

Brooklyn Park Charter Commission Meeting Agenda
Wednesday, October 11, 2023, 7:00 p.m.
City Hall Room A203

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1. Call to Order/Roll Call
2. Public Comment
3. Additions/Approval of the Agenda of October 11, 2023
4. Approval of Minutes
 - 4.1** SEPTEMBER 13, 2023, MINUTES
5. Old Business
 - 5.1 Discuss Proposed Amendment to Charter Section 7.07 Public Purpose Expenditures
 - 5.2 Discuss Proposed Amendment to Charter Section 2.06, City Council Vacancies
 - 5.3 Discuss Proposed Charter Commission By-Laws Amendment
 - 5.3A** DRAFT BY-LAWS
6. New Business
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).

City of Brooklyn Park

CHARTER COMMISSION Attachments

Agenda Item No.:	4.1	Meeting Date:	October 11, 2023
Prepared by:	Devin Montero	Presented By:	Dennis Secara, Chair

Attachments:

4.1 SEPTEMBER 13, 2023, MINUTES

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

1. Call to Order/Roll Call

Present: Commissioners Barbara Bor, Amy Hanson, Adam Hunt, Susan Mabera, Dennis Secara, LaDawn Severin, Scott Simmons, Gregory Szach, David Williams, and Council Liaison Nichole Klonowski.

Absent: Commissioners Sunday Alabi, Susan Mabera, and Beatrice Otieno

2. Public Comment – None.

3. Additions/Approval of the Agenda of September 13, 2023

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

4. Approval of Minutes

4.1 May 10, 2023, Minutes

Commissioner Williams asked that his attendance be changed to present on the May 10, 2023, minutes. He noted that he arrived late to the meeting.

Motion Chair Secara, seconded by Commissioner Bor to approve the amended minutes. Motion Carried unanimously.

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

Chair Secara stated City Clerk Montero made changes to the Process for Charter Amendments chart per the email correspondence he had received. There were no questions or comments from the Commissioners.

5.1B Draft Flow Charts

Chair Secara presented the requested draft flow chart of the process of an amendment change request. He asked if the flow chart presented was what the Commissioners were looking for to provide to residents and make available on the city website.

Commissioner Williams stated he was happy with the flow chart and found it easy to follow and felt it helped explain the amendment process.

Commissioner Bor felt the flow chart required more detail and possibly text. She stated the previous sample that was provided in a column format was easier to follow and made the process very clear.

Discussion was held by the Commissioners as to what unnecessary steps could be taken to show

an easier flow of the process.

Commissioner Hanson stated she preferred the table formatting with directive language well stated. She did not care for the flow chart and felt it was unnecessary.

Commissioner Williams proposed that both a column chart version and a flow chart be used for the process.

Commissioner Simmons stated he was not in favor of posting the flow chart as often there could be questions on the amendment causing it not to follow the exact steps presented and the amendment might be held up with the flow chart.

Chair Secara stated that with a new commissioner coming onboard it might be a good idea to present both online. He stated that all proposals were given consideration and processed in the same way. He stated the commissioners should wait to post the process online and to put the charts on hold for the time being. He stated the process on how an amendment could be changed was already on the website.

Commissioner Bor stated the flow chart would lock in the exact process of the amendment change and it would be expected to be followed. She would like to see new communication and a better work plan.

The consensus of the Commission was to set aside the flow chart and column chart for future discussion.

5.1C Draft Amended Bylaws

Chair Secara presented a draft copy of the Brooklyn Park Charter Commission By-laws. The consensus of the Commission was to remove 16a, 16b, and 16c from the proposed City Charter Amendment Process. They stated that the wording was not specific enough and the items listed did not always apply.

Commissioner Bor stated those situations came up occasionally and the change could come from the City Council or a resident. She suggested that if the City Charter Amendment process was added, a link or chart should be included for reference purposes for the City Council.

Commissioner Hanson stated the process was a working document, it should be in the format of a suggested work order or a summary process of how the amendment process worked.

Commissioner Bor agreed that a summary on the decision process would be beneficial.

Commissioner Simmons reminded the commissioners that words were important so the communication that was set should be clear and detailed to keep the Commission accountable during the routing process.

Commissioner Severin stated that more detail should be added to the process with the ability to edit during the routing process. She stated that a flow chart might not be the best option as there could be mismatches along the way or items may not apply to the requested changes.

Chair Secara suggested that if a change was received it would be decided on the routing plan that would need to take place and a decision would be made whether it was to move forward or if it needed to be sent back. He suggested that number 17 and subsection 17a. be added to the bylaws stating that the Commission would receive and have an opportunity to comment on the

request along with returning the decision or action with comments.

The consensus of the Commission was to continue the editing of the process and discuss at the October 11, 2023, Commission meeting.

6. New Business

6.1 Population Report

6.1A Memo from GIS and Data Analysis Coordinator John Nerge Regarding 2022 Population Estimates

Chair Secara presented a memo from GIS and Data Analysis Coordinator John Nerge regarding the 2022 population estimates. He reported that the City Charter required that population estimates by City Council District be provided to the Charter Commission in odd-numbered years and the Commission uses the estimated population distribution to determine if redistricting was necessary.

6.1B Deviation Percentage Chart

Chair Secara presented the District Population Estimates and the Deviation Percentages chart.

6.1C Metropolitan Council Letter, 5/23/23 – Population Estimates

Chair Secara presented the population estimates from the Metropolitan Council. The commissioners compared the population estimates with the 2022 population estimated from Mr. Nerge. The report showed a difference of 2,000 people between the two reports. The difference in the population numbers did not cause any district to be over 5%, which would require action to be taken by the Commission for redistricting.

Commissioner Hunt stated the Metropolitan Council report was not a valuable report and reported under the 2,000 differences. He stated for purposes of redistricting, it was irrelevant.

Commissioner Bor inquired if the reports were final.

Commissioner Severin suggested the city produced memo by Mr. Nerge be accepted as the final report and used for the Commission's decision.

Motion Commissioner Severin, Seconded by Commissioner Hanson to utilize the population chart with no redistricting as the population deviation was under 5% and using the City Managers Report as the final data. Motion Carried Unanimously.

6.2 July 31, 2023, Council Work Session Charter Discussion Item

6.2A Council Work Session Summary Report 7/31/23 – 2024 Events Discussion

Chair Secara provided the Commission with a summary report regarding the 2024 Events discussion that took place at the July 31, 2023, City Council Work Session. He reported there was a request from city staff to seek possible changes for event offerings and discussion about the resources needed to provide an expanded events portfolio. He stated the City Attorney's recommendation for the Council to consider was amending the City Charter to include a statement allowing the use of City funds for certain events. He stated there was currently a general statement about such spending, but the City Attorney believed there could be benefits to adding a statement with more specificity.

Chair Secara reported that the amendment could allocate funds for events including Tater Daze, parades, council member attendance at events. He stated the current wording in the Charter did not authorize the City to use funds for such events.

Chair Secara reported the City Attorney had created a City Charter Amendment for the City of Crystal and suggested the Commissioners look at it for an example. He also stated that Section 7.07 of the City Charter needed clarification with the authorization.

Commissioner Hanson stated she understood the importance of events and was not opposed to the proposed amendment. She expressed her concerns with travel, conference attendance and funding of events for council members.

Commissioner Bor stated she had reservations on global travel and international travel expenses.

Commissioner Simmons inquired on the scope of the community events and what exactly was being asked of the council members.

Council Liaison Klonowski stated she agreed that Section 7.07 applied to employee recognition and cultural celebrations.

Commissioner Hunt questioned if the attorney should draft amendment language to include only festivals.

Commissioner Simmons stated that he would like to see the State Auditors report on the involvement with Tate Daze and what the core reasoning was behind their decision.

Chair Secara stated that he would contact the City Attorney to provide language for the amendment regarding the involvement of the City Council, the auditor's report, and the involvement of the city in festival participation for the October 11, 2023, Charter Commission meeting.

The consensus of the commission was to add the 2024 Events to the work plan for further discussion.

6.2B Council Work Session Summary Report, 7/31/23, - Filling Council Vacancies with attachments

Chair Secara reported there were concerns on how long a Council vacancy should occur before it was filed. He stated the City Council felt there should be representation present. He reported the concerns such as the cost of an election to fill the vacancy and the length of the vacancy.

Chair Secara reported there could be three options for filling a vacancy. He stated that a special primary election with 50% plus 1 vote over the 50%, rank choice voting or a special election could be held alongside a regular general election.

Council Liaison Klonowski reported that elections took place every two years and appointment of a new member could take place to fill the remaining term.

Commissioner Bor inquired who would be able to appoint an individual for the vacancy.

Council Liaison Klonowski stated she did not have that information.

Commissioner Williams stated the mayor could appoint. He inquired what the cost would be to fill the position and if there would be a delay in filling the vacancy, it should be an appointment process.

Council Liaison Klonoski stated there were not enough details provided with the report. She stated the appointment process could potentially work if there were less than one year remaining on the term.

Chair Secara stated that he would like to consult with the City Attorney on his thoughts and would contact him to join the next Commission meeting in October.

Motion by Chair Secara, Seconded by Commissioner Williams to add Council Vacancies to the work plan. Motion Passed Unanimously.

7.1 Council Liaison Klonowski Update on Council Actions

Council Liaison Klonowski briefed the Commissioners on key items the Council was working internally with the city.

She reported that the City Council approved her to travel and attend the MPACT Conference in Arizona. She stated that it would include discussions on light rail. She reported the Council had been holding discussions regarding the Community Activities Center ice arena and an ordinance on residents owning chickens on their property.

She reported the topic of marijuana city licensing had been discussed and the enforcement of its use in city parks.

7. Correspondence/Communications-none.

8. Adjournment

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

The meeting adjourned at 8:34 p.m.

Respectfully submitted,

Jennifer Gooden
Staff Liaison

City of Brooklyn Park
CHARTER COMMISSION Attachments

Agenda Item No.:	5.3	Meeting Date:	October 11, 2023
Prepared by:	Devin Montero	Presented By:	Dennis Secara, Chair

Attachments:

5.3 DRAFT BY-LAWS

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.** The Charter Commission shall give equal weight and appropriate consideration to all proposed amendments to the City's Charter.
 - 16a. Proposals originating from either the city council, or residents must come to the Commission through the city clerk.
 - 16b. Proposals originating from within the Commission shall be considered received by the city clerk.
 - 16c. If Commissioners determine that an issue is not Charter related, the issue shall be returned to its' originator with an explanation of the Commission's decision. Issues that Commissioners determine to be Charter related, shall be added to the Commission's work plan.