

**Brooklyn Park Charter Commission Meeting Agenda**  
**Wednesday, December 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 December 13, 2023
4. Approval of Minutes
5. Old Business
  - 5.1 Council Vacancies
    - 5.1A** Charter Chapter 2.06
    - 5.1B** Charter Chapter 4.03-with amending language from City Attorney
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](mailto:devin.montero@brooklynpark.org)).*

**City of Brooklyn Park**

**CHARTER COMMISSION Attachments**

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

**Attachments:**

5.1A CHARTER SECTION 2.06

## 5.1A CHARTER SECTION 2.06

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.

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

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

**Attachments:**

5.1B CHARTER SECTION 4.03

## SECTION 4.03 PRIMARY MUNICIPAL ELECTIONS

The Council shall, whenever there are more than two candidates filing for any city-wide office or for resident Council member of any district, provide through ordinance or resolution for a primary election to be held city wide or in any particular district, and such primary election shall be held on a date not less than 25 days prior to the special or general election. At least 15 days notice shall be given by the Clerk of the time and places of holding such election, and of the officers to be elected, by posting a notice thereof in at least one public place in each district where the election is held, and by publishing a notice thereof on the city website and at least once in the official newspaper of the city. Uncontrollable circumstances causing failure to give such notice shall not invalidate such election. This section does not apply to any special election held in 2022 to fill the vacancy in the office of council member for the East District.

If a primary election is required in connection with a special municipal election needed to fill a vacancy in the office of Council member or Mayor pursuant to Section 2.06, a candidate who receives 50% or more of the votes cast by eligible voters at the primary election shall be declared the winner. If no candidate receives 50% or more of the votes cast by eligible voters at the primary election, the two candidates receiving the most such votes shall advance to a special municipal election pursuant to Section 2.06 and the applicable provisions of Minnesota election law.