

CITY COUNCIL WORK SESSION – AGENDA #12

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Our Vision: Brooklyn Park, a thriving community inspiring pride where opportunities exist for all.

Our Brooklyn Park 2025 Goals:

• A united and welcoming community, strengthened by our diversity • Beautiful spaces and quality infrastructure make Brooklyn Park a unique destination • A balanced economic environment that empowers businesses and people to thrive • People of all ages have what they need to feel healthy and safe • Partnerships that increase racial and economic equity empower residents and neighborhoods to prosper • Effective and engaging government recognized as a leader

- A. CALL TO ORDER – Mayor Hollies Winston**
- B. GENERAL INFORMATION**
None.
- C. DISCUSSION ITEMS/GENERAL ACTION ITEMS – These items will be discussion items but the City Council may act upon them during the course of the meeting.**
 - C.1** Update on Hennepin County Solid Waste Plans
 - A.** A PLAN TO REINVENT HENNEPIN COUNTY'S SOLID WASTE SYSTEM REPORT, FEBRUARY 2024
 - C.2** Assessing Valuation Process Overview
 - A.** ASSESSOR'S REPORT
 - C.3** Discussion on Commissions
 - A.** WORKPLAN TEMPLATE
 - B.** PAGE 25 FROM THE COMMISSIONS GUIDEBOOK 2023
 - C.** PAGE 26 FROM THE COMMISSIONS GUIDEBOOK 2023
 - D.** CITY CODE CHAPTERS 30 AND 31
 - E.** PAGE 44 FROM THE COMMISSIONS GUIDEBOOK 2023
 - F.** PAGES 49-55 FROM THE COMMISSIONS GUIDEBOOK 2023
 - G.** RESOLUTION #2019-46
 - C.4** Council Team Building Recap and Next Steps
- D. VERBAL REPORTS AND ANNOUNCEMENTS**
 - D.1 COUNCIL MEMBER REPORTS AND ANNOUNCEMENTS**
 - D.2 CITY MANAGER REPORTS AND ANNOUNCEMENTS**
- E. ADJOURNMENT**

City of Brooklyn Park Council Work Session

Meeting Date:	April 1, 2024	Originating Department:	Operations & Maintenance
Agenda Item:	C.1	Prepared By:	Tim Pratt, Recycling Manager
Agenda Section:	Discussion Items/ General Action Items	Presented By:	Hennepin County Commissioner Jeff Lunde Recycling Manager Tim Pratt
Item:	Update on Hennepin County Solid Waste Plans		

Summary:

The purpose of this discussion is to update the Council on Hennepin County's plans to close the Hennepin Energy Recovery Center (HERC) commonly referred to as the downtown garbage burner, the County's Zero Waste Plan, updates to Hennepin County Ordinance 13 regarding residential curbside organics recycling, and the implementation of the City's obligations for curbside organics recycling in Ordinance 13.

Recycling Manager Tim Pratt will introduce the discussion. Hennepin County Commissioner Jeffrey Lunde will provide perspective and receive feedback.

Background:

Solid Waste

In October 2023 the Hennepin County Board of Commissioners approved a resolution directing the County Administrator to develop a plan to close the HERC facility sometime between 2028 and 2040.

What does that mean for Brooklyn Park? Some cities in the County contract for garbage service and direct that all waste collected in their city be delivered to a County facility – either the HERC or the Hennepin County Transfer Station in Brooklyn Park.

Brooklyn Park has open collection for garbage service. In Brooklyn Park, it is up to the individual hauler to decide where garbage goes – landfill, transfer station, incinerator. However, haulers are required to deliver a percentage of the waste they collect in the County to Hennepin County facilities – either the HERC or the Transfer Station. Most of the garbage delivered to the Transfer Station goes to the HERC. Under the HERC closure plan the Brooklyn Park Transfer Station would most likely no longer accept solid waste.

It cannot be determined exactly what impact that would have on Brooklyn Park residents. However, if there are fewer options for disposal and garbage must be shipped farther for disposal it is likely costs will go up.

Attachment 1 is "A Plan to Reinvent Hennepin County's Solid Waste System" report detailing steps needed to reduce waste generation and increase reuse and recycling. Steps that are necessary to make possible the closure of the HERC.

As action steps are prioritized and planned Brooklyn Park may wish to give input on:

- Possible city support for policies and legislation (pages 8 – 13, 22 - 24)
- Possible coordination of food recovery, waste prevention, and organics recycling programs (pages 17 – 19)
- Potential facilities and programs (pages 14 – 16, 20 – 21, 25 – 26)

Organics Recycling

One of those action steps is to decrease the amount of edible food and organics in our garbage. The County has been a leader in championing food waste prevention and diversion of edible food from the waste stream to those in need. That work will increase under the plan. Meanwhile, organics – food scraps and non-recyclable

papers, remain the number one item by weight in our trash as determined by periodic waste composition analyses by both the County and the State.

In November 2018 the County Board updated Ordinance 13 to require all cities ensure residents had access to curbside organics recycling collection by January 1, 2022. This is similar to a State law requiring counties ensure their residents have access to recycling at the place they live. That requirement has been delegated to cities and the County provides funding to facilitate city recycling programs. Last year Brooklyn Park received more than \$135,000 in SCORE funding – money from the solid waste tax on garbage bills to subsidize our recycling program.

City staff have twice met with the Council to discuss organics recycling. First a background report at the April 3, 2017, City Council Work Session. Then a discussion on how to meet the obligations of Ordinance 13 at the February 3, 2020, City Council Work Session

<https://www.brooklynpark.org/wp-content/uploads/2020/01/ccep020320ws.pdf>

Many cities in Hennepin County decided to contract for organics recycling service like how they contract for bottles, cans, and paper recycling. At the February 3, 2020, Work Session Council Members directed staff to ensure service by making it a requirement that garbage haulers offer the organics recycling service to their customers. Similarly, we require garbage haulers to offer yard waste service. Customers can choose to sign up for service. Meanwhile the City provides a free yard waste drop off location and the County provides free organics recycling drop off at the Drop-Off Facility on Jefferson Highway.

When haulers began offering organics recycling service in 2022 only one hauler (Waste Management) followed State law that says haulers can't charge a customer who wants to add recycling service more than what the hauler charges a customer without service. The law enacted in 1991 was designed to encourage people to participate in the then new recycling programs for bottles, cans, and papers. Lawmakers knew that some people wouldn't recycle because they didn't want to pay more to do it. The law eliminated that barrier and was one factor in making traditional recycling the normal behavior that it is now.

Other haulers only charged customers when they signed up for organics recycling service. Last year the state reminded haulers of the requirement to charge all customers equally. Haulers agreed to begin charging all customers for organics recycling by January 1, 2024. Since the city left it up to the haulers to decide how to provide organics recycling service, the program varies by hauler as does the price. Residents have informed staff of difficulties signing up for service despite paying for it, and the lack of information provided by haulers.

The city has information on organics recycling on the website, and the recycling manager periodically includes information about organics recycling in the Park Pages newsletter.

Links:

Hennepin County Climate Action Plan

<https://www.hennepin.us/climate-action/-/media/climate-action/hennepin-county-climate-action-plan-final.pdf>

Hennepin County Zero Waste Plan

<https://www.hennepin.us/-/media/hennepinus/your-government/projects-initiatives/solid-waste-planning/zero-waste-plan.pdf>

The Hennepin Energy Recovery Center and its role in the solid waste system” September 21, 2023

<https://www.hennepin.us/-/media/hennepinus/your-government/projects-initiatives/solid-waste-planning/herc-report-board-briefing-september212023.pdf>

Attachments:

C.1A A Plan to Reinvent Hennepin County's Solid Waste System report, February 2024

A plan to reinvent Hennepin County's solid waste system

Prepared for the Hennepin County Board of Commissioners



February 2024





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Purpose

This plan was prepared for the Hennepin County Board of Commissioners as directed by resolution 23-0384 R1 to develop a plan for the closure of the Hennepin Energy Recovery Center (HERC) facility between 2028 and 2040 and submit to the board by February 1, 2024.

Overview of the resolution

The resolution outlined the following parameters to address in this plan:

- Statutory compliance
- The county's Climate Action Plan goals
- The county's Zero Waste Plan metrics
- The Hennepin County Board's declaration of racism as a public health crisis, including efforts to reduce or mitigate environmental racism

The resolution also called for this plan to include: (1) an estimated timeline, (2) estimated financial requirements, and (3) foreseeable environmental consequences related to the following:

1. Prioritization of the county's Zero Waste Plan action items that would accelerate the achievement of zero waste in Hennepin County
2. Decommissioning of the HERC facility
3. Transitioning the labor force currently working at HERC and other labor connected to HERC
4. Land disposition after HERC is decommissioned
5. Paying HERC's existing debt service
6. Future of the Brooklyn Park Transfer Station
7. Alternative waste disposal methods for the waste generated across the county
8. Ongoing natural resources and climate action programming
9. Timeline mapping out future legislative agenda items and priorities to fund natural resources and climate action programming, closure of HERC, and payment of related debt service

Given the dependencies, timeline, and extent of coordination with stakeholders, sections of this plan may be general. Details to accomplish this plan will continue to evolve as we transition into implementation and as unknowns become known.

Background

Waste management in Hennepin County

In 2022, approximately 1.27 million tons of waste was generated in Hennepin County, with 42% of this waste recycled or composted. The material that remains after waste prevention, recycling, and composting is more than 750,000 tons that is currently managed as trash. To help create an understanding of the magnitude of the amount of trash, imagine the Target Field ballpark from the field to the top of the covered canopy. Our residents and businesses fill Target Field 6 times a year with discarded items. We have a monumental lift in front of us to achieve a zero-waste future.

As an organization, we excel when facing big challenges, and the county has been a leader on solid waste policy for more than 40 years. This includes starting the first recycling programs in the 1980s, introducing household hazardous waste collections in the 1990s, and beginning organics recycling in the 2000s. In more recent years, the county's current solid waste management plan focused on eliminating wasted food. It set the course for the expansion of organics recycling, including requirements for businesses that generate large amounts of organic waste to participate in a food recycling program and cities to make the service available to residents. This plan also included innovations in food waste prevention and building material reuse programs.

The Climate Action Plan

In 2021, the county adopted the Climate Action Plan. We were the first county in the state to have a climate action plan and set one of the most ambitious greenhouse gas emission reduction targets among climate leaders. The plan includes bold strategies on preventing food waste, tackling plastics pollution, and advocating for state leadership on zero-waste policies.

The Zero Waste Plan

The board then commissioned a Zero Waste Plan to define what it will take to get to a future that doesn't rely on landfilling or incineration. Staff led an extensive process that spanned nearly two years and centered the voices of those traditionally not engaged in solid waste planning. Research for the plan provided a gaps analysis of our solid waste system compared with national and international zero-waste leaders. The 62 actions included in the plan were informed by data and driven by the community to achieve maximum impact.

The county has defined zero waste as preventing 90% or more of all discarded materials from being landfilled or incinerated. The Zero Waste Plan and this definition will serve as the foundation of the county's next Solid Waste Management Plan that will be developed in late 2024.

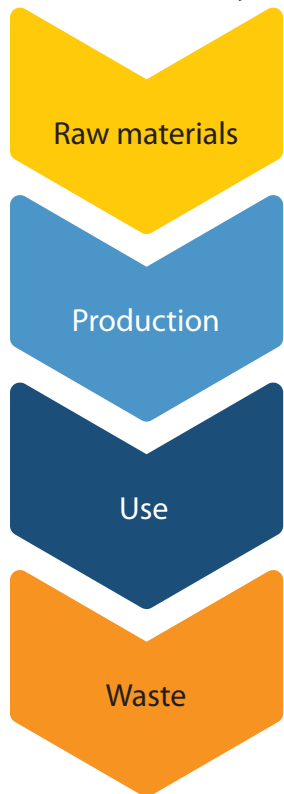
The trash produced in the county is enough to fill Target Field 6 times a year



Section I: Reinventing the solid waste system

Our solid waste system is the end of a linear economy that is driven by consuming raw materials. In this system, stuff is produced as cheaply as possible, regardless of whether it

Linear economy



can be repaired or recycled. Once we are done with it, we can easily discard all this stuff each week at our curb or in dumpsters behind our buildings.

In applying the Racial Equity Impact Tool (REIT) process to the Zero Waste Plan, staff and community members took a closer look at who benefits from this system. Through this analysis, a clear picture of a system from which some profit immensely while others are inequitably burdened emerges.

The multinational waste industry makes big profits from landfills, while taxpayers pick up the management and cleanup costs after they close. Product manufacturers and retailers profit from selling tons of stuff. Businesses that generate a lot of waste and residents that consume and dispose excessively don't take equitable responsibility for managing this waste. Many residents feel powerless as there is only so much they can do as an individual, and the current system makes it impossible to avoid some types of waste.

We also know that some residents are more burdened by the impacts of the system. Black, Indigenous, and other people of color as well as residents with low-income and/or disabilities are commonly not benefiting from and are being more burdened

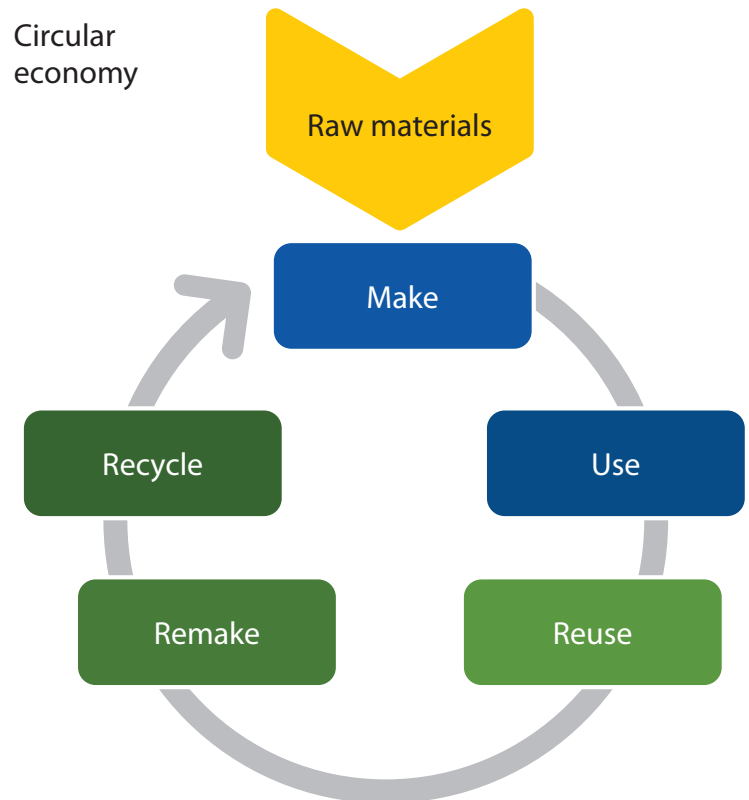
by the current solid waste system. Additionally, our youth and future generations will bear the environmental and social costs of this system long into the future.

These burdens are most prevalent for residents living near solid waste facilities, in multifamily housing or rental units, in areas with high rates of illegal dumping and litter, in high-density areas with higher volumes of truck traffic, and in areas facing cumulative impacts of pollution.

As local governments, counties and cities must deal with the trash problem with little influence over what is produced and limited resources to deliver convenient services to recover and reuse the materials.

The county's climate-action and zero-waste goals require us to reinvent our solid waste system and transition to a circular economy that values raw materials and prioritizes reuse. This will keep our valuable natural resources in a cycle of use instead of putting them in a hole in the ground or burned for energy.

Circular economy



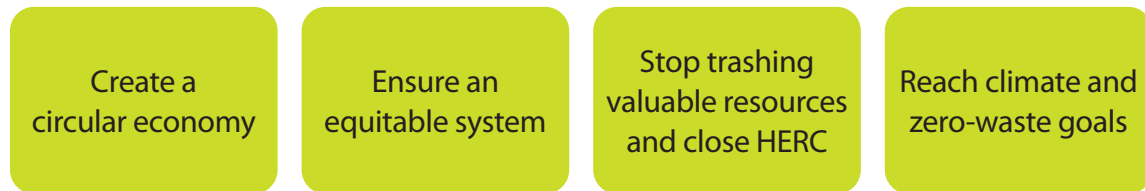
A vision for a reinvented solid waste system



This vision depends on:



With these dependencies met, we can:



Our vision of a reinvented solid waste system is a zero-waste future where less waste is created in the first place, where everyone shares responsibility, and where everyone benefits from easily accessible services. This system has widespread participation in programs and social norms that align with zero waste.

This vision will require significant action from state and local policymakers, significant funding for program implementation, development of infrastructure, and an overall societal commitment to reducing waste.

The county commits to leading and building a coalition of elected officials, business leaders, and residents to prioritize the waste issue and be changemakers.

To achieve a 90% or greater recycling rate, the county will need to prevent or capture the remaining organics and recyclables being trashed, develop stronger recovery options for household goods and building materials, and find solutions for the materials that currently don't have viable options for reusing or recycling. It is also essential to address how products are designed before they get to consumers and eventually become waste.

Many of the changes needed are beyond Hennepin County's control and depend on legislative action to put Minnesota on-par with national zero-waste leaders and increase funding to match the scope of the challenges we face and the ambition of our goals. Policy changes that the state legislature needs to pass to realize this zero-waste future are outlined on the next page (page 8).

With these dependencies met, the county, along with our city and state agency partners, can create a circular economy and ensure an equitable system. We can stop trashing our valuable resources and close HERC. And we can do it while reaching our climate and zero-waste goals.

Reinventing the Hennepin County solid waste system

Promote a zero-waste and clean-energy future to help the county meet its climate action goals and reinvent the county's solid waste system to accelerate closure and repurposing of the Hennepin Energy Recovery Center (HERC).

Adopt policies that put Minnesota on-par with national zero-waste leaders

- Adopt Packaging Waste and Cost Reduction Act (extended producer responsibility (EPR) for packaging).
- Make it easier for local governments to have higher level of control over the waste hauling and processing system.
- Adopt and enforce material bans at landfills for all materials that emit methane, such as food scraps, paper and cardboard, wood, and textiles.
- Redirect the Solid Waste Management Tax (SWMT) currently going to the general fund to provide adequate SCORE grants. SCORE funding has been relatively flat for decades and has not kept pace with the increased volume of garbage. Current levels are not sufficient for the infrastructure investments and program changes needed to achieve zero-waste goals.
- Set a 50% or higher diversion requirement for construction and demolition (C&D) waste.

Invest in recycling infrastructure, advancing circularity, and waste reduction and reuse

- Establish additional funding mechanisms to fully implement zero-waste actions.
- Redirect previously allocated state bonding monies and appropriate additional funds to construct a county recycling recovery facility.
- Improve statute language on volume- or weight-based pricing to incentivize waste reduction.
- Invest in market development for both traditional and hard-to-recycle items.
- Provide resources for Minnesota Pollution Control Agency (MPCA) to enforce state statutes.

Reduce disproportionate impacts from our solid waste system

- Direct funding to areas of environmental justice concern.
- Phase in emissions requirements for waste trucks through measures such as increased use of compressed natural gas or transition to electric fleet.
- Update landfills to achieve greater environmental outcomes, including requirements for gas recovery systems and monitoring and reporting on air emissions.

Amend existing policies to remove disincentives

- Adopt a food waste compost requirement in MNDOT specifications.
- Reduce barriers for businesses to use refillable containers.
- Revise building codes and zoning ordinances that inhibit recycling.
- Revise the current EPR system to cover collection costs for all electronic waste.

Absent significant state level action and support for zero-waste initiatives, we risk increasing landfilling and going in the wrong direction for climate action. Landfills are huge methane emitters and have been identified by climate scientists as a major contributor to our climate crisis. The county's Zero Waste Plan outlines the actions needed to make meaningful progress toward climate emissions reduction.

Prioritization of actions to accelerate zero waste

Each of the 62 actions in the Zero Waste Plan was analyzed to calculate the potential impacts on the county's overall diversion rate. Commissioners asked staff to further prioritize the plan's action items to identify what would accelerate the achievement of zero waste in Hennepin County. The 12 highest impact actions, presented on page 10, account for almost 80% of the potential tons that could be diverted from the trash by implementing the actions in the Zero Waste Plan. Being able to successfully achieve these actions and the amount of time it will take to achieve them depends on bold leadership at the state, county, and city levels and willingness to change from manufacturers, businesses, and residents.

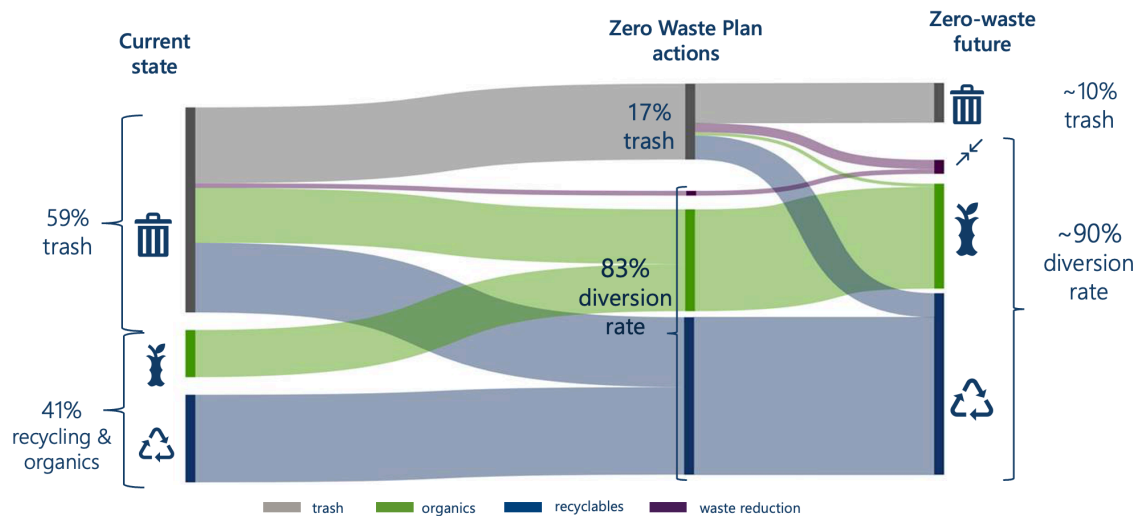
We all have a responsibility – government, businesses, institutions, and individuals – to support these actions, prevent waste, and recycle everything we can. Ultimately, the ability of the county to reach its zero-waste goals will be determined by the system we choose to create and the everyday choices and behaviors of the county's 1.3 million residents, 43,000+ businesses, and all those who visit or work in Hennepin County.

Key steps color coding

A diagram outlining key steps to achieving each of the priority zero-waste actions is included on the following pages. The entity most responsible for each step is identified using these colors:

- Legislature
- Hennepin County
- MPCA
- Cities
- Private sector

Where we are and where we need to go



Highest impact zero-waste actions

Many dependencies and conditions need to occur prior to closing HERC. Many of these conditions are outside of Hennepin County's control. This includes a significant number of legislative changes that need to take place before closure. The highest impact zero-waste actions are presented in recommended order of approach and with key dependencies noted.

- Prioritize extended producer responsibility (EPR) for packaging (Legislature)
- Secure adequate funding for zero-waste initiatives through SCORE and other sources (Legislature)
- Ban recyclable and organic materials from landfills (Legislature and MPCA)
- Recover recyclable materials from the trash – recycling recovery facility (Legislature and county)
- Support the transition to organized collection across Hennepin County (Legislature, county, and cities)
- Increase compliance with Ordinance 13 and expand requirements (County)
- Develop and implement a plan to eliminate food waste (Legislature and county)
- Expand collection and drop-off options for hard-to-recycle items (Legislature and county)
- Reduce single-use plastics and plastic packaging (Legislature and producers)
- Increase the reuse and recycling of construction and demolition waste (Legislature)
- Mandate participation in recycling and composting programs (Legislature and county)
- Ensure every individual has equitable access to zero-waste tools (Legislature and county)



Prioritize extended producer responsibility (EPR) for packaging

Establish by law a fully producer-funded system that requires producers to expand reuse, recycling, and composting of packaging and paper products building on the state's existing infrastructure.

Overview

Why this is needed: Shifts responsibility to producers to use more sustainable packaging, expand markets for recyclables, and cover the cost of managing packaging waste.

Diversion potential: 37,000 tons

Timeline: Bill passage in 2024. Full implementation would take several years.

Cost: An EPR bill would provide additional funding to municipal recycling programs statewide, supplementing SCORE funds, which only cover a fraction of the cost.

Examples of leaders: California, Colorado, Maine, Oregon

Next steps for the county

- Advocate for bill introduction and passage in 2024

Roles and responsibilities

County and environmental advocates

Conduct engagement and advocate for language that provides optimal solutions

Legislature

★ Introduce and pass an EPR bill

MPCA

Guide and oversee implementation

Manufacturers

Comply with requirements, fund programs, and redesign packaging for sustainability

Cities

Continue to implement curbside programs

Residents and businesses

Participate in recycling and composting programs

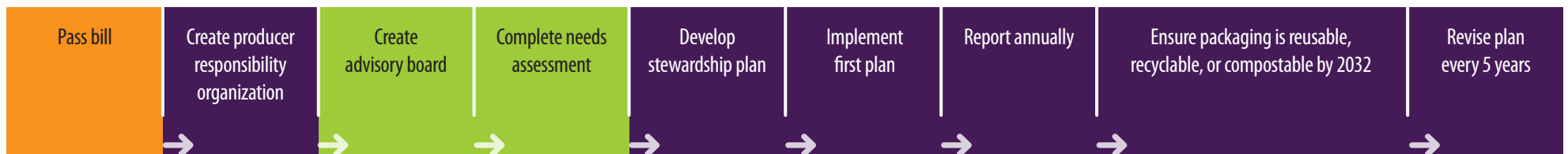
Background and additional detail

Packaging that is problematic for the recycling and composting systems is increasingly prevalent. Additionally, many items are disposable, and residents and businesses need more options for reusable, recyclable, or compostable alternatives.

EPR for packaging and paper products holds producers, specifically consumer brands, responsible for their packaging throughout the entire lifecycle – from product design all the way through to reuse, recycling, composting, or safe disposal.

A well-designed EPR system would build on Minnesota's existing recycling infrastructure, ensure sustainable funding to offset the cost of collection, expand end markets, incentivize the redesign of packaging and paper products using eco-modulated fees that adjust based on the attributes of materials, and shift producers to more reusable and sustainable packaging – all without taxpayer funds.

Key steps





Secure adequate funding for zero-waste initiatives through SCORE and other sources

Increase state funding to the level of investment needed to match the scope of the challenges we face and meet zero-waste and state recycling goals. All revenue from the Solid Waste Management Tax (SWMT) imposed on waste services should be used for waste management activities, such as SCORE funding.

Overview

Why this is needed: Additional funding mechanisms are needed to fully implement zero-waste actions.

Diversion potential: This action was not modeled in the Zero Waste Plan but is necessary to amplify and speed up all the highest impact actions.

Timeline: Bill passage in 2024.

Cost: The county received \$3.7 million in SCORE funds from the state in 2023. The legislature allocated additional funds, but the projected increase for Hennepin County is only \$704,000 (an extra \$1.30 per household). SCORE funds support city recycling programs needed to achieve recycling goals.

Examples of leaders: King County, Alameda County, Toronto, Ramsey/Washington counties

Next steps for the county

- Advocate for bill passage in 2024
- Advocate for additional funding mechanisms

Roles and responsibilities

Legislature

★ Introduce and pass a bill

MPCA and environmental advocates

Advocate for bill passage

County

Conduct engagement and adopt new funding policy, support cities with implementation

Cities

Expand programming with added resources

Residents and businesses

Support additional financial resources for zero-waste initiatives

Background and additional detail

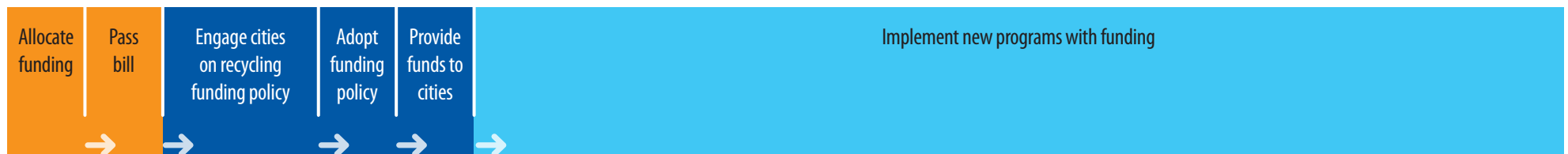
In 1989, the Minnesota State Legislature authorized SCORE grants to counties for waste reduction and recycling activities. State funding for SCORE comes from a portion of the sales tax on solid waste management services. These grants were an important source of revenue for developing recycling programs and infrastructure.

The needs of today's recycling system are different than 30 years ago. Counties and cities have expanded services beyond traditional recycling to include new organics recycling programs, more work on multifamily recycling, additional education and outreach, and more emphasis on waste prevention and reuse.

Local governments have continued to increase expenditures and develop new programs. Appropriations from the state have not kept pace. Support for county recycling programs has remained relatively flat since the inception of SCORE, while the portion of the solid waste tax redirected to the state's general fund has grown dramatically.

Hennepin County strongly advocates for an increase in SCORE grants to counties from the solid waste tax. That was the original intent for the solid waste tax on Minnesota businesses and residents. Making progress toward zero waste will require significant state support, just as the first recycling programs needed SCORE funding 30 years ago.

Key steps



Ban recyclable and organic materials from landfills

Policy

Establish a policy that prohibits the disposal of recyclable materials, such as cardboard or mattresses, and organic materials like food scraps in landfills.

Overview

Why this is needed: Targets materials that make up a large portion of the trash stream and gets biogenic materials out of landfills, which become a big climate problem when they break down.

Diversion potential: This action was not modeled in the Zero Waste Plan but is necessary to amplify and speed up all the highest impact actions.

Timeline: Bill passage in 2024. Full implementation would take many years.

Cost: This policy is only effective if enforced. Funding for sufficient staff resources to enforce the ban should be provided to the MPCA. There would be increased costs for waste generators.

Examples of leaders: California, Massachusetts, Vermont

Next steps for the county

- Advocate for bill passage in 2024
- Advocate for adequate MPCA staff resources to enforce the ban

Roles and responsibilities

County and environmental advocates

Conduct engagement and advocate for language that provides optimal solutions

Legislature

★ Introduce and pass the bill

MPCA

Lead on bill development and enforcement of the landfill disposal ban

Haulers

Comply with bans and follow up with customers that aren't complying

County and cities

Collaborate on implementation, policy changes, outreach, and education

Residents and businesses

Support the ban and comply by not placing banned materials in the trash

Background and additional detail

Landfill disposal bans on recyclable and organic materials are an essential component of a zero-waste system. The overarching goal is to increase recycling, capture valuable resources, reduce greenhouse gas emissions, and reduce the need for landfills.

Implementing a landfill disposal ban is a complex process that involves major changes to the existing waste management system. Requirements apply to landfills, haulers, and waste generators. Compliance is monitored through ongoing inspections at landfills. When a load has banned materials, the inspector identifies the responsible hauler and waste generators. The load may be rejected, charged an additional handling fee, and be subject to potential enforcement penalties. Having adequate staff is critical to the successful implementation.

Haulers are responsible for educating their customers and helping them develop procedures for preventing banned items from entering the waste stream. Generators are responsible for recycling any banned materials they generate. The requirements for waste generators are usually phased in, starting with the largest waste generators.

Enforcement is usually paired with support and resources to help people adapt to new waste disposal practices.

Key steps



Recover recyclables and organics from the trash

Develop a recycling recovery facility that uses a variety of technologies to sort cardboard, metal, some plastics, and organic materials from the trash for reuse or recycling.

Overview

Why this is needed: Implementing recycling recovery alongside source separation ensures more recovery of materials regardless of individual sorting behaviors.

Diversion potential: 103,000 to 200,000 tons, depending on progress of other zero-waste actions

Timeline: 6 to 10 years to site, design, permit, and build. Immediate impact on diversion once operational.

Cost: \$300 million to \$500 million in capital expenditures in phases. Ongoing operational expenses.

Examples of leaders: Santa Barbara, King County, Ramsey/Washington counties

Next steps for the county

- Further study critical factors: site, financing, designation, permitting, and end markets
- Tour recycling recovery facilities

Key steps



Roles and responsibilities

County

★ **Lead on project development, implement waste designation**

Legislature

Allocate significant funding, pass a landfill disposal ban on recyclables and organic/ methane-producing materials

MPCA

Streamline permitting, approve waste designation plan, lead enforcement of the landfill disposal ban

Haulers

Deliver waste to the recycling recovery facility for processing

Residents and businesses

Continue to sort materials to maximize reuse and recycling

Background and additional details

What is recycling recovery?

At recycling recovery facilities, also known as mixed waste processing facilities, trash goes through a highly automated process that combines mechanical and optical sorting equipment to sort materials based on size, shape, and composition. Materials recovered from the trash include cardboard, metals, #1 and #2 plastics, and organic materials. There is still trash to dispose of at the end of the process. Some recycling recovery facilities, like Ramsey and Washington counties' facility, are paired with waste-to-energy technology to further recover energy from trash and avoid landfilling. These facilities are generally part of an integrated solid waste management system designed to maximize materials recovery and achieve zero-waste goals.

Source separation is better

Recycling programs where participants sort items from the trash, called source separation, will continue to be prioritized as the best way to manage waste. Source separation provides the highest quality materials with the least contamination at the lowest cost. A recycling recovery facility complements, not replaces, programs focused on increasing source separation. Combining recycling recovery with existing source separation programs has the potential to increase recycling rates quickly and significantly. Leading zero-waste cities and counties have incorporated post-collection processing into their efforts to take diversion programs to the next level.

(continued)

Recover recyclables and organics from the trash

Source separation won't get us to zero waste

Recycling programs everywhere struggle with the same challenges: low participation rates, lack of awareness, human error, competing priorities, non-compliance with sorting guidelines, and ultimately, lots of recyclables in the trash. Waste studies conducted in Minneapolis, which has one of the best residential recycling programs in the state, show that people recycle less than half of what they could be. In other words, more than 50% of recyclables end up in the trash. The situation is worse for organics. Despite having one of the best organics recycling programs in the country, the capture rate for organic materials in Minneapolis is only 16%. Because of the low capture rate for organics, 35% of Minneapolis residential trash is organics.

Implementing recycling recovery alongside source separation is a “both/and” approach that ensures a more comprehensive recovery of materials regardless of individual sorting behaviors. It acts as a safety net, capturing recyclables that might otherwise end up in landfills. By harnessing cutting-edge technologies to recover recyclables and organics from the trash, these facilities have the potential to contribute significantly to the reduction of landfilling and accelerate progress toward zero waste.

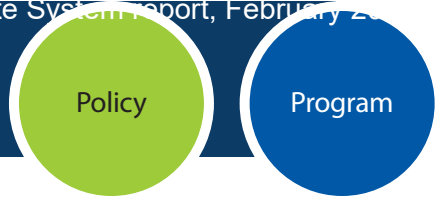
Despite that potential, a review of recycling recovery facilities demonstrates that the path forward has obstacles: high capital costs, modest recovery rates, contamination issues that affect the marketing of materials, and operational challenges that make it difficult to meet performance goals. These caveats highlight the importance of proceeding strategically and with careful consideration.

Zero-waste innovation hub

To explore the feasibility of recycling recovery, the county hired Burns & McDonnell Engineering to conduct a comprehensive study. The study included a characterization of the county's facility needs. One potential site is the county-owned property adjacent to the Brooklyn Park Transfer Station. The site size is adequate but somewhat undersized based on an evaluation of similar facilities and discussions with equipment vendors.

Acquiring additional adjacent property would help maximize materials recovery and turn this area into a zero-waste innovation hub that supports the circular economy. The Brooklyn Park Transfer Station will continue to be needed for organics transfer, recycling, household hazardous waste and problem material drop-off, and future purposes such as reuse or recovery of hard-to-recycle materials (see page 39).

Support the transition to organized collection across Hennepin County



Leading zero-waste communities have a higher level of control over hauling and processing systems. Depending on the city and sector, this may include the adoption of hauler contracts, franchising, expanded licensing requirements, or other organized collection strategies for multifamily and commercial.

Overview

Why this is needed: Control over the system leads to better outcomes, including increasing access to recycling services, reducing the number of trucks driving down each street, providing better rates to residents and businesses, and incentivizing haulers to achieve greater levels of diversion and reduced contamination.

Diversion potential: 13,000 tons

Timeline: 6+ years with multiple phases. Engagement with city and other partners is critical to successful implementation.

Cost: Consulting and staff time

Examples of leaders: San Jose, Minneapolis commercial collection study

Next steps for the county

- Consultant study
- Engage with partners to define goals, scope, implementation phases, and communication roles

Roles and responsibilities

County and environmental advocates

Advocate for bill passage

Legislature

- ★ Pass legislation to make organized collection easier for local government

MPCA

Advocate for bill passage, support local government with studies and implementation

County and cities

Implementation

Haulers

Provide waste collection services

Residents and businesses

Support system changes that lead to better environmental and health outcomes

Background and additional detail

Control over the system leads to better outcomes

The Zero Waste Plan includes an action to work alongside cities and haulers to define roles and responsibilities and establish a roadmap to transition the county to more organized hauler collection systems. This transition will help reduce hauling impacts on infrastructure and neighborhoods, increase cost efficiency, improve access and equity for rate payers, reduce climate impacts, reduce pollution, and provide consistency in service options.

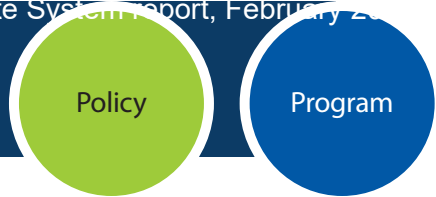
The future organized collection system should:

- Incorporate hauler incentives, such as pay-as-you-throw and performance-based contracts, that favor reuse, collection of hard-to-recycle items, increased diversion, and reduced contamination.
- Include a pathway for local and regional haulers to continue to operate within the system regardless of their size.
- Be used as a mechanism to explore a pilot for every-other-week trash collection combined with weekly organics collection.
- Support a transition to increased prevalence of alternative fuel sources for collection, such as compressed natural gas or electric vehicles, complemented by county funding or other financial incentives

Key steps



Increase compliance with the recycling ordinance (Ordinance 13) and expand requirements



Increase resources to support implementation of business food waste recycling requirements and improve compliance with recycling requirements at multifamily properties and businesses. Revise ordinance to provide clarity to covered generators.

Overview

Why this is needed: Ensures services are available for residents to use and increases diversion of food waste, which are key to achieving zero-waste and climate goals.

Diversion potential: 58,000 tons with full compliance

Timeline: 1+ years to revise ordinance. Many years to increase compliance.

Cost: Contractors and/or staff to conduct site visits and provide education and labels. Staff for enforcement. Added 2 FTEs in 2024. Additional requests in future.

Examples of leaders: California, Massachusetts

Next steps for the county

- Fill new positions added in the 2024 budget

Roles and responsibilities

County

★ Lead enforcement at the generator level, amend Ordinance 13

Cities

Better enforce existing requirements, implement additional requirements

Legislature

Provide resources to enforce existing state commercial recycling law

MPCA

Better enforce existing state commercial recycling law

Haulers

Provide and implement adequate service

Businesses

Comply with requirements and educate employees

Residents

Participate in programs

Background and additional detail

Existing requirements

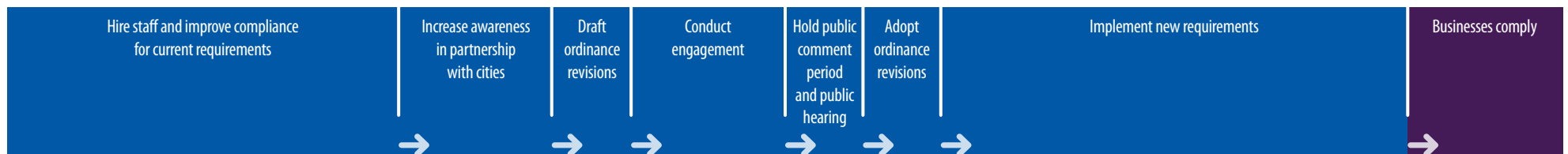
Hennepin County's recycling ordinance (ordinance 13) regulates the separation of recyclable materials, including organics, from solid waste in the county. The ordinance was most recently updated in 2018.

The ordinance requires:

- Cities have an ordinance to ensure curbside collection of recyclables from all residents and provide residents of single-family homes the opportunity to participate in organics collection.
- Commercial generators implement programs for mixed recyclables. Commercial generators that produce more than one ton of waste per week must also implement a food scraps collection program. Food scraps may be diverted through donation, collection for animal feed, anaerobic digestion, or composting.
- Multifamily property owners provide adequate recycling services and education for tenants. It does not address organics recycling for multifamily.

(continued)

Key steps



Increase compliance with the recycling ordinance (Ordinance 13) and expand requirements

Policy

Program

Increasing compliance

The gaps analysis for the Zero Waste Plan found that the county's enforcement of the ordinance is not as robust as needed. In addition, existing language needs revisions to add clarity and support compliance efforts.

The following would increase the positive impacts of the ordinance:

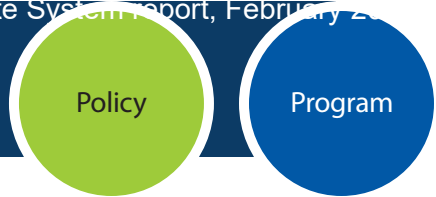
- Increase staffing to support the implementation of business food waste recycling requirements. Evaluate other resources to improve compliance and participation, such as incentives and technical assistance.
- Provide additional county resources to improve compliance with recycling requirements at multifamily properties and businesses. As a complement to increased compliance efforts, provide more technical support to building property managers and business owners to implement requirements and increase program participation and provide incentives through the expanded grant offerings.
- Revise ordinance language to provide clarity to covered generators and support compliance efforts.

Expanding requirements

The gaps analysis also found that there are opportunities to expand the ordinance's reach through the following considerations:

- Expanding the applicability of the organics portion of the ordinance to maximize diversion of organics, including a gradual reduction in the minimum thresholds for commercial generators, adding multifamily properties to the organics requirement, and eventually requiring all generators to have organics service.
- Emphasizing food rescue and donation options for compliance to deliver food to the best and highest uses whenever possible.
- Changing requirements for residential and multifamily organics service.
- Adding color-coding requirements for bins and dumpsters for consistency, uniformity, and increased ease of use for residents and businesses.
- Adding additional requirements for haulers to improve service and reporting.

Develop and implement a plan to eliminate food waste



Establish a food waste prevention target and develop a long-term plan that identifies strategies, timeline, and needed resources for preventing wasted food at businesses, institutions, and homes.

Overview

Why this is needed: Food waste makes up 20% of trash, and two thirds of wasted food could have been eaten. While organics recycling is important to increasing recycling rates, preventing food from being wasted and entering the waste stream has far greater climate and economic benefits.

Diversion potential: 44,000 tons

Timeline: 1+ years to develop the plan (underway). Several years to implement.

Cost: County and city staff and financial resources will be required.

Examples of leaders: Denver, Oregon, Washington, Illinois, Ohio, Massachusetts, Rhode Island

Next steps for the county

- Develop food waste reduction target and plan
- Advocate for landfill disposal ban

Key steps



Roles and responsibilities

County

★ **Lead development of the plan.**

Implement, track progress, and adopt policies that prevent food waste

Legislature

Pass a landfill disposal ban on recyclables and organic/methane-producing materials, adopt policies that prevent overproduction and wasted food

MPCA

Guide and oversee implementation of landfill food ban and state policies

Cities

Promote programs and initiatives to residents and businesses

Residents and businesses

Implement food waste prevention actions

Background and additional detail

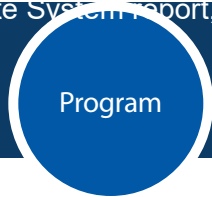
Forty percent of all food grown and produced in the U.S. is wasted. Wasted food has significant environmental impacts. When food is wasted, the water, energy, and labor that went into growing the food is also wasted. If sent to a landfill, food breaks down and releases methane, a greenhouse gas 28 times more potent than carbon dioxide for trapping heat in our atmosphere.

While organics recycling and composting are better solutions than sending food to the landfill or incinerator and are important strategies for achieving zero waste, preventing food from being wasted has far greater environmental and economic benefits. Preventing food from being wasted is one of the most significant actions we can take to address climate change and reduce our trash.

This action focuses upstream on eliminating the overproduction and wasting of edible food. Strategies may include increasing the use and sale of imperfect produce, supporting federal and state tax incentives for food donation, encouraging school lunch waste reduction programs, considering regulations on food production to reduce waste, improving data tracking, supporting community food hubs, and providing education on food labels and expiration dates.

The county has already solicited proposals for a consultant to conduct a scan of the county's foodshed (how food moves throughout the food system), determine an appropriate food waste prevention target, and assist the county in the development of a food waste prevention plan. A consultant has been selected to lead the plan development, and work will begin in Q1 2024.

Expand collection and drop-off options for hard-to-recycle items



Close the gap in access to services by increasing collection of bulky and hard-to-recycle items, such as clothing, hazardous items, plastic wrap and appliances, via curbside pickup, events, or expanded drop-offs.

Overview

Why this is needed: Addresses transportation and other barriers that make it difficult for all residents and businesses to participate in recycling programs and divert more material from the trash.

Diversion potential: 15,000 tons

Timeline: Begin in 2024. Full implementation will take many years.

Cost: Additional staff, contracts to manage materials, and potentially building space for operations. Adding 1 FTE starting in 2024.

Examples of leaders: Minneapolis, Bloomington, California, Canada, Europe

Next steps for the county

- Fill new position added in 2024 budget
- Develop a program plan
- Advocate for legislation and funding
- Engage with partners
- Roll out pilots
- Conduct broad outreach and education

Roles and responsibilities

County

★ Develop programs and lead on implementation, adopt policies that lead to widespread collection and processing of materials countywide

Legislature

Adopt legislation that leads to market development for hard-to-recycle materials and provides additional funding

MPCA

Provide grant funds, develop new markets for hard-to-recycle materials, lead enforcement of the landfill disposal ban

Cities

Lead/collaborate on implementation

Residents

Use expanded collection and drop-off options

Background and additional detail

Zero waste and disparity reduction

The gaps analysis identified lack of equal access to recycling, composting, and diversion options as a limitation to an equitable zero-waste system. Although access was generally available for residents in single-family homes and the majority of businesses, significant gaps were identified in access for residents in multifamily settings, particularly around organics recycling. Gaps were also identified for those without easy access to transportation and to services beyond conventional recycling. Because diversion options are not equally available to all community members, these gaps collectively contribute to system inequities. The following set of actions seek to expand access to services, reduce inequities, and increase diversion. State support for policies and funding to develop markets for hard-to-recycle materials and expanding collection infrastructure is critical in optimizing diversion potential.

Expand drop-off options

- Evaluate locations of existing drop-offs in relation to areas with high proportion of residents in multifamily settings, dense urban areas, rural areas with limited access to curbside services, and communities that do not have equal access to curbside services.
- Establish evaluation criteria to identify locations for investments in improved or expanded drop-off options. Use partnerships, such as with libraries, city or county buildings, schools, and businesses, to expand the number of drop-offs.

(continued)

Key steps



Expand collection and drop-off options for hard-to-recycle items


 Policy

Program

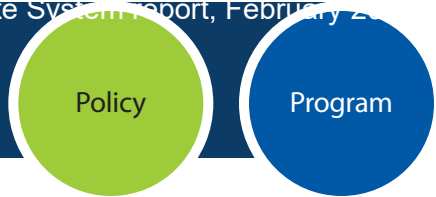
Infrastructure

- Evaluate options to support (with technical, financial, regulatory, or other assistance) neighboring businesses or properties that choose to consolidate and share services for recycling and composting (such as a shared dumpster) and consider allowing and providing financial incentives to those that share service with community to increase local access.
- Expand the materials accepted to include a wider range of items.

Increase bulky item reuse and recycling

- Work with cities, communities, and nonprofit organizations in the county to increase collection and reuse opportunities for bulky items, such as by:
 - Expanding collection opportunities either at the curb or via additional drop-offs.
 - Hosting or financially supporting drop-and-swap events.
 - Supporting community-led efforts to address transportation barriers and expand access for multifamily residents with mobility barriers.
- Expand collection and drop-off options for hard-to-recycle items
- Expand collection opportunities via curbside and drop-offs for harder to dispose items, including clothes and other textiles, household hazardous waste, plastic wrap, and appliances.

Reduce single-use plastics and plastic packaging



Develop new public-private strategies and pass policies such as to-go packaging ordinances and bans for single-use plastic.

Overview

Why this is needed: Plastics frustrate residents trying to recycle. Plastics contribute to litter and climate pollution, harm water and wildlife, and have largely unknown human health impacts.

Diversion potential: 200 tons

Timeline: Now and going forward

Cost: Staffing and financial resources dedicated to implementation. Added 1 FTE in 2024. Ongoing commitment needed.

Examples of leaders: California, Connecticut, Delaware, Hawaii, Maine, New York, Oregon, Vermont, and Europe

Next steps for the county

- Fill staff position added in the 2024 budget
- Research national and international policies and make recommendation to board on policy options

Key steps



Roles and responsibilities

County

★ **Research, draft plan, and conduct engagement.** Pass and enforce requirements.

Legislature

Strike the ban on bag bans. Consider statewide legislation to reduce single-use plastics.

MPCA

Enforce statewide bans

Cities

Collaborate with the county on implementation, policy changes, and enforcement.

Manufacturers

Reduce plastic use in design and manufacturing

Public/private partnerships

Explore research and commitments that reduce plastic, such as the U.S. Plastics Pact, Hennepin University Partnership, and MNimize.

Residents and businesses

Support policy changes, reduce plastics in day-to-day life and operations.

Background and additional detail

Plastics are unavoidable in our modern lives, and the use of plastics is projected to triple by 2050 from 2013 levels. Plastics will account for 20% of global oil use and 15% of global greenhouse gas emissions. About half of the plastics produced each year are intended for single-use, and about a quarter of all plastics produced are for packaging.

Plastics contribute to litter and climate pollution, harm water and wildlife, and have largely unknown human health impacts. During engagement for the development of the Zero Waste Plan, residents reported great frustration with the amount of plastics they were dealing with, inability to avoid them, and confusion over how to recycle them. Businesses said they struggle to avoid plastics due to application needs, convenience, and low cost.

Recycling capture rates for plastics remain relatively low, and many plastics aren't recyclable in traditional curbside recycling programs. Increasingly, studies are finding plastics in the environment, including the soil, water, and air, and in our bodies. Research on the impacts of plastic pollution both on the environment and our health remains lacking due to the complexity of the issue.

Some progress has been made on requirements and commitments to reduce plastics. In recent years, the cities of Edina, Minneapolis, and St. Louis Park have passed to-go packaging ordinances to reduce non-recyclable and non-compostable to-go materials. The county partnered with Minnesota Waste Wise to develop a campaign to reduce single-use plastic use at restaurants.

The county could develop new public-private initiatives, pass policies such as a requirement that all cities adopt to-go packaging ordinance or adopt one countywide, and consider bans for other single-use plastic materials.

Increase the reuse and recycling of construction and demolition waste



Advocate for a minimum diversion requirement for construction and demolition projects at the state level, support and encourage city adoption of deconstruction policies, support expansion of markets for building materials, and continue to fund and implement programs that divert used building materials from landfills.

Overview

Why this is needed: Materials such as cement, aluminum, steel, and plastics have high climate impacts and significant diversion potential. About 85% of the materials in a typical demolition project could be salvaged but only 30% are currently.

Diversion potential: 76,700 tons

Timeline: 3+ years to develop and adopt policy. Several years to implement.

Cost: Requirement only effective if enforced. Funding for sufficient staff resources to enforce diversion requirement should be provided to the MPCA. Additional staff and resources needed for programming. Increased costs for construction and demolition waste generators.

Examples of leaders: Portland, OR, California, Cook County, IL, San Antonio, TX

Next steps for the county

- Continue to develop and implement new programs
- Advocate for a state minimum diversion policy and increased landfill fees

Roles and responsibilities

County and cities

Continue to support deconstruction through funding and program initiatives

Legislature

- ★ Pass legislation for minimum diversion requirements for construction and demolition projects

MPCA

Enforce state policies

Construction industry

Conduct research on used building material use and develop and standardize design specs for deconstruction, recycling, and use of used building materials

Residents and businesses

Divert building materials for reuse and recycling

Background and additional detail

Construction and demolition waste is a large waste stream – estimates suggest it is equivalent to municipal solid waste (MSW) generation. Although construction and demolition waste isn't considered MSW and there are specific construction and demolition landfills for this material, waste studies show it still typically makes up 7% to 10% of the MSW trash stream.

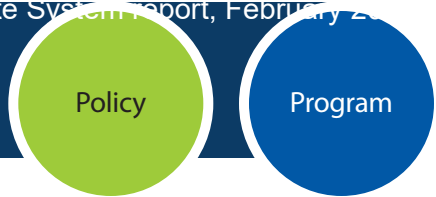
Authority to regulate construction and demolition waste falls on the state and cities, related to their role in permitting construction and demolition projects. While counties are not legislatively mandated to address this waste stream, the climate benefits of reusing and recycling these materials make a strong case for focusing on them.

The county has made many efforts over the past several decades to advance the reuse and diversion of construction and demolition waste, including supporting the growth of deconstruction services and use in the metro, offering building material reuse grants, launching a pre-demolition inspection program in partnership with cities, and adopting a county policy on construction and demolition waste reuse and recycling. These efforts will only go so far, and without authority to regulate construction and demolition waste, the county is running out of tools to address this material stream.

Key steps



Mandate participation in recycling and composting programs



Adopt mandatory recycling and organics recycling participation requirements for all waste generators that use rigorous enforcement and fines to ensure proper recycling.

Overview

Why this is needed: Voluntary participation will only get us so far. Mandating participation is a last step to get the remaining recoverable materials out of the trash.

Diversion potential: 63,300 tons

Timeline: Last phase of plan implementation. Other actions must move forward first. Full implementation will take many years.

Cost: Funding for sufficient staff resources to enforce the mandate is required.

Examples of leaders: San Francisco, Seattle

Next steps for the county

- Hire a consultant to conduct study

Roles and responsibilities

County

★ Lead enforcement at the generator level

Cities

Better enforce existing requirements, potentially implement county requirements

Legislature

Pass legislation that bans landfill disposal of recyclables and organic/methane-generating materials

MPCA

Lead enforcement of landfill disposal ban, better enforce existing state commercial recycling law

Haulers

Check for compliance and notify customers of contamination

Residents and businesses

Participate in recycling and composting programs

Background and additional details

Mandatory participation goes above and beyond basic recycling requirements

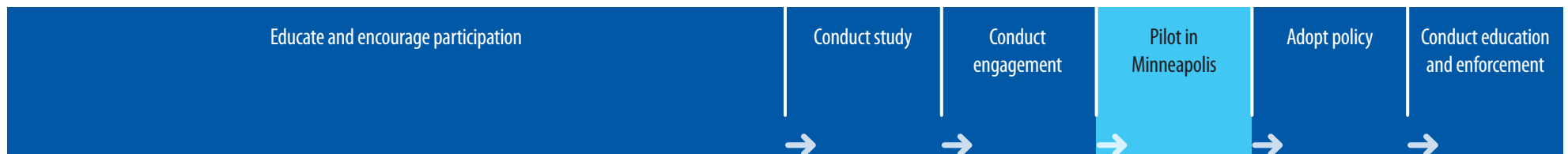
The Zero Waste Plan includes an action to work with cities to adopt requirements that would ban recyclable or organic materials from the trash and mandate the separation of recyclables from the trash by residents and businesses. Enforcement would occur through inspections.

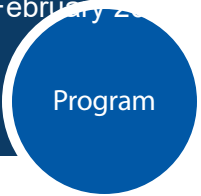
Several zero-waste leaders have implemented stringent mandatory recycling ordinances with fines for noncompliance and improper recycling that go far beyond the county's targeted approach in the recycling ordinance (ordinance 13). For example, San Francisco conducts regular inspections of waste bins to ensure proper sorting, and if violations are identified, warnings or fines are issued. The city has a tiered system of penalties with escalating fines for repeat offenses. This approach is in stark contrast to recycling requirements that go largely unenforced, such as the Minneapolis 2011 commercial recycling requirement and the state's 2016 commercial recycling law.

Vocal opposition should be expected

The implementation of mandatory recycling requirements has faced pushback and negative reactions in various communities. Critics often cite concerns about perceived infringements on personal freedom or increased government intrusion. Some individuals may find the additional effort required for sorting and separating recyclables burdensome or inconvenient. Others argue that the penalties associated with non-compliance can be overly punitive and regressive in nature. Additionally, there may be confusion or dissatisfaction with the specific guidelines for what can and cannot be recycled. For these reasons, it's recommended this strategy is pursued after earlier strategies have been implemented.

Key steps





Ensure every individual has equitable access to zero-waste tools

Expand program reach and multicultural outreach, develop a rate assistance program, establish an equity panel, address litter, increase green jobs, and fund community-centric solutions.

Overview

Why this is needed: Support equitable access to services and community leadership in solutions.

Diversion potential: 16,000 tons

Timeline: In progress and ongoing. Implementation on some Zero Waste Plan actions, such as the Apartment Recycling Champions, has already begun.

Cost: \$3 million to \$5 million per year for program development and implementation, promotions, and contracts with community organizations. Staffing to administer the program.

Examples of leaders: Toronto, New York City, Austin, TX

Next steps for the county

- Reallocate staff resources
- Further research best practices and community ideas identified in the plan

Roles and responsibilities

County

★ Partner with community groups and cities to improve access and increase education, outreach, and programming

Cities

Collaborate with the county and community groups on implementation

Haulers

Ensure adequate service is provided and accessible to residents in multifamily housing and small businesses

Legislature

Provide additional funding for waste prevention and diversion programming and initiatives

Residents and businesses

Participate in programs

Background and additional detail

In June 2020, the Hennepin County board passed a Board Action Resolution that declares racism as a public health crisis that affects the entire county. This declaration supports the county's foundational work to develop strategies that mitigate personal bias and prejudice in the community, create systems that build equity, and reach a vision of a future where all residents are healthy and successful and all communities thrive.

Hennepin County is committed to making sure that pollution does not have a disproportionate impact on any group of people – the principle of environmental justice. This means that all people – regardless of their race, color, national origin or income – benefit from equal levels of environmental protection, have opportunities to participate in decisions that may affect their environment or health, and have equitable access to zero-waste tools.

Throughout the zero-waste planning process, county staff, community members, and industry stakeholders identified the following communities as being unfairly burdened by the current system: Black, Indigenous and other people of color (BIPOC), families with low-income, residents with disabilities, and youth. This is especially prevalent for residents who live in cities with solid waste facilities, multifamily housing units or rentals, areas with high rates of illegal dumping and litter, densely populated communities or those by busy roads that experience more trash truck traffic, and areas affected by cumulative health impacts from multiple sources of pollution.

(continued)

Key steps



Ensure every individual has equitable access to zero-waste tools

Program

Inequity in the system places unfair economic burdens or costs on some communities, results in uneven access to services and opportunities, and creates pollution that is unfairly borne by certain communities and neighborhoods. This includes the impacts that facilities such as HERC and landfills have on their adjacent communities.

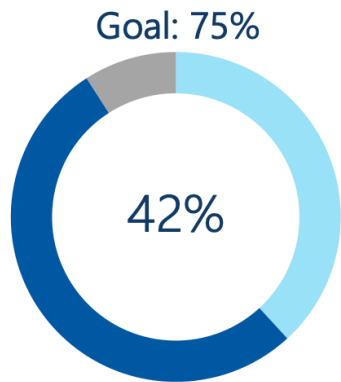
Creating an equitable zero-waste system will require all communities in the county to contribute equitably to the effort. If only a portion of the county has access to programs that lead to zero waste or all the negative impacts of waste diversion are borne by a sector of the community, zero waste will not be achievable nor will the system be equitable.

Tracking progress toward zero waste

The resolution directed a plan to accelerate the closure and repurposing of the Hennepin Energy Recovery Center (HERC) that complies with state law, does not increase landfilling, and remains focused on climate and equity. The only way to accomplish this is to aggressively pursue zero-waste policies, programming, and infrastructure – with state leadership and in partnership with cities. Using this direction as guideposts, staff recommend establishing a zero-waste dashboard to define the criteria to be met to responsibly close HERC and to identify 22 policy changes that need to be passed by the state legislature to realize this zero-waste future. Staff will report to the board annually on the progress toward these metrics.

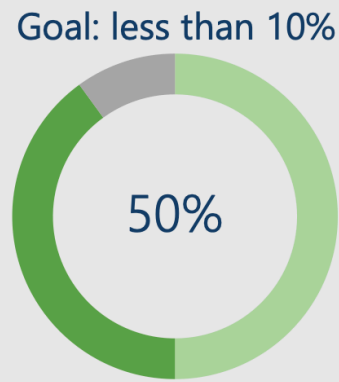
Zero-waste dashboard

Recycling rate



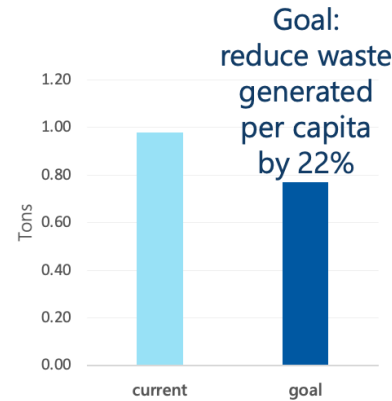
✓ Meets state statute

Amount of food, paper and other biogenic materials in the trash



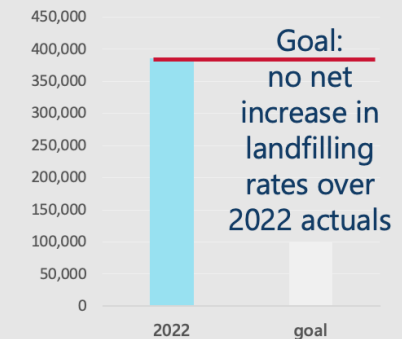
✓ Climate-driven
✓ Critical to meeting recycling goals

Waste generated per capita



✓ Climate-driven
✓ Critical to meeting zero-waste goals

Landfill rates



✓ Climate-driven
✓ Critical to meeting zero-waste goals

The zero-waste dashboard includes four metrics. The following summarizes the rationale for including each metric in the dashboard.

1. Recycling rate: Progress toward the state-mandated goal of 75% recycling rate.

Keeps the county in compliance with state law and tracks progress toward zero-waste goal.

2. Percent of food, paper and other biogenic materials in the trash: Establish a goal of 10% or less.

Targets materials that make up the largest portion of our trash and focuses on getting biogenic materials out of landfills, which become a big climate problem when they break down. Preventing or recycling these materials are keystones for meeting climate and zero-waste goals.

3. Waste generated per capita: Reduce waste generated per capita by 22%.

This metric helps us track progress toward transforming our solid waste system from a linear process that consumes natural resources and prioritizes disposal to a circular economy that values materials and their reuse. This metric is important for achieving both zero-waste and climate-action goals. The consumption habits of Americans are driving greenhouse gas emissions around the world. We need to change our behaviors and practice more thoughtful consumption to reduce the climate impact of what we buy and how we dispose of it.

4. Landfill rates: Establish a red line – no net increase in landfilling over 2022 actuals for landfilling rates.

If we do not succeed in advancing zero-waste actions, we risk increasing landfilling and going in the wrong direction for climate. Landfills have been identified by climate scientists as a major contributor to our climate crisis. Establishing a metric to not increase landfilling rates over 2022 actuals of 357,000 tons makes it clear to our legislative partners and environmental advocates that the county will not accept closure or repurposing of HERC if it results in shipping more of our trash to landfills in other communities.

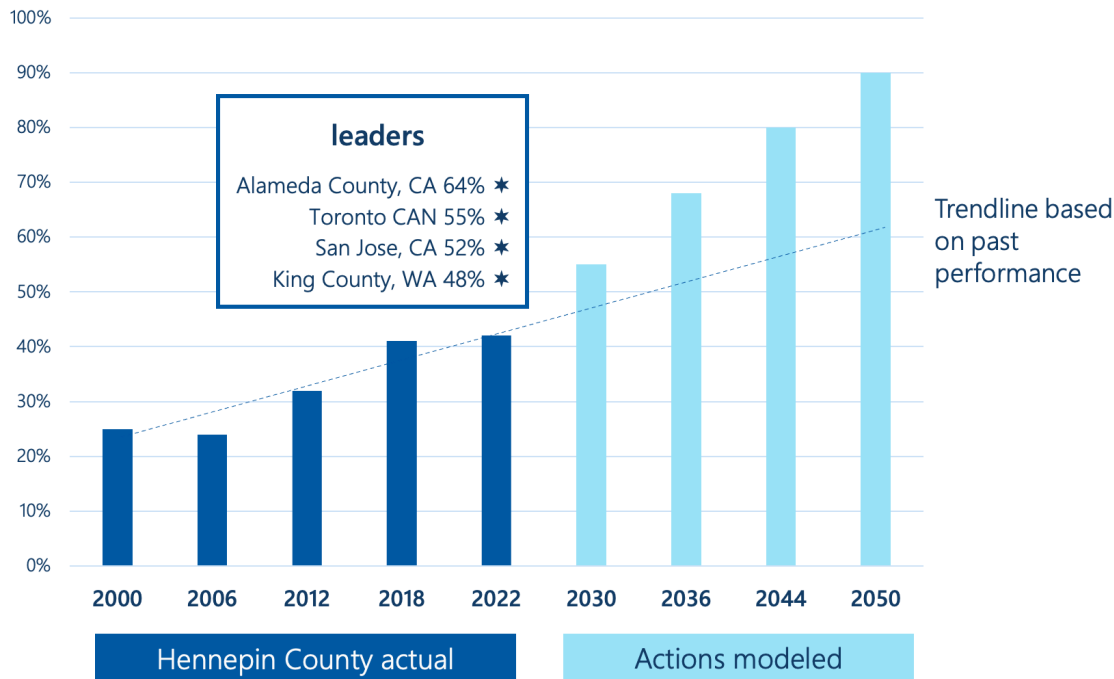
State legislative policy dashboard

In its 2024 state legislative priorities, the Hennepin County Board of Commissioners is promoting a zero-waste and clean-energy future to help the county meet its climate-action goals and to ensure the timeline for closure of HERC between 2028 and 2040. To achieve these priorities, the county's Intergovernmental Relations team is leading a multi-session campaign to advocate for state leadership to put Minnesota on-par with national zero-waste leaders. In the upcoming 2024 session, the county has prioritized these four actions for inclusion on a 2024 legislative session dashboard:

1. Pass the Packaging Waste and Cost Reduction Act (extended producer responsibility bill).
2. Redirect the Solid Waste Management Tax (SWMT) going to the general fund to SCORE grants.
3. Invest in a recycling recovery facility.
4. Make it easier for local governments to have a higher level of control over hauling and processing systems.

Progress and comparison to zero-waste leaders

The county further modeled potential recycling rates resulting from these actions. The model includes the county's progress based on previous results and comparisons to zero-waste leaders that were evaluated in the development of the Zero Waste Plan. The following chart shows the diversion rate achieved by long-time zero-waste leaders ranges from 48% to 64%. The Zero Waste Plan system gaps analysis identified state-level zero-waste policies and a higher level of government control over the solid waste system as key defining factors for these high performing leaders.

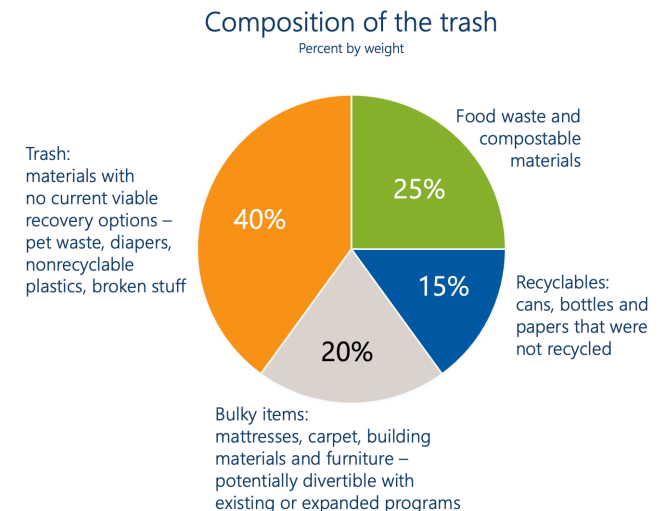


The dark blue bars show the county's recycling progress over the past 20 years. The trendline to 2050 is based on past performance. The light blue bars show the recycling rate goals we need to meet to achieve zero waste, defined by the county as 90% diversion rate from landfills or incinerators.

The county has done all the easy things, and even those things took a long time. Without a dramatic shift in priority at the state level to advance zero-waste policies that give government greater control over solid waste system, the historical data trends project no more than 1% percent increase in recycling rates per year and an expected plateau after 50% recycling is achieved.

There is still a lot of trash in our trash

Waste composition studies show that approximately 25% to 30% of what is currently trashed is organic material, which includes food waste and other compostable materials. Another 15% is recyclable – this is cans, bottles, and paper that were not recycled – and 20% is bulky items that are potentially divertible with existing programs, such as mattresses, carpet, building materials, and furniture.

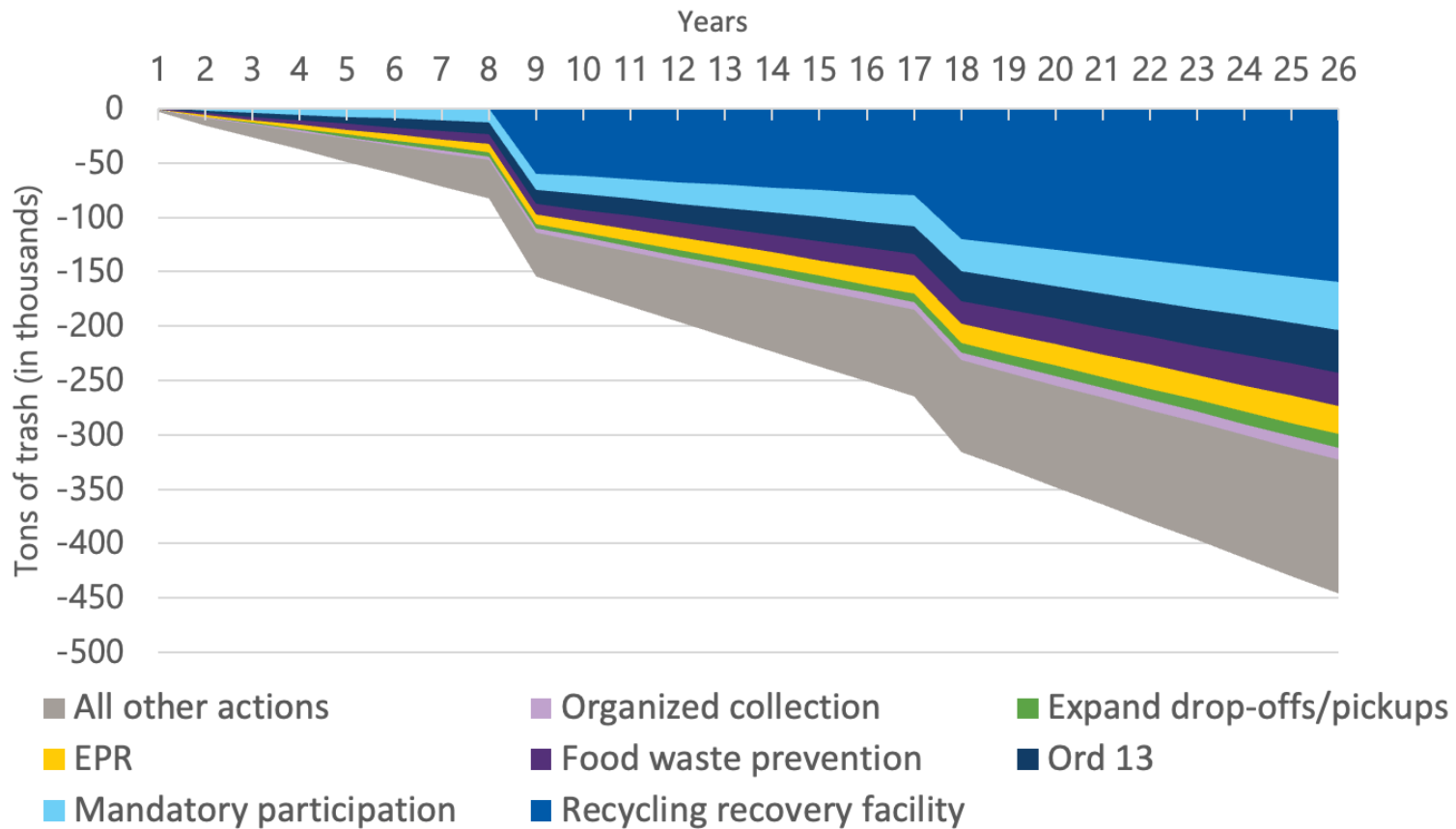


There is also still a lot of trash – or materials for which the county does not currently have viable recovery options – in the county's waste stream. This trash, which represents 40% of the waste generated, includes pet waste, diapers, hygiene products, nonrecyclable plastics, and broken and unwanted stuff. Until state or national policies are in place that lead to market development for these hard-to-recycle items, we will still have a significant amount of trash to dispose.

Potential for highest impact actions to divert trash and reach zero-waste goals

County staff refined the Zero Waste Plan model to show the highest impact actions individually and the incremental progress to be expected. The time it will take to achieve these actions will depend on how quickly zero-waste policies are adopted and the level of funding for implementation. The rate of progress will also depend on how fast infrastructure can be planned, sited, designed, and built and the overall societal commitment to reducing waste.

Trash diversion by year from implementing the zero-waste actions



Background and additional detail

The Zero Waste Plan consultant used a dynamic zero-waste planning model to calculate the potential impacts of the plan's actions on the county's overall diversion rate. The model is based on Hennepin County's two-year average generation, disposal, and diversion tonnages, relies on U.S. Census data for population and household counts, and incorporates data on waste composition from past studies conducted in Hennepin County, the City of Minneapolis, surrounding counties, and the State of Minnesota.

Each of the 62 actions were included in the model to estimate each action's impact on generation, diversion, source reduction, and disposal. Model impacts are cumulative and include dependencies between actions. The underlying zero-waste model assumes that all the actions have not only been implemented, but that they have been implemented successfully and effectively. For example, the modeled impacts assume that extended producer responsibility (EPR) legislation is not just advocated for, but that a well-designed and effective EPR policy is adopted at the state level and implemented across Minnesota. The model outputs, including the range of estimated impacts for each action, is included in Appendix B of the Zero Waste Plan.

The county refined the model to apply a timeline for implementation (see chart on page 30). The county used the high side of tonnage estimates, assumed almost perfect implementation, and modeled impact on tons of trash to be diverted by 2050. The following is a comparison of the assumptions behind the models.

Zero Waste Plan modeling by RRS consultants	Zero-waste action implementation modeling by county staff
Range of tonnage estimates (high and low)	High side of tonnage estimates
All actions implemented	All actions implemented, all actions starting in year 1, and fully resourced
Assumes perfect implementation	Assumes almost perfect implementation
500,000 tons diverted by all actions	446,000 tons diverted by all actions
77% to 83% recycling rate	76% recycling rate
No timeline provided	By 2050

Section II: Operational considerations and actions to close and repurpose HERC

In addition to prioritizing action items that would accelerate zero waste, the board resolution identified parameters to address in a closure plan. The following section outlines the actions that would need to be completed to stop incinerating trash, including considering alternative locations for trash disposal and a sequence of key events that would follow a board resolution directing County Administration to repurpose HERC or stop incinerating trash on a certain date. This action would then trigger a cascading sequence of steps to accomplish this direction, all of which would have financial, legal, and environmental impacts.

These considerations and actions were based expertise and understanding of the current solid waste system. Additional information can be found in the report *HERC and its role in the solid waste system*. Many of the considerations and actions will depend on when the HERC closure process is initiated, the progress toward successful implementation of the zero-waste actions and ultimately, how much trash remains at that time.

As part of the county's due diligence in operating the solid waste system, staff will continue to communicate significant changes in the solid waste system as it relates to actions in this section.

Board resolution parameters

BE IT FURTHER RESOLVED, that the Plan should include: (1) an estimated timeline, (2) estimated financial requirements, and (3) foreseeable environmental consequences related to the following:

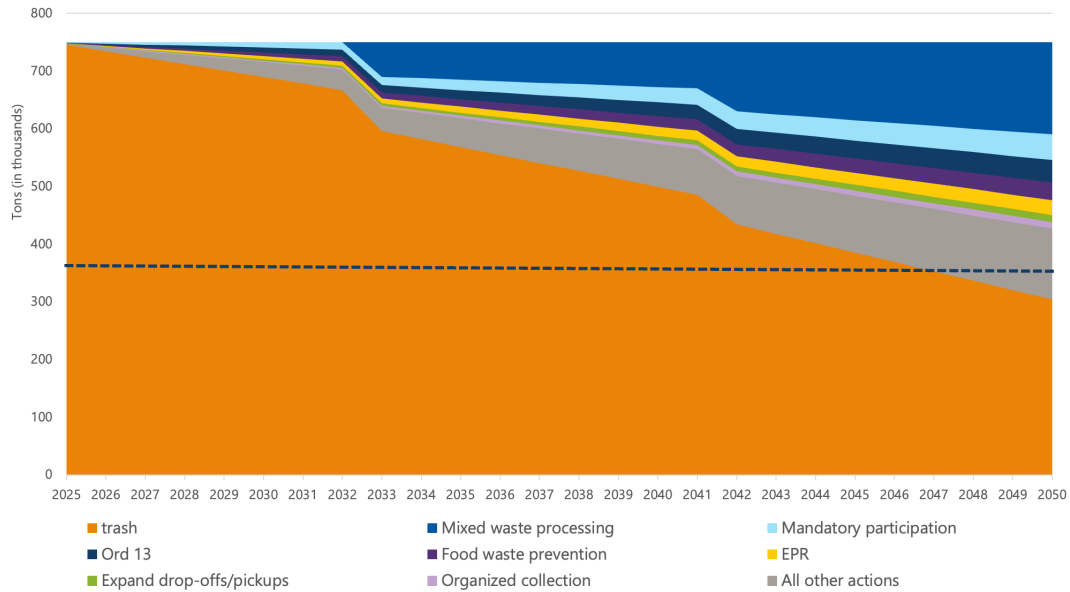
- a. prioritization of the county's Zero Waste Plan action items that would accelerate the achievement of zero waste in Hennepin County (page 1- 26)
- b. decommissioning of the HERC facility;
- c. transitioning the labor force currently working at the HERC and other labor connected to HERC;
- d. land disposition after HERC is decommissioned;
- e. paying HERC's existing debt service;
- f. future of Brooklyn Park Transfer Station;
- g. alternative waste disposal methods for the waste generated across the county;
- h. ongoing natural resources and climate action programming;
- i. timeline mapping out future legislative agenda items and priorities to fund natural resources and climate action programming, closure of the HERC and payment of related debt service

Alternative disposal locations for the trash generated

After waste reduction, reuse, and recycling, the remaining materials would be disposed of in a landfill. Since there are no active landfills in Hennepin County, upon the closure of HERC, trash generated in the county will be disposed of at landfills outside of the county.

Projected trash tons to dispose while accelerating zero-waste actions

HERC can process up to 365,000 tons per year



To understand how much trash is expected to require disposal as the county pursues zero-waste actions, the county used the projected trash diversion potential of the zero-waste actions (See the chart on page 30) and applied it to the current amount of trash discarded, which is approximately 750,000 tons per year.

Future trash projections (year)	2028	2034	2040
Tons of trash discarded	735,000	667,000	513,000

The chart above shows the amount of trash requiring disposal over time in orange. The significant decrease in trash in 2033 shows the impact of the first recycling recovery facility becoming operational. The additional decrease in 2042 is also related to the recycling recovery facility. As artificial intelligence improves, the county anticipates an additional capital investment to upgrade equipment in the facility to further capture more recyclables. The remaining actions are projected to have a linear increase in trash diverted as implementation improves over time.

The dotted line on the chart shows how much of the trash could be processed at HERC (up to 365,000 tons/year) to reduce the amount of material that would require landfilling. To effectively show the impact of the zero-waste actions over time on the amount of trash diverted, these projections do not account for population growth on the amount of total trash discarded.

Even with this incredibly optimistic projection of how fast and how well we can implement these actions, we will still have a lot of trash to dispose while advancing zero-waste actions.

Metro area landfill and transfer station capacity

If trash diversion projections from successful implementation of high-impact zero-waste actions come to fruition, it is anticipated that there is enough designed landfilled capacity and permitted transfer capacity to manage the trash generated in Hennepin County at metro area landfills through 2040. This depends on these landfills successfully completing Certificates of Need and the permitting process for waste, which is expected to exceed the 2020 Certificate of Need allocation.

It is anticipated that trash from the county would be disposed in the following metro area landfills.

Name	Owner	Additional awarded capacity in 2020 permitted status	Miles from the Hennepin County Government Center	Located in an area of concern for environmental justice
Burnsville Landfill	Waste Management	1,692,893 tons awarded and permitted	17	Yes
Elk River Landfill	Waste Management	Operating under current existing permitted capacity	38	No
Pine Bend Landfill, Inver Grove Heights	Republic Waste Services	2,398,764 tons awarded, in process for permitting	22	No
Dem-Con Landfill, Shakopee	Dem-Con	627,244 tons awarded and in process for permitting	32	Yes
Rich Valley/ Inver Grove Heights Landfill	Waste Connections	893,889 tons awarded. Have not begun process to permit.	22	No

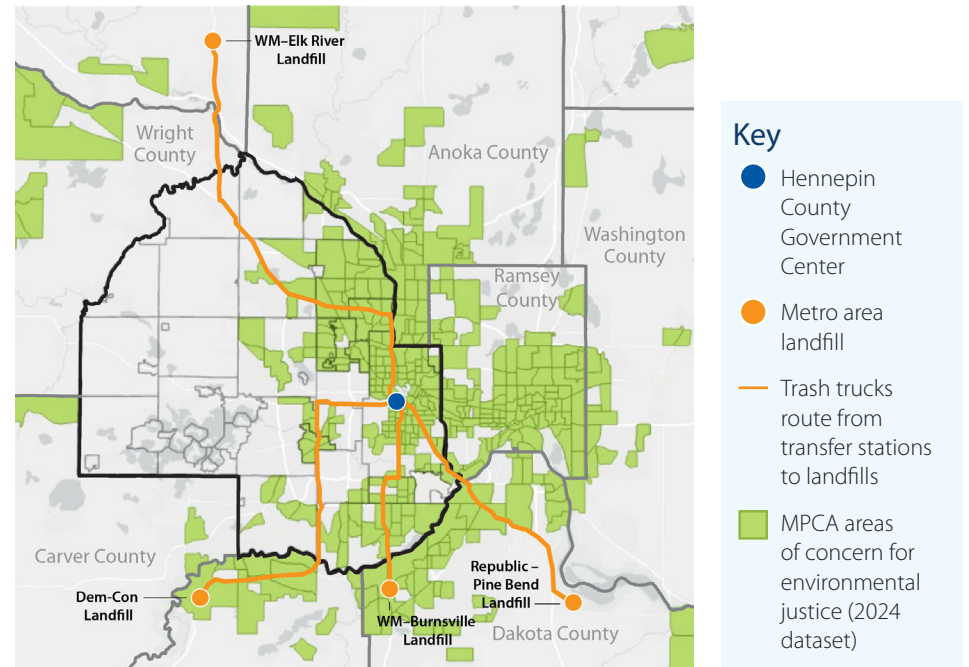
Additional out-of-metro-area landfills include Waste Management’s landfills in Lake Mills and Spirit Lake, Iowa and Republic Services’ landfill in Sarona, Wisconsin.

About 75% of the trash delivered to HERC comes from Minneapolis residents and businesses. The remaining 25% is residential trash from primarily Bloomington, Champlin, Deephaven, Excelsior, Hopkins, Loretto, Maple Plain, Medina, Minnetonka Beach, Osseo, Richfield, Robbinsdale St. Bonifacius, St. Louis Park, Tonka Bay, and Wayzata.

Because of their proximity to Hennepin County, it is anticipated trash being delivered to the Burnsville and Dem-Con landfills will be delivered by a combination of direct haul and transfer trailers. Trash from Minneapolis is likely to be hauled to a transfer station, then loaded into semi-trailers and disposed at Burnsville and/or Pine Bend landfills. Trash from Bloomington, Edina, and Richfield would most likely be hauled directly to the Burnsville Landfill. Trash from Eden Prairie and cities located around Lake Minnetonka would most likely be hauled directly to the Dem-Con Landfill. Trash from the remaining cities would

be hauled to a transfer station and disposed of at the Elk River or Pine Bend landfills, based on which hauler picks up the waste. The map below depicts the location of these landfills and the likely route the trash would travel, shown in orange, in relation to areas of concern for environmental justice, shown in green.

Location of landfills in relation to areas of concern for environmental justice



Source: Hennepin County, MPCA

The county has identified eight permitted transfer stations that are likely to be used to transfer waste from Hennepin County to metro area landfills. The eight transfer stations have a permitted annual capacity of 1,144,300 tons. In 2022, these stations transferred 615,543 tons. Given that the permitted capacity exceeded the 2022 actuals by 528,757 tons, it is likely that additional transfer station capacity would not be required in the short- to mid-term to manage the 425,000 tons currently managed through the county’s Brooklyn Park Transfer Station and hauled directly to HERC. Transfer capacity may be strained in the longer term if HERC no longer processed trash, Brooklyn Park Transfer Station was repurposed and no longer transferring trash, and trash generation continued to grow due to population increases and/or lack of progress toward zero-waste. Because of uncertainty of its future operations, the county did not include the Brooklyn Park Transfer Station, which has a permitted capacity of 273,000 tons,

in its trash flow projections. A transfer station located in Dakota County was also excluded due to its proximity to a landfill. This transfer station would most likely be used to transfer waste to landfills outside of Minnesota.

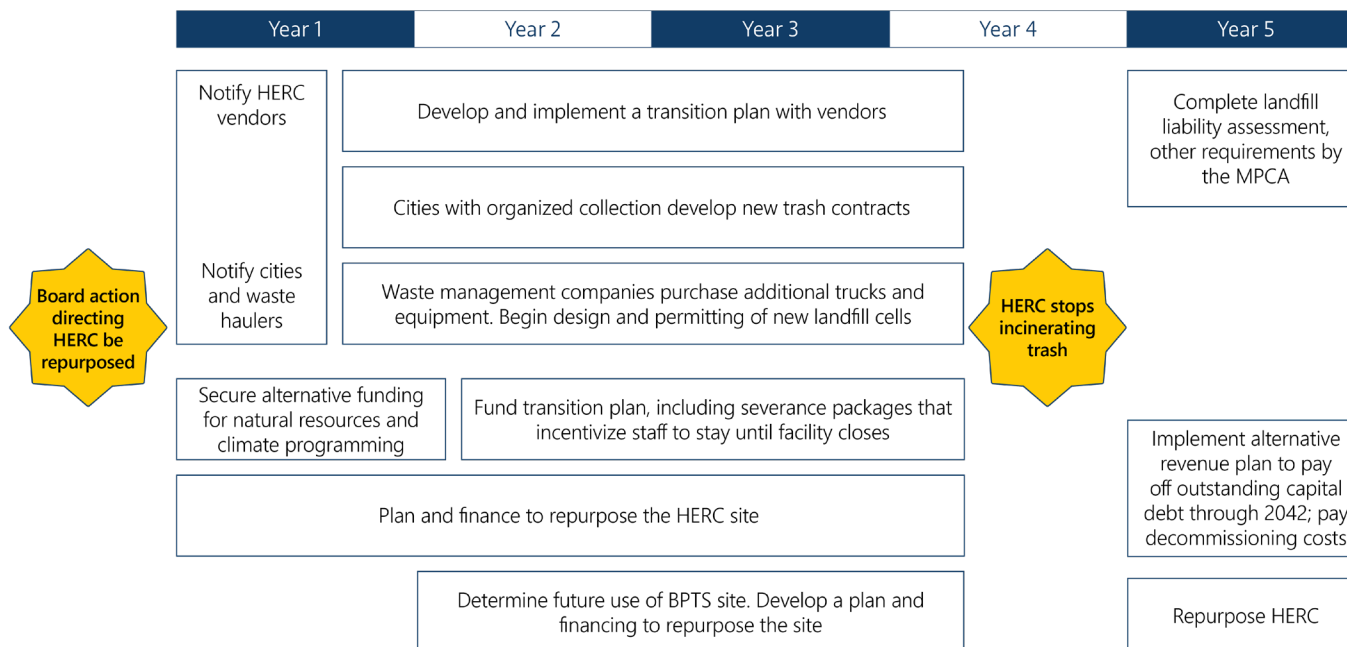
Companies that own the four metro area landfills control 66% of the transfer capacity. The remaining 34% of transfer capacity is controlled by two companies that do not own local landfills. Larger independent haulers expressed concern that when HERC is closed, they could be priced out of competition if their only options are landfills owned by the two big national waste companies.

Key sequence of operational steps

The following section provides an overview of the key operational steps that would need to be completed to stop incinerating trash at HERC at any point in time. The order of these steps and estimated timeline to complete are also included.

The first set of steps includes what would happen were the board to pass a resolution directing County Administration to repurpose HERC or stop incinerating trash on a certain date. This action would trigger a cascading sequence of steps to accomplish this direction. The second set of actions would happen after HERC stopped incinerating trash.

The following graphic depicts these two key actions with yellow stars and then shows a sequence of actions up to five years. A five-year timeline has been identified by staff, cities, and haulers as the maximum time needed to minimize disruptions to the solid waste system to close HERC. A one-year timeline would be the minimum notice needed.



First set of steps

Notify vendors of contract cancelations

The county manages various contracts to operate HERC and recover resources. To terminate the contracts, a County Board Action directing the HERC operator to stop incinerating trash on a certain date, or when processible waste falls below a certain amount, must occur. When negotiating these contracts, the county sought to mitigate potential liability if the county needs to terminate these contracts early due to federal, state, or county action. In summary, the minimum notice needed to terminate the operations agreement with Great River Energy HERC Services and the steam service agreement with Energy Center Minneapolis (Cordia) because of a county action is 365 days.

The following is a summary of the early termination clause by each contract.

Contract summaries

Great River Energy HERC Services, LLC (GREHS)

For management, operation, and maintenance of HERC.

Expires December 31, 2025. Planned execution of new contract with a term through December 31, 2033.

Summary of out clauses in proposed contract:

- If federal or state law significantly restricts or eliminates the county's ability to operate HERC, thereby reducing the delivery of solid waste to HERC to zero or nearly zero, the county can terminate the agreement early by providing 180 days written notice to GREHS. Such a termination would be treated as an early expiration of the agreement rather than a default by the county. This clause is intended to cover circumstances beyond the county's reasonable control.
- If the county itself acts to decommission HERC, because it has achieved zero waste for example, the county can terminate the agreement early by providing 365 days written notice to GREHS. As with termination due to state or federal action, this termination will be treated as an early expiration and not a default.

In either scenario, the county and GREHS would develop a transition plan to cease waste-to-energy operations in a safe and orderly manner. The county could also elect to engage GREHS in developing and/or managing a decommissioning plan which could, but does not have to, include demolition/redevelopment, full or partial site remediation, and/or repurposing of the site. To ensure an orderly cease of operations and possible decommissioning process, the county would provide GREHS with a severance payment for GREHS to incentivize existing staff to remain in their positions through those processes.

Energy Center Minneapolis LLC

Steam service agreement with the downtown district energy provider.

Expires: March 2, 2025. Planned execution of new contract with a term through December 31, 2033.

Summary of out clauses in proposed contract:

Similar to the operation and maintenance contract with GREHS, this agreement may be terminated early by the county:

- If federal or state law directly or through substantial economic effect prevents the county from providing steam under the agreement. The county could then terminate the agreement without any liability. This clause is intended to cover circumstances beyond the county's reasonable control.
- If the county itself acts to decommission waste-to-energy processing at HERC, making it impossible to provide steam under the agreement, it could terminate the agreement early providing Energy Center Minneapolis with at least one year's written notice of its anticipated need to terminate. As with termination due to state or federal action, this termination will not confer liability on the county.

SKB

Disposal of ash; metal-recovery services

Expires: December 31, 2025. Planned execution of new contracts with terms through December 31, 2033.

Summary of out clauses: Not applicable. The county has no obligation through these two contracts if HERC is not operational, where no ash is produced and there is no metal to recover.

Twins Ballpark LLC

Sale of steam to heat spaces in the ballpark

Expires: 2040

Summary of out clauses: The contract calls for the county to be responsible for the cost of securing and connecting replacement steam service; however, the ballpark is already connected to the downtown district energy system, so there would be no additional cost. The county is required to give the Twins immediate notice of such a closure and will make diligent efforts not to disrupt or otherwise interfere with the normal operations of the ballpark.

Power Purchase Agreement

Electricity sales

Expires: December 31, 2024

The county's power purchase agreement with Xcel Energy expires at the end of 2024. The county is exploring alternative paths to selling its electricity.

Project for Pride in Living LLC

HERC apprentice/workforce development project

Expires: July 31, 2024. Renewed annually until the year prior to HERC closure or repurposing.

Summary of out clauses: N/A – annual contract terms

Estimated timeline: One month to notify all vendors.

Notify cities, landfills, and waste haulers

Cities, not the county, are responsible for ensuring that “every residential household and business in the city or town has solid waste collection service” (Minn. Stat. § 115A.941 (a)). Upon a board decision to end waste-to-energy operations at HERC, the county would need to notify the following cities that currently contract with waste haulers to deliver residential trash to HERC: Bloomington, Champlin, Deephaven, Excelsior, Hopkins, Loretto, Maple Plain, Medina, Minneapolis, Minnetonka Beach, Osseo, Richfield, Robbinsdale, St. Bonifacius, St. Louis Park, Tonka Bay, and Wayzata. Many of these cities have five-year contracts in place for this service and have requested as much notice as possible to arrange for alternative disposal at a landfill.

Upon a county decision to end waste processing at HERC, private landfill owners will need to begin procurement processes to purchase more trucks and equipment. They would also begin the process to design and permit new landfill cells. Landfills will require improvements to infrastructure, such as roadways and scalehouses, to handle the added deliveries of the county's waste.

The county would also notify the 60 waste haulers with contracts to deliver trash to HERC. These are receivable contracts that the county can terminate upon 30 days' written notice.

Estimated timeline: One month to notify parties. Up to two years for landfills and waste haulers to purchase trucks and equipment. Up to four years to design, permit, and build new landfill cells.

Estimated financial requirements: The City of Minneapolis will experience the greatest financial impact when HERC closes. The city should expect a significant increase in tipping fees each year and additional administration, equipment, labor, and fuel costs.

Financial impacts on businesses and the 16 suburban cities that contract with waste haulers to dispose of residential trash at HERC is unknown, but cities that responded to the request for input overwhelmingly believe that disposal costs will increase significantly. The county and cities cannot foresee how trash disposal fees at landfills will change, but in a completely privatized solid waste market, it is certain that the county would have no influence on the tipping fees the private sector disposal sites charge. In the end, customers will, in all likelihood, pay more.

Environmental consequences: The environmental consequences can be determined by knowing the following information at the time of disposal:

- What fraction of the trash being disposed in a landfill is food, paper, and other biogenic material that would break down in a landfill and produce carbon dioxide and methane.
- How methane gases are managed at landfills where the trash will be disposed – whether the gases are flared or if the landfills have added renewable natural gas plants.
- How much of the energy consumed in our region is renewable. As more energy in the state is generated from renewable sources, the climate benefits of waste-to-energy will decrease. Currently, 34% of our region's electricity is generated from renewable sources, so waste-to-energy is still offsetting a fraction of the fossil fuels burned for energy.
- How much metal remains in the trash and the amount of metal that can be recovered in a recycling recovery facility. Currently, the amount of metal that can be recovered from the trash through a recycling recovery facility is less

than what is being recovered from HERC. Incineration recovers metals that could not otherwise be separated and recovered. Additional metal, including valuable non-ferrous metal, can be recovered from the ash through further screening.

- The conclusion to the MPCA's PFAS monition plan and recommended minimization strategies to reduce PFAS released into the environment. PFAS in landfills can migrate into the leachate, which is often treated at a wastewater treatment facility. Few existing removal systems installed at landfills or wastewater treatment plants are capable of removing PFAS, creating the potential for PFAS to be discharged into surface water with the treated wastewater. Thermal destruction is among the mitigation technologies suggested by the U.S. Environmental Protection Agency (EPA) to control PFAS in air emissions. HERC, along with 144 other waste facilities, is likely to be asked to participate in the MPCA's PFAS monitoring plan, which would involve collecting and analyzing PFAS air emissions data in HERC's annual emissions test. This data will help the MPCA and federal agencies develop minimization strategies to reduce PFAS releases into the environment. Results of this data collection effort are expected in 2025.

Secure alternative funding for natural resources and climate action programming

State statute does not allow the county to use revenue from traditional solid waste activities to fund natural resources programs. However, a specific statute does allow the county to use the sale of electricity and recovered materials from HERC to fund these programs. Currently, HERC electric and material sales are the primary sources of funding for these important climate-driven programs.

Upon HERC's closure, the county will need to implement one or more of the following solutions to cover the resulting funding gap:

1. Obtain additional state revenue
2. Propose and implement new sources of funding
3. Use property tax revenue
4. Scale back natural resources programming

Estimated timeline: Years 1 and 2, depending on when the action to stop incinerating trash or repurpose HERC falls during the year-long budgeting process. The new financial strategy should be completed no later than when HERC stops accepting trash and collecting tipping fees.

Estimated financial requirements: To be estimated based on electrical revenues generated at time upon decommissioning of the waste-to-energy operations at HERC.

Environmental consequences: The county has been ramping up our natural resources programming, including pursuing the one million trees goal and preserving 6,000 acres of natural areas with conservation easements. The funded staff positions have allowed the county to aggressively pursue state and federal dollars to further leverage this work.

Develop and implement transition plan for the labor force

As identified in the HERC report, a total of 352 jobs (as of 2023) are associated with HERC. The county would develop and implement a transition plan for this labor force upon board action to repurpose the HERC site. In general, county staff positions in natural resources would be funded through alternative sources of revenue, and the solid waste positions would be reallocated within the county's other operations. GREHS staff would receive a severance payment to incentivize staff to remain at their highly technical and skilled positions through the end of waste-to-energy operations at HERC. The various sub-contractor teams that work at HERC during maintenance outages would receive ample notice to secure alternative contracts.

Estimated timeline: Years 4 and 5

Estimated financial cost: The primary costs would be the severance payments as a part of transition plan to incentivize staff to stay until the facility closed, and the alternative funding sources for the natural resources staff.

Plan and finance repurposing of the HERC site

As decisions and progress towards zero waste are made and details are better known, a comprehensive financial plan will be developed.

Determine future of Brooklyn Park Transfer Station (BPTS), plan and financing to repurpose the site

The county's transfer station is located at 8100 Jefferson Highway in Brooklyn Park. This transfer station is used to unload trash from haulers in smaller trucks and reload it into larger vehicles for transport to disposal facilities, primarily HERC. In 2022, the county transferred 154,000 tons of trash through this facility. The county also uses this facility as a drop-off center for residents to dispose of hazardous items and to transfer organics to composting facilities. The county anticipates in the near-term this facility will continue to function as a transfer station. As progress is made on zero-waste actions, the county will explore how the facility could best support zero-waste infrastructure.

The central location of the transfer station provides an opportunity to efficiently collect and process organics and reduce emissions from transporting the material. The county also owns a property adjacent to the transfer station, the former Sheriff's Communications site that is no longer is being considered for an anaerobic digestion facility and could be repurposed for other zero-waste infrastructure.

Combining two or more of the following proposed uses at the BPTS and adjacent site could be the start of an innovation hub that focuses on material circularity in the county. Acquiring additional land could provide private-public partnership opportunities to further concentrate waste reduction, reuse and recycling activities in this area. A proposed zero-waste Innovation Hub could include one or more of the following:

Recycling recovery facility

Staff recommendation is to pursue next steps for the development of processing waste to recover recyclables. At a recycling recovery facility, trash goes through a highly automated process that combines mechanical and optical sorting equipment to sort materials based on size, shape, and composition. Materials recovered from the trash include cardboard, metals, #1 and #2 plastics, and organic materials. There would still be trash at the end of the process that would require disposal.

As needs change, other zero-waste infrastructure options will be explored, including, but not limited to:

Expand organics transfer capacity

BPTS has been used for organics transfer for almost 20 years. Because it was designed to manage only trash, some design changes are needed to improve how organics are received, inspected, stored, and transferred at BPTS. Modifications to the facility would make organics transfer more effective and efficient. The local organics composting sites are located on the outskirts of the southern metro area. Transporting organics directly from collection routes in northern Hennepin County to the composting sites takes more time and money for haulers, which can translate into higher costs for their customers. To support the cost-effective expansion of organics recycling, additional capacity is needed to receive, transfer, and process organics near to where the organic materials are generated and collected.

Pre-processing of organics

Pre-processing of organics typically involves some combination of debagging, depackaging, size reduction, and removal of contamination. Pre-processing organics would enable the county to take advantage of two opportunities: producing very clean organics that would be a premium feedstock for any local organics processor and providing depackaging capability that would allow for the removal of organics from sealed packages. Depackaging capability at BPTS would create an outlet for the enormous amounts of expired and off-spec food products that get disposed on a regular basis. Depackaging is a critical need for helping food and beverage manufacturers, food distributors, and food retailers move toward zero waste.

Salvage and reuse center

BPTS could serve as a building materials and bulky item drop-off facility for residents. Incoming materials would be sorted and evaluated for potential reuse and recycling. This would expand on the county's existing efforts to salvage cabinets, doors, light fixtures, windows, and other items.

It could also provide more options for reusing and recycling new types of bulky items, such as furniture. Reupholstery, refurbishment, and repair would extend the lifespan of those products, reduce waste, and support climate-action goals related to consumption.

The facility would also support the expansion of city collection programs by serving as a hub for material reuse and recycling. It could also house county surplus items and/or donated office supplies for schools to reuse.

By collaborating with established nonprofit partners, the county would support workforce development programs, meet the needs of individuals and families facing economic challenges, and create meaningful opportunities for community involvement.

Plastics Recovery Facility

A Plastics Recovery Facility (PRF) is a facility that sorts, grades, and prepares post-consumer mixed plastic material by individual resin types. Most materials recovery facilities (MRFs), which are facilities that sort mixed recyclables, separate #1 and/or #2 plastics. Some MRFs send their sorted plastics to a PRF for further processing and "polishing" to achieve higher quality material separation.

Sorting plastic into individual resin types has important advantages. Additional sorting at a PRF increases the value of the plastic material. Recyclers also benefit from being able to purchase post-consumer plastic material of individual resin types. Since no further sorting is required, recyclers who purchase the commodities save time and resources.

Second set of steps

This set of actions would happen after HERC stopped incinerating trash.

Paying HERC's debt service

The county plans approximately \$5 million to \$6 million per year in capital improvement projects at HERC. These investments maintain the facility and preserve HERC's complex environmental controls to not only ensure compliance with air emission permit requirements but also to invest in emission reduction technology to achieve greater environmental performance for residents and safety measures for employees. As of December 31, 2022, the outstanding debt from capital projects was \$37.7 million, which would be fully paid off in 2042 (if it is not added to going forward). This indebtedness is through general obligation bonds tied to 20-year maturities. Currently, revenue generated by HERC pays this debt service obligation. When HERC no longer generates revenue, the county's Office of Budget and Finance would develop a plan to pay this debt.

Landfill liability assessment or other MPCA requirements

HERC provides the ability for cities and public entities to dispose of solid waste through waste-to-energy, which is ranked higher on the state's waste management hierarchy than landfilling. As long as the county's solid waste management plan includes HERC as a strategy to reduce landfilling, cities comply with the county plan and the waste hierarchy by utilizing HERC. If cities were to shift toward landfilling while the county's solid waste management plan preferred waste-to-energy over landfilling, as the current plan does, those cities may need to plan for potential liability.

Statutory compliance

Implementing the MPCA's Metro Policy Plan

Minnesota statutes require metropolitan counties to create and follow solid waste management plans that implement the MPCA's Metropolitan Policy Plan. The Metropolitan Policy Plan "shall address the [the waste hierarchy]" (Minn. Stat. § 473.149) and set "quantifiable metropolitan objectives for abating . . . land disposal," which the county solid waste management plans must implement (Minn. Stat. §§ 473.149, subd. 2d; 473.803, subd. 1c).

The MPCA released their final Metropolitan Policy Plan on January 30, 2024, just two days before this plan was submitted to the county board. Staff will review the Metropolitan Policy Plan and communicate the process, timeline, and any associated risks presented by implementing the Metro Policy Plan with the county's solid waste management plan by February 29, 2024.

The MPCA may reject a county solid waste management plan that does not implement the strategies of the Metro Policy Plan. Ultimately, a rejected plan could lead to the loss of county SCORE funding (Minn. Stat. § 115A.557, subd. 3.)

Restricting landfill disposal and certifying unprocessable waste

As part of the Landfill Abatement Act, the statutory "restriction on disposal" prohibits disposal of unprocessed metro waste at landfills unless the trash has been certified by a county or waste processing facility as unprocessable (Minn. Stat. § 473.848). Each year, the county must submit a certification report to the MPCA that includes: (1) how much county waste was not processed prior to disposal, (2) the reasons it was not processed, (3) a strategy for ensuring waste processing with a timeline for implementation, and (4) any progress in reducing unprocessed waste. *Id.*

Were the county to shut down HERC without either: (1) first significantly decreasing the amount of waste generated so that the county would not landfill more waste than it currently does and/or (2) replacing HERC with a facility that could process waste higher up on the waste hierarchy than either incineration or landfilling, the county would have to report that nearly all its waste is landfilled because HERC was voluntarily closed.

To the county's knowledge, no publicly owned waste-to-energy facility in Minnesota has been decommissioned when it could still successfully process waste higher on the hierarchy than landfilling. Under existing law, the MPCA has authority to regulate compliance with the landfill abatement statutes and to impose administrative penalties for violations of the restriction on disposal. See Minn. Stat. § 116.072 (authorizing the MPCA to issue orders and assess penalties for violations of chapter 115A); *BFI Waste Sys. of North America, LLC v. Bishop,*

927 N.W.2d 314, 322 (Minn. Ct. App. 2019) (finding that Minn. Stat. § 473.848, the restriction on disposal, is "an implementation arm of chapter 115A" and specifically of the waste hierarchy in Minn. Stat. § 115A.02). If the MPCA rejects two or more consecutive certification reports from the county, it is possible that the MPCA will seek to require the county to implement techniques for processing waste through its administrative powers (see Minn. Stat. 473.848).

To maintain compliance with the statutory restriction on disposal, the requirement to comply with the Metro Policy Plan, and the waste hierarchy itself, the county will need to significantly reduce its waste and replace HERC with a different waste processing facility before taking HERC offline.

Increasing landfill capacity with Certificates of Need

The MPCA carefully monitors and restricts landfill capacity in the metro area. It will not permit a new landfill or increased capacity at existing landfills without first issuing a Certificate of Need (CON) finding that the additional disposal capacity is needed (Minn. Stat. § 473.823, subd. 6). The MPCA will only issue CONs if there are "no feasible and prudent alternatives" to landfilling, including "resource recovery." (*Id.*) While HERC is operational and part of the county's solid waste management plan, it could be difficult for the MPCA to approve CONs to dramatically increase metro area landfill capacities, since disposing of waste through landfilling would run contrary to the statutory CON process.

The need for CONs and landfill capacity would not be as great, however, (or be needed at all, potentially) if the county dramatically decreased its waste generation before transitioning away from waste-to-energy. If the county was able to maintain the "redline" against additional landfilling over 2022 levels (see page 27) because it achieved many of its zero-waste goals before repurposing HERC, then additional CONs – beyond those already projected – would likely not be required.

Delegation of solid waste responsibilities and goals

The county may delegate solid waste responsibilities to cities, including the responsibility to implement aspects of the Metro Policy Plan, if it establishes a funding mechanism "to assure the ability of the entity to . . . adequately carry out the responsibility delegated" (Minn. Stat. § 115A.46). Similarly, counties are permitted to determine that the private sector may achieve the goals and requirements of implementing the Metro Policy Plan (Minn. Stat. § 473.803, subd. 5). Decommissioning HERC without replacing that infrastructure to continue implementing the Metro Policy Plan and meet its landfill abatement requirements would risk triggering the funding mechanism requirement for cities and could potentially cede solid waste management to the private sector, which currently lacks the capacity to process additional waste higher on the hierarchy than landfilling.

Conclusion

This plan responds to the resolution to develop a plan to close and repurpose HERC and reinvent the solid waste system. Extensive information, analysis and recommendations have been provided over the past several months. There are many dependencies that inform the timeline to achieve a zero-waste future. These considerations and actions are based on staff's expertise of the solid waste system. This plan and the supplemental information and are available for review at hennepin.us/solidwasteplanning#HERC.

City of Brooklyn Park Council Work Session

Meeting Date:	April 1, 2024	Originating Department:	Finance
Agenda Item:	C.2	Prepared By:	Tracy Bauer-Anderson, City Assessor
Agenda Section:	Discussion Items/ General Action Items	Presented By:	Tracy Bauer-Anderson
Item:	Assessing Valuation Process Overview		

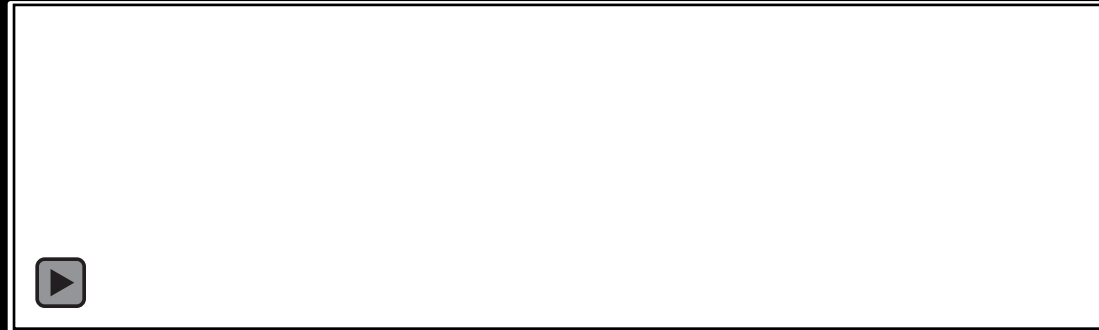
Summary:

Changes in the real estate market and our 2024 market values will be discussed. State law requires the Assessor to value all property at market value. By state law, under the direction of the Department of Revenue, we must fit into a median value range between 90% and 105% of the sale prices. The presentation will include information from Hennepin County and our office as to what has happened to the real estate market and what changes we have made.

Attachments:

C.2A ASSESSOR'S REPORT

City of Brooklyn Park



Brooklyn Park Assessing Division

City Assessor:
Tracy Bauer-Anderson

Residential Appraisers:

- Paige Heath
- Chris Joelson
- Jessica Cummings-Hart

Commercial Appraisers:

- Tim Mitchell
- Grant Halonen

Program Assistant:

- Shirley Olson

- Every year, each property is revalued based off how the real estate market is behaving.
- Property values are driven by sales and studying the market.
- Minnesota state law requires properties to be valued as they would sell on the open market in a typical transaction.
- The Minnesota Department of Revenue requires the overall level of assessment to be between **90% and 105%** of market value. If sales indicate the market values have changed, the assessor must follow the trend indicated, whether it is to *increase or decrease property values*.
- Mass appraisal is the method used by assessors to estimate the market value of properties. Each property is physically viewed every five years. In addition, all new construction, alterations, or improvements will be appraised annually.

Process overview continues Slide 12

Purpose of the Local Board of Appeal and Equalization

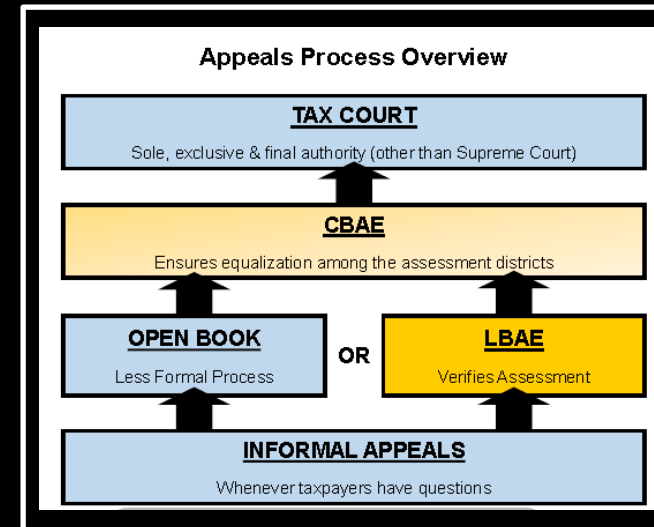
This Board has been convened to hear and address concerns by taxpayers regarding the Assessment Year 2024 *property values*. The Board will review the Estimated Market Value and Classification for the 2024 Assessment, which will be reflected for taxes payable in 2025.

Any questions regarding the taxes payable in 2024 cannot be addressed at this meeting because they are based on the assessment set in 2023. This Board has no authority to act on the 2024 taxes as per MN statute, Sec. 274.01.

This is **not** a forum about *taxes, prior year values, or concerns* not-related to the purpose of the Board.

Extent of the Board:

- Has authority to change valuation or classification of a property for the current (2024) assessment year.
- Prior year assessments are not within the jurisdiction of the Board (ie. 2023).
- Informed decisions made by Board must be supported by facts and by Minnesota law to ensure all taxpayers are treated fairly and uniformly.



Board Compliance and Certification



- Each local board must include a voting member who has completed the MN Department of Revenue training course within the last four years.
- It is recommended to have all members of the board trained.
- A certification form must be completed for each local board meeting held including reconvenes by Hennepin County personnel.
- All board members present at the meeting must sign the form.
- Hennepin County personnel must check the form is completed, and include their signature, title and license number.

Note: MN State Statute 274.014



Board Operation

- The Board should take charge of the meeting.
 - It is not the assessor's meeting.
 - The Board's decision is between the Board and the appellant.
 - It is the task of the local board to review the **facts** and make decisions as it deems based on the **facts**.
- Board Chairperson provides a statement of purpose and an overview of the meeting.
 - Set time limits to present data or information relevant to the market value or classification of the property
 - Value and Classification
 - Outline what the board can and cannot do
 - Questions will be addressed to and from the Board only



Board's Power and Limits

CAN:

- Reduce the value of a property
- Increase the value of a property – with notification
- Sustain the value of a property (no change)
- Add improvements to the assessment roll
- Change the classification of a property
- Add properties to the assessment roll

CANNOT:

- Consider prior assessments
- Reduce the aggregate assessment of the jurisdiction by more than 1.00%
- Exempt property
- Make changes to a property that he/she has a conflict of interest or financial interest in
- Grant special program status for programs requiring an application process
 - I.E. Homestead, green acres, disabled veterans, disaster credit, etc.
- Make changes benefiting a property owner who **refuses entry by the assessor** to the property being appealed.

Board Tips/Suggestions



- Focus on market value and facts that impact market value or classification.
- It is assumed the assessor valued the property correctly.
- ***The burden of proof rests with the property owner, who must present factual evidence to disprove the assessor's value.***
 - Value decisions made have direct impacts to the distribution of taxes for the following year. Unless the decision to reduce or increase the value is supported by evidence, the motion would be causing inequality in the assessment and shifting the overall tax burden disproportionately to others. Simply appearing before the board **does not necessitate or entitle an interested party a motion in their favor.**
 - Reducing commercial valuations are especially impactful as any adjustments can **directly** increase taxes payable by residential properties.
- All decisions must meet statutory guidelines.
- ***No value changes can be made without interior inspection or questionnaire with photos.*** If a property owner refuses an interior inspection or to provide info via alternative means, recommendation is no board action until a property review is complete.



Board Process

- Each appellant will:
 1. Complete the Property Appeal Form
 2. Schedule an appointment for inspection or fill out questionnaire & submit interior photos.
- Written appeals will be read into the meeting record.
- Petitioners have the option to address the board.
- A property owner who is contesting their value should present proof to the Board as to why they believe the property is incorrectly valued or classified.
- Board members may address the property owner or the City Assessor.
- The assessor inspects and re-appraises each property and presents the report back to the Board. Final decisions will be made within 20 days at the reconvene meeting.
- The Board then compares the information presented by the assessor to the information presented by the property owner and decides whether a change is indicated for the market value of each property.
 - The board can only make changes that are substantiated by facts and supported by law. If the Board reduces values for no valid reason, they are treating other taxpayers *unfairly*.
- Before the meeting reconvenes, property owners will be notified of the assessor's recommendation and may readdress the Board.
- All property owners will be notified in writing of the final board decision and their options to continue their appeal.
- At the local board and reconvene meetings the DOR recommends that the Assessor reads each parcel separately, the board votes then the next property is read.
- The key is that for each appeal, we make an action to raise, lower, or make no change.
- It is acceptable for the Assessor to read into the record, the 10-day changes individually and for the Board to make a single action. There is also no objection to appeals, where the taxpayer agrees with our recommendation, being treated similarly with a single motion.
- What cannot happen is for there to be an appearance that the Board isn't considering each appeal separately in the appeal process.

Reconvening the Board and Adjournment



- For local boards, the reconvene meeting must be held within 20 calendar days. (including the day of the initial meeting)
- The date and time for the reconvene meeting must be determined before the initial meeting is recessed. *Reconvene date is April 22, 2024 at 6:00 PM
- Once the Board of Appeal and Equalization has adjourned, it **cannot** reconvene.
- No changes can be made by the local board after it adjourns.
- No value or classification changes may be made by the assessor after the local board adjourns.
- Each appellant must be notified by letter of the Local Board Action taken and include information regarding their options to continue their appeal.



Continuing the Appeal

County Board of Appeal

If property owner is unsatisfied with Local Board decision, they can appeal to the County Board of Appeal and Equalization.

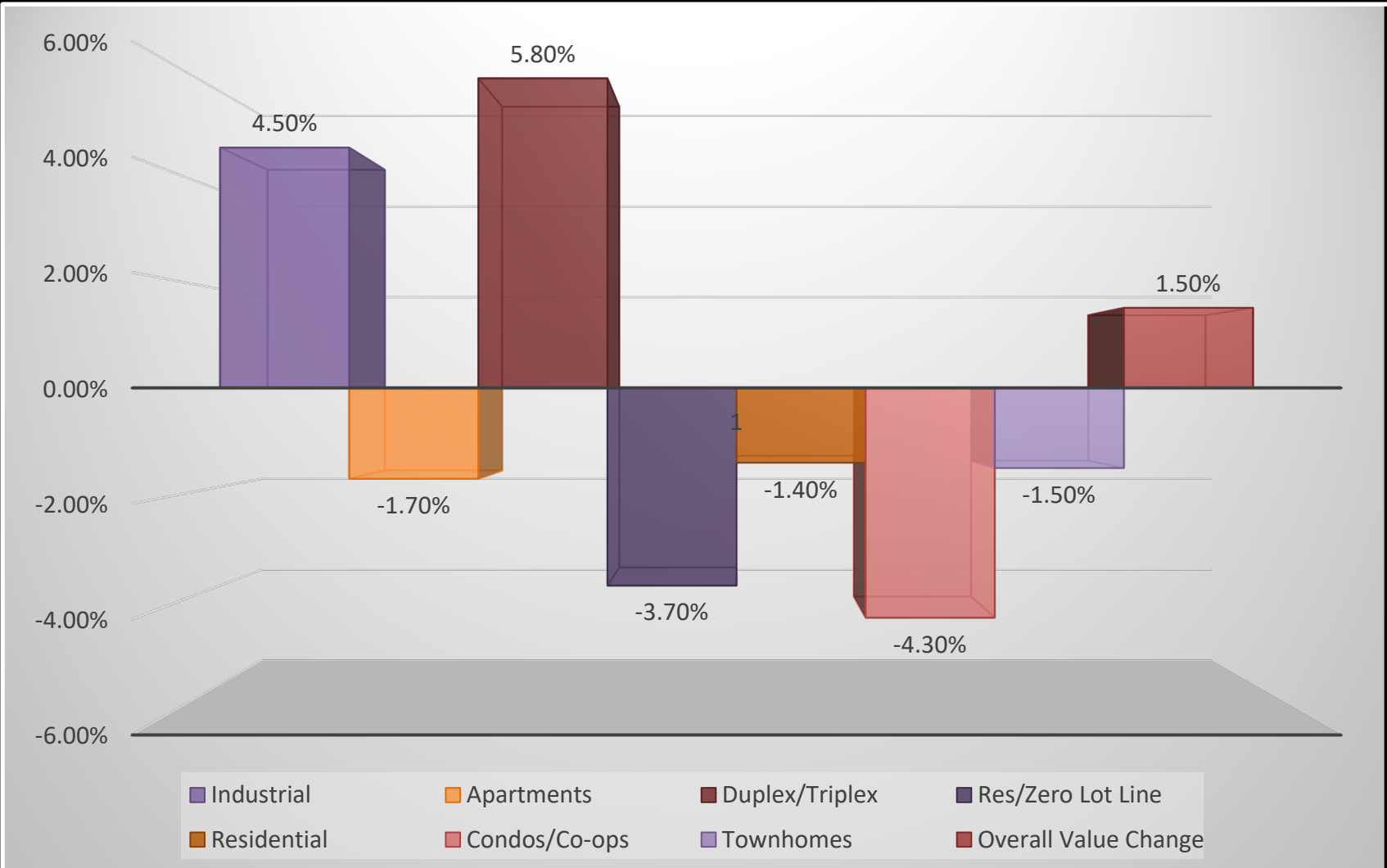
- Appointments are recommended.
- Call 612-348-7050 by May 22, 2024.
- The County Board will convene on June 17, 2024.

** To continue to the County Board, a property must have appeared before the Local Board of Appeal and Equalization.*

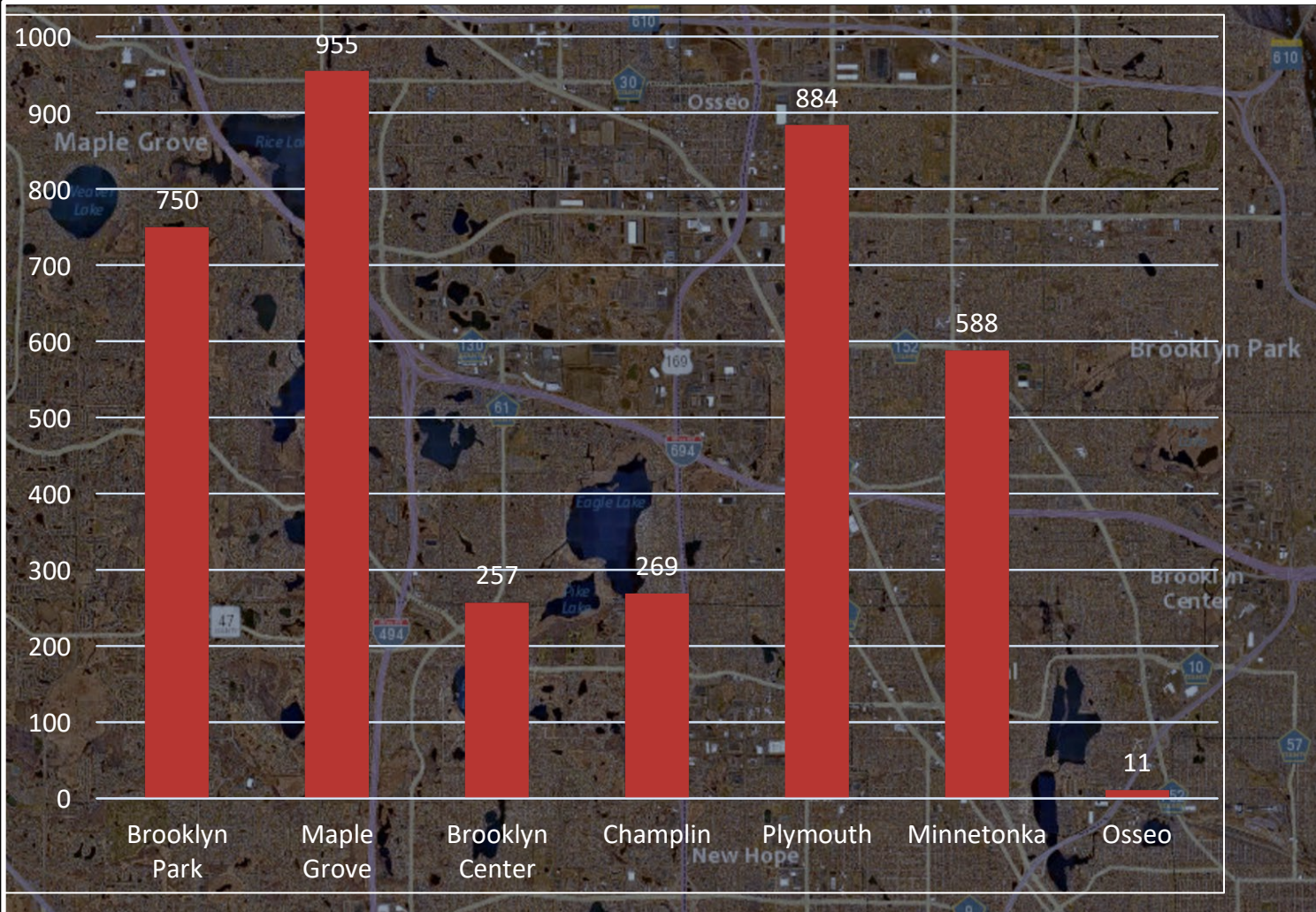
Tax Court

- Minnesota has a specific court established to hear and determine all questions of law and fact arising under the tax laws of the state.
- The petitioner must file in Tax Court on or before April 30 of the year in which the tax is payable, not the year of the assessment.
- There is a filing fee and other fees associated with appealing to Tax Court. More information is available at: www.taxcourt.state.mn.us.

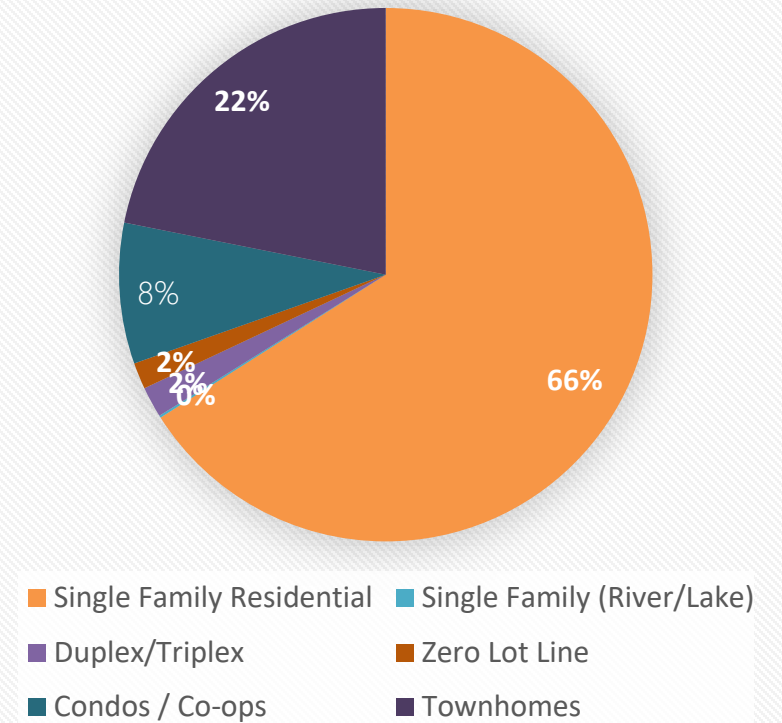
Property Type Value Change



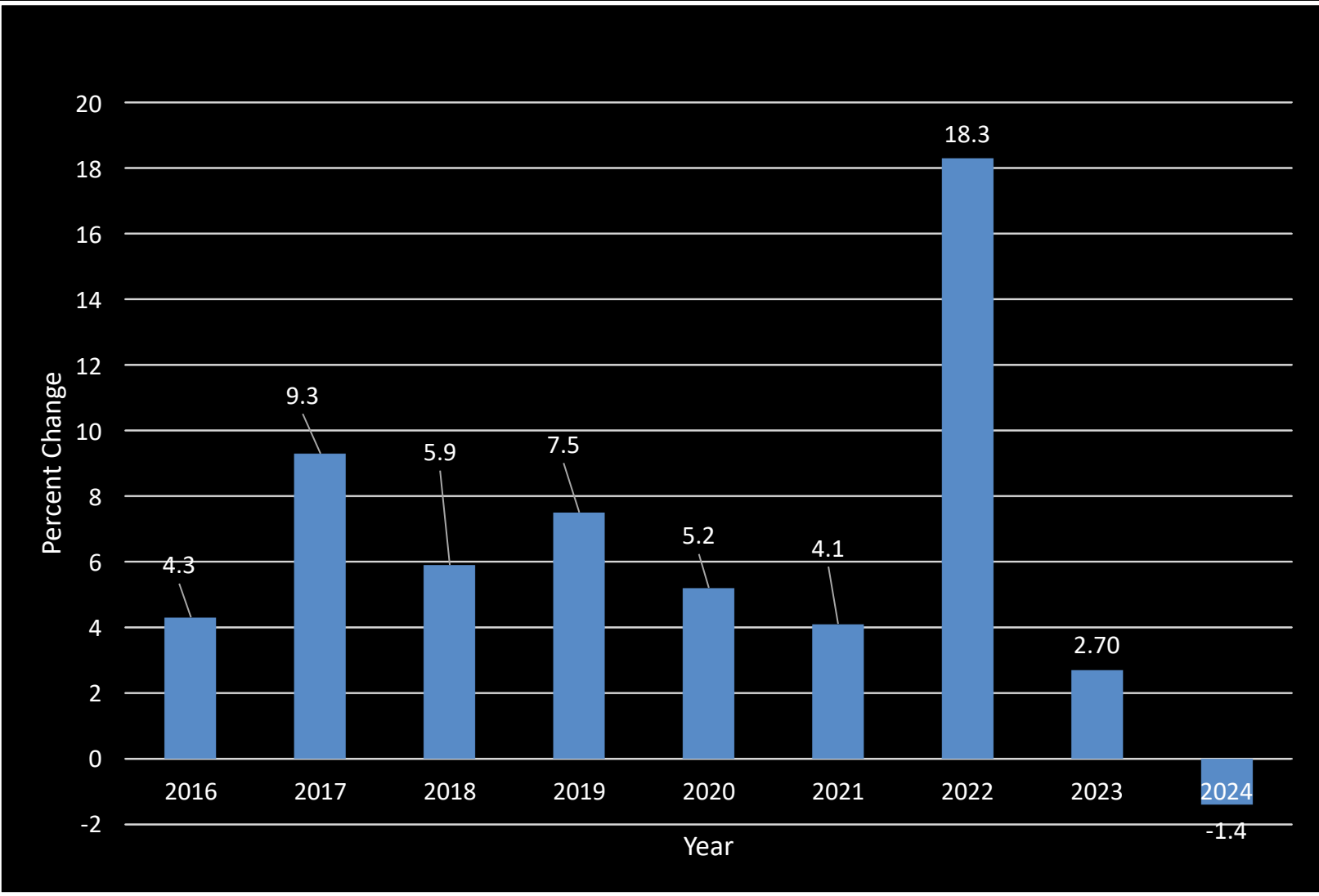
Sales In Our City



2023 Brooklyn Park Sales by Property Type



Residential Value Growth



City of Brooklyn Park Council Work Session

Meeting Date:	April 1, 2024	Originating Department:	Administration
Agenda Item:	C.3	Prepared By:	Katrina Doshier, Program Assistant
Agenda Section:	Discussion Items/ General Action Items	Presented By:	Jay Stroebel, City Manager
Item:	Role of Commissions		

Summary:

On May 1, 2023, the City Council had a work session discussion on the role of commissions. A continuation of the conversation on commissions has been requested to further discuss questions such as: what is the appropriate scope of work for commissions, what level of responsibility/authority should commissions have, is there clarity in what commission members are signing up for, etc.

Please see the attachments for additional background information.

Attachments:

- C.3A WORKPLAN TEMPLATE
- C.3B PAGE 25 FROM THE COMMISSIONS GUIDEBOOK 2023
- C.3C PAGE 26 FROM THE COMMISSIONS GUIDEBOOK 2023
- C.3D CITY CODE CHAPTERS 30 AND 31
- C.3E PAGE 44 FROM THE COMMISSIONS GUIDEBOOK 2023
- C.3F PAGES 49-55 FROM THE COMMISSIONS GUIDEBOOK 2023
- C.3G RESOLUTION #2019-46

Workplan | Insert Name of Commission Here

Mar. 2024 - Feb. 2025

Time frame	Project or Task(s)	BP2025	Purpose (see next page for info)	Outcome (fill in after completed)
		<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6	<input type="checkbox"/> Report/Comment <input type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input type="checkbox"/> Commission <input type="checkbox"/> Council <input type="checkbox"/> City Manager	
		<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6	<input type="checkbox"/> Report/Comment <input type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input type="checkbox"/> Commission <input type="checkbox"/> Council <input type="checkbox"/> City Manager	
		<input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5 <input type="checkbox"/> 6	<input type="checkbox"/> Report/Comment <input type="checkbox"/> Recommend <input type="checkbox"/> Act Initiated by: <input type="checkbox"/> Commission <input type="checkbox"/> Council <input type="checkbox"/> City Manager	
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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?

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.

Duties

What ALL commissioners need to know

The purpose of City of Brooklyn Park Commissions is to give residents the opportunity to give their opinions and recommendations on the work of city government. The boards also serve as advisory groups for the City Council.

Boards and Commissions are expected to support the City Council and serve at the discretion of council members. It is important that every commissioner read your particular board or commissions' bylaws at the beginning of your term.

Your duties as a commissioner are to:

- Investigate matters within the scope of the particular commission you are part of or as directed by the Council
- Advise the Council by communicating the viewpoint or advice of the Commission
- Hold hearings, receive evidence, conduct investigations and make recommendations to the Council about the matters within your commission's scope
- Attend scheduled meetings or let the staff liaison know if you will be absent
- Prepare in advance of meetings (e.g. read agenda packet carefully prior to the meeting) and be familiar with issues on the agenda, and
- Be considerate of fellow members, their opinions and be respectful of other people's time

Commissioners should not:

- Direct the work of city staff
- Speak for the Commission unless authorized by your fellow Commission members or by the City Council, or
- Take responsibility for financial performance of any city facility or program

The City has six commissions. They need people of all talents and skill sets. All commissions operate in an advisory role to the City Council.

City Charter Section 2.02 Boards and commissions (amended by ordinance #2009-1098 effect. 7/30/09)

The Council shall itself be and perform the duties and exercise the powers of all local boards and commissions. The Council may, however, establish by ordinance, boards or commissions to advise the Council with respect to any municipal function or activity, or to investigate any subject of interest to the city. The Council shall determine by ordinance, the size, terms of office, and vacancy procedures of each board and commission.

Members of such boards and commissions shall be appointed by the Council and shall:

1. Select their own officers
2. Establish their own procedural rules
3. Conduct as many meetings as necessary

No more than one of the appointees shall hold any other office or position in the city government. However, the Council may appoint a city officer or employee to a board or commission to serve as a non-voting staff consultant or advisor. In no case shall a city officer or employee be chair of a board or commission.

Special Positions

Council liaison's role

- No voting rights
- Liaison between Council and the commission they're assigned to by the Mayor
- Give monthly reports on commission progress at Council meetings
- Give monthly reports on Council activities at Commission meetings
- Provide meaningful input on topics as needed, but defer to the Commissioners' advisement
- Relay information from City Council
- Do not make assumptions/speculate on behalf of the City Council
- Serve as a Council contact rather than an advocate
- Provide procedural direction
- Individual Council Members should not direct the Commission in its activities or work

Commission chair's role

- Prepare agenda with Commission
- Lead meeting and facilitate discussion
- Ensure bylaws are followed
- Maintain professional meeting decorum
- Facilitate development of annual work plan
 - Give annual verbal report to City Council
- Consult with members regarding attendance issues
- Encourage participation by all members and the public
 - Calls special meetings when needed

Vice chair's role

- Support the Chair as needed
- Perform the Chair duties if the Chair is unavailable

Staff liaison's role

- No voting rights
 - Appointed by City Manager
 - Support Chair in preparing agendas and meeting materials
- Work with Chair to ensure bylaws are followed
- Record and prepare meeting minutes
- Provide technical expertise and access to City resources
- Work with City Clerk to provide official notice of meetings
- Maintain permanent records and post agendas and minutes on the city's website

CHAPTER 30: CITY COUNCIL

Section

General Provisions

30.01 Salary of Mayor and Council members

Rules and Procedures

30.15 Meetings

30.16 Mayor to preside

30.17 Agenda

30.18 Mayor duties and rights

30.19 Speaking

30.20 In writing

30.21 Question under debate

30.22 Voting

30.23 Boards and commissions

30.24 Ordinances

30.25 Ordinance book

30.26 Petitions, papers and agenda

30.27 Limitation to public

30.28 Robert's Rules of Order

30.29 Compliance

30.30 Special meetings

30.31 Minutes

30.32 Council vacancy application and appointment procedure

30.39 Appointment of boards and commissions

GENERAL PROVISIONS

§ 30.01 SALARY OF MAYOR AND COUNCIL MEMBERS.

(A) The monthly salary of each Council member shall be \$988.00 per month until January 1, 2023, at which time it shall be \$1,017.64 per month until January 1, 2024, at which time it shall be \$1,048.17 per month, and the monthly salary for the Mayor shall be \$1,483.00 per month until January 1, 2023, at which time it shall be \$1,779.60 per month until January 1, 2024, at which time it shall be \$1,832.99 per month.

(B) The salary schedule referred to in division (A) of this section is established on the basis that the offices of Mayor and Council member in this city are part-time positions. The Mayor and/or Council members are sometimes required to attend municipal functions or to take time from their regular employment to perform services beneficial to the city. Additional compensation is paid to the Mayor or Council members in those cases subject to the following conditions:

(1) The activity and number of days for which a Council member is to be engaged must be approved by the City Council prior to member's participation.

(2) The Mayor and Council member will be paid \$50 per day as supplemental compensation for each day approved and for which the member is in attendance at the approved activity.

(C) The City Manager shall biennially prepare a compensation report that contains an analysis of the compensation paid to elected officials of the Minneapolis-St. Paul area metropolitan cities similar to the City of Brooklyn Park. The report shall be provided to the City Council for review.

('72 Code, § 115:00) (Am. Ord. 1996-817, passed 5-13-96; Am. Ord. 1998-880, passed 5-11-98; Am. Ord. 2000-923, passed 4-10-00; Am. Ord. 2002-976, passed 6-10-02; Am. Ord. 2006-1054, passed 1-23-06; Am. Ord. 2018-1233, passed 7-9-18; Am. Ord. 2022-1283, passed 10-24-22)

RULES AND PROCEDURES

§ 30.15 MEETINGS.

The Council has regular meetings on the first, second and fourth Mondays of each month commencing at 6:00 p.m. If any of the Mondays falls on a holiday, the Council will have its regular meeting on the following day and adjourned special meetings at any other time the Council may deem proper. All meetings are held in the City Hall or elsewhere as designated by the Council.

('72 Code, § 100:00) (Am. Ord. 1978-265(A), passed 5-22-78; Am. Ord. 1988-588(A), passed 1-25-88; Am. Ord. 1998-878, passed 4-13-98; Am. Ord. 2003-988, passed 2-3-03; Am. Ord. 2005-1031, passed 1-18-05; Am. Ord. 2015-1187, passed 2-17-15; Am. Ord. 2022-1271, passed 1-24-22)

§ 30.16 MAYOR TO PRESIDE.

The Mayor shall preside at all meetings of the Council. In the absence of the Mayor, the Mayor Pro Tem must preside. In the absence of both, the Council members must elect one of their number as a temporary Chair. The Mayor Pro Tem and temporary Chair, when occupying the place of the Mayor, have the same privileges as other members.

('72 Code, § 100:03)

§ 30.17 AGENDA.

At the hour appointed for meetings, the members shall be called to order by the Mayor and in the absence of the Mayor by the Mayor Pro Tem, and in the absence of both by the City Clerk. The City Clerk shall call the roll, note the absentees and announce whether a quorum is present. In the absence of the City Clerk, the Mayor shall appoint a Secretary Pro Tem. Upon the appearance of a quorum, the Council must proceed to business which shall be conducted as established by the City Council by resolution.

('72 Code, § 100:09) (Am. Ord. 1998-878, passed 4-13-98)

§ 30.18 MAYOR DUTIES AND RIGHTS.

The Mayor shall preserve order and decorum and shall decide questions of order subject to appeal to the Council. The Mayor may make motions, second motions or speak on any question, provided however, that in order to do so upon demand of any one Council member, the Mayor may vacate the Chair and designate the Mayor Pro Tem, if the Mayor Pro Tem is present, or if the Mayor Pro Tem is not present, a Council member to preside temporarily. The Mayor may vote on any matter before the Council.

('72 Code, § 100:12)

§ 30.19 SPEAKING.

A member may not speak more than twice on any question, nor more than five minutes each time, without the consent of a majority of the Council.

('72 Code, § 100:15)

§ 30.20 IN WRITING.

Resolutions and motions, except a motion to adjourn, postpone, reconsider, commit, lay on the table, or for the previous question, must be in writing, if the Mayor or any member so requests; when made and seconded it shall be stated by the Mayor, or being written, shall be read by the City Clerk, and may be withdrawn before decision or amendment or any disposition thereof has been made or a vote taken thereon.

('72 Code, § 100:21)

§ 30.21 QUESTION UNDER DEBATE.

When a question is under debate no motion shall be entertained unless to adjourn, to lay on the table, to act on the previous question, to postpone, to commit or to amend, which several motions shall have precedence in the order in which they are named and the first three shall be decided without debate.

('72 Code, § 100:24)

§ 30.22 VOTING.

(A) When a question is put by the Mayor, every member present must vote unless excused by the Council, but if interested the member shall not vote. In doubtful cases, the Mayor may direct or any member call for a division. It is assumed that every vote is unanimous and it must be recorded accordingly unless a poll of the members is called upon a requisition of the Mayor or any member, in which case the names of the members voting are required to be recorded in the minutes and whether each has voted yea or nay.

(B) Votes of the members on any business coming before the Council may be by voice vote, standing vote, or in such other manner of voting as may signify the intention of the members.

('72 Code, § 100:30)

§ 30.23 BOARDS AND COMMISSIONS.

Boards and commissions are appointed by the Council.

('72 Code, § 100:33) (Am. Ord. 2018-1228, passed 2-5-18)

§ 30.24 ORDINANCES.

An ordinance except an emergency ordinance must receive two readings by the City Clerk before the Council previous to its passage unless the reading is dispensed with by unanimous consent, but may not be read twice at the same meeting. An ordinance introduced or considered must be recorded in the minutes by title.

('72 Code, § 100:42)

§ 30.25 ORDINANCE BOOK.

Ordinances must be signed by the Mayor and deposited with the City Clerk, who must attest, seal, number, file and record, or place the same permanently in the ordinance book. The affidavit of publication of the ordinance must be permanently inserted in the ordinance book after each ordinance.

('72 Code, § 100:51)

§ 30.26 PETITIONS, PAPERS AND AGENDA.

Petitions and other papers addressed to the Council must be in writing and filed with the City Clerk not later than 3:00 p.m. the Wednesday prior to any regular meeting at which it will be presented. At the time of the meeting, such papers must be read by the City Clerk unless the reading is dispensed by unanimous consent of the Council. All matters heard by the Council must be according to a written agenda prepared prior to the meeting. The City Clerk must be notified by 3:00 p.m. the Wednesday prior to the regular meetings of all matters to be placed on the agenda, except that matters carried over from a previous meeting may be placed on the agenda without further notice.

('72 Code, § 100:54)

§ 30.27 LIMITATION TO PUBLIC.

Only the Mayor and other members of the Council and city officials are admitted within the bar of the Council. Persons other than Council members may not address the Council except by a vote of a majority of the members present. Persons addressing the Council may speak for no more than ten minutes, unless additional time is granted by the Mayor.

('72 Code, § 100:57)

§ 30.28 ROBERT'S RULES OF ORDER.

Matters not covered by the City Charter and by these rules are governed in its procedure by *Robert's Rules of Order, Latest Revised Edition*.

('72 Code, § 100:69)

§ 30.29 COMPLIANCE.

The rules in this chapter are adopted to facilitate the transaction of Council business and functions. Informal compliance and substantial performance are sufficient under the foregoing rules in the absence of objection seasonably taken by a Council member. Objection is hereby declared not to have been seasonably taken as to procedural matters provided for herein if a Council member present at a meeting fails to object during the meeting in compliance with these rules, and such objection is not seasonably taken if taken by an absent member later than the next regular meeting after the proceedings to which objection is made.

('72 Code, § 100:72)

§ 30.30 SPECIAL MEETINGS.

(A) Special meetings may be called by the Mayor or any three members of the Council upon at least 72 hours notice is given to each member of the Council. The notice must be delivered personally to each member or left at the member's usual place of residence with some responsible person.

(B) Special meetings may be held without notice when all members are present and take part in the meeting or consent in writing to hold such special meeting without other notice. The written consent must be filed with the City Clerk prior to the commencement of the meeting. A special meeting attended by all members is a regular meeting for the transaction of any business that may come before it.

('72 Code, § 100:78)

§ 30.31 MINUTES.

(A) Minutes of meetings must be kept by the City Clerk. Minutes must be signed by the City Clerk, and constitute an official record of the Council proceedings. Upon approval of the minutes at a subsequent meeting of the Council, the Mayor must sign the minutes. Lack of such Mayor's signature or Council approval does not invalidate the minutes as official records.

(B) In the event the City Clerk fails or declines to amend or change the minutes, upon informal request, at the time they are submitted for approval, the Council may by motion carried by majority vote amend the minutes. The amending motion becomes a part of the minutes of the subsequent meeting.

('72 Code, § 100:81)

§ 30.32 COUNCIL VACANCY APPLICATION AND APPOINTMENT PROCEDURE.

(A) *Purpose.* The purpose of this section is to establish an application and appointment procedure as required by Section 2.06 of the City Charter for filling a vacancy in the office of Mayor or City Council member.

(B) *Procedure.* In those situations where Section 2.06 of the City Charter requires the City Council to appoint an eligible person to fill a vacancy in the office of Mayor or City Council member, the following procedure will be followed:

(1) Announcement of the vacancy must be published in the city's official newspaper and posted on the city's website as soon as possible after the City Council has declared the vacancy to exist. The announcement must advise interested persons of the process for applying for the vacancy and the procedure that the City Council will follow in filling the vacancy.

(2) Eligible persons desiring to fill the vacancy must submit an application to the City Clerk within the time frame established by the City Council.

(3) If there are multiple applicants, the City Council must select at least two of them to be interviewed by the City Council. The interviews must take place at a regular or special Council meeting. If there is only one applicant, the recruitment period shall be extended provided that the deadline established in Section 2.06 of the City Charter for making an appointment is not jeopardized.

(4) At the first Council meeting after all of the interviews have been completed, the City Council must vote on filling the vacancy in the manner set forth in Section 2.06 of the City Charter.

(C) *Exception.* If the declaration date of the vacancy occurs 60 days or less before the next regular city election, the City Council may, without going through the process set forth in this section, fill the vacancy by appointing the person who is elected at that election to serve the new four-year term of office for the vacated Council seat.

(Ord. 2017-1224, passed 11-27-17)

§ 30.39 APPOINTMENT TO BOARDS AND COMMISSIONS.

Notwithstanding any provisions of this Code to the contrary, if there are no applicants for an appointment to a board or commission residing in the district from which the appointment is required to be made, an applicant residing in any district of the city may be appointed to such board or commission. An individual who is serving on a board or commission and who does not reside in the appropriate district is eligible for reappointment to the same seat even if other individuals who reside in the appropriate district apply for the seat.

(Ord. 2000-932, passed 9-11-00; Am. Ord. 2018-1228, passed 2-5-18)

CHAPTER 31: DEPARTMENTS, BOARDS, AND COMMISSIONS

Section

Recreation and Park Department

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Cross-reference:

Department of Community Development, see Chapter 39

Department of Engineering and Building Inspections, see Chapter 40

Fire Department, see Chapter 32

Police Department, see Chapter 33

RECREATION AND PARK DEPARTMENT

§ 31.01 ESTABLISHMENT.

There is hereby continued as heretofore created a Recreation and Park Department. The Department and all its employees operate under the jurisdiction and control of the City Manager and the Department Director.

('72 Code, § 240:00) (Am. Ord. 1997-863, passed 11-24-97)

§ 31.02 DUTIES.

The Recreation and Park Department, supervised by the Department Director, responsible to the City Manager, is responsible for all programs relating to parks and public recreation and is responsible for planning improvements and operation of all public parks, playgrounds and public recreation programs of the city.

('72 Code, § 240:05) (Am. Ord. 1997-863, passed 11-24-97)

BOARD OF APPEALS AND ADJUSTMENTS

§ 31.15 ESTABLISHMENT OF BOARD.

There is hereby created within the City of Brooklyn Park a Board of Appeals and Adjustments as required by state statutes. The Board consists of the City Planning Commission. All members serve without compensation, but are entitled to reimbursement for expenses incurred by performing their duties. The Chair of the Planning Commission serves as Chair of the Board of Appeals and Adjustments and must appoint a Secretary, who may be but need not be a member of the Board. Staff services are furnished by the City Manager or designee.

('72 Code, § 205:00)

§ 31.16 ADVISORY BOARD.

The Board of Appeals and Adjustments is advisory to the Council and all decisions made by the Board must be transmitted to the Council in writing in the form of recommendations. The Council makes the final determination on all appeals.

('72 Code, § 205:05)

§ 31.17 DUTIES OF BOARD.

The Board of Appeals and Adjustments is charged with the following duties:

(A) To hear and make recommendations with respect to appeals from any order, requirement, decision, or determination made by the administrative officer of the city in the enforcement of the zoning code.

(B) To hear requests for variances from the literal provisions of the zoning code in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration and to recommend such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the zoning code. Provided, however, that neither the Board nor the Council may permit as a variance any use which is prohibited under the zoning ordinance for property in the zones where the affected persons' land is located. The Board or Council, as the case may be, may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

('72 Code, § 205:10)

§ 31.18 NOTICE OF HEARING.

No matter may be heard by the Board unless and until the applicant has been given ten days notice in writing of the date and place of the hearing. Notice is deemed to have been given when deposited in the United States mail, addressed to the appellant at the appellant's last known address.

('72 Code, § 205:15)

§ 31.19 REPORTS.

All recommendations to the Council must be reduced to writing and a copy thereof must be mailed to appellant. The mailing of the minutes of the meetings of the Board is sufficient to satisfy this requirement.

('72 Code, § 205:20)

HEALTH OFFICER; BOARD OF HEALTH**§ 31.30 HEALTH OFFICER; APPOINTMENT AND DUTIES.**

(A) The Health Officer is appointed by the City Manager, with the approval of the Council.

('72 Code, § 230:00) (Am. Ord. 1977-245(A), passed - -)

(B) The Health Officer serves in an advisory capacity to the Council and the Board of Health. The Health Officer must see that all health laws and regulations are obeyed. The Health Officer must take such legal steps as are necessary to control communicable disease, and must advise the City Council and the Board of Health of any health regulations or directions of the State Board of Health that are not being carried out. The Health Officer must advise the Council and Board of Health in a medical way as to diagnosis for the purpose of quarantine, release of quarantine, details of necessary control methods, and other technical preventive measures. The Health Officer is responsible for the duties placed upon local health officers by the statutes of the State of Minnesota.

('72 Code, § 230:05)

§ 31.31 BOARD OF HEALTH.

(A) *Policy.* The Board of Health, the Health Officer, or their duly authorized representatives have and must exercise all powers to make such investigations and reports and to obey such directions concerning communicable diseases as the State Board of Health may require or give; and, under the general supervision of the State Board of Health, must cause all statutes of the State of Minnesota, Regulations of the Board of Health, and ordinances of the City to be obeyed and enforced. The actual enforcement of these laws, regulations, and ordinances is the duty and responsibility of the City Manager or the City Manager's duly authorized representative.

(B) *Membership.* The Board of Health for the city consists of eight members. Seven members must be the members of the City Council. One member must be a physician, licensed to practice in the State of Minnesota, who must be the City Health Officer appointed pursuant to § 31.30(A) and who must also be the executive officer of the Board of Health. The Health Officer must serve until his resignation or until a successor is appointed.

(C) *Duties of Board.* The duties of the Board of Health and the Health Officer are as defined in the statutes of the State of Minnesota and the regulations of the State Board of Health. The Board of Health serves in an advisory capacity to the Health Officer and the City Manager in making recommendations concerning the general health program within the city.

(D) *Meetings of the Board.* The Board of Health meets at such times as it may deem necessary. A majority of the members constitutes a quorum. The Board must make such regulations as they deem necessary for their meetings and for the conduct of their business.

(E) *Administration.* The City Manager, or his duly authorized representative, must make investigations and reports, and obey directions concerning communicable diseases as the Board of Health may require or give; and, under the general supervision of the Board of Health, they must cause all statutes of the State of Minnesota, regulations of the State Board of Health, ordinances of the city relating to public health, and all lawful orders of the City Council to be obeyed and enforced.

(F) *Right of entry.* For the purposes of performing their official duties, all members, officers, and employees of the Board of Health, the Health Officer and their duly authorized representatives have the right to enter any building, conveyance or place where contagion, infection, filth, nuisance, or source or cause of preventable disease exists or is reasonably suspected.

('72 Code, § 230:10)

§ 31.32 ENFORCEMENT PROVISIONS.

The City Manager may employ an Environmental Health Specialist and Assistant Environmental Health Specialist or other health officials who must enforce all statutes, ordinances and codes relating to public health and sanitation, and may achieve compliance through the issuance of notices, warning tickets, citations and abatement in lieu of arrest or detention.

('72 Code, § 230:15) (Ord. 1987-570(A), passed 8-24-87)

RECREATION AND PARKS ADVISORY COMMISSION

§ 31.45 ESTABLISHMENT.

(A) There is hereby continued as heretofore created a Recreation and Parks Advisory Commission. All 14 members must be lawful residents of the City of Brooklyn Park. Members are appointed by the Council for terms of three years, excepting the ex-officio members and young adult members, who serve a one-year term. Vacancies are to be filled for the remainder of the original term of office in the same manner as provided for original appointments. One member who is an ex-officio member must be a member of the Council, and there must be one member who is an ex-officio member who must be a member of the Planning Commission. The young adult members may serve up to three one-year terms. The young adult members must have reached the age of 18 by the date of appointment to that young adult member's first term and must not have reached the age of 25 by the appointment date of any term.

(B) The Mayor may also appoint up to two youth liaisons. Youth liaisons are non-voting members of the Commission who serve one-year terms and may be appointed for a total of three one-year terms. Youth liaisons must have reached the age of 14 by the date of appointment for their first term and must not have reached the age of 18 by the date of appointment for any term.

('72 Code, § 245:00) (Am. Ord. 1973-139(A), passed 2-26-73; Am. Ord. 1008-1086, passed 4-7-08; Am. Ord. 2018-1228, passed 2-5-18; Am. Ord. 2021-1268, passed 12-6-21)

§ 31.46 COMPENSATION.

The members of the Commission serve without pay but may be reimbursed for actual expenses if funds therefor are provided in the adopted budgets of the Recreation and Park Department Fund.

('72 Code, § 245:05)

§ 31.47 DUTIES.

It is the duty of the Commission to hold meetings of its members at least once a month on a regular scheduled meeting date, and to meet from time to time with the City Manager, the Council, and the Director of Recreation and Park to consider such matters pertaining to parks and public recreation programs in the city as are referred

to the Commission by the Council, the City Manager, the Director of Recreation and Park, or as the members of the Commission deem proper.

('72 Code, § 245:10)

§ 31.48 REPORTS.

The Commission must make an annual report to the City Manager and the Council containing such details as the Council requires, concerning its estimate of financial needs and its recommendations for the ensuing year. The Commission must report quarterly on its activities to the Council.

('72 Code, § 245:15)

§ 31.49 REPORTS TO BE ADVISORY.

The Commission's reports, conclusions and recommendations must be made to the Council, City Manager and the Director of Recreation and Park as may be requested, or to any or all of them as the Commission deems appropriate in the light of the matter under consideration. Its reports, conclusions and recommendations are purely advisory, and the final determination and responsibility is with the Council. It shall be aided and assisted in every way possible by the Director of Recreation and Park, who is appointed by the City Manager.

('72 Code, § 245:20)

PLANNING COMMISSION

§ 31.60 ESTABLISHMENT; COMPOSITION.

There is hereby continued as heretofore created a Planning Commission for the City of Brooklyn Park to have all the powers provided by state law and as set forth in this subchapter.

(A) There are 11 members of the Commission to be appointed by the Council in the manner hereinafter set forth.

(B) All members of the Commission must be lawful residents of the City of Brooklyn Park.

(C) The 11 members are appointed to serve for terms of three years each, except that young adult members are appointed to terms of one year each, and that any vacancy occurring among the members of the Planning Commission during an unexpired term must be filled for the rest of the term by vote of the Council. Any members of said Commission may be removed for cause by the Council upon notice, written charges, and after a public hearing. Appointments must be made as soon after the first of each year as practicable.

(D) The members of the Commission must take the usual oath of office and the Commission must appoint its own Chair and Secretary and may provide its own rules of procedure. It must determine regular dates and times of meetings, which are to be held at least once a month, and it must call public hearings when appropriate. No member of the Commission shall pass or vote upon any question in which the member is directly or indirectly interested.

(E) The Commission must prepare all reports as the Council shall request.

(F) Two of the 11 members of the Planning Commission shall be young adult members. The young adult members may serve up to three one-year terms. The young adult members must have reached the age of 18 by the date of appointment to that young adult member's first term and must not have reached the age of 25 by the date of appointment for any term.

('72 Code, § 250:00) (Am. Ord. 1973-154(A), passed 2-26-73; Am. Ord. 2008-1086, passed 4-7-08; Am. Ord. 2021-1268, passed 12-6-21)

§ 31.61 DUTIES.

The Planning Commission must hear and review all petitions to amend the zoning classifications of this code or to obtain a special permit. The Planning Commission must then report its recommendations to the Council for action.

('72 Code, § 250:10)

§ 31.62 PREPARATION AND MAINTENANCE OF COMPREHENSIVE PLAN.

The Planning Commission must prepare and maintain comprehensive plans and maps for the future development of the city and make recommendations from time to time of such changes or amendments it deems necessary. Public notice and hearings must be as required by this code and applicable ordinances and laws. Nothing herein prevents the Council from initiating any proposal concerning comprehensive planning, zoning, platting, changes in streets and other matters of general planning nature, provided, however, that any proposal must first be referred to the Planning Commission for any hearings required by law and for their recommendations.

('72 Code, § 250:15)

HUMAN RIGHTS COMMISSION

§ 31.75 ESTABLISHMENT.

A Human Rights Commission comprised of 11 members is established for the purpose of securing for all residents equal opportunity in employment, housing, public accommodations, public services, education, and full participation in the affairs of the city by assisting the Minnesota Department of Human Rights in implementing state laws against discrimination and by advising the City Council in long-range programs to ensure human service needs are met.

('72 Code, § 290:00) (Ord. 1993-726, passed 7-12-93; Am. Ord. 2007- 1078, passed 10-15-07; Am. Ord. 2018-1228, passed 2-5-18; Am. Ord. 2021-1268, passed 12-6-21)

§ 31.76 COMPOSITION AND REPRESENTATION.

All 11 members of the Commission must be lawful residents of the city. All members are appointed by the Council and serve staggered three-year terms, except for young adult members who shall serve one-year terms. Any vacancy occurring during an unexpired term must be filled for the rest of term by vote of the Council. Members of the Commission may be removed for cause by the Council upon notice and written charges and after a public hearing. Members of the Commission serve without compensation, but may be reimbursed personal expenses in the performance of their duties. The young adult members may serve up to three one-year terms. The young adult members must have reached the age of 18 by the date of appointment to that young adult member's first term and must not have reached the age of 25 by the date of appointment for any term.

('72 Code, § 290:05) (Ord. 1993-726, passed 7-12-93; Am. Ord. 1998-870, passed 3-23-98; Am. Ord. 2008-1086, passed 4-7-08; Am. Ord. 2021-1268, passed 12-6-21)

§ 31.77 INITIAL APPOINTMENTS.

One member from each district must serve a one-year term; one member from each district must serve a two-year term; and one member from each district must serve a three-year term.

('72 Code, § 290:10) (Ord. 1993-726, passed 7-12-93)

§ 31.78 ORGANIZATION.

(A) The Commission must elect from its membership a Chair, and a Vice Chair, each of whom must serve for a period of not more than three years. The Chair must preside at all meetings of the Commission. In the absence of the Chair, the Vice Chair must preside.

(B) The Commission must appoint a Secretary from its membership or at its election request that a staff secretary be furnished by the city.

(C) All meetings of the Commission must be open to the public, be governed by *Roberts Rules of Order* and otherwise held pursuant to the by-laws adopted by the Commission. It is the duty of the Secretary of the Commission to record the minutes of all meetings and transmit a copy thereof to each member of the Commission, City Council and City Manager.

('72 Code, § 290:15) (Ord. 1993-726, passed 7-12-93; Am. Ord. 2018-1228, passed 2-5-18)

§ 31.79 DUTIES.

Duties of the Human Rights Commission are to:

(A) Adopt by-laws for the conduct of its affairs.

(B) Receive complaints and determine if the complaint is to be forwarded to the State Department of Human Rights for the purpose of investigation, or to North Hennepin Mediation Services for alternative dispute resolution.

(C) Improve the home, family, and human relations climate in the community.

(D) Enlist the cooperation of the Minnesota League of Human Rights Commission and other agencies, organizations and individuals in the community in an active program directed to create equal opportunity and to educate the community in order to eliminate discrimination and inequalities.

(E) Advise the Mayor, the Council and other city agencies on human relations and civil rights issues and problems. Act in an advisory capacity to the city on issues of civil and human rights. Recommend the adoption of specific policies or actions as are needed to ensure equal opportunity in the community.

(F) Assist in the development, formulation, and implementation of a comprehensive plan to serve as a guideline to ensure that the human relations needs of the community are defined and met.

('72 Code, § 290:20) (Ord. 1993-726, passed 7-12-93; Am. Ord. 2007-1078, passed 10-15-07)

THE BUDGET ADVISORY COMMISSION

§ 31.90 ESTABLISHMENT.

The Budget Advisory Commission is an ongoing, resident-led commission called to design and propose budgetary suggestions to the City Council reflecting the input and priorities of residents in the City of Brooklyn Park. The Commission will make use of previous budget information, review current and projected city service levels, analyze priorities from citizen input, consider long and short-term anticipated capital and operating expenditures, and identify revenue sources with consideration to projected expenditures. The Commission may also be asked to perform specific studies or present recommendations based on City Council requests.

(Ord. 2003-992, passed 3-17-03; Am. Ord. 2021-1268, passed 12-6-21)

§ 31.91 DUTIES.

Duties of The Budget Advisory Commission are to:

(A) Review all budgets of the city, such as city, EDA and the like, and long range plans, such as CIP/CEP and the like.

(B) Review results of previous resident surveys, City Council goals and prioritization of city services.

(C) Recommend any necessary or reasonable survey or information gathering process to gain current resident preferences.

(D) Review historical and future trends of revenues and expenditures, both capital and operating.

(E) Review budget challenges and recommend solutions.

(F) Formulate suggestions to the City Council on prioritized budget programs and choices between competing demands with resident input.

(G) By May 31, the Commission shall present a recommendation for future funding along with comments on the city's overall trends and provide suggestions for any specific requests made by the City Council.

(H) Through objective measures of department performance, determine if the city is efficiently managing and allocating the community's resources.

(I) Complete a self-evaluation of the commission and make recommendations to the City Council on how to improve the process.

(Ord. 2003-992, passed 3-17-03; Am. Ord. 2021-1268, passed 12-6-21)

§ 31.92 COMPOSITION AND REPRESENTATION.

(A) Residents shall be appointed to the Budget Advisory Commission by the Council.

(B) Membership shall consist of 11 lawful residents, including two young adult members.

(C) Members shall serve staggered terms of three years, except young adult members who shall serve one-year terms. No member shall serve more than two consecutive three-year terms, except that young adult members may serve up to three one-year terms.

(D) The Mayor shall initially appoint members with the following staggered term length: three members shall be appointed for one year; three members shall be appointed for two years; and three members shall be appointed for three years. Thereafter, all appointments or re-appointments shall be for a three-year term, except for the young adult members who shall be appointed for a one-year term.

(E) Terms shall expire on the first of April of the last year of their appointed term.

(F) A Chairperson is to be chosen from among the appointed Commission members.

(G) A non-voting representative of the Finance Department shall staff the Budget Advisory Commission. The Commission shall be provided with any requested information, data, or materials and shall be able to discuss any matters with the appropriate staff. Staff members may also have the ability to address the Commission as a whole with matters of concern.

(H) There shall be a non-voting representative of the City Council assigned to act as liaison to the Budget Advisory Commission.

(I) The young adult members may serve up to three one-year terms. The young adult members must have reached the age of 18 by the date of appointment to that young adult member's first term and must not have reached the age of 25 by the date of appointment for any term.

(Ord. 2003-992, passed 3-17-03; Am. Ord. 2008-1086, passed 4-7-08; Am. Ord. 2018-1228, passed 2-5-18; Am. Ord. 2021-1268, passed 12-6-21)

§ 31.93 DESIRED QUALIFICATIONS.

Members of the Budget Advisory Commission must have the ability to translate survey data to priorities and outcomes; evaluate financial information; have familiarity with the needs and challenges of Brooklyn Park; and the willingness to commit to weekend and/or evening meetings.

(Ord. 2003-992, passed 3-17-03)

City Communication



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Media policy and communication guidelines

The staff liaison works with Communications staff to coordinate and approve any:

- Press releases/public announcements
- Articles for city publication
- Media inquiries and interviews
- Social media posts
- Website
- Marketing/graphic design needs

Commissioners should not speak with the media on the City of Brooklyn Park's or Commission's behalf without contacting the Communications Manager. All media inquiries should be directed to the Commission's Staff Liaison, who will contact the Communications Manager.

Social media policy

The Communications team creates and posts content, promotes city events and happenings, and monitors all of the city's social media pages or sites.

No commission is allowed to create any social media pages or sites on its behalf, as representatives of the City of Brooklyn Park. All requests to post information should be directed to the Commission's Staff Liaison, who will contact the Communications Manager.

Follow the City of Brooklyn Park on social media.

- Facebook
- Twitter
- YouTube
- Instagram
- Nextdoor

Sign up for emails

Sign up for City of Brooklyn Park emails to keep up with community and city events and happenings!

www.brooklynpark.org/subscribe

Commissions communicate with the City Council via

- Meeting minutes
- Annual work plan
- Annual joint meeting
- Council liaison updates at Commission and Council meetings

Non-City Events and Initiatives Promotions Policy

City Commissions must also abide by this city's policy in their promotion and sponsorship of events and initiatives.

The city can promote events, activities and initiatives of non-city entities if what is being promoted:

- Is open to the public
- Supports one or more city goals and/or values
- Is free or low cost or if it is a fundraiser, proceeds benefit the Brooklyn Park community
- Is located in or near Brooklyn Park or benefits Brooklyn Park community members
- Is not political
- Does not promote any religion

Events and initiatives that are not sponsored by the city must include a disclaimer that makes that clear.

- The city can promote through our website calendar of events, allowing flyers at city buildings, social media, and through emails. The appropriate mode is up to the discretion of Communications staff.
- The city reserves the right to refuse to promote events by non-city entities that do not align with city goals and/or values

Code of Conduct for Brooklyn Park Boards, Commissions, and Committees

The purpose of City of Brooklyn Park Commissions is to give residents the opportunity to give their opinions and recommendations on the work of city government. The commissions also serve as advisory groups for the City Council.

- **“Commission”** means all Boards, Committees and Commissions of the City.
- **“Commissioner”** means a member serving on Boards, Committees, and Commissions of the City.

This Code of Conduct applies to Boards, Commissions, Committees, and Task Forces. Commissions are expected to support the City Council and serve at the discretion of council members. It is important that every commissioner read their particular board or commission’s bylaws at the beginning of their term.

Duties as a Commissioner

To investigate matters within the scope of the particular commission or as directed by the council and/or city manager.

- To advise the council by communicating the viewpoint or advice of the commission
- To hold hearings, receive information, research and make recommendations to the Council about the matters within the commission’s scope
- To attend scheduled meetings or let the staff liaison know if you will be absent
- To prepare in advance of meetings (e.g., read agenda packet carefully prior to the meeting) and be familiar with issues on the agenda, and
- To be considerate of fellow members, their opinions and be respectful of other people’s time

Commissioners should not

- Direct the work of city staff
- Speak for the commission unless authorized by your fellow commission members or by the City Council, or
- Take responsibility for financial performance of any city facility or program

Ethical and respectful conduct

Avoid:

- Speaking over or cutting off another individual
- Insulting, disparaging, or putting down people or their ideas
- Bullying other members by displaying a pattern of belittling, or
- Making demeaning or patronizing comments

Strive to:

- Use Robert’s Rules of Order
- Treat people with courtesy, politeness and kindness
- Encourage others to express their opinions and ideas
- Listen to what others have to say, and
- Recognize differences

Respectful workplace

The City Council will not tolerate or condone acts of harassment by members of City commissions, based upon race, religion, color, sex, national origin, sexual orientation, age, disability, or political affiliation.

Violators of this Code of Conduct will be subject to appropriate disciplinary action as set forth in the Code of Conduct. This Code of Conduct is applicable to members serving on advisory boards, committees or commissions.

Definitions

Harassment is verbal or non-verbal conduct or physical acts which are unwelcome or offensive to or retaliatory against an employee, group of employees, or members serving on commissions based on their race, religion, color, sex, national origin, sexual orientation, age, disability, or political affiliation.

Sexual Harassment is unwelcomed verbal, non-verbal or physical advances of a sexual nature or non-sexual hostile or physically aggressive behavior directed to an employee or members serving on commissions because of such sex. Sexual harassment can consist of a wide range of unwanted and unwelcome sexually-directed

behavior such as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submitting to the conduct is made either explicitly or implicitly a term or condition of an individual's appointment
- Submitting to or rejecting the conduct is used as the basis for an appointment decision affecting an individual's appointment, or
- Such conduct has the purpose or result of unreasonably interfering with an individual's performance or creating an intimidating, hostile or offensive environment

Sexual harassment includes, but is not limited to, the following:

- Unwelcomed or unwanted sexual advances. This means stalking, patting, pinching, brushing up against, hugging, cornering, kissing, fondling or any other similar physical contact considered unacceptable by another individual.
- Verbal or written abuse, making jokes, or comments that are sexually-oriented and considered unacceptable by another individual. This includes comments about an individual's body or appearance where such comments go beyond mere courtesy, telling "dirty jokes" or any other tasteless, sexually oriented comments, innuendos or actions that offend others.
- Requests or demands for sexual favors. This includes subtle or obvious expectations, pressures, or requests for any type of sexual favor, along with an implied or specific promise of favorable treatment (or negative consequence) concerning one's appointment in the commission.
- The harassment applies to social media posts, tweets, etc., that are about or may be seen by fellow commissioners, council members, employees, customers, etc.

Sexual harassment and inappropriate conduct is strictly prohibited and will not be tolerated. Inappropriate conduct in violation of this Code of Conduct constitutes just cause for discipline which may include removal.

Hostile Environment means an environment that has become intimidating or offensive due to conduct of a member of commissions, which is threatening in nature.

Types of disrespectful behavior

The following types of behaviors cause a disruption in the meeting place and are, in many instances, unlawful:

- **Violent behavior** includes the use of physical force, harassment, or intimidation
- **Discriminatory behavior** includes inappropriate remarks about or conduct related to a person's race, color, creed, religion, national origin, disability, sex, marital status, age, sexual orientation, or status with regard to public assistance
- **Offensive behavior** may include such actions as rudeness, angry outbursts, inappropriate humor, vulgar obscenities, name calling, disrespectful language, or any other behavior regarded as offensive to a reasonable person. It is not possible to anticipate in this Code of Conduct every example of offensive behavior.

Accordingly, commissioners are encouraged to discuss with their fellow commissioners and officers what is regarded as offensive, taking into account the sensibilities of commissioners and the possibility of public reaction. Although the standard for how commissioners treat each other and the general public will be the same throughout the City, there may be differences between work groups about what is appropriate. If a commissioner is unsure if a particular behavior is appropriate, the commissioner should request clarification from the Staff Liaison or City Manager.

Social Media

Social media has changed the way we work, connect and communicate. At the City of Brooklyn Park, the city understands that social media can be a way to share information with family, friends and co-workers. However, use of social media also presents certain risks and carries with it certain responsibilities.

To assist members serving on boards, committees or commissions with making responsible decisions about use of social media, the city has established guidelines for appropriate use of social media. This Code of Conduct applies to members serving on commissions for the City of Brooklyn Park.

Guidelines

Social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, whether or not associated or affiliated with the City of Brooklyn Park. Social media tools may include:

- Social media networking sites such as Facebook, LinkedIn and MySpace
- Blogs
- Microblogs such as Twitter
- Video sharing sites such as YouTube and iReport
- Photo sharing sites such as TwitPic and Flickr
- Wikis, or shared encyclopedias such as Wikipedia
- RSS feeds
- Mobile phone content uploaded to the Internet
- Any other form of electronic communication and technology

Members serving on commissions are solely responsible for what they post online. Before creating online content, consider the risks and rewards that are involved. Keep in mind that any commissioner conduct that adversely affects their performance as a commissioner, the performance of employees or otherwise adversely affects residents, suppliers, or people who work on behalf of the City of Brooklyn Park may result in removal from the commission.

Know and follow the rules

Carefully read the guidelines, to ensure postings are consistent with those guidelines. Inappropriate postings that may include bias, discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject a commissioner to be removed from the commission.

Be respectful

A commissioner should always be fair and courteous to fellow commissioners, employees, residents, or people who work on behalf of the City of Brooklyn Park. Also, keep in mind that a commissioner is more likely to resolve commissioner-related complaints by speaking directly with the commissioner, fellow commissioners, or officers of the commission than by posting complaints to a social media outlet.

Nevertheless, if a commissioner decides to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage commissioners, council members, employees, residents or business associates, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile meeting environment on the basis of race, sex, disability, religion or any other status protected by law or city policy.

Be honest and accurate

A commissioner must always be honest and accurate when posting information or news, and if a mistake is made, the mistake must be corrected quickly. A commissioner should be open about any previous posts the commissioner altered.

Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never upload, post or transmit any information or rumors that are false, fraudulent or misleading about the City of Brooklyn Park, fellow commissioners, council members, employees, residents, business associates, or people working on behalf of the City of Brooklyn Park.

A commissioner should express only personal opinions. A commissioner may never represent themselves as a spokesperson for the City of Brooklyn Park.

If the City of Brooklyn Park is a subject of the content the commissioner is creating, the commissioner must be clear and open about the fact that they are a commissioner and must make it clear that the commissioner's views do not represent those of the City of Brooklyn Park, fellow commissioners, council members, employees, residents, business associates or people working on behalf of the City of Brooklyn Park.

If the commissioner publishes a blog or post online related to the work or subjects associated with the City of Brooklyn Park, the commissioner must make it clear that the commissioner is not speaking on behalf of the City of Brooklyn Park. It is best to include a disclaimer such as *"The postings on this site are personal and do not necessarily reflect the views of the City of Brooklyn Park."*

Legal Issues

City Attorney's Office

The City Attorney's office is available to all commissions. Their retainer includes commission legal services. The City Attorney attends all Regular and Special Council meetings, and with few exceptions, does not attend commission meetings. It is recommended that the Staff Liaison and/or the Commission Chair communicate on behalf of the commission directly with the City Attorney.

Open Meeting Law

Why It Exists

- Prohibits actions from being taken at a secret meeting, where it is impossible for the interested public to become fully informed concerning decisions of public bodies or to detect improper influences
- Ensures the public's right to be informed
- Affords the public an opportunity to present its views to the public body

To Comply

Provide public notice of the meeting of minimum of three days in advance. Hold meetings in public places.

Violation of Open Meeting Law

There is a violation of open meeting law if there is discussion of business between quorums of members outside of a publicly noticed meeting. Serial communication defined below is an open meeting law violation.

Serial Communication

Serial communication is communication between Board and Commission members that lead to a concurrence among the majority of the members. Serial communication may involve a series of communications (example: email, face-to-face, text) with each communication involving less than a quorum of the Board or Commission, but when taken as a whole, involve a majority of the board or commission.

Ensure Compliance

- Email communication intended for the group to the Staff Liaison for distribution
- Members should not “reply all” to group messages
- Members should not blind copy other members

Committees and Working Groups

Some Committee or Working Group meetings may be designated as public meetings by the City Council or the Commission based on potential public interest on the topic.

If Committee or Working Group meetings are designated public, the following items are required:

- Notice of the meeting 3 days in advance
- Written agenda
- Meeting Minutes
- Public meeting location

Data Practices Law

The Data Practices Law governs all data maintained by a public entity. There are three classifications of data:

- **Public:** accessible to anyone
- **Private/Non-public:** accessible to the person who is the subject of the data and to the governmental entity
- **Confidential/protected non-public:** accessible only to the governmental entity

The identity of individuals who register complaints concerning violations of state laws or local ordinances concerning the use of real estate/real property is confidential data. Data pertaining to members of the boards and commissions is governmental data:

- Names and home addresses of board and commission members are public
- The telephone number or email address where the member can be reached, or both, at the request of the member, are public. Any email address or telephone number provided for the member by the city is also public, and the member may use that email address or telephone number as the member’s designated contact information.

Conflict of Interest

Definition: any member who has a financial interest in, or who may receive a financial benefit as a result of, any commission action or if there is potential for the appearance of conflict of interest.

Members who have a conflict of interest must:

- Disclose the conflict of interest to the group, and
- Abstain from discussing or voting on the matter

Liability

State law requires municipalities to defend and indemnify, or secure against harm or loss, both elective and appointive officials for damages so long as the commissioner is acting in the performance of duties of his or her position and is not guilty of malfeasance, willful neglect of duty, or bad faith.

Likewise, the Brooklyn Park City Code requires the city to defend and indemnify all its members of the advisory commissions arising out of an alleged act or omission occurring in the performance of their duty, except in cases of malfeasance in office or willful neglect of duty.

Gifts

Members may not receive gifts from any “interested person” in conjunction with their commission duties. Commissions can recommend acceptance of general gifts through the city’s donation policy.

Gift Law

“Local official” means “an elected or appointed official of a county or city or of an agency, authority, or instrumentality of a county or city.”

An interested person may not give a gift or request another to give a gift to a commissioner. A commissioner may not accept a gift from an “interested person.” A “gift” includes money, real or personal property, a service, a loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given and received without the giver receiving consideration of equal or greater value in return.” An “interested person” is “someone, or a representative of a person or association, that has a direct financial interest in a decision that a local official is authorized to make.” The term “local official” includes members of boards and commissions.

There are a few limited exceptions where you can accept a gift.

- Services or mementos of insignificant monetary value
- Plaques or mementos recognizing service
- Food or beverage given in connection to a speech
- Gifts given to members of a group, the majority of whose members are not local officials
- Gifts given by family members

In conclusion, be cautious. The city’s local officials, including commissioners, are in the eye of the public and it is public opinion and political opponents, which will be the ultimate enforcer of this law.

Accountability/Consequences

A potential action for failing to comply with this code of conduct may include the following:

- **Warning**

A warning shall be verbal or written non-public statement made by the Mayor and City Manager to the commission member

- **Removal**

Removal from a commission requires an action from the City Council

warning or removal. Any violations that potentially constitute criminal conduct shall be handled by the criminal justice system

- Factors that will be considered in determining the appropriate consequence include but are not limited to the following: seriousness of the violation and number of preceding violations

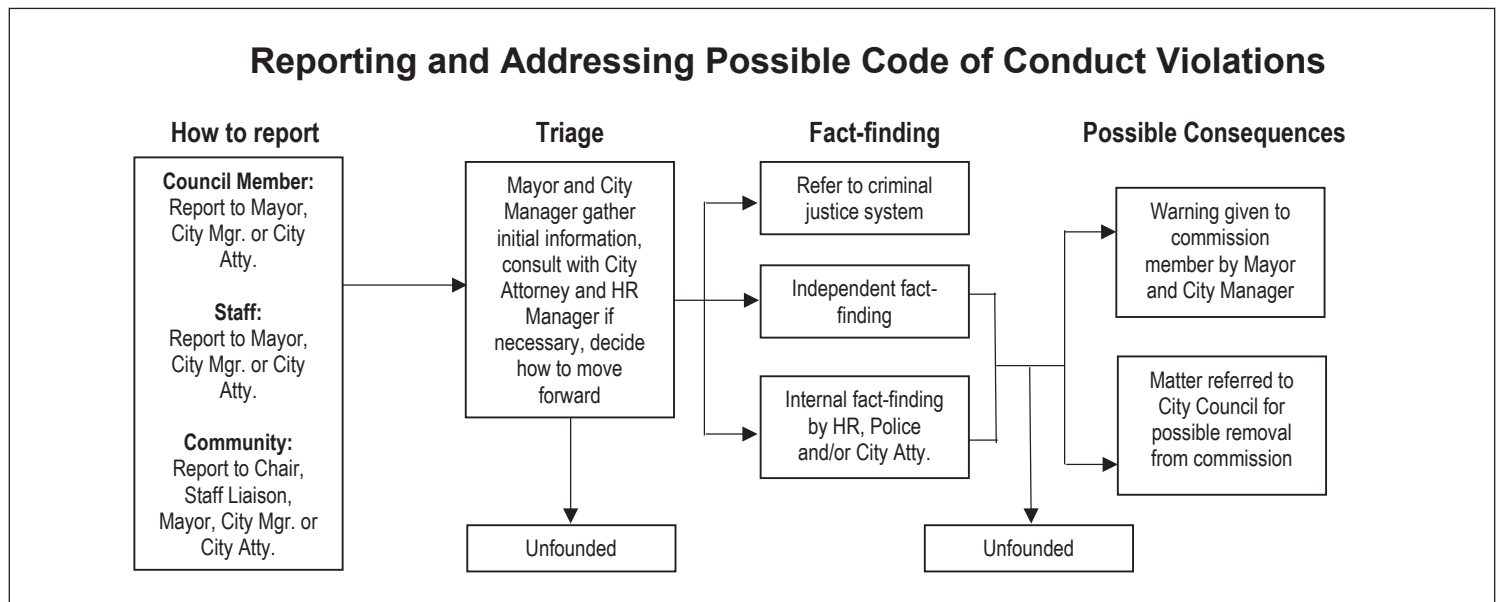
Procedures for reporting:

- A member of the Brooklyn Park City Council may report a potential code of conduct violation by a commission member by bringing the matter to the attention of the Mayor, City Manager, or City Attorney
- A Brooklyn Park staff member may report a potential code of conduct violation by a commission member by bringing the matter to the attention of the Mayor, City Manager, or City Attorney
- A community member, including commission and committee members, may report potential code of conduct violations by a commission member by bringing the matter to the attention of the commission chair, staff liaison, Mayor, City Manager, or City Attorney

Upon receipt of a complaint, the following diagram (below) highlights the process that will be used:

Commission Members’ Behavior and Conduct:

- Depending on the offense, commission members who violate the code of conduct are subject to



For inappropriate statements or conduct by commission members during a commission meeting:

- A verbal correction by the Chair or other members of the commission will normally be the first step to address the matter during the meeting
- Further incidents may be addressed by subsequent verbal corrections or, if necessary, bringing the meeting to a close and reporting the behavior
- A commission member can request that the Chair take any of these actions against an offending commission member if the chair has not done so on his/her own

RESOLUTION #2019-46

RESOLUTION REPLACING RESOLUTION #2018-20 SETTING STANDARDS FOR
CITY BOARDS AND COMMISSIONS

WHEREAS, the City Council believes that it is appropriate to the extent possible to adopt a uniform set of guidelines under which City Boards and Commissions operate; and

WHEREAS, the purpose of this Resolution is to address the administrative matters relating to the functioning of City Boards and Commissions and not to interfere with legislative matters; and

WHEREAS, in late 2015, city staff conducted a survey and focus groups to solicit feedback from commissioners and liaisons on their commission experiences; and

WHEREAS, a Commissions Improvement Steering Committee was formed in 2016-2017 to formulate suggested improvements to present to the Council for consideration.

NOW, THEREFORE, BE IT RESOLVED by the City Council, the City of Brooklyn Park approves this resolution setting standards for City Boards and Commissions:

1. Purpose. The purpose of this Resolution is to establish a uniform set of guidelines for City Boards and Commissions to follow so that the administrative work of the Boards and Commissions can be conducted in an efficient manner. Nothing in this Resolution is intended to supersede any provision in State Law, City Charter, or City Code. To the extent that there is any conflict between State Law, City Charter, or City Code with the provisions of this Resolution, State Law, City Charter, or City Code shall prevail. Nothing in this Resolution is intended to limit, expand, or otherwise modify the authority given to City Boards and Commissions by City Charter, State Law, or City Code.
2. Definitions. As used in this Resolution, the following words will mean:
 - a. "Advisory" means to advise the Council with respect to municipal concerns.
 - b. "Commission" means all Boards, Committees and Commissions of the City.
 - c. "Council" means the Mayor and six elected City Council Members.
 - d. "Staff" means the City Manager and designated administrative employees who assist Commissions in the administration of their duties.
 - e. "Liaison" means non-voting member of a Commission who shall speak on behalf of the Council (or staff) as a whole, not as an individual, thus providing a communication link between the commission and Council (or staff).
3. Authority. Section 2.02 of the City Charter authorizes the Council to create Commissions, as the Council deems necessary. The Commissions are created pursuant to that authority and pursuant to applicable state law. The Authority, which established each Commission, is as follows:
 - a. Charter Commission, Charter Section 14.18 and State Statute 410.05 - 410.06

- b. Community Long-range Improvement Commission, Charter Section 9.
 - c. Human Rights Commission, City Code Section 31.75
 - d. Recreation and Parks Advisory Commission, City Code Section 31.45
 - e. Planning Commission, City Code Section 31.60 and State Statutes "Municipal Planning": 462.351 through 462.365
 - f. Budget Advisory Commission, City Code Section 31.90
4. Advisory Nature. Except as otherwise provided by law or City Charter, the Commissions created are advisory to the Council and to the City Manager in all matters pertinent to the duties of the Council and the City Manager, but the Commissions have no other official status or independent authority.
 5. Compensation. Unless otherwise provided by law or City Charter, members of Advisory Commissions serve without compensation, but may be reimbursed for actual and necessary expenses if funds for that purpose are identified in the adopted city budget.
 6. Membership and terms of office.
 - a. Eligibility. Members of commissions must lawfully reside in the City of Brooklyn Park and, if required, reside in the council district from which they are appointed.
 - b. Terms. Members of commissions shall be appointed for a term of three (3) years. Terms commence on April 1 of the year in which they are appointed for the Budget Advisory Commission (BAC), Community Long-range Improvement Commission (CLIC), Human Rights Commission (HRC), Recreation and Parks Advisory Commission (RPAC), and Planning Commission. This section is not applicable to the Charter Commission or other non-city commissions to which Brooklyn Park has an appointed representative.
 - c. Term Limits. Appointments to a Commission shall be limited to two full consecutive terms on each Commission (the appointment may also include an initial balance of a term served). Residents who have previously served two full consecutive terms on a Commission are eligible for reappointment to that Commission one year after the expiration of their last full term.
 - d. Commission Representation.
 1. All commissions will be represented by members from each district and at-large members. All commissions with the exception of the CLIC will have six seats by district and the remainder at-large. The CLIC will have nine seats by district and six at-large. (The Charter Commission is excluded from district representation.)
 2. The Council will consider appointments to be geographically balanced as practicable to the districts established under Section 2.04 of the City Charter.

3. An individual who is serving on a board or commission and who does not reside in the appropriate district is eligible for reappointment to the same seat even if other individuals who reside in the appropriate district apply for the seat.

7. Notification; Application; Appointment/Reappointment.

- a. Notification. The City Manager must cause to be publicized in the official newspaper and by posting on the principal bulletin board in the entryway of City Hall a notification of vacancies and impending expiration of terms of members of various advisory commissions together with an invitation to interested residents of Brooklyn Park to apply for appointment.

If a vacancy occurs within 90 days of applicant interviews, the Council may appoint a commissioner from that applicant pool without providing notification of the vacancy. Staff would notify the City Council and contact the applicants to confirm their interest, availability and eligibility.
- b. Application.
 1. Applications for appointment or reappointment to a Commission must be submitted on an official "application for appointment to a city commission" form and forwarded to the City Manager. City staff schedules the applicant interviews and notifies the City Council. Applications for the Charter Commission are forwarded by City staff to the Hennepin County Chief Judge. Applications for all commissions are held for one year from date of receipt.
- c. Appointment/Reappointment. Members of Commissions are appointed by the Council (with the exception of the Charter Commission, who are appointed by the Hennepin County Chief Judge). When a vacancy currently exists, appointments shall be effective immediately upon appointment; otherwise, appointments shall commence at the beginning of the term year. Commission appointments made by the Council shall be for three-year terms unless the appointment is to fill a vacancy for an unexpired term, in which case the appointment is for the balance of the term. If an appointment is made in January for the balance of a term to end April 1 of the same year (or appointment is made in December of the preceding year), the appointment will be for the balance of the term and for a three-year term.
- d. In the case of a new commission, appointments may be made for less than three (3) year terms in order to achieve a system of staggered expiration of terms. No person shall be appointed to serve on more than one city commission at the same time with the exception of the Budget Advisory Commission.
- e. Council may request that staff re-advertise to create a larger applicant pool for a specific district on a commission or the commission as a whole.
- f. Orientation. Orientation of newly appointed commission members whose terms start April 1 shall take place during the months of April or May. Commission members with mid-term appointments (filling vacancies) will receive individual orientations.

8. Meetings.
 - a. Open Meeting. Meetings of Commissions are subject to the Open Meeting Law. Dates, times and places of meetings shall be posted on the City's principal bulletin board located in the entryway of City Hall three days in advance of the meeting and on the City's website.
 - b. Regular Meetings. Meetings of commissions are held at such date, time and place as are set forth in their respective bylaws, and they meet as necessary to fulfill the objectives of the commission. The procedure at meetings is governed by Robert's Rules of Order, Revised, and the bylaws of the commission.
 - c. Special Meetings. Meetings of commissions held for a specific purpose outside of their regularly scheduled meetings must have a special meeting notice posted on the City's principal bulletin board in the entryway of City Hall and on the City's website three days in advance of such special meeting, in accordance with state law. Special meetings may be called in accordance with the bylaws established by each commission.
 - d. Joint Meeting. Council and each commission will have at least one joint meeting annually to discuss goals, major items/issues and miscellaneous items.
9. Attendance; Vacancies; Resignations; Removal from office; Recognition.
 - a. Attendance.
 1. Members of the commissions 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. A Commission Attendance Form shall be used by all commissions for the Commission Secretary or Staff Liaison to record attendance. The City Manager's office staff shall forward the attendance records to the City Council each quarter ending March, June, September and December. The Council shall conduct a quarterly review of the attendance of members of city commissions.
 2. If a Commissioner misses 25% or more of meetings in a 12-month period or is absent for two consecutive meetings without notification (unexcused absence) to the Staff Liaison, the Staff Liaison will contact the City Manager's office. Staff will create a Request for Council Action for the Council to remove the Commissioner. Staff will notify the Commissioner of the removal by mail.
 - b. Vacancies. Vacancies in commissions are filled for the remainder of the unexpired term.
 - c. Resignations. Resignation from any commission member who elects not to complete his/her appointed term shall be in writing to the Staff Liaison and/or City Manager 30 days in advance of the date the resignation shall take effect. The Staff Liaison shall send a copy of the letter of resignation to the Chair of the Commission and to the City Manager's office. Staff will provide the resignation letter to the Council.

- d. Removal from commissions. Commission members appointed by the Council may be removed from a commission by a majority vote of the Council. Cause for removal includes, but is not limited to, missing two consecutive meetings without notification (unexcused absence), missing 25% or more meetings in a 12-month period, violation of the Code of Conduct for the Brooklyn Park Boards, Commissions and Committees, etc.
 - e. City Manager staff will advertise as appropriate to fill vacancies due to terms ending, resignations or removals from the commissions.
 - f. Recognition. Commissioners are recognized for their contributions to the City as outlined in a recognition policy adopted by the Council.
10. Organization; Bylaws.
- a. Organization. Within thirty (30) days after the first appointment of its members, each Commission shall meet to adopt bylaws for the conduct of its affairs.
 - b. Annual Work Plan. Each Commission shall develop an annual work plan and present it to the City Council for acceptance in the first quarter of each year and report on the previous year's work.
 - c. Bylaws. Each Commission shall endeavor to adopt uniform bylaws by including all of the items listed below. The bylaws of each Commission shall be forwarded to the City Council immediately upon their adoption.
 - Election of Officers. Officers elected from its membership in January shall include a Chair, Vice-Chair and such other officers as it deems necessary. Bylaws must specify:
 - Terms of officers and duties
 - Composition of task forces and subcommittees
 - Date and meeting times
 - Number of members to constitute a quorum
 - Order of business
 - Attendance requirements
 - Other matters necessary to define bylaws and provide for the conduct of the business of the advisory commission.
 - d. Chair. The Chair of each Commission shall conduct the meeting in such a manner that provides all members a fair and equal opportunity to express themselves.
 - e. Secretary. The Commission Secretary is appointed by the Chair; provided, however, that the City Manager may assign members of the City Administrative

staff to serve as secretary to a Commission as deemed necessary. The secretary performs the clerical duties of the commission. State Statutes authorize the Charter Commission to budget for secretarial expenses; other Commissions may budget for secretarial expenses as appropriate.

11. Minutes; Reports; Budget; Liaison.

- a. Minutes. The proceedings of Commission meetings must be recorded in minute form and transmitted to the City Clerk, who must furnish copies to the City Manager and Council. A Commission shall make copies of its minutes available to other advisory commissions and individuals as requested. In addition to minutes, other commission-related information (written, audio and visual) is public record and city property, and is to be transmitted to the City Clerk, who is charged with maintaining the City's official records. Minutes are permanent records; audio/video media is retained for three months after the minutes are approved (state record retention requirements).
- b. Reports. Commissions shall make an annual verbal report to the Council containing a summary of the commission's activities, conclusions and recommendations. Other commission reports shall be made from time to time to the Council as may be requested by the Council or as the Commission deems appropriate.
- c. Requests for Budget. Advisory commissions who have activities requiring the expenditures of funds must submit an itemized budget request to the staff liaison by July 1 of each year to be included in the appropriate departmental budget.
- d. Liaison. The Mayor must annually appoint one Council Member as an ex-officio member without voting rights to each advisory commission who shall serve as liaison between the Council and the Commission. The City Manager shall appoint a staff liaison without voting rights from the department most closely associated with the activities of that particular commission who shall arrange for meeting space and provide technical and/or clerical assistance.

The foregoing resolution was introduced by Mayor Lunde and duly seconded by Council Member West-Hafner.

The following voted in favor of the resolution: Mata, Russell, West-Hafner, Pha, and Lunde.

The following voted against: None.

The following was absent: Parks and Jacobson.

Where upon the resolution was adopted.

ADOPTED: March 11, 2019

JEFFREY JONEAL LUNDE, MAYOR

City of Brooklyn Park Council Work Session

Meeting Date:	April 1, 2024	Originating Department:	Administration
Agenda Item:	C.4	Prepared By:	Jay Stroebel, City Manager
Agenda Section:	Discussion Items/ General Action Items	Presented By:	Jay Stroebel, City Manager
Item:	January 27, 2024 City Council and Select Senior Staff Retreat Recap and Next Steps		

Summary:

The City Council as well as a few senior staff leaders held a facilitated retreat focused on team building and learning tools to enhance the work of the Council and senior staff. This agenda item will be focused on discussing the outcomes of the retreat, sharing the tools we were provided and discussing next steps.

Attachments: N/A