## Events History

- Brooklyn Park hosted Tater Daze for 50+ years
- Since 2000 City events primarily concerts and Tater Daze Festival
- In 2017, staff started to modify Tater Daze Festival after security issue
- In 2021, Tater Daze shifted away from a three-day event to create a single day event along with more smaller events for community to gather
- 2021 Tater Daze was shut down before its scheduled end due to a security issue and forced staff to re-evaluate the event structure.
- Organized Community Events Task Force to inform 2022 events
  - More opportunities to gather and create shared sense of community
  - Use performances & food to celebrate different cultures of Brooklyn Park
  - Collaborate with community groups on city-wide events
  - Authentically celebrate each culture in Brooklyn Park before combining

3

## 2023 Events

- |  |   |   |
|--|---|---|
| <ul style="list-style-type: none"> <li>• <b>JANUARY</b> <ul style="list-style-type: none"> <li>○ Movie in the Dome</li> </ul> </li> <li>• <b>FEBRUARY</b> <ul style="list-style-type: none"> <li>○ Winterfest</li> <li>○ Black History Month</li> </ul> </li> <li>• <b>MARCH</b> <ul style="list-style-type: none"> <li>○ All Abilities Resource Fair</li> </ul> </li> <li>• <b>APRIL</b> <ul style="list-style-type: none"> <li>○ Living Well Resource Fair</li> </ul> </li> <li>• <b>MAY</b> <ul style="list-style-type: none"> <li>○ Bark Park Awareness</li> <li>○ Spring on the Farm</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• <b>JUNE</b> <ul style="list-style-type: none"> <li>○ Tater Daze Parade &amp; Community Market</li> <li>○ Juneteenth</li> <li>○ Arts Festival</li> </ul> </li> <li>• <b>JULY</b> <ul style="list-style-type: none"> <li>○ Summer Splash</li> <li>○ Farmers Market</li> <li>○ Kids Concert</li> <li>○ Brooklyn Park Night Out</li> </ul> </li> <li>• <b>AUGUST</b> <ul style="list-style-type: none"> <li>○ Kids Concert</li> <li>○ Farmers Market &amp; Concerts</li> <li>○ Back to School BBQ</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>• <b>SEPTEMBER</b> <ul style="list-style-type: none"> <li>○ Farmers Market &amp; Concerts</li> <li>○ Hispanic Heritage Month</li> <li>○ Movie in the Park</li> </ul> </li> <li>• <b>OCTOBER</b> <ul style="list-style-type: none"> <li>○ Farmers Market</li> <li>○ Movie in the Park</li> <li>○ Spooktacular</li> </ul> </li> <li>• <b>NOVEMBER</b></li> <li>• <b>DECEMBER</b> <ul style="list-style-type: none"> <li>○ Hmong New Year</li> <li>○ Christmas at the Farm</li> </ul> </li> </ul> |
|--|---|---|

4

## 2024 Proposed Events

- **JANUARY**
  - Movie in the Dome
- **FEBRUARY**
  - Winterfest
  - Black History Month
- **MARCH**
  - All Abilities Resource Fair
- **APRIL**
- **MAY**
  - Bark Park Awareness
  - Spring on the Farm
- **JUNE**
  - Tater Daze Parade & Kickoff to Summer
  - Juneteenth
  - Concert
- **JULY**
  - Summer Splash
  - Farmers Market
  - Kids Concert
  - Brooklyn Park Night Out
- **AUGUST**
  - Kids Concert
  - Farmers Market
  - Back to School BBQ
- **SEPTEMBER**
  - Farmers Market
  - Hispanic Heritage Month
  - Arts Festival
  - Movie in the Park
- **OCTOBER**
  - Farmers Market
  - Movie in the Park
  - Spooktacular
- **NOVEMBER**
  - Living Well Resource Fair
- **DECEMBER**
  - Hmong New Year
  - Christmas at the Farm

5

## Ideas for 2024 Events

- Strategically reallocating resources to enhance 2023 events
- 2024 ideas currently not resourced
  - Fireworks
    - 2023 budget reduction
    - Estimated budget \$15k – no additional staff
  - Teen Pride event
    - Estimated budget \$5k + additional staff time
  - Food Truck Festival
    - Estimated budget \$3k + additional staff time
  - Festival of Nations event
    - Estimated budget \$50k + additional staff time
- Other Requests
  - Women's History Month event (March)
  - Hmong Day (May)

6

## Limitations & Challenges

- Staffing
  - One FT dedicated events person in Recreation & Parks
  - Small amount of seasonal staffing to support Farmers Market & events
- Budget (2023)
  - \$9,000 for operating supplies
  - \$61,000 for performances, rentals, & other contractual services
  - \$16,000 in overtime for Police, Fire, O&M
  - \$8,800 for seasonal staffing
  - Budget amount similar to when events were just Tater Daze and concerts
- Site
  - No city owned location provides space and all necessary components
  - Future CAC renovations includes concept for “Great Lawn” event space
- Security
  - Security in parks is difficult without controlled access points

7

## What is Needed for Events Growth?

- Staff
  - Both regular (FT or PT) and seasonal staff
- Budget
  - Amount depends on level of expansion
  - Ability to expand has been limited over the past 5+ years
- Space
  - To be successful, the location of events matters
  - Challenging to establish event in one location then move it in future
- Possible strategies for new events
  - Seeking partnerships to enhance events in Brooklyn Park
    - Hmong New Year ( ~\$5k and added staff per event)
  - Single day community events
    - Tater Daze 2021 ( ~ \$8k and added staff per event)
  - Providing large scale events
    - Three-day festival (Approximately \$50k+ and staff (+1 FTE) per event)

8

## Considerations for Event Requests

- Is this a Community Need?
- Is there a gap in service?
- Does it serve underrepresented populations?
- Are there similar existing events in the community?
- Are there other neighboring cities with similar events?
- Where did the request initiate?
  - Community, Staff, Council?
- Do we have staff, budget capacity and/or facilities to make it happen?
  - 2024 budget to be developed based on meeting outcome

9



## Feedback

What stands out to you about what you've seen?

What recommendations do you have for 2024?

10

## City Charter Amendment

- Section 12.10. Authority for Expenditures. The council may establish a public expenditure policy (“Policy”) to identify certain types of expenditures as being for a public purpose and within the city’s authority to expend city funds on. The Policy shall not limit the authority of the city to make expenditures otherwise authorized by law. If adopted, the council shall review the Policy periodically and update it as needed. In establishing, reviewing, and approving the Policy, the council shall consider whether the expenditures to be authorized by the Policy: 1) benefits the community as a whole; 2) are directly related to governmental functions; and 3) primarily benefits the public interest, not a private interest. In establishing, reviewing, and approving the Policy, the council shall consider the opinion of the city attorney and statewide sources of authority, which may include judicial determinations, Minnesota Attorney General opinions, and findings of the Office of the State Auditor.
- Expenditures related to any of the following activities shall be deemed authorized if the Policy expressly provides authorization: international, cultural, and economic development programs; community events, festivals, and celebrations; miscellaneous employee benefits; employee recognition; and funding for conference attendance. The council may also provide specific authorization regarding any other expenditure.

(Example from City of Crystal)

## CHAPTER 7

### ADMINISTRATION OF CITY AFFAIRS

#### SECTION 7.01 THE CITY MANAGER (Amended by Ordinance #2019-1244 Effect. 11/20/19)

The City Manager shall be the chief administrative officer of the city. He/she shall be appointed by the City Council entirely on the basis of appropriate and related: (1) college education, (2) training, (3) experience, and (4) executive and administrative qualifications. The choice shall not be limited to inhabitants of the city or state but he/she shall be a citizen of the United States. The City Manager shall be appointed for an indefinite period, but he/she shall be removable by the City Council at will, and the office of City Manager shall be declared vacant. However, if removed at any time after one year of service, he/she may within five (5) days after his/her removal demand written charges and a public hearing on the same by the City Council. Such public hearing shall take place within thirty (30) days after the demand for the same and the written charges shall be furnished him/her by the City Council at least ten (10) days before the hearing. At the conclusion of the hearing, the Council shall have unlimited discretion either to reinstate the Manager or make his/her removal final.

When the office of City Manager is declared vacant, the City Council shall appoint a new City Manager within 180 days. Whenever the office of City Manager is declared vacant, the City Council shall advertise for a new City Manager through appropriate local and national publications and agencies and on the city's website. During any absence or disability of the City Manager, the City Council shall appoint an Acting Manager, properly qualified and capable to perform the duties of City Manager.

#### SECTION 7.02 POWERS AND DUTIES OF THE CITY MANAGER (Amended by Ordinance #1971-35A Effect. 2/17/72; Ordinance #1980-329A Effect. 10/10/80; Ordinance #1986-518A Effect. 5/20/86; Ordinance #1989-631A Effect. 2/2/90; Ordinance #2000-941 Effect. 3/6/01; Ordinance #2006-1053 Effect. 4/26/06)

Subject to the provisions of this Charter and any Council regulations consistent therewith, the City Manager shall control and direct the administration of the city's affairs. He/she shall have the powers and duties set forth in the following divisions:

- (1) He/she shall see that this Charter and laws, ordinances, and resolutions of the city are enforced.
- (2) He/she shall appoint, upon the basis of qualification and experience and may suspend or remove upon the basis of merit and fitness, and upon the provisions of all applicable ordinances, all officers and employees of the city except the City Attorney. Appointment or removal of the City Clerk, the Director of Finance, and all department heads shall be made final only upon approval of the City Council.
- (3) He/she shall direct and supervise the administration of all departments, offices, and agencies of the city administration created by this Charter or hereafter created by the Council.
- (4) He/she shall attend all meetings of the Council, with the right to take part in the

- discussion but not to vote.
- (5) He/she shall recommend to the Council such measures as he/she may deem necessary for the welfare of the people and efficient administration of the city's affairs.
  - (6) He/she shall keep the Council fully advised as to the financial condition and needs of the city, and he/she shall prepare and submit to the Council in accordance with this Charter the City Population Report, the annual budget, a capital budget, a capital long range improvement program, which he shall review and update annually, annual report of finances and administrative activities of the city, and any other reports as prescribed by this Charter or by the City Council. The Manager's City Population Report shall also be submitted to the Charter Commission by the first day of March of each odd-numbered year.
  - (7) He/she shall prepare and submit to the Council for adoption an administrative code incorporating the details of administrative procedure, and he/she shall at least annually review such code and suggest amendments as deemed necessary.
  - (8) He/she shall perform such other duties as may be prescribed by this Charter or by law or required of him/her by ordinances or resolutions adopted by the Council.

### SECTION 7.03 DEPARTMENTS OF ADMINISTRATION

The City Council may create such departments, divisions, and bureaus for the administration of the city's affairs as it deems necessary, and from time to time alter their powers and organization. It shall have the City Manager prepare a complete administrative code for the city and shall enact it in the form of an ordinance, which may be amended from time to time by ordinance.

### SECTION 7.04 SUBORDINATE OFFICERS (Amended by Ordinance #1980-329A Effect. 10/10/80; Ordinance #2000-941 Effect. 3/6/01; Ordinance #2005-1035 Effect. 08/10/05; Ordinance #2006-1053 Effect. 4/26/06; Ordinance #2006-1066 Effect. 3/7/07)

There shall be a City Clerk, a Director of Finance, and a Director of Public Works subordinate to the City Manager. There shall be such other department heads and other positions subordinate to the City Manager as the Council may create by ordinance. Such ordinance shall define the qualifications of each subordinate to the City Manager. Qualifications for the office of an Assistant City Manager or any assistant department head shall be as similar as practicable to that of the City Manager or respective department head. The City Clerk shall be subject to the direction of the City Manager, and shall have duties in connection with the keeping of the public records and such other duties as may be assigned by the City Manager or by the provisions of this Charter. The Director of Finance shall have such duties in connection with the receipt, disbursement and custody of public funds as may be assigned by the City Manager and other provisions of this Charter. The provisions of this Charter shall not be construed so as to prevent the combining of the offices of City Clerk and Director of Finance.

The City Council may by ordinance abolish offices which have been created by ordinance, and may combine the duties of various offices as it may see fit.

**SECTION 7.05 PURCHASES AND CONTRACTS** (Amended by Ordinance #1975-193A Effect. 8/28/75; Amended by Election held 11/8/94 Effect. 12/8/94.

The City Manager shall be the chief purchasing agent of the City, and the City Manager may make or let contracts for the purchase of merchandise, materials or equipment or any kind of construction work in the manner provided by state law for cities of its class. Said purchases or contracts may be made or let by the City Manager after first obtaining the approval of the City Council. The City Council shall establish a Purchasing Manual for purchasing and awarding contracts and for requesting proposals for goods or services not covered or required to be purchased by competitive bids under state law. The Purchasing Manual shall be drafted under the direction of the City Manager and subject to the approval of the City Council. Any changes to the Purchasing Manual shall be approved by the City Council. The Purchasing Manual shall contain defined procedures to assure that purchases are made in a competitive manner.

All other purchases shall be made and all other contracts let by the Council after the recommendation of the City Manager has first been obtained. All contracts, bonds, and instruments of any kind to which the City is a party shall be signed by the Mayor and the City Manager on behalf of the City and shall be executed in the name of the City.

**SECTION 7.06 CONTRACTS: HOW LET** (Amended by Ordinance #1975-193(A) Effect. 11/26/75; Ordinance #1999-908 Effect. 1/20/2000; #2019-1244 Effect. 11/20/19)

Every contract for the purchase of merchandise, materials or equipment, or for any kind of construction work for cities of the second class, shall be let only by the Council upon the recommendation of the City Manager to lowest responsible bidder. Unless the Council shall by an emergency ordinance otherwise provide, the City Manager shall advertise for bids on the city website and at least one week's published notice in the official legal newspaper of the city on all such contracts as provided by statute. The Council may, however, reject any and all bids. Subject to the provisions of this Charter, the Council may by ordinance adopt further regulations for the making of such bids and the letting of contracts.

**SECTION 7.07 PUBLIC PURPOSE EXPENDITURES** (Added by Ordinance #2002-980 Effect. 12/17/02; Amended by Ordinance #2005-1037 Effect. 8/31/05)

The City Council shall establish a Public Purpose Expenditure Policy, which shall be drafted by the City Manager and reviewed and approved by the City Council annually. In establishing, reviewing, and approving the Policy, the City Council shall consider whether the expenditures to be authorized by the Policy: 1) benefits the community as a whole; 2) are directly related to governmental functions; and, 3) primarily benefit the public interest, not a private interest. In establishing, reviewing, and approving the Policy, the City Council shall consider the opinion of the City Attorney and statewide sources of authority, which may include judicial determinations, state Attorney General opinions, and findings of the Office of the State Auditor.

The City Council may provide in the Public Purpose Expenditure Policy that public funds may be expended to establish, implement, and operate an employee recognition program and an employee

preventive health and wellness program for city employees. The nature and scope of any such programs must be set forth in the Public Purpose Expenditure Policy.

SECTION 7.08 CITY ATTORNEY (Added by Ordinance #2006-1053 Effect. 04/26/06)

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.

# Public Purpose Expenditures Policy

(Pages 9-13 of the Purchasing Manual and Procurement Policy)

---

## Purpose

The City Council (Council) recognizes that public funds may only be spent if the expenditure meets a public purpose and the expenditure relates to the governmental purpose for which the City of Brooklyn Park (City) was created.

The meaning of “public purpose” is constantly evolving. The Minnesota Supreme Court has followed a broad approach and has generally concluded that “public purpose” means an activity that meets ALL the following standards:

- The activity will primarily benefit the community as a body.
- The activity is directly related to functions of government.
- The activity does not have as its primary objective the benefit of a private interest whether profit or not-for-profit.

This policy is intended to provide guidelines regarding which expenditures are for public purposes and authorized in accordance with the City’s annual budget process, and which expenditures are not considered to fall within the public purpose definition and are therefore not allowed. There is a public benefit in ensuring high employee productivity and morale, recruitment and retention of personnel.

## Responsibility

The City Manager is the responsible authority overseeing all City expenditures and as such is the chief purchasing agent for the City. Responsibility for administering this Public Purpose Expenditure Policy has been delegated to the Finance Department. Further, all officers and employees authorized by their Department to make purchases for the benefit of their respective departments are responsible for complying with this policy and corresponding procedures.

## Policy (updated 1/09/2023)

Expenditures of public funds must comply with the public purpose standards defined above. When reviewing an expenditure to verify the standards have been met, the City Manager, or his/her designee, should consider the time of day the event is held, the business purpose of the event, whether the event was intended to attract non-City employees, the frequency of the event, and the reasonableness of the cost. The following guidelines address specific examples of public expenditures, but examples are not meant to be all-inclusive.

The Minnesota Supreme Court further clarified that activities that promote the following objectives for the benefit of all the city’s residents further a public purpose:

- Public health
- Safety
- General welfare
- Security
- Prosperity
- Contentment

These procedures are governed by City Charter, the City Council, and State Statute. See appendix for exact references.

### **1. Permitted Expenditures for Meals, Refreshments:**

Use of City funds in reasonable amounts for meals and/or refreshments for elected and appointed city officials and employees are permitted in the following circumstances, with Department Head approval:

- a. City-sponsored events of a community-wide interest where staff are required to be present (e.g., National Night Out, Citizens Police Academy).
- b. City Council, boards and commissions meetings held during or adjacent to a meal hour
- c. Meetings related to City business at which the attendees include non-city representatives
- d. Professional association meetings, conferences and training when meals are included as part of the registration or program fee, or in accordance with the travel policy.
- e. Departmental staff or training meetings (e.g., annual department level picnic)
- f. Annual employee recognition and appreciation events (e.g., service awards, food and beverage, employee recognition event, employee clean up breakfast)
- g. Annual recognition events for volunteer and non-employees
- h. City-sponsored training or work-related meetings where employees are required to participate or be available during break periods
- i. Multi-departmental meetings scheduled during or adjacent to a meal hour when no other meeting time is available
- j. Work activities requiring continuous service when it is not possible to break for meals (e.g., election days, Christmas meal, Thanksgiving meal, water main breaks, emergency snow removal, time sensitive public safety responses)
- k. Healthy snacks and incentives of moderate value provided to attendees of safety, health, and wellness programs for City employees
- l. Events recognizing completion of a significant work-related project (City Manager approval required)
- m. Events, meetings, programming, and incentives of moderate value that are supportive of the City's strategic priorities of inclusion and equity (e.g., food for attendees of training programs; attendance at events intended to increase, broaden, and engage the participation of ethnically and racially diverse communities in city matters)
- n. Bottled water can be provided to officials, members and staff at City association, commission and Council meetings.

### **2. Other Permitted Expenditures**

- a. Retirement and annual service awards recognition (subject to Human Resources guidelines).

Recognition Gift:

Approved up to \$25 per employee, unless part of a Council-approved employee compensation program

Recognition gift purchases over \$25 but less than \$100 per employee, such as caps, pins, rings, watches, statues, plaques, medals, awards, ribbons, and certificates will

be approved by the City Manager or his/her designee for retirement and extraordinary individual or item contributions.

**Employee Recognition Awards:**

Years of service awards for regular full and part-time employees of \$10.00 per year of service are recognized at 5-year intervals and will be awarded at the Annual Recognition Event.

Retirement Refreshments in recognition of those retiring with over 10 years of service. This amount will not exceed \$50.00.

The Council will allow for the annual appropriation of funds within the Administration Department's budget to pay for such expenditures.

- b. Clothing and Other Sundry Items – Employees may receive clothing and other sundry items of nominal value when these items are made available to the general public or if these items are determined by the City Manager to be important to the successful involvement of employees in promoting our operational values, and special city-sponsored or city supported events (i.e. National Night Out, etc.). Employees may be supplied with clothing, boots and other gear necessary for the performance of their job
- c. Staff time and equipment use for city sponsored employee events as approved by City Council and/or City Manager as allowed by state statute and/or city charter/code (e.g., set-up for annual employee lunch)
- d. City expenditures for non-profit organizations allowed by state statute
- e. Refreshments and food for Emergency Response Staff
  - Emergency personnel are often called to perform duties for extended periods of time where refreshments are important to duty performance. Firefighters, police officers, other emergency response personnel, or other staff necessary to maintain continuity of service may be provided refreshments or food when it is deemed appropriate by the City Manager or Department Director to assure the delivery of quality emergency response service
- f. Employee Wellness Program Public funds may be expended to establish, implement, and operate a preventive health and wellness program for city employees. The nature and scope of the programs to include but not limited to: preventive health screening and assessments, health and wellness education and programming (i.e. nutrition, cardiovascular fitness, flexibility and core strengthening, stress management, tobacco cessation, etc.) and program incentives to include but not limited to cash incentives as approved by the City Council. To encourage wellness activities, the cardio fitness room, weight training room, and racquetball courts (during non-prime times) at the Community Activity Center will be available to employees during their non-work hours at no charge. Registration, proper training and signed waiver form are required before use of these facilities. Only employees participating in the wellness program are eligible for this incentive

### **3. Prohibited Expenditures**

Use of City funds for meals and/or refreshments for elected and appointed City officials and employees are prohibited:

- a. Food and refreshments for routine work meetings
- b. Alcoholic beverages

- c. Employee functions or celebrations that are solely social in nature (e.g., birthdays, holiday luncheon)
- d. Fundraisers for non-City related events
- e. Participation in optional activities unless included as part of an overall conference registration fee (e.g., optional golf rounds, sporting events, concerts)
- f. Employee-sponsored fundraising events (e.g., charitable giving campaign)
- g. For funeral flower arrangements upon death of an employee, elected official, or one of their immediate family members. (Sunshine club administered separately covers this expense see appendix)
- h. Employee coffee and supplies, coffee services

### **Community Outreach**

Community Events and other events that involve or invite participation by the general public: Representative staff members/Council members may participate in events that directly benefit the marketing of the City. These events and any City expenditures for them require prior specific approval by the City Council and also include City expenditures for participation fees, donated gifts, door prizes, etc.

**City of Brooklyn Park**

**CHARTER COMMISSION Attachments**

<b>Agenda Item No.:</b>	<b>6.2B</b>	<b>Meeting Date:</b>	September 13, 2023
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Dennis Secara, Chair

**Attachments:**

6.2B COUNCIL WORK SESSION SUMMARY REPORT, 7/31/23 – FILLING COUNCIL VACANCIES WITH ATTACHMENTS

<b>City of Brooklyn Park Council Work Session</b>			
<b>Meeting Date:</b>	July 31, 2023	<b>Originating Department:</b>	Administration
<b>Agenda Item:</b>	C.3	<b>Prepared By:</b>	Devin Montero, City Clerk
<b>Agenda Section:</b>	DISCUSSION ITEMS/GENERAL ACTION ITEMS	<b>Presented By:</b>	Jay Stroebel, City Manager
<b>Item:</b>	Potential Charter Change on Filling Council Vacancies		

**Summary:**

Mayor Winston, Council Members Eriksen and Klonowski requested adding a discussion on amending the city charter related to vacation of council seats.

**Attachments:**

- A. OTHER CHARTER CITIES AND COUNCIL VACANCY PROCESS
- B. MINNESOTA STATUTE SECTION 412.02-COUNCIL VACANCY FOR STATUTORY CITIES

## OTHER CHARTER CITIES AND COUNCIL VACANCY PROCESS

### ***Brooklyn Park – Population 86,106***

SECTION 2.06 COUNCIL VACANCIES (Amended by Ordinance #1972-124A Effect. 12/20/72; #1998-883 Effect. 9/3/98; #2003-995 Effect. 7/3/03; #2009-1098 Effect. 7/30/09; #2014-1167 Effect. 07/2/14); #2017-1213 Effect. 08/04/17.

A vacancy in the City Council or office of Mayor shall be declared when any of the following occur:

1. The failure of any person elected to qualify on or before the date of the second regular meeting of the new Council.
2. Death.
3. Resignation.
4. Failure to perform any of the duties of Council Member for a continuous period of ninety (90) days.
5. Conviction of a felony.
6. A judgment of incompetence by a court of competent jurisdiction.
7. Member removed by recall.
8. Council Member is elected Mayor or Mayor is elected to a Council seat.
9. Member no longer resides in the City of Brooklyn Park or, in the case of a Council Member, the district the member represents. If the process of redistricting changes a Council Member's district, that Council Member shall continue to represent the district until the member's term expires.
10. Council Member forfeits office in accordance with Section 14.04 (B) or any reason specified by law.

If any of the foregoing is determined to have happened, the Council shall, by resolution at the next regular or special Council meeting declare a vacancy on the Council to exist. Declaration date of vacancy shall be the date of the Council meeting at which the resolution is adopted. Vacancies must be publicly declared by resolution, posted at City Hall, and with notification to be given by any other practical means.

The Council shall adopt an application and appointment procedure, make the procedure available to the public, and periodically review the procedure. This procedure must be codified in the code of ordinances.

If less than 365 days remain in the term, the Council may appoint an eligible person to fill the office for the balance of the unexpired term using the procedure. The candidate receiving a majority of votes of all members of the Council must be appointed to fill the vacancy. If no candidate receives a majority of votes, additional votes may be taken. If the Council fails to make an appointment within 45 days after the declaration, or if the Council votes three times on

the appointment and fails to fill the vacancy, the Mayor must, within 60 days after declaration appoint an eligible person to fill the vacancy;

If 365 days or more remain in the term, the Council must within 45 days of the declaration date order a special municipal election to fill the vacancy for the balance of the unexpired term. The Council shall set times for candidates to file for such office, however, filings may close no sooner than 7 days after the election is ordered. If a special primary election is required by Section 4.03 of this Charter, the special election must be held no more than 120 days after the election is ordered. If a special primary election is not required, the special election must be held no more than 75 days after the election is ordered. Except as provided in this section of the City Charter, all of the provisions of the Minnesota election law are applicable to the election as far as practicable.

### ***Minneapolis – Population 434,346***

#### § 3.3. - Special elections.

(a)Elected office. When a vacancy occurs in an elected office before the term expires, and this charter does not provide another method of filling the vacancy, a special election must be held on a legal election day under Minnesota election law that is more than 90 days from the date of the vacancy. For each special election, the City Council must provide by ordinance for a filing period of at least eight days.

(b)Other special elections. The City Council must schedule a special election as required by law on any question that the voters may lawfully decide, and may schedule any other lawful special election, in accordance with Minnesota election law. This section 3.3(b) is subject to section 9.4(e). ( Ord. No. 2020-058 , § 1, 11-3-20, eff. 12-3-20)

### ***St. Paul – Population 312,040***

- **Sec. 2.05. - Filling vacancies.**

A) *Interim appointee.* The council may within thirty (30) days of a council vacancy elect a qualified voter of the ward to fill the vacancy as an interim appointee until such time as a successor is elected as set forth below or for the remainder of the unexpired term if the council vacancy occurs on or after July 1 of the third year of the term. If a tie vote occurs in the filling of a vacancy in the office of [councilmember], the mayor shall break the tie.

In the event that the council does not fill the council vacancy within thirty (30) days, the mayor shall within ten (10) days thereafter appoint a qualified voter of the ward to fill the vacancy as an interim appointee until such time as a successor is elected as set forth below or for the remainder of the unexpired term if the vacancy occurs on or after July 1 of the third year of the term.

If a vacancy occurs in the office of mayor, the council shall within thirty (30) days elect a qualified voter of the city to fill the vacancy as an interim appointee until such time as a successor is elected as set forth below or for the remainder of the unexpired term if the vacancy occurs on or after July 1 of the third year of the mayoral term.

(B) *Elected successor.* If a vacancy in an office occurs before July 1 of the third year of the term, the vacancy shall be filled at the next general election being the first Tuesday after the first Monday in November, unless the next general election occurs more than one hundred eighty (180) days after the vacancy is created, in which case, the council shall call a special election for the purpose of filling the vacancy. The successful candidate's term shall commence upon the council's canvass of the election results and upon expiration of the time to contest the election or, if notice of contest is filed, upon final disposition of the contest.

Affidavits of candidacy for said vacancy shall be filed with the city clerk in accordance with the provisions of Charter Section 7.04. (Ord. No. 11-13, § 2, 3-2-11; Ord 13-46, § 2, 9-11-13)

**Note**— Amended, see Note 2 following this chapter; further amended by Ord. No. 17340, C.F. 86-321, adopted by the city council April 10, 1986, pursuant to Minnesota Statutes, Section 410.12.

## ***Bloomington – Population 90,974***

### **§ 2.05 VACANCIES IN THE COUNCIL.**

A vacancy in the council exists for any of the following reasons:

- (a) The failure of a person elected to qualify for office by the date of the second regular meeting of the council in the term for which the person was elected;
- (b) Death;
- (c) Resignation;
- (d) Recall election wherein a majority of voters voted in favor of recalling the official;
- (e) Loss of residency;
- (f) Continuous absence from the city for more than three months;
- (g) Conviction of a felony of a councilmember, whether before or after qualification for office;
- (h) Failure of a councilmember without good cause to perform the duties of the office for a period of three months.

In any of these cases, except a recall election, the council must declare by resolution that a vacancy exists. The council must adopt the resolution declaring the vacancy at the next regularly scheduled council meeting. Within forty-five days after the adoption of the resolution, the council must appoint an eligible person to fill the vacant office until the next regular state or municipal election when the office will be filled for the unexpired term. If the council fails to make the appointment within forty-five days, or, if before the end of the forty-five days, votes three times on the appointment and is unable to fill the vacancy, the mayor must, within fifteen days, appoint an eligible person to fill the vacancy until the next scheduled state or municipal general election when the office will be filled for the unexpired term. When the council or mayor makes the appointment less than 28 days before the opening date of filing for the next regularly scheduled state or municipal general election, a special election to elect an eligible person for the remainder of the unexpired term of office shall be held at the next state or municipal general election. No special election will be held for an unexpired term of two months or less.

(Section 2.05 amended by Ord. 88-51, passed 7-25-1988; Ord. 96-16, passed 5-20-1996; Ord. 2001-47, passed 11-19-2001; Ord. 2004-8, passed 4-5-2004; Ord. 2021-40, passed 11-29-2021)

### ***Duluth – Population 85,667***

#### Sec. 4. Vacancies in office of mayor and councilor; acting mayor

The office of mayor or councilor shall be deemed vacant in case of failure to qualify within ten (10) days after election, or by reason of death, resignation, removal from the city or the district except as in Section 2 provided, conviction of a felony, violation of any of the duties of office, which, by provisions of this Charter, render the office vacant, or continuous absence from the city for more than thirty days, but if additional time is needed, leave may be granted by the council for a longer absence. If any such vacancy occurs (other than by recall or resignation after recall petition is filed) the council shall without delay appoint an eligible person to fill the same until the first Monday in January after the next municipal election, when the office shall be filled by election for the unexpired term. If the council vote to appoint an eligible person to fill a vacancy results in a deadlock, an eligible person will be chosen by coin toss. In the case of an absence of shorter duration than renders the office of mayor vacant, or in the event of disability of the mayor, the mayor's duties shall be filled by an acting mayor who shall be appointed by the mayor from the councilors-at-large after each general municipal election. Should the mayor become disabled or be absent for more than ten (10) days without having appointed an acting mayor, the district councilors, by majority vote, shall appoint one of the councilors-at-large as acting mayor. The mayor shall not be considered disabled within the meaning of this Charter unless such disability shall be determined by the council at a hearing held upon notice to the mayor for the purpose of making such determination. The appointment of a councilor as acting mayor shall not be deemed to create a vacancy in the office of councilor-at-large, but while serving as acting mayor such councilor shall not perform city council duties. The compensation of the acting mayor during the absence or disability of the mayor shall be set by the city council in an amount commensurate with the duties required of the acting mayor from time to time. (As amended by elections, March 20, 1956, and September 8, 1964; Ord. No. 8639, 7-26-1982, § 4; Ord. No. 10398, 8-10-2015, § 1; Ord. No. 10399, 8-010-2015, § 1.)

### ***Plymouth – Population 81,184***

- **Section 2.07. - Council Vacancies.**

A vacancy in an elective office exists for the reasons specified by law. (Amendment #15; 4/26/2016)

When a vacancy occurs for a reason specified, the council shall, at its next regular meeting, by a resolution stating its findings, declare the vacancy to exist. When a vacancy exists, the council must forthwith appoint an eligible person to fill the vacancy until the next regular municipal election when the office is filled for the unexpired term. If the Council does not appoint an eligible person within 60 days after the vacancy is declared, the Mayor shall appoint an eligible person to fill the vacancy on or before the next regular council meeting. If a vacancy occurs and exists in an elective office after the last day for filing affidavits of

candidacy for that office, the person elected to fill that office is deemed to have been appointed for the unexpired term.

### ***Blaine – Population 70,979***

- **Sec. 2.05. - Vacancies in the council.**

A vacancy in the council shall exist in case of:

(1) The failure of any person elected thereto to qualify on or before the date of the second regular meeting of the new council; or

(2) The death, resignation, removal from office, removal from the city, continuous absence of any councilmember from the city for more than three (3) months; or

(3) The failure of any councilmember without good cause to perform any of the duties of membership in the council for a period of two (2) months; or

(4) The conviction of any such person of a crime for which a sentence of imprisonment for more than one year may be imposed, whether before or after such person's qualification.

If a vacancy on the council is for a period of more than twelve (12) months, the council shall by resolution declare the vacancy to exist and shall by resolution call for a special election as provided in this section.

If a vacancy on the council is for a period of less than twelve (12) months, the council shall by resolution declare that the vacancy exists. Within the next forty-five (45) days, the council shall by resolution appoint an eligible person to the existing vacancy. The appointee shall serve until January 1 following the next regular municipal election, or until his/her successor is elected and qualified. At the next regular municipal election, the office will be filled for the unexpired term.

The council may by resolution waive its right to appoint to fill a vacancy and may call a special election to be held as soon as legally permissible. If a vacancy on the council is not filled by appointment within the forty-five (45) days following the declaration of the vacancy, the council shall call a special election as provided in this section. (Ord. No. 251, 1-21-1971; Ord. No. 89-1126, 5-4-1989; Ord. No. 98-1708, 5-21-1998)

### ***Coon Rapids – Population 64,128***

1-205 - Vacancies in the Council.

(1)A vacancy in the membership of the Council shall be deemed to exist if a person elected thereto:(a)Fails to qualify on or before the date of the second regular meeting of the new Council.(b)Dies before completing the term of office to which elected.(c)Resigns from the office.(d)Is removed from the office by a court of competent jurisdiction.(e)Removes from the City or removes from the Ward to which elected.(f)Attends no regular, special or emergency meetings of the City Council during any period of seventy (70) consecutive calendar days.(g)Is convicted of a felony, whether before or after qualifying. [Revised 1/3/95, Ordinance 1517]

(2) In each such case, the Council shall, by resolution, declare such vacancy to exist and the Council shall, by resolution, within 30 days thereafter, either: (a) Appoint an eligible person to fill the office until the next regular municipal election when the office shall be filled for the unexpired term, unless the unexpired term is in its final two years in which case the person appointed shall serve until the term expires, or

(b) Order a special municipal election to fill such vacancy for the unexpired term.

The Council shall set times for filings for such office provided filings shall close not sooner than seven (7) days after the adoption of the resolution. Such election shall be held no less than 45 nor more than 60 days after the adoption of such resolution. If more than two candidates file for such office, a special primary election shall be held two weeks prior to the special municipal election.

## ***Minnetonka – Population 54,704***

### **Section 2.06. Vacancies in the Council.**

Subd. 1. Death or resignation. A vacancy in a council position automatically occurs on the date an incumbent dies. A vacancy also automatically occurs when an incumbent submits a written resignation to the mayor, city manager, or city clerk, effective on the date specified. If the date is not specified, the vacancy is created on the date of submittal. If the date of submittal is unknown, then the vacancy will occur on the date the official receives the written resignation.

Subd. 2. Other vacancies. A vacancy in a council position also exists in the following situations:

- a. failure of an elected person to qualify on or before the date of the council's second regular meeting in the year after the election;
- b. termination of residency in the city;
- c. except as provided in section 2.04, termination of a ward council member's residency in the ward from which elected;
- d. conviction of a felony either before or after qualification for office; or
- e. loss of qualifications for the elective office.

Subd. 3. Procedure to declare vacancy.

- a. The council must on its own motion declare by resolution that a vacancy exists when a vacancy occurs for a reason other than death or resignation.
- b. If the council fails to act or is unaware of a vacancy, a resident who is an eligible voter in the city may submit a written request with supporting facts to the city clerk, asking the council to declare a vacancy. A request submitted within 90 days after another request for the same council position will not be considered under this section. Within 45 days after receipt of the request, the council must investigate the claim and either declare that a vacancy exists or that the request lacked adequate evidentiary support.

Subd. 4. Procedure to fill the vacancy.

- a. A special election is required to fill a vacancy when:
  - (1) The vacancy has been declared, or has automatically occurred, before the first day to file affidavits of candidacy for the next regular municipal election; and
  - (2) more than two years remain in the unexpired term.

When this subdivision 4.a. applies, the city council must adopt a resolution to set the date for the special election at the first regular or special meeting of the city council occurring after the vacancy automatically occurs or at the same meeting at which the vacancy is declared. The special election must be held in accordance with subdivision 5 of section. The person elected will serve the unexpired term for that office. The city council, at its option and at the same or a subsequent meeting, may make an interim appointment of a person to fill the vacancy until a successor is elected at the special election and qualifies for the office.

b. If a special election is not required by subdivision 4.b. above, the council may either appoint an eligible person to serve until expiration of the position's term or fill the vacancy by special election. Upon notice of an impending resignation, the council may begin the process of determining how to fill the vacancy. No later than 60 days after a vacancy automatically occurs or is declared to exist, the council must appoint an eligible person to fill the vacancy or schedule a special election to be held in accordance with subdivision 5 of this section.

If the council does neither, the mayor, or acting mayor if the vacancy is in the mayor's position, has seven days to appoint an eligible person to fill the vacancy.

If after 67 days no appointment is made nor an election scheduled, the clerk must schedule a special election to be held in accordance with subdivision 5 of this section

#### Subd. 5. Special Election Requirements

a. Except as provided in subdivision 5.b. below, special elections must be held at the earliest date possible under state law. Candidates must file for office no later than four weeks before the election

b. If a special election occurs in the same year as a regular municipal election, the council may at its option schedule the special election to occur in conjunction with the regular municipal election rather than at the earliest possible date under state law.

#### Subd. 6. [repealed]

Subd. 7. The term of a council member elected at a special election begins as soon as the person has qualified for office and the city clerk has issued a certificate of election to the successful candidate in accordance with state law. The council member serves until the expiration of the position's term.

#### Subd. 8. [repealed]

Subd. 9. When the mayor or a council member is unable to serve in the office or attend council meetings for a 90-day period because of illness, or because of absence from or refusal to attend council meetings for a 90-day period, the city council, by resolution, may declare a temporary vacancy in that office to exist. After a vacancy is declared, the council must appoint a qualified individual to fill the vacancy for the remainder of the unexpired term or until the original officeholder is again able to resume duties and attend council meetings, whichever is earlier. When the original officeholder is again able to resume duties and attend council meetings, the council must by resolution remove the temporary officeholder and restore the original officeholder.

(Amended by Ord. No. 2019-01, effective April 17, 2019; Amended by Ord. No. 2020-12, adopted June 8, 2020, effective Dec. 13, 2021, amended by election held Nov. 3, 2020)

***St. Louis Park – Population 50,144***

Section 2.05. Vacancies in the council. A vacancy in the council shall be deemed to exist if any person elected thereto fails to qualify on or before the date of the second (2nd) regular meeting of the new council. A vacancy shall also be deemed to exist due to the death, resignation, removal from office, removal from the city, removal of a ward councilmember from their ward, continuous absence from the city for more than three (3) months, or conviction of a felony of any such person whether before or after their qualification, or the failure of any councilmember without good cause to attend any council meeting for a period of three (3) consecutive months.

In each such case the council shall, promptly by resolution, declare a vacancy of the remainder of the term and appoint an eligible person to fill the vacancy unless the vacancy occurs within ninety (90) days of the next regularly scheduled city or state election. In the latter case, the council shall appoint an eligible person who shall serve until the following year's regularly scheduled election. The term of the appointed person shall extend to the first (1st) regularly scheduled council meeting of a new year following a regularly scheduled city or state election. The council shall call a special election concurrently with the next regularly scheduled city or state election for the purpose of electing an eligible person to fill the remainder, if any, of the unexpired term created by a vacancy.

### ***Brooklyn Center – Population 33,585***

Section 2.05. VACANCIES IN THE COUNCIL. When, for any reason, a vacancy should occur in the City Council or office of the Mayor, the City Council must publicly declare such vacancy and specify the date of occurrence of the vacancy within ten (10) days of its occurrence. Notice of the vacancy shall be posted at City Hall and sent to the official city newspaper on the next business day. The Mayor or Council member shall forfeit the office for (1) lack at any time during the term of office of any qualification for the office prescribed by this charter or by law, (2) violation of any express prohibition of this charter, (3) conviction of a crime involving moral turpitude, (4) failure to attend three consecutive regular meetings of the Council without being excused by the Council, or (5) departure of residence from the City. If the unexpired term of the Council vacancy is less than one year from the date of the occurrence of the vacancy, the Council by a majority vote of all its remaining members may either appoint a qualified person to fill the vacancy or call for a special election. If the unexpired term of the Council vacancy is one year or longer, a special election shall be called by the Council or by the City Clerk if the Council fails to act within thirty (30) days of the occurrence of the vacancy. Notice of the vacancy, with a description setting forth the minimum set of legal qualifications to hold public office shall be posted at City Hall and sent to the official city newspaper on the next business day. A quorum of the Council consists of three (3) members; if at any time the membership of the Council is reduced to fewer than three (3) members, the remaining members may by unanimous action appoint additional members to raise the membership to three (3) without following the procedures set forth in Section 2.05b.

#### Section 2.05a. PROCEDURES TO FILL COUNCIL VACANCIES BY SPECIAL ELECTION.

If the unexpired term of the council vacancy is one year or longer, or if the unexpired term of the Council vacancy is less than one year and the Council chooses not to fill the vacancy through the appointment process, a special election shall be called by the Council or by the City Clerk if the Council fails to act within thirty (30) days of the occurrence of the vacancy. The special election shall be held not sooner than sixty (60) days and not later than two hundred (200) days following the occurrence of the vacancy. Except as provided in this Section and Section 4.03 of

the City Charter, all of the provisions of the Minnesota election law are applicable to the election as far as practicable.

#### Section 2.05b. PROCEDURES TO FILL COUNCIL VACANCIES BY COUNCIL

**APPOINTMENT.** If the unexpired term of the council vacancy is less than one year, the Council by a majority vote of all its remaining members may appoint a qualified person to fill the vacancy.

Notice of the vacancy, with a description setting forth the minimum set of legal qualifications to hold public office shall be posted at City Hall and sent to the official city newspaper on the next business day and shall include the following description of the application and appointment process, which shall be followed by the City Council:

1. Uniform applications in a form approved by the City Council must be received by the City Clerk, no later than twenty-one (21) days from the date of the declared vacancy. Application forms submitted by the applicants are public documents. Applications shall request, at a minimum, all information required by Minnesota Statutes of candidates filing for the office. Additional information forms may be adopted by the City Council and shall be required of each applicant uniformly. The applicant may submit a resume, in addition to the uniform application forms.

2. Tentative interview scheduling shall be completed and posted at City Hall no later than twenty-five (25) days from the declared vacancy. Applicants shall be responsible for requesting schedule changes.

3. Interview process shall not start earlier than twenty-eight (28) days from the declared vacancy.

a. Applicants shall be interviewed by the Council, in accordance with the State of Minnesota open meeting la

**Minnesota Statutes, Section 412.02.**

**Subd. 2a. Vacancy.**

Except as otherwise provided in subdivision 2b, a vacancy in an office shall be filled by council appointment until an election is held as provided in this subdivision. In case of a tie vote in the council, the mayor shall make the appointment. If the vacancy occurs before the first day to file affidavits of candidacy for the next regular city election and more than two years remain in the unexpired term, a special election shall be held at or before the next regular city election and the appointed person shall serve until the qualification of a successor elected at a special election to fill the unexpired portion of the term. If the vacancy occurs on or after the first day to file affidavits of candidacy for the regular city election or when less than two years remain in the unexpired term, there need not be a special election to fill the vacancy and the appointed person shall serve until the qualification of a successor. The council must specify by ordinance under what circumstances it will hold a special election to fill a vacancy other than a special election held at the same time as the regular city election.