

Brooklyn Park Charter Commission Meeting Agenda
Wednesday, January 10, 2024, 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 January 10, 2024
4. Approval of Minutes
 - 4.1 NOVEMBER 8, 2023, REGULAR MEETING MINUTES
 - 4.2 DECEMBER 13, 2023, REGULAR MEETING MINUTES
5. Old Business
 - 5.1 Treasurer's Report
 - 5.1A** 2023 TREASURER'S ANNUAL REPORT
6. New Business
 - 6.1 Work Plan for 2024
 - 6.1A** CHARTER COMMISSION WORK PLAN
 - 6.2 Review of By-Laws
 - 6.2A** CHARTER COMMISSION BY-LAWS
 - 6.3 Review Meeting Schedule
 - 6.3A** CHARTER COMMISSION 2024 MEETING SCHEDULE
 - 6.4 Review of 2023 Draft Annual Report
 - 6.4A** CHARTER COMMISSION 2023 ANNUAL REPORT *(Draft)*
 - 6.5 Charter Amendment List
 - 6.5A** CHARTER AMENDMENT LIST-2024 *(Draft)*
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:	January 10, 2024
Prepared by:	Devin Montero	Presented By:	Dennis Secara, Chair

Attachments:

4.1 NOVEMBER 8, 2023, REGULAR MEETING MINUTES

Brooklyn Park Charter Commission Meeting Minutes
Wednesday, November 8, 2023, 7:00 p.m.
City Hall Room A203

1. Call to Order/Roll Call

Present: Commissioners, Barbara Bor, Amy Hanson, Susan Mabera, Dennis Secara, LaDawn Severin, Scott Simmons, David Williams and.

Also Present: Attorney Siobhan Tolar, Kennedy and Graven

Absent: Commissioners Sunday Alabi (excused) Adam Hunt (excused) and Gregory Szach (excused); Council Liaison Nichole Klonowski (excused)

2. Public Comment-None.

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

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

4. Approval of Minutes

4.1 OCTOBER 11, 2023, MINUTES

Commissioner Williams stated he was absent from the meeting and Council Liaison Klonowski was on both Present and Absent areas.

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

5. Old Business

5.1 Council Vacancies

Chair Secara reviewed the attachments with the Commissioners. He introduced Attorney Siobhan Tolar, Kennedy and Graven. He stated she would go over the email City Attorney Thomson sent regarding proposed Charter amendment options.

Attorney Tolar stated the Commissioners discussed options at the last Charter meeting and the options were in the memo provided by city attorney Thomson and Attorney Siobhan. She stated the reason they were considering the amendments was the concerns with vacancies on the Council, having elections and the time lapses between the elections. She gave a background on the existing problems and why the Commissioners were considering the amendments. She reviewed the options discussed at the last meeting:

- *To appoint and hold a special election without a primary.* She stated when there is a vacancy greater than 365 days, a special primary was required if there were more than two candidates followed by a special election. She stated one way to avoid the primary was appointing someone and not having a primary. She stated there would be no primary and the special election held. She stated with this option it could result in a candidate being elected who received less than 50% of the vote. She stated Charter Sections 2.06 and 4.03 would be amended.
- *Not appoint anyone.* Keep the primary, and a special election was not needed if a candidate received more than 50% of the vote at the primary. She stated this option would be a winner

take all primary and wouldn't need to have a special election. She stated there would still be a vacancy during that time period until someone was elected. She stated if a candidate didn't get more than 50% of the vote, there would still be a special election. She stated only Section 4.03 would need to be amended.

- *Appoint and eliminating the vacancy, still have a winner take all primary and someone would be appointed during the time to hold a special election.* She stated it would be done if there was more than 365 days left in the term. She stated there was still the reality if no one received more than 50% of the vote.
- *Appoint, not hold a primary and hold a special election at the next regular city election.* She stated there was the affidavit of candidacy issue with this option and implications on how much time had lapsed between the person who was going to leave office and hold the regular election. She gave an example: on a candidate's term starting on January 2, 2023 and the vacancy occurring on October 1, 2024 and very close to election day and was not enough time to file for the seat. She stated it would mean the appointed person would remain appointed because the city could not hold a special election on November 5, 2024, and the next date to hold a special election would be November 3, 2026, for the vacancy. She stated the special election for the vacancy would only last for over a month. She stated there would always be the special election timing requirements by law and when the vacancy occurred would be the challenge.

Commissioner Bor stated Commissioner Zach had concerns about the appointment and how that would occur and what the criteria would be. She stated in the example given; the person could be in the appointed position for up to two years which would be a considerable amount of time. She stated the email from the Coon Rapids city clerk, there was no clear indication on what the criteria for appointment would be and was a concern for Commissioner Bor.

Chair Secara clarified that in the email there wasn't clear criteria whether to appoint or have a special election and was not determined.

Attorney Tolar stated in the City Charter, for an appointment, the city Council did have to select someone based on a criteria and special elections were outlined in the Charter on how they occurred.

Staff Liaison Montero stated there was an adopted appointment policy for less than 365 days on a term and the candidates would have to complete an application, the Council would review and select the top three and were interviewed at a regular Council meeting.

Commissioner Williams asked if there would be a Council vote on the selected candidate after the interviews.

Commissioner Severin stated she shared the same concerns as Commissioners Zach and Bor. She stated she liked it when it could be truer to the democratic republic origins as a nation. She liked Option #1 if it was tweaked, to just hold a special election. She felt the five dates to hold special elections were very substantial and there was no more than 90 days and wouldn't have to wait until November and find out when to have enough time where people could file and not waiting too long to have the chair sit empty at Council meetings. She stated it was still preserving the democratic nature and the people got to speak.

She stated Staff Liaison Montero said the public got to hear from the applicants and the residents didn't make decisions and could only listen to what the applicants said but the Council would be the ones choosing the applicant.

Commissioner Severin stated the vacancies would happen a lot because the Council members had political aspirations, had been on the Council for a while and wanted to get elected for a higher position.

Chair Secara asked if Commissioner Severin suggested to hold a primary at the early possible date after the declaration.

Commissioner Severin stated, without a primary and just have a special election. She felt the five dates would help with not leaving an empty chair for very long.

Commissioner Bor asked if an appointment could occur in the interim until one of those dates fit with the filing.

Commissioner Severin stated she would rather leave the chair empty and wouldn't be empty for more than 90 days if they utilized the 5 dates and pick the one that was the closest.

Attorney Tolar asked if Commissioner Severin was suggesting, to appoint someone for the time it took to schedule a special election and hold the special election with many candidates and the candidates who received the highest number of votes would win that special election.

Commissioner Severin stated she would scratch the appointment completely.

Chair Secara clarified that it was to hold the special election at the earliest possible date after the declaration of vacancy where there was still time for filing.

Commissioner Simmons stated in the past Charter Commission deliberations and thought it was unanimous, when a vacancy was more than one calendar year, agreed they didn't want an appointment. He stated they could have made the decision in the past to say if more than a year, do an appointment and it was unanimous against that. He was not in favor of appointments unless it was less than 365 days. He stated it was expensive to hold special elections and if it was that concerning, to just have a winner take all election. He went back to the Mayor's scenario where the election had 13 candidates and if it was that much of a concern by the Council, to put a body in the seat, to do it the democratic way, have an election and not an appointment. He stated it would be a winner take all regardless of how many were on the ballot and didn't want to go back to the idea of having an appointment over a year.

Commissioner Williams stated he was listening to all the options, and what he liked about Option #1, to do it at the next regular election and should save money. He stated if there was a special election anytime it would cost money, but if there was an appointment or kept the seat open until the next election that would save money and might not be the best option but would save money.

Staff Liaison Montero stated he provided the Commissioners with estimates on what it would cost to have the regular elections during the even year and having a special election in each district. He stated one of the cost drivers was the early voting, to staff it for 46 days prior to an election.

Commissioner Mabera supported Option #1 but was not in favor of the appointment because of the applicant being appointed not being known by the community. She didn't want an appointment but do the special election and who got the majority of the votes, was the winner.

Chair Secara asked if it was in the City Charter that the applicant being appointed or considered had to be from the district that had the vacant seat.

Attorney Tolar stated the City Charter said, *"if less than 365 days remained 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 the majority of votes of all members of the Council must be appointed to fill the vacancy. If no candidate receives the 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 3 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." She stated it referenced eligible person and did not say how that person was eligible.

Chair Secara stated that was the hangup some of the Commissioners had, on what constituted an eligible person, and presumably it would be someone from the district where the vacancy was, but an eligible person could be a resident of the city.

Commissioner Williams stated there were qualifications for each Council Member and had to live in the district they were representing and were four or five other items they had to have unless they changed the district.

Attorney Tolar stated there were requirements for Council Members in Section 2.03 of the City Charter, *"The Mayor and Council Members must reside within the boundary limits of the city. The Council Members must reside within the boundary limits of the district that they are elected to represent."*

Commissioner Mabera asked if it was 30 days if they were eligible to be a Council Member.

Staff Liaison Montero stated she might be referring to the voter registering to vote where the voter maintained residence in Minnesota for 20 days before the election. He stated he would check on it. *Note: The Minnesota Affidavit of Candidacy under Affirmation, stated, "I will have maintained residence in this district for at least 30 days before the general election"*

Commissioner Hanson stated she didn't have an issue with the appointment if the vacancy was less than 365 days knowing the process the Council had in place and had seen the process happen. She was happy to see how it happened with the Council as they did the process judiciously and very thoughtful how they did the process. She agreed to have the special elections at the time of the regular scheduled elections, whether on a primary or the special election falling on the general election day in November.

She was undecided about doing a special election without a primary. She didn't like the thought of 10 people getting on a ballot for a special election and had 20 votes for everyone and one person had 25 and that was her concern. .

She liked the lines in Option #2 and 2a, *"No special election is needed if a candidate receives more than 50% of the vote at the primary."*

Commissioner Williams stated Commissioner Hanson voiced most of his thoughts on the appointment process and stated they were appointed by leaders, which, were the elected and the Council Members made decisions for residents all the time and would be another decision for them to make. He stated it would be better to have an election too.

Commissioner Bor asked about the special election costs and information provided by the Staff Liaison.

Staff Liaison Montero stated he provided information on the mayor's special primary and special elections, East District Special Primary, West District Special Primary and Special elections. He stated in the West District Special Primary, Candidate McGarvey received 69% of the votes and would have been declared the winner if the City Charter had the language on a candidate receiving more than 50% of the votes. He also provided the Commissioners, the election expenses for the regular elections and special elections in each district.

Commissioner Simmons stated there was a feeling amongst the Commissioners, that if it was a Council Member in the East, Central or West, they didn't want Council Members from outside the district making a decision on who was going to represent residents in a district when they didn't live in the district. He stated it might be a great appointment process, but Council Members were picking a person to replace someone that didn't live in the district. He stated there was a preference for having voters in a district select who represented that district versus someone else selecting them.

Commissioner Hanson stated the voter turnout was low and would like to see move forward with filling the vacancies with elections held at the November time frame and getting it on schedule when a primary and a general election was happening. She stated she would change the Charter that the special primaries and special elections happened when the city was having the general elections and not in the middle of the summer when there was a low voter turnout.

Attorney Tolar stated the implications of having the special elections coincide with the general election depended on when the vacancy occurred.

Commissioner Bor stated it could also be a long time the seat could be vacant.

Commissioner Simmons stated that waiting for the next general election to roll around would mean there should be an appointment because it could be a long time. He thought the rationale for making those 5 uniform dates, was to let the voters know there were only 5 dates to have a special election that it was not just November, but those five days added by the legislature for voter participation.

He stated that as a Charter City the city couldn't hold an election when it wanted to and created a problem where the vacancy was now longer and forced the hand on how long to tolerate that vacancy for 90 days. He stated there was a seven-member Council and was not like the work didn't get done in 90 days and could be manageable to have a vacancy for 90 days.

Chair Secara stated what he heard there was a consensus for:

1. No appointment.
2. Hold a special election at the earliest allowed date following the vacancy declaration, adjusting for filing deadlines but not more than 75 days which was in the Charter. He gave an example, where the last vacancy was in the West District, Council Member Pha was elected to the legislature in November and took office in January and declared the vacancy. He stated they could hold a special election on February 13 but not coincide with the filing deadline, so they could call for the election April 9 and have a vacancy for 3 and half months.

Staff Liaison Montero stated the 46 day early voting period should be considered too.

Attorney Tolar clarified, no appointment, a special election at the earliest possible date and no primary election.

Chair Secara stated there was an argument for a "jungle" primary because in the recent special election, the eventual winner got 69% of the votes in May and would have won and no need for a runoff in August.

Commissioner Hanson asked if the language could be changed on different scenarios for a Council member versus the mayor's seat. For a Council member, it could be done with a special election and no primary. For the Mayor's race, if more than 3 people filed, then it was a primary followed by a special election.

Attorney Tolar stated that it could be done and the question to discuss was whether they wanted to do that to make two separate processes for the Council Members and Mayor. She stated right now they were together and for all other elected city officials too.

Commissioner Severin stated that looking at the past situations, and scenarios, thought it was wise to do what Commissioner Hanson suggested because one of the special elections the city had for the mayor, there was an enormous field of people that were interested and made sense to try it and simplify it for voters and pair it down if there was not a primary. She suggested to have a primary and special election for the mayor, only because of how much interest there had been in the past. She stated it was a very different job and the Mayor was given a raise recently because the Mayor did a lot

more than a Council Member.

Commissioner Bor thought when there was an entire governmental body with the exception of the Mayor and was a different job, that it was singling out the other process and the equitability of that and might not always have 10 candidates. She stated they should be thinking of the message as a city, what they were giving to the citizens who were voting and the direction the Council would get whether it was an appointment, primary or special election.

Attorney Tolar stated it sounded like the Commissioners wanted to keep it the same because of the discussions. She stated the Commissioners were not sure about eliminating the primary, to hold the special elections as early as possible which was already in the City Charter and no appointment for vacancies for more than 365 days and was not looking at changing the City Charter at this point.

Commissioner Hanson stated she was fine with it and thought about the cost of democracy with a budget of \$68 million.

Commissioner Williams agreed with the costs on having a good government but there was also the issue of how much the Council could get done without its full membership. He was in favor of getting those positions filled as quickly as possible and save money but also understood it would cost money but was just as important to get a full Council to take care of the business of the city.

Chair Secara asked about the issue of the primary. If there was a 'jungle' primary, where a person got 50% plus one, they were elected. He stated the city would have to budget for two elections, a primary and runoff, and if there was no need for a runoff, the Council had the ability to reallocate those funds. He stated if it was done this year, they would not have spent money on the August primary, in the case of the mayor's race, if there was a "jungle" primary, they would have needed a runoff. He stated it would be a modification to the Charter and not a complete overhaul. He stated it would save money and might not have two elections and would get a winner with a 50% plus one and not just a plurality and the democratic process was served because the election was held in accordance with the Charter specifications, or the earliest date allowed which they were doing anyway. He stated in the West District Special election, candidate McGarvey, could have been in office starting in May instead of August. He stated he was in favor of it.

Chair Secara asked what another term was other than a "Jungle" primary.

Attorney Tolar stated, a "winner take all" primary was also used.

Chair Secara stated it would require an amendment to Section 4.03 to a "winner take all" primary and asked if there would be a language change in Section 2.06.

Attorney Tolar stated she would have to reevaluate it and confirm with the Commissioners on their discussions:

- The winner take all primary would occur if there were 3 or more candidates.
- If there were two it would go to a special election.

Commissioner Williams thought it was a good solution and supported it; and stated that ranked choice voting would solve most of the problems discussed tonight. He stated the city was not ready for RCV and everyone should be considered it as he listened to the issues being discussed tonight and ranked choice voting would take care of most of it.

Chair Secara stated that during the July 31 Council work session, there was one or two Council members said they could do ranked choice voting for special elections. He stated when they send the proposed amendment recommendation to the Council, the Council didn't have to accept their recommendation and could decide to do RCV and didn't know if that would pass muster with the

Secretary of State and voters.

Commissioner Simmons stated for the same reasons discussed tonight on having one system for the mayor and one system for the Council members there should be one method of voting system for an election and another one system for another election.

Attorney Tolar asked if the majority vote primary for mayor was that they wanted. The Commissioners agreed on the majority vote primary.

Commissioner Severin stated the Council also had a Mayor Pro Tem.

Chair Secara stated the next meeting in December, the city attorney would provide some language and could vote on that language at the meeting.

6. New Business

7. Reports of Officers, Boards, and Standing Committees

Chair Secara stated that on October 23, he presented the recommendation to the Council on the public purpose expenditures policy, relating to community events. He stated the Commissioners wanted it to be "community" and was the Commissioner's consensus word and meant to be an inclusive term and he referenced it like Tater Daze and said it was the Commissioners consensus and was an appropriate term for that issue. He stated there were no questions from the Council and the public hearing and first reading would be held on November 27 and would be in affect in March 2024.

8. Correspondence/Communications

9. Adjournment

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

The meeting adjourned at 8:11 p.m.

Respectfully submitted,

Devin Montero,
Staff Liaison

City of Brooklyn Park
CHARTER COMMISSION Attachments

Agenda Item No.:	4.2	Meeting Date:	January 10, 2024
Prepared by:	Devin Montero	Presented By:	Dennis Secara, Chair

Attachments:

4.2 DECEMBER 13, 2023, REGULAR MEETING MINUTES

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

1. Call to Order/Roll Call

Present: Commissioners Sunday Alabi, Dennis Secara, LaDawn Severin, Scott Simmons, Gregory Szach, David Williams, and Council Member Klonowski

Also Present: Attorney Siobhan Tolar, Kennedy and Graven and Deputy City Clerk Jennifer Gooden

Absent: Commissioners Amy Hanson (excused), Barbara Bor (excused), Adam Hunt, Beatrice Otieno and Susan Mabera (excused),

2. Public Comment – None

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

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

4. Approval of Minutes – None

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

Chair Secara presented the Committee with updated language from the City Attorney for 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.

AMENDMENT LANGUAGE WITH CHANGES

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 more than 50% of the votes cast by eligible voters at the primary election shall be declared the winner. If no candidate receives more than 50% of the votes cast by eligible voters at the primary election, the two candidates receiving the most votes shall advance to a special

municipal election pursuant to Section 2.06 and the applicable provisions of Minnesota election law.

CLEAN VERSION

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 more than 50% of the votes cast by eligible voters at the primary election shall be declared the winner. If no candidate receives more than 50% or of the votes cast by eligible voters at the primary election, the two candidates receiving the most votes shall advance to a special municipal election pursuant to Section 2.06 and the applicable provisions of Minnesota election law.

Commissioner Simmons questioned why wording was used to include “more than 50%” rather than 50% or more. He expressed concern with the term eligible voter.

Commissioner Alabi inquired on the percentages and questioned the more than 50 percent. He stated he feels that the candidate with 50 percent of that person should take office and there would be no need for an election.

Attorney Tolar stated that 50 percent is not a majority if there is a vacancy with more than three candidates, a primary would be held and there would be elimination by majority of votes.

Commissioner Williams stated that he thinks the wording should read that it is more than 50 percent, would simplify the process. He stated that if there were three or four candidates, the overwhelming popular gets 50.1 percent eliminating the need for primary election.

Commissioner Alabi reminded the Commission that this process is to minimize the number of elections. He stated he does not see how this process will do that.

Chair Secara reviewed possible primary scenarios of when a special or primary election could be held based on Council vacancies as well as a mayoral race. He stated that with the possible scenarios and outcomes, the City Council would still need to budget for second election but there might not be a need to hold one.

Commissioner Williams inquired if the term eligible voter was used in the charter in other chapters. He suggested that the Charter be reviewed for the number of times the term “eligible voter” was used and the amendment change could be voted on at the January 2024 Charter Commission meeting.

Commissioner Simmons expressed concern with the term being reviewed at this time and was concerned whether the term would make a difference with this amendment change.

A discussion took place as to whether the term eligible voter should be removed from the amended language. It was decided that the term be removed as it is broad enough and it is assumed that a voter is eligible to vote in the area based on the necessary criteria for voting rights.

Motion made by Commissioner Simmons, Seconded by Commission Albi to approve amending Section 4.03 as stated: “If a primary election is required in connection with a special municipal election need to fill a vacancy in the office of Council member or Mayor pursuant to Section 2.06, a candidate who receives more than 50% of the votes cast at the primary election shall be declared the winner. If no candidate receives more than 50% of the votes cast at the primary

election, the two candidates receiving the most votes shall advance to a special municipal election pursuant to Section 2.06 and the applicable provisions of Minnesota election law."

The motion passed with five ayes and one nay. Motion carried.

6. New Business – None

7. Reports of Officers, Boards and Standing Committees

7.1 Council Liaison Klonowski Update on Council Actions

The staff liaison briefly covered items from the council agenda.

8. Correspondence/Communications- None

9. Adjournment

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

The meeting was adjourned at 8:04p.m.

Respectfully submitted,

Jennifer Gooden
Staff Liaison

City of Brooklyn Park

CHARTER COMMISSION Attachments

Agenda Item No.:	5.1A	Meeting Date:	January 10, 2024
Prepared by:	Devin Montero	Presented By:	Dennis Secara, Chair

Attachments:

5.1A 2023 TREASURER'S ANNUAL REPORT



Memorandum

Date: January 8, 2024

To: Charter Commission

From: Chair Dennis Secara

Subject: **TREASURER'S ANNUAL REPORT 2023**

No expenses were accrued for the Charter Commission for calendar year 2023.

City of Brooklyn Park
CHARTER COMMISSION Attachments

Agenda Item No.:	6.1A	Meeting Date:	January 10, 2024
Prepared by:	Devin Montero	Presented By:	Dennis Secara, Chair

Attachments:

6.1A CHARTER COMMISSION WORK PLAN

Work Plan | CHARTER COMMISSION

2024

Time Frame CC Meeting	Project or Task(s)	BP2025	Purpose (see next page for info)	Outcome (fill in after completed)
TBD	Review Non-Planning ordinance changes not affecting land use that affect city laws and City Charter	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	<input checked="" type="checkbox"/> Report/Comment <input type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input type="checkbox"/> Commission <input checked="" type="checkbox"/> Council <input type="checkbox"/> City Manager	Note: From the Governance Task Force Recommendation, Final Report-5/17/2011; Work Plan reviewed and updated January 11, 2023.
December 2019	Review what other Charter Commissions are doing (work plans, ordinances, etc.)	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	<input checked="" type="checkbox"/> Report/Comment <input type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input checked="" type="checkbox"/> Commission <input type="checkbox"/> Council <input type="checkbox"/> City Manager	Note: Discussed at December 11, 2019 meeting. Work Plan reviewed and updated January 11, 2023.
June 2022	Review of Charter Sections - For Outdated Information	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	<input checked="" type="checkbox"/> Report/Comment <input type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input checked="" type="checkbox"/> Commission <input type="checkbox"/> Council <input type="checkbox"/> City Manager	Notes: Discussed June 8 2022. Work Plan reviewed and updated January 11, 2023.
May 2023	City Manager's Population Report	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	<input checked="" type="checkbox"/> Report/Comment <input type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input checked="" type="checkbox"/> Commission <input type="checkbox"/> Council <input type="checkbox"/> City Manager	Notes: Discussed at the 5/10/23 and 9/13/23 meeting. Redistricting was not recommended.
September 2023	2024 Events Discussion. Charter Section 7.07	<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	<input type="checkbox"/> Report/Comment <input type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input checked="" type="checkbox"/> Commission <input type="checkbox"/> Council <input type="checkbox"/> City Manager	Notes: Added to the Work Plan 9/13/23 meeting; discussed 10/11/23 and voted on the amendment to the council. Public Hearing and First Reading of Ordinance held 11/27/23; Passed on Second Reading on 12/11/23; becomes effective 3/19/24
September 2023	Council Vacancies. Charter Section 2.06	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	<input type="checkbox"/> Report/Comment <input type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input checked="" type="checkbox"/> Commission <input type="checkbox"/> Council <input type="checkbox"/> City Manager	Notes: Added to the Work Plan 9/13/23 meeting. Discussed on 10/11/23 and 11/8/23; on 12/13/23 voted on the amendment to the council. Note: 1/8/24 the council to set the public hearing and first reading.
February 2023	Process for Amending the City Charter-Flow Chart/Table – By-Laws	<input checked="" type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 6	<input type="checkbox"/> Report/Comment <input type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input checked="" type="checkbox"/> Commission <input type="checkbox"/> Council <input type="checkbox"/> City Manager	Notes: Discussions held on 2/8/23, 3/8/23, 5/10/23; On 9/13/23 a proposed amendment to the By-laws was presented by Chair Secara; on 10/11/23, the Commissioners unanimously voted to amend the By-laws to add Item 16.

1: United Community

2: Beautiful Places

3: Thriving Economy

4: Healthy & Safe People

5: Increased Equity

6: Effective & Engaging Gov't

Workplan Projects: What's the purpose?

2024

Commissions can either initiate a project themselves OR be asked by the Council or City Manager to do one of the following:

Report/Comment

- Commission studies a specific issue or topic and **reports its findings or comments to the Council**, either in writing or in a Council meeting.
- Commission does not vote.
- No direct action is taken.

Example: Charter Commissioner provided a memo on the topic of Council Members being employed by the City part-time, at the Council's request.

Recommend

- Commission reviews a specific policy issue and **makes a formal recommendation** to City Council on what action to take.
- A recommendation requires a majority of the Commissioners' support.
- Individual member comments are not included.

Examples: Planning Commission recommends approval on land use actions; RPAC made a recommendation on amplified sound policy.

Act

- Commission **initiates or takes on a project**, approved by Council through their workplan.

Example: HRC partnered with a community organization on an event; City Manager requests that HRC coordinate the "All Are Welcome" sign contest.

Brooklyn Park 2025 Community Goals

Working together to make Brooklyn Park a thriving community inspiring pride where opportunities exist for all.

We asked and you answered! Our community wants to accomplish these goals by the year 2025:

Unified Community

A united and welcoming community, strengthened by our diversity.

- We have connected neighbors who understand and celebrate our unique cultures.
- Brooklyn Park is unified with a strong positive identity and image.
- Our community's activities, events and services are inclusive, multi-cultural, and accessible.
- We have places and spaces for diverse communities to gather.
- Residents of every age contribute to our community.

Healthy and Safe People

People of all ages have what they need to feel healthy and safe.

- Neighborhoods are empowered and supported by strengthened positive relationships with police.
- Youth are engaged in positive and quality experiences.
- Aging adults have services and amenities to thrive and age in place.
- Everyone has access to quality healthy food options.
- People have access to quality medical and emergency care.

Beautiful Places

Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination.

- Modern transportation options (drive, ride, walk, bike) connect people to education, jobs, and recreation.
- Quality recreation and park amenities inspire activity for all ages and interests.
- Our rich diversity is showcased through our vibrant music, art, food, entertainment, and cultural scene.
- Attractive key corridors, corners, and city centers create destinations that meet community needs.
- Neighborhoods are well-maintained with quality housing for all ages and incomes integrated throughout the community.

Increased Equity

Partnerships that increase racial and economic equity empower residents and neighborhoods to prosper.

- Each resident has access to the training and support needed to get and keep a living wage job.
- Each student graduates high school with a pathway to college or career.
- Aging neighborhoods and commercial centers are revitalized through continuous investment.
- The community provides necessary supports and services for community members to overcome life challenges such as hunger, mental illness, and homelessness.

Thriving Economy

A balanced economic environment that empowers businesses and people to thrive.

- People of all ages and backgrounds enjoy financial stability.
- Residents and visitors support an abundance of retail stores, restaurants, and entertainment venues.
- Our business environment inspires private investment and job growth.
- Business and organizations of all types, sizes and specialties start, stay and grow here.
- We are a leader in environmental sustainability, benefiting our economy and community.

Effective, Engaging Government

Effective and engaging government recognized as a leader.

- The City provides quality services at a reasonable cost.
- Elected officials, commissions, and City staff reflect the diversity of the community and are culturally competent.
- City information is clear, accessible, and delivered in ways that meet the community's needs.
- City laws are understandable, equitably enforced, and relevant to the community.
- The City is well-managed and recognized as a great place to work.

City of Brooklyn Park

CHARTER COMMISSION Attachments

Agenda Item No.:	6.2A	Meeting Date:	January 10, 2024
Prepared by:	Devin Montero	Presented By:	Dennis Secara, Chair

Attachments:

6.2A CHARTER COMMISSION 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, may be added to the Commission's work plan.*

City of Brooklyn Park
CHARTER COMMISSION Attachments

Agenda Item No.:	6.3A	Meeting Date:	January 10, 2024
Prepared by:	Devin Montero	Presented By:	Dennis Secara, Chair

Attachments:

6.3A CHARTER COMMISSION 2024 MEETING SCHEDULE



**CHARTER COMMISSION
2024 REGULAR MEETING SCHEDULE
7:00 P.M.**

The Charter Commission meets the second Wednesday of each month.
The 2024 schedule is as follows:

January 10	July 10
February 14	August 14
March 13	September 11
April 10	October 9
May 8	November 13
June 12	December 11

City of Brooklyn Park
CHARTER COMMISSION Attachments

Agenda Item No.:	6.4A	Meeting Date:	January 10, 2024
Prepared by:	Devin Montero	Presented By:	Dennis Secara, Chair

Attachments:

6.3A CHARTER COMMISSION 2023 ANNUAL REPORT (*DRAFT*)

BROOKLYN PARK CHARTER COMMISSION

2023 Annual Report

MEETINGS

- The Charter Commission held monthly meetings in **January 11, February 8, March 8, May 10, September 13, October 11** and **November 8, and December 11**. The June 14, July 12, and August 8 meetings were canceled.
- In **January**, the election of Officers took place. Chair Dennis Secara was re-elected to the position of **Chair**. Due to the absences of the other officers, the Commissioners tabled the election of First Vice Chair, Second Vice Chair, and Secretary/Treasurer until the next meeting.
- In February, the election of Officers took place. Commissioner Amy Hanson was elected as Secretary/Treasurer and First Vice Chair Barbara Bor was re-elected as First Vice Chair. The commissioners tabled the election of Second Vice Chair until the next meeting.
- In March, Second Vice Chair Susan Maberera was re-elected as Second Vice Chair.

CHARTER ACTION ITEMS IN 2023

City Manager's Population Report

At the **May 10, 2023**, Charter Commission meeting, the Commissioner reviewed the City Manager's Population Report to determine if a redistricting recommendation was needed to correct boundaries or balance the population. The commissioner reviewed the populations in each and district and a deviations percentage chart. It was the consensus of the Commissioners to wait on further data from the Metropolitan Council.

At the **September 13, 2023**, Charter Commission meeting, the commissioners discussed a memo from GIS and Data Analysis Coordinator, a deviation percentage chart, and the Metropolitan Council Population Estimates letter. The Commissioners unanimously voted to not redistrict the district boundaries as the deviation percentages were under 5% and to use the City Manager's Population report as the final data.

Section 7.07-Public Purpose Expenditures - Events

At the **July 31, 2023**, Council Work Session, staff shared with the council they had 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, several events were modified or needed to be recreated from scratch after one or two years without being held.

Staff engaged a Community Events Task Force to help with 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 and food to authentically celebrate different cultures of Brooklyn Park at events.

- Collaborate with community groups in city-wide events.

Staff began planning for the 2024 and were seeking input from the Council on possible changes for event offerings and discussion about the resources needed to provide expanded events.

The City Attorney's recommendation for the Council was to consider amending the City Charter to include a statement allowing the use of City funds for certain events and believed there could be a benefit to adding a statement with more specificity. It was the consensus of the Council to forward the issue to the Charter Commission for a recommendation.

At the **September 13, 2023**, Charter Commission meeting, Chair Secara presented the issue to the Commissioners for discussion. He stated the current wording in the Charter did not authorize the City to use funds for such events. After discussions, it was the consensus of the Commissioners for the city attorney to provide a proposed amendment to Charter Section 7.07.

At the **October 11, 2023**, Charter Commission meeting, the Commissioners discussed the city attorney's proposed amendment language to Charter Section 7.07 related to community events. The commissioners felt that "community events" in the proposed language would cover the cultural events, festivals, and celebrations. The Charter Commission voted unanimously to recommend the amendment to Chapter 7, Section 7.07, to the City Council for approval.

SECTION 7.07 PUBLIC PURPOSE EXPENDITURES

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.

The City Council may provide in the Public Purpose Expenditure Policy that public funds may be expended for community events.

Note: The public hearing and First Reading of the ordinance amending Section 7.07 was held on November 27, 2023. On December 11, 2023, the Second Reading of the ordinance was approved by the Council. The ordinance becomes effective on March 19, 2024.

Section 2.06, Council Vacancies

At the **July 31, 2023**, Council Work Session, the Mayor, and Council Members held discussions on council vacancies related to how long the seats were vacant and expense and amending the city charter. Options discussed were appointment until the next election, a candidate declared winner at a special primary with over 50% of the votes, if not continue with the special election, and using ranked choice voting for the special election. It was the consensus of the Council to forward the issue to the Charter Commission for a recommendation.

At the **September 13, 2023**, Charter Commission meeting, the commissioners held discussions on the issue and options. They also reviewed what other charter cities did with council vacancies. It was the consensus of the Commissioners to have the city attorney provide options related to the council vacancies and proposed amendment to Charter Section 4.03.

At the **October 11, 2023**, Charter Commission meeting, the Commissioners continued their discussions regarding the council vacancies with Kennedy and Graven Attorney Siobhan Tolar, and discussed the City Attorney's email regarding options that would reduce the amount of time that a vacancy occurred in the City Council. The commissioners discussed potential options, appoint first and have a special election without a primary; if a candidate receives 50% or more of the votes at a special primary, the candidate is declared the winner and a special election is not required; or appoint until the next regular election and eliminate the primary. The commissioners also asked the city attorney to provide amendment language based on those options.

At the **November 8, 2023** meeting, the Commissioners continued their discussions with Attorney Tolar and reviewed the City Attorney's email regarding proposed Charter amendment options. The Commissioners decided against appointments for vacancies over 365 days and decided to hold special elections at the earliest allowed date following the vacancy declaration. The Commission asked the attorneys to draft amendment language reflecting two circumstances: (1) a "winner-take-all" primary for a vacancy where 3 or more candidates ran for office, and (2) maintain the existing special election process if only two candidates ran for office.

At the **December 13, 2023** meeting, Attorney Tolar presented an amendment to Section 4.03 for review and discussion by the Commissioners. After lengthy discussions, the Commissioners amended the proposed amendment to Section 4.03 relating to eligible voters.

The Commissioners voted on a motion made and passed (5 to 1) to recommend to the City Council for approval, the amendment to Chapter 4, 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 more than 50% of the votes cast at the primary election shall be declared the winner. If no candidate receives more than 50% of the votes cast at the primary election, the two candidates receiving the most votes shall advance to a special municipal election pursuant to Section 2.06 and the applicable provisions of Minnesota election law.

Note: On January 8, 2024, the Council set the public hearing and first reading of the ordinance amending Section 4.03 for February 12, 2024.

CHARTER PROVISIONS AND ISSUES DISCUSSED IN 2023

City Charter Appendix

At the **December 14, 2022**, meeting, sections of the Charter were presented and identified as being redundant or out of date and proposed an appendix to the city charter. Discussions were held on some sections not being able to be moved to an appendix because it was still current, such as Section 4.02, had language about elections, timing and date. Discussions were also held if the appendix would require a charter ordinance. Chair Secara sent a draft to the city attorney for review and for his opinion if the addition of an appendix needed an ordinance.

At the **January 11, 2023**, meeting, discussions were held on the proposed appendix to the city charter. The city charter contained the history of ordinances shown in each section but did not say what the amendment was; an ordinance would be required to add an appendix to the charter; other charter cities having an appendix; having a convenient place for someone to go to look at all of the changes to the city charter; Brooklyn Center having a chronological list compared to Brooklyn Park having it chronologically by date in each section; if all of the ordinances were digitized; moving irrelevant sections out of the charter to the appendix; what the goal was since there was a listing of amendment changes to each section; an appendix would make the charter clearer and people would know why a section was taken out and put in the appendix; the staff liaison maintaining a running list of charter amendments to each section of the charter; adding an appendix with the documentation to each section would make the city charter larger than it was; to move obsolete sections of the charter to an appendix; digitizing the city charter; the way the charter history was laid out in each section was the exact way done by the city code when it was amended.

A motion was made to table the discussion until the next meeting so the commissioners could review other appendixes from other charter cities, review the ordinance list maintained by the city clerk and add it to the work plan. The motion failed.

At the **May 10, 2023**, meeting, Staff Liaison Montero, provided copies of the city charter amendments list and he posted the list on the Charter Commission's webpage.

Chair Secara stated the list 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. He stated it saved the Commission and Council a lot of effort and made it easier to understand if someone wanted to look at that ordinance and could request it to the city clerk.

City Charter By-Laws – Charter Amendment Process

At the **February 8, 2023**, meeting, the commissioners held discussions on the process on how proposed amendments were sent to the charter commission and adding a section to the By-laws with guidelines and a process for citizens, council or council members when submitting proposed amendments.

At the **March 8, 2023**, meeting, the commissioners held discussions on clarifying the process for accepting and considering charter amendments and adding the process to the By-Laws.

Minnesota statute 410.12 provided ways the city charter could be amended. A suggested was made to add the Statute to the Charter Commissions webpage.

The staff liaison presented a draft chart and categories for charter amendments proposed by- Charter Commissioners, residents, council member and council directed. Discussions were held on adding a step for subcommittees and consulting the city attorney; amending the By-laws to include Item #16 with Item 16a-Resident, 16b-Charter Commission, 16c-Council Member, 16d-Council Directed. After further discussions, the consensus of the commissioners was to change Item 16 to include, 16a-Charter Commission Directed, 16b-Council Initiated, 16c-Resident Initiated. Discussions were held on the process for individual council members submitting proposed amendments and having the council go through the “resident” process and that council member should also bring that proposal to the council and the staff liaison providing the draft to the commissioners to review and provide edits or changes for the next meeting.

At the **May 10, 2023**, meeting, the commissioners reviewed a draft chart on the process for accepting and considering charter amendments, relating to Charter Commission directed, council initiated and resident initiated; earlier versions of the charter had “council member initiated” and the consensus was to remove it as a consideration; on the “Council Directed” that it would have approval by consensus so it was clarified the proposal was coming from the council as a body. The commissioners would review the proposed addition to the By-laws at the next meeting.

At the **September 13, 2023**, meeting, the commissioners reviewed and updated draft process table and flow charts of the process. The consensus of commissioners was to set aside the flow chart and column table for a future discussion. Chair Secara presented a draft of the By-laws with the addition Item #16.

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 may 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.

It was the consensus of the commissioners to continue with the editing of the process and discuss at the next meeting.

At the **October 11, 2023**, meeting, the commissioners, continued their discussions on the proposed addition to the By-laws by Chair Secara and voted unanimously to accept the addition of Item 16 to the By-laws and changing “shall” to “may” in Item 16c.

Examine Mayor/City Manager Positions

At the **December 14, 2022**, meeting, discussions were held on one of the items related to Council Member Morson's proposed Charter amendments regarding the mayor or city manager structure. Discussions were held on using a consultant to conduct a study, city manager's performance review, charter section related to the city manager not in the charter.

Discussion was held that instead of using a consultant to do some fact finding by the commissioners and report back to the Commission. Commissioner LaDawn Severin volunteered to do the fact finding and she stated it would cover contacting several people from the city to discover the current structure of check on the checks and balances and accountability between hired staff and elected officials. Commissioners also suggested addressing: the city manager's role, performance reviews, timing, and who did them; job description, past performance reviews if they had been done, list of questions used, what were the repercussions, what were the performance metrics, was it tied to any compensation with an annual merit, and who can ask for the review to happen, the city manager or council.

At the **February 8, 2023**, meeting, Commissioner Severin provided documents and a summary to the commissioners of her fact finding related to the form of government of Brooklyn Park. She stated she sent 14 questions to the city manager and city clerk to answer and provided a summary of the answers.

1. *What "powers" or influence does the City Council have over hiring and firing city staff?*
2. *Related to this - performance reviews... *Who initiates them...are they typically only done when initiated by employees seeking a raise, or are they automatically done on a scheduled basis, such as annually? *Who performs the reviews for certain employees? *What metrics or criteria are used to determine if any given employee is "performing well?" Is this an area of "checks and balances" where Council would have any input, such as the performance criteria or metrics employees are measured on, or are reviews completely separate from Council?*
3. *Where is the best place to find the actual job descriptions and job requirements for the City Manager and other city staff positions?*
4. *Does BP have one main "Employee Handbook" or "Code of Conduct" type document that applies to all staff? If so, can you send me an attachment or link to it?*
5. *Similarly, does BP have one main "Code of Conduct" type document that applies to all elected officials?*
6. *What is the protocol for open job postings?*
7. *Does Brooklyn Park have Affirmative Action requirements in writing that affect its hiring or bidding on projects or anything similar to that concept? If so, do they come from the state or did they originate with our City Council or elsewhere? If not, is there a more "unofficial" or "unwritten but encouraged" influence towards what some call "equity" in hiring? If so, where does that influence originate?*
8. *What is the protocol for gathering bids for building, art, or improvement projects in the city budget?*
9. *With your birds-eye view of the inner workings of this city, do you see any areas in which accountability is flimsy and certain departments or sections of our bureaucracy could "go rogue" in a sense and pursue their own personal preferences in public policy and not have any accountability or checks-and-balances to reign them in?*
10. *Does the City Manager or any of their colleagues have any power individually or collectively to keep the Council accountable?*
11. *Phrased in another way, if there were to be complaints or suspicions of misconduct by a Mayor or Councilmember (our elected officials), is there anything the public or a staff member could do to reign them in or give them a meaningful consequence?*
12. *On the flip side, if there were to be complaints or suspicions of misconduct by a city staff member, is there anything the public or elected officials could do to reign them in or give them a meaningful consequence?*
13. *Who decides what gets placed on the agenda for each City Council meeting - how does the timing of that whole process work and who is responsible for it?*
14. *Lastly, it is my understanding that in our current form of government here in BP, the City Council and Mayor are elected to set policy and overall budget limits for the city, and the City Manager and teams of staff are hired to work out the logistical needs of the city while abiding within those*

policies and parameters. That is probably grossly oversimplified...what am I missing and what am I mistaken about?

Commissioner Severin stated from reviewing the documents and a majority of the cities did have a city structure rather than a strong mayor structure, felt the city was well established and functioning. She recommended the Commissioners be done with the conversation and didn't see a need to go to a strong mayor form of government.

OTHER

- At the **February 27, 2023**, City Council meeting, Chair Dennis Secara gave the Annual Verbal Charter Commission report.
- The Annual Commission Joint Goal Setting meeting with the City Council was held on **August 7, 2023**.

Respectfully submitted,

Dennis Secara, Chair
Brooklyn Park Charter Commission

cc: Mayor & Council Members
Jay Stroebel, City Manager
Jim Thomson, City Attorney

Devin Montero, City Clerk
Chief Judge Todd Barnette
Charter Commission Members

City of Brooklyn Park
CHARTER COMMISSION Attachments

Agenda Item No.:	6.5A	Meeting Date:	January 10, 2024
Prepared by:	Devin Montero	Presented By:	Dennis Secara, Chair

Attachments:

6.5A CHARTER AMENDMENT LIST-2024

CHARTER AMENDMENT LIST

As of January 2024

ORDINANCE#

EFFECTIVE DATE

CHAPTER 1

1.01	#2009-1098	7/30/2009
1.03	#2009-1098	7/30/2009
1.04	#2014-1167	7/2/2014 (added)

CHAPTER 2

2.01	#2009-1098	7/30/2009
2.02	#2009-1098	7/30/2009
2.03	#1975-208A	11/23/1975
	#1986-537A	11/28/1986
	#2009-1098	7/30/2009
2.04	#1971-33A	2/17/1972
	#1981-357A	7/2/1981
	#1982-388A	8/20/1982
	#1986-538A	12/1/1986
	#1992-691	7/7/1992
	#1994-757	9/5/1994
	#2000-941	3/06/2001
	#2002-968	9/10/2002
	#2003-993	7/3/2003
	#2009-1098	7/30/2009
	#2019-1244	11/20/2019
2.05	#2005-1037	8/31/2005
2.06	#1972-124A	12/20/1972
	#1998-883	9/3/1998
	#2003-995	7/3/2003
	#2009-1098	7/30/2009
	#2014-1167	7/2/2014
	#2017-1213	8/4/2017
2.07	#1972-125A	12/20/1972
	#2009-1098	7/30/2009
2.08	#2009-1098	7/30/2009
2.09	#1999-907	1/20/2000
	#2009-1098	7/30/2009
2.10	#2009-1098	7/30/2009

CHAPTER 3

3.01	#1978-277A	1/20/1979
	#1993-736	1/10/1994
	#2006-1066	3/7/2007

	<u>ORDINANCE#</u>	<u>EFFECTIVE DATE</u>
3.02	#2006-1066	3/7/2007
3.04	#1972-126A	12/20/1972
	#2005-1035	8/10/2005
	#2006-1066	3/7/2007
3.06	#1972-127A	12/20/1972
3.07	#1972-105A	8/16/1972
	#1982-394A	11/5/1982
	#2000-941	3/06/2001
	#2003-1001	11/28/2003
	#2019-1244	11/20/2019
3.11	#2009-1102	10/30/2009
	#2019-1244	11/20/2019

CHAPTER 4

4.01	#2019-1244	11/20/2019
4.02	#1986-537A	11/28/1986
	#2019-1244	11/20/2019
4.03	#2019-1244	11/20/2019
	#2021-1260	6/6/2021
	#2021-1265	1/7/2022
4.04	#2019-1244	11/20/2019
4.06	#1995-782	8/15/1995
	#2000-941	3/06/2001
	#2007-1073	10/30/2007
	#2011-1129	1/6/2012
	#2014-1167	7/2/2014
4.07	#2000-941	3/06/2001
	#2007-1073	10/30/2007
	#2011-1129	1/6/2012
	#2019-1244	11/20/2019
4.08	#2000-941	3/06/2001
4.09	#2000-941	3/06/2001
	#2006-1066	3/7/2007
	#2011-1129	1/6/2012

CHAPTER 5

5.02	#2006-1066	3/7/2007
5.03	#2019-1244	11/20/2019
5.04	#2006-1066	3/7/2007
5.05	#2006-1066	3/7/2007
5.06	#2006-1066	3/7/2007

	<u>ORDINANCE#</u>	<u>EFFECTIVE DATE</u>
5.07	#2019-1244	11/20/2019

CHAPTER 6

6.01	Amended by Election held 11-7-2000 #2019-1244	11/20/2019
6.02	Amended by Election held 11-7-2000 #2019-1244	11/20/2019
6.03	Amended by Election held 11-7-2000 #2007-1073 #2019-1244	10/30/2007 11/20/2019
6.04	Amended by Election held 11-7-2000 #2007-1073 #2019-1244	10/30/2007 11/20/2019
6.05	Amended by Election held 11-7-2000 #2019-1244	11/20/2019
6.06	Amended by Election held 11-7-2000	
6.07	#2019-1244	11/20/2019
6.09	Amended by Election held 11-7-2000	
6.10	Amended by Election held 11-7-2000	
6.11	Amended by Election held 11-7-2000 #2007-1073 #2019-1244	10/30/2007 11/20/2019
6.12	Amended by Election held 11-7-2000 #2007-1073 #2019-1244	10/30/2007 11/20/2019
6.13	Added by Election held 11-7-2000 #2019-1244	11/20/2019
6.14	Added by Election held 11-7-2000	

CHAPTER 7

7.01	#2019-1244	11/20/2019
7.02	#1971-35A #1980-329A #1986-518A #1989-631A #2000-941 #2006-1053	2/17/1972 10/10/1980 5/20/1986 2/2/1990 3/06/2001 4/26/2006
7.04	#1980-329(A) #2000-941 #2005-1035 #2006-1053 #2006-1066	10/10/1980 3/06/2001 8/10/2005 4/26/2006 3/7/2007
7.05	#1975-193(A)	8/28/1975

ORDINANCE#

EFFECTIVE DATE

*Amended by Election Held 11/8/1994

Effective: 12/8/1994

7.06	#1975-193(A)	11/26/1975
	#1999-908	1/20/2000
	#2019-1244	11/20/2019
7.07	#2002-980	12/17/2002 (Added)
	#2005-1037	8/31/2005
	#2023-1298	3/19/2024
7.08.....	#2006-1053	4/26/2006 (Added)

CHAPTER 8

8.04	#1976-217A	5/18/1976
	#1999-893	5/3/1999
	#2002-979	11/19/2002
	#2019-1244	11/20/2019
8.05	#1994-758	9/5/1994
	#1999-909	1/20/2000
8.06	#1999-758	9/5/1994
	#1999-909	1/20/2000
	#2019-1244	11/20/2019
8.07	#1999-909	1/20/2000
	#2008-1094	2/27/2009
8.08	#1999-909	1/20/2000
8.10	#1999-909	1/20/2000
	#2008-1094	2/27/2009
8.11	#1999-909	1/20/2000
	#2008-1094	2/27/2009
8.12	#1994-759	9/5/1994
	#1999-909	1/20/2000
	#2008-1094	2/27/2009
	#2019-1244	11/20/2019
8.13	#1980-329A	10/10/1980
	#2008-1094	2/27/2009
8.15	#1971-36A	2/17/72
8.16	#1999-909	1/20/2000
8.17	#1978-276A	1/20/1979 (Added)
	#2008-1094	2/27/2009

CHAPTER 9

9.01	#1999-910	1/20/2000
	#2006-1053	4/26/06
9.02	#1980-329(A)	10/10/1980
	#1999-910	1/20/2000
9.03	#1993-730	12/13/1993

	<u>ORDINANCE#</u>	<u>EFFECTIVE DATE</u>
9.04	#1975-178(A)	4/13/1975
	#1986-518(A)	5/20/1986(repealed)
	Added by Election held 11/8/94 <i>Effective: 12/8/1994</i>	
9.04.....	#1998-866	5/27/1998
	#2006-1053	4/26/2006
	#2006-1066	3/7/2007
	#2018-1229	7/4/2018
	#2020-1251	7/1/2020

CHAPTER 10

10.02	#2007-1073	10/30/2007
10.03	#1986-539A	11/28/1986
10.04	#1986-539(A)	11/28/1986 (repealed)
10.05	#1976-222A	6/10/1976
	#1986-539(A)	11/28/1986 (repealed)
10.06	#1999-911	1/20/2000
	#2007-1073	10/30/2007

CHAPTER 11

11.01	#1993-731	12/13/1993
	#2020-1251	7/1/2020
11.02	#1993-731	12/13/1993
	#2020-1251	7/1/2020
11.03	#1993-731	12/13/1993 (repealed)
11.04	#1999-731	12/13/1993 (repealed)
11.05	#1993-731	12/13/1993 (repealed)

CHAPTER 12

12.03	#2019-1244	11/20/2019
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CHAPTER 13

13.07	#2019-1244	11/20/2019
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CHAPTER 14

14.01	#2005-1035	8/10/2005
14.01A.....	#2019-1244	11/20/2019
14.02	#2022-1272	5/25/2022
14.03	#2000-941	3/06/2001
	#2005-1035	8/10/2005

	<u>ORDINANCE#</u>	<u>EFFECTIVE DATE</u>
14.04	#1991-670(A)	5/6/1991 <i>*(repealed 14.04 A-4)</i>
	#2005-1035	8/10/2005
	#2017-1218	11/24/2017
14.05	#1980-329(A)	10/10/1980
	#2002-966	7/3/2002
	#2019-1244	11/20/2019
14.11	#2005-1035	8/10/2005
14.13	#2005-1037	8/31/2005 (Repealed)
14.14	#1997-852	10/2/1997
	#2005-1037	8/31/2005 (Repealed)
14.15	#2005-1035	8/10/2005
14.17	#2005-1035	8/10/2005
14.18	#1990-653A	8/21/1990
14.19	#1998-875	7/22/1998
	#2009-1102	10/30/2009