

Brooklyn Park Charter Commission Meeting Agenda
Wednesday, April 10, 2024, 7:00 p.m.
City Hall Room A203

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1. Call to Order/Roll Call
2. Public Comment
3. Additions/Approval of the Agenda of April 10, 2024
4. Approval of Minutes
 - 4.1** MARCH 13, 2024, REGULAR MEETING MINUTES
5. Old Business
 - 5.1 Charter Amendment to Section 4.03
 - 5.1A** REQUEST FOR COUNCIL ACTION, FEBRUARY 26, 2024, COUNCIL MEETING
 - 5.1B** MAYOR/CITY COUNCIL MEMBER APPLICATION AND APPOINTMENT POLICY
 - 5.1C** CITY CHARTER CHAPTER 2
 - 5.1D** BROOKLYN PARK CITY CODE 30.32, COUNCIL VACANCY APPLICATION AND APPOINTMENT PROCEDURE
 - 5.1E** BROOKLYN PARK PAST SPECIAL ELECTIONS
6. New Business
7. Reports of Officers, Boards, and Standing Committees
 - 7.1 Council Liaison Klonowski Update on Council Actions
8. Correspondence/Communications
9. Adjournment

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

City of Brooklyn Park
CHARTER COMMISSION Attachments

Agenda Item No.:	4.1	Meeting Date:	April 10, 2024
Prepared by:	Devin Montero	Presented By:	Dennis Secara, Chair

Attachments:

4.1 MARCH 13, 2024, REGULAR MEETING MINUTES

Brooklyn Park Charter Commission Meeting Minutes
Wednesday, March 13, 2024, 7:00 p.m.
City Hall Room A203

1. Call to Order/Roll Call

Present: Commissioners, Sunday Alabi, Barbara Bor, Adam Hunt, Dennis Secara, LaDawn Severin, Gregory Szach, David Williams; Council Liaison Nichole Klonowski.

Absent: Commissioners Scott Simmons (excused) Susan Mabera, Berniece Otieno, Amy Hanson

2. Public Comment – None.

3. Additions/Approval of the Agenda of March 13, 2024

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

4. Approval of Minutes

4.1 JANUARY10, 2024, REGULAR MEETING MINUTES

Motion Chair Secara, Second Commissioner Bor to approve the January 10, 2024, regular meeting minutes as submitted. Motion carried unanimously.

5. Old Business

5.1 Charter Amendment to Section 4.03

Chair Secara stated tonight the Commission would decide whether to take up the issue again and put amendment on the work plan. He stated everyone had a copy of the Council meeting minutes, the Mayor/Council Member Application and Appointment Policy and Chapter 2 of the City Charter related to Council vacancies.

He stated the proposed Charter amendment to Section 4.03 was rejected by the Council at the February 26, 2024, Council meeting and there were several questions, comments and the vote did not go as hoped for.

He stated at the first reading of the ordinance, there were 4 or 5 Council members present and no questions were asked by the Council.

Commissioner Bor stated the city attorney educated some of the Council Members in terms of changing or amending the proposed ordinance and said they were not in a position to change the ordinance, vote on ordinance and would have to go back to the Charter Commission.

She stated the Council was new and as they were having discussions suggested the Commission help educate them on what a Charter city was and was an opportunity to look at doing that.

She stated there were comments that were not made at the first reading and was always difficult when representation from the Council was not at the Commission meetings when they finalized the draft and did not get comments prior to the second reading. She stated she did her best to explain the high value of the group on the democratic process of wanting to have an election. She stated the Council was in favor of a ranked choice type of process, if they did have a primary that, if one of the candidates received 50% plus votes they would be accepted as the winner and not move on to

another election and there was a costs savings there. She stated the piece the Commissioners recommended was okay and the Commissioners were not okay with the set dates when a primary could occur, and how much time would lapse before that was going to happen. She did not want to see a position vacant like it was with Council Member Pha and was not sure how unbalanced that was by having that occur.

Chair Secara stated there was some discussions of having a temporary appointment at the time the Council vacancy was declared until the final election whether that was a winner take all primary or general election. He recalled the appointment discussions, and the Commissioners did not view them too favorably and got back to the argument about the democratic process. He saw the point the Council would like to have a full Council at all times to transact business. He stated there might be some concern the person appointed might be from outside that district and didn't sit well with a lot of the Commissioners. He stated the Commissioners agreed at the time, the person selected if there was an appointment should be from that district because the people best qualified to choose the person to represent them was the people being represented. He stated it sounded like that was the sticking point.

He stated there were two items before the Commissioners, did they want to take ordinance up again and put it back on the work plan or was that their final offer.

Commissioner Hunt asked if they could ask the Council what their recommendation was and propose the ordinance to the Commissioners.

Chair Secara stated the Council provided the input and the Charter Commission had to provide the amendment.

Commissioner Williams stated what he took from the meeting on the Council discussions of what they wanted to see, was moving back to an appointment until an election. He took it as the direction the Council wanted to go. He stated the Commissioners should take that into consideration as the Council represented the community and spoke with the voice of the community. He stated they should also look at it from Charter's standpoint and continued to say where they didn't need to do appointments the democratic process was always better because there were all kinds of issues that came up with the appointments.

Commissioner Severin stated in the draft Council meeting minutes, the Council wanted to go back to the original plan, which was the two year appointment. Right now, if it was under one year they could go ahead and do an appointment, but the Council wanted to extend it to two years and making the appointment until there was an election. She looked at the old dates they had if there was an election, and the biggest gap was 3 months between them and was not a big wait and didn't see the urgency in making the appointment for two years to get someone on the Council. She stated she didn't have an idea why it took 8 months for Susan Pha's situation, because there were all those potential dates to have the special election. She didn't see the eight month recurring problem that it would need to happen. She stated in the policy, if they did appointments, the Council had 45 days to vote to appoint someone from the applicants that came in and that was almost two months. If the Council couldn't agree, the mayor had 60 days to appoint someone. She stated if the appointment was almost taking two months, asked why there was such an urgency they wait three months for the next available date to have a special election. She stated what the Commissioners came up with and discussed was their offer.

Commissioner Alabi stated there was 45 days and 60 days and could not make a decision based on a single occurrence. He stated Susan Pha's position lasted 8 months and didn't know why. If it was historical the Commissioners could point out, if that was the way it had always been done and if that was the case maybe the Commissioners could modify it. He stated if the Council had a solution

in mind and then asked the Commissioners to do their job but didn't like what the Commissioners came up with and trying to push through what they wanted in the beginning, that was a problem he had.

Commissioner Williams stated for the last 10 or 15 years and didn't know if it was a cycle or indicative of what they were going to see in the future, they had a lot of special elections. The death of a mayor or Council member moving to another political position, and he was in favor of streamlining the process because there seemed to be a lot of vacancies on the Council and would like to minimize the time and use the democratic process.

Council Liaison Klonowski asked about the specific dates to hold special elections.

Staff Liaison Montero stated he would provide those dates and in addition to the special dates, there was the early voting period to consider when having special elections.

Council Liaison Klonowski stated her impression of the Council conversations was not trying to push the ordinance to what they original asked for. She stated it was more of the "what if", what if they ended up in an unusual circumstance where the appointment was longer than a year and didn't have any coverage on it. She stated it was more of trying to avoid the 8-month gap. She stated the Council had the ability to appoint if it was going to be an 8 month period and up to a year according to the Charter. She stated it would be one of the weird circumstances, that someone was not coming out to run or people run and then drop out. She stated it was more in the spirit of it was better to have a quorum and have two representatives from each district if they were appointed until an election. She stated the compromise was, yes, they could save time and city's financial resources by staying with the primary or the 50% plus vote, and several did. She stated the Council did not say that was what they wanted.

Commissioner Alabi stated the Council could say they didn't like the ordinance and go back to the drawing board and if the Commissioners gave the Council something the Council had in mind, guaranteed it would come back to the Commission again until they got to where everyone was happy.

Commissioner Bor stated Council Liaison Klonowski did say, the Commissioners missed the boat in her conversation and asked what boat she wanted to see.

Council Liaison Klonowski stated it might have been a little of what they had been talking about earlier, about the education piece. She stated she had the privilege of sitting in Commission meetings and listened to a lot of the conversations but when they were reading the ordinance and with the conversations, there was a lot left to interpretation. She stated it was complicated and when people were having the conversations, thought about the dates, the gaps, and the process. She didn't know about, if the Council didn't appoint, the mayor would appoint. She stated that was part of the boat, making sure everyone understood, because it was a very complex process and streamlining it made sense.

Chair Secara stated taking into account the 46 day early voting, declaration of vacancies and other items, his only concern was about an appointment and the person appointed, should they be from that district. He stated the Council should hold the primary at the earliest date allowed if there was to be a temporary appointment, and the person should be from that Council district.

Council Liaison Klonowski asked if that language was in the Charter regarding the Council districts if filling the position under a year they would be from the Council district.

Staff Liaison Montero stated in the appointment policy the Council had, the candidate application

and legal notices would state the Council district the candidate would be appointed from.

Commissioner Bor stated the Charter did not state that language specifically.

Commissioner Williams stated that someone could take an issue with it if the Charter didn't say that language.

Commissioner Bor stated it would be a qualifier when it got posted and asked where that was in the Charter.

Attorney Tolar stated that just because it was not in the Charter didn't mean that someone could just say it didn't count. She stated there was a lot of things in the Charter relating to policies, ordinance, or things of that nature especially if it was part of a well-established policy from the city that they should be from the district they lived in because that was already part of the policy and practices.

Commissioner Williams stated they could put that appointment in the Charter so there was no ambiguity, to say from that district and could put that whole deal to rest.

Chair Secara stated that would be a separate amendment to Section 2.06.

Staff liaison Montero stated that under Section 2.06, 3rd paragraph, said:

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

He stated the application and appointment policy was mentioned in the Charter and in the city code.

Chair Secara clarified that the temporary appointment, the appointee must be from the district in which the vacancy occurred. The discussion was whether or not that should be spelled out in the Charter and as the staff liaison pointed out, the appointment policy was stated in the city code and the process was referenced in Section 2.06 even though it was not spelled out in the Charter, it was referenced in the Charter.

Commissioner Williams stated that on the democratic process suggested another solution. They could go forward with one primary vote if someone got 50% plus one, its done. On that primary vote they could have a second and third choice and if it was Ranked Choice Voting (RCV) it was one process. He stated if there were three candidates, one got 20% and the other two got 40%, the second choices from the candidate who got 20% would be added to the other two candidates and go forward with that until a candidate got 50% plus one. He stated it was democratic and didn't cost anymore and was done in the smallest amount of time.

Chair Secara asked Council Liaison Klonowski if there were any feelings about RCV on the city Council.

Council Liaison Klonowski stated she was not speaking for the Council but sounded like in essence it would do some of what the Council had asked for. If there were 4 candidates and each got 10% or 20% no one had 50%. With the amendment, it would be someone who got 50% plus one to be a winner. What Commissioner Williams suggested, if they got 3 or 4 people running and was split up and someone had a higher number but not quite 50%, it would be like RCV and not moving it on to a general election.

Commissioner Williams stated it was one vote and not an appointment process.

Council Liaison Klonowski asked if they could legally do that method.

Commissioner Bor stated it was recognized in the state.

Commissioner Williams stated it couldn't be done if it was combined with a federal election and special elections were open. He stated there was no state requirement they couldn't use RCV and the requirement was now being looked at and in the near future that might change for the state too. He stated they couldn't do it unless they decided to do local elections on an off year where they didn't have state and federal elections. He stated a special election was open to do that kind of election and the 50% plus one couldn't be done on a federal election either. He stated they were half-way there, started the process and was up to the Commission. He just wanted to bring up the idea again as RCV seemed it would solve everyone's problem.

Commissioner Alabi believed it was a backend way of doing RCV and saying the Commissioners were agreeing to do that was a manipulation and did not agree. He stated the city had not agreed to RCV.

Commissioner Bor stated the component the Commissioners sent forward as a proposed amendment was looking at the percentages was accepted by the Council, liked it and did not recommend a further titration of that. She stated when talking about if it was in sink, with the state and federal where they were with elections that could even further delay a special election. She stated what she thought Commissioner Williams was proposing, they couldn't have them together.

Commissioner Williams stated if a special election was coming up during a normal election, they wouldn't have a special election and only have the normal election.

Chair Secara stated they were committed to the language they presented and the Commissioners had to somehow either tweak that or send a different amendment or amend a different section of the Charter. He stated that was what the Council had taken up, was that language and was not sure about the procedure, if they decided to amend the language that was presented. He asked how the Council would take that and if they would start from scratch again with a first and second reading for approval.

Attorney Tolar stated she would check on that. She stated the Council tabled the matter meaning they had essentially rejected it, which meant they would have to start over again.

Chair Secara asked if they had to have the exact same language on what was presented previously plus the addition they come up with or start with something new.

Attorney Tolar stated whatever the Commissioners presented would be new, even if they amended or modified the language or if they wanted to start again from scratch, which she didn't recommend.

Commissioner Bor stated they had to start over because it was not accepted. She stated it wasn't a tweak or an edit on a few words and the concept of not allowing for temporary or ward appointment was used and what timeline for that to be in place. She stated with the addition the Council said of two years thought the Commissioners had to start over. She stated it was unfortunate they didn't have the right discussion prior to sending it to the Council because it delayed it further.

Chair Secara stated they would still be amending Sections 4.03 and 2.06. He stated the city attorney sent him a reply that the language they submitted could be adjusted.

Attorney Tolar stated the language they submitted did not get to the vacancy part of it. She stated

Section 2.06 needed to be amended definitely because that talked about vacancies and Section 4.03 talked about the primary.

Chair Secara stated as he discussed on the phone with Commissioner Bor, on the logistics, they would have to reintroduce what they said in Section 4.03 as a separate amendment, have the Council approve it, then go back and introduce an amendment to Section 2.06 and have them approve it.

Staff Liaison Montero stated the amendments could be done at one time, have the public hearing and first reading for those two amendments followed by the second reading.

Commissioner Williams stated he hadn't heard a lot of talk about RCV principles and asked if that could be added as amendment to what they proposed. He stated no one had come forward as to why it didn't solve the problems and thought they should consider it.

Commissioner Hunt stated he heard from the community and the people that lived in the city and the people that worked around the city that was not something they were interested in. He thought they would not spend their time in a valuable place. He stated it sounded like they were creating a voting option. He thought if that was created by them in the city and if it had some elements that aligned to portions of RCV that they all agreed, he would be okay with that.

Chair Secara stated their proposal did address elements of RCV, the 50% plus one, but it did use the current voting methods and was a compromise between the two systems.

Motion Chair Secara, Seconded by Commissioner Alabi adding amending Section 2.06 to the Work Plan which was to address the Council vacancies. The motion carried unanimously.

Attorney Tolar clarified the motion was to add amending Section 2.06 to the work plan.

Council Member Klonowski asked the staff liaison if there was information about finding out the longest period of absence for an open seat. She asked if Susan Pha was the longest or were they worrying for nothing on the Council. She stated it would be good for them to have that information.

Chair Secara asked if they still needed to add Section 4.03 back to the work plan.

Commissioner Bor stated if they were putting it back on the work plan, the critical thing was in the communication with the Commissioners to move it along.

Commissioner Severin asked about the early voting for 46 days start and if they saw it a perpetual thing forever and ever now.

Staff Liaison Montero stated the 46 day early voting periods applied to the special elections too and were figured into the uniformed dates to have special elections.

Commissioner Severin asked why they had to have a primary and asked if they could have a special election without the primary election.

Chair Secara stated it went to the ranked choice principle they wanted a person to have a majority of support in the Council district. He stated that was the ranked choice principle they adopted and was an item that went back and forth, did they want a primary or did they need one.

Staff Liaison Montero stated there was special election in the East District without a special primary election and amended the Charter due to redistricting issues.

Commissioner Williams stated the only issue was the plurality and whoever got the most votes won.

Attorney Tolar stated it was also an option for the Commission to consider.

Commissioner Alabi asked why they could just have the plurality when they started the conversation it was about how to save money on all the special elections the city kept having. He asked if there was anything in the Charter that precluded them from just whoever had the most votes.

Commissioner Secara stated they had that discussion and it kept going back that they wanted 50% plus one unless there was consensus to change that now. He stated when they discussed it again they would discuss that and bring it up at the next meeting.

6. New Business

6.1 Selection of Representative to Brooklyn Park 2025.

Chair Secara briefed the Commissioners on the steering committee volunteer. He stated three Commissioners volunteered for it and the Commission needed to select someone. He stated he would give those that volunteered a few minutes to explain why they wanted to be selected to be on the steering committee and represent the Charter Commission and then take a vote.

Commissioner Alabi withdrew his name for consideration.

Commissioner Bor asked other Commissioners if they were interested to be considered. She stated Commissioner Simmons should be considered as they all knew he was a good spokesperson, well known within the city and ran for different offices and had served on the Council.

Staff Liaison Montero stated Commissioner Simmons also said to considered an alternate selected in case there was an absence.

Chair Secara asked Commissioner Bor if she would consider the alternate position and attend the meeting tomorrow.

Commissioner Bor stated she would go as the alternate. She stated she was on the Lino Lakes Long range Commission, Planning Commission and on the Environmental Board.

Motion Chair Secara, Second Commissioner Alabi, to appoint Commissioner Scott Simmons as the representative from the Charter Commission to the BP 2025 Steering Committee with Commissioner Barbara Bor as the alternate. Motion Passed unanimously.

7. Reports of Officers, Boards, and Standing Committee

Council Liaison Klonowski reported on:

- Legislative bills going through the Capitol for TIF districts.
- Getting money from the state to help the city invest in the biotech innovation areas to help bring in some jobs and opportunities for the community and some developments the city needed, like restaurants.
- BLRT

8. Correspondence/Communications

Chair Secara stated it was one their standing items to keep up with what other Charter cities were doing. He stated the Minneapolis Charter Commission was reviewing a proposal to allow its residents go through an initiative and referendum to pass laws. He stated there had been a few articles on it and one of those articles mentioned that Brooklyn Park had the initiative referendum in the Charter. He stated the people of Minneapolis wanted to amend their Charter to have the same provision and not sure where it was going. He thought it was before their Charter Commission or Council.

Staff Liaison Montero stated the March 14, Community Long-range Improvement Commission meeting would be at 7:00 pm at city hall, Room A203, the Commissioner's Orientation was on March 20, 2024, from 5:45 p.m. to 8:30 pm, and the amendment to Charter Section 7.07 would be effective March 19, 2024.

9. Adjournment

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

The meeting adjourned at 7:55 p.m.

Respectfully submitted,

Devin Montero,
Staff Liaison

City of Brooklyn Park

CHARTER COMMISSION Attachments

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

Attachments:

5.1A RFCA, FEBRUARY 26, 2024, COUNCIL MEETING

City of Brooklyn Park Request for Council Action

Agenda Item:	7.1	Meeting Date:	February 26, 2024
Agenda Section:	General Action Items	Originating Department:	Administration
Resolution:	N/A	Prepared By:	Devin Montero, City Clerk
Ordinance:	SECOND READING		
Attachments:	1	Presented By:	Dennis Secara, Charter Commission Chair
Item:	Second Reading of an Ordinance to Consider the Recommendation of the Brooklyn Park Charter Commission to amend Charter Chapter 4, Section 4.03 of the Home Rule City Charter		

City Manager's Proposed Action:

MOTION _____, SECOND _____, TO WAIVE THE READING AND ADOPT ON SECOND READING ORDINANCE #2024-_____ AMENDING CHARTER CHAPTER 4, SECTION 4.03, OF THE HOME RULE CITY CHARTER.

A unanimous vote is required by the council on this second reading of the ordinance.

Overview:

At the July 31, 2023 Council Work Session, the Mayor, and Council Members held discussions on council vacancies related to how long the seats were vacant, expense of special elections, and amending the city charter. Options discussed were, (1) appointment until the next election; (2) a candidate declared winner at a special primary with over 50% of the votes, if no winner, continue with the special election, and (3) using ranked choice voting for the special election. It was the consensus of the Council to forward the issue to the Charter Commission for a recommendation.

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

At the October 11, 2023, Charter Commission meeting, the Commissioners continued their discussions regarding the council vacancies with Kennedy and Graven Attorney Siobhan Tolar, and discussed the City Attorney's email regarding options that would reduce the amount of time that a vacancy occurred in the City Council. The commissioners discussed potential options: (1) appoint first and have a special election without a primary; (2) if a candidate receives 50% or more of the votes at a special primary, the candidate is declared the winner, and a special election is not required; or (3) appoint until the next regular election and eliminate the primary. The commissioners asked the City Attorney to provide amendment language to Section 4.03 based on those options to be discussed at the next meeting.

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

At the December 13, 2023, meeting, Attorney Tolar presented amendment language to Section 4.03 for review and discussion by the commissioners. After lengthy discussions, the commissioners edited the proposed amendment language relating to eligible voters.

The Commissioners voted on a motion and passed (5 to 1) to recommend to the City Council for approval, the attached ordinance amending Chapter 4, Section 4.03 of the City Charter.

The public hearing and first reading of the ordinance was held on February 12, 2024.

Primary Issues/Alternatives to Consider:

The following is a routine timetable:

January 8	Council set the public hearing
January 18	Public Hearing Notice and text of proposed ordinance is published
February 12	Public hearing and First Reading of Ordinance Held
February 26	Second Reading of Ordinance Held
March 7	Ordinance Published in Newspaper
June 5	Ordinance becomes effective (90 days after passage and publication)

Budgetary/Fiscal Issues: N/A

Attachments:

7.1A ORDINANCE

ORDINANCE #2024-

AN ORDINANCE AMENDING CHARTER CHAPTER 4, SECTION 4.03 OF THE
HOME RULE CITY CHARTER

~~Text with strikeouts is proposed for deletion.~~
Text with underline is proposed for insertion.

The City of Brooklyn Park does ordain:

Section 1. Chapter 4, Section 4.03 of the City Charter is amended to read as follows:

SECTION 4.03 PRIMARY MUNICIPAL ELECTIONS

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

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

City of Brooklyn Park
CHARTER COMMISSION Attachments

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

Attachments:

5.1B MAYOR/CITY COUNCIL MEMBER APPLICATION AND APPOINTMENT POLICY



MAYOR/CITY COUNCIL MEMBER APPLICATION AND APPOINTMENT POLICY

A. Purpose:

The purpose of this policy is to establish application and appointment procedures to appoint a Mayor or Council Member to fill a Council vacancy declared by the Council and there is less than 365 days remaining on the term as the result of the following:

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

B. Procedure:

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

If less than 365 days remain in the term, the Council may appoint an eligible person to fill the office for the balance of the unexpired term using the procedure. The candidate receiving a majority of votes of all members of the Council must be appointed to fill the vacancy. If no candidate receives a majority of votes, additional votes may be taken. If the Council fails to make an appointment within 45 days after the declaration, or if the Council votes three times on the appointment and fails to fill the vacancy, the Mayor must, within 60 days after declaration appoint an eligible person to fill the vacancy.

C. Public Notices

Upon declaration of the vacancy the city clerk will post notices in the local newspaper, city website, social media and at City Hall. (Example attached)

D. Application Process

Applications will be available online at www.brooklynpark.org and at Brooklyn Park City Hall, City Manager's Office, 5200 85th Avenue North, between 8:00 a.m. and 4:30 p.m. Contact the City Clerk at 763-493-8180 for further information. Applications are due no later than 4:30 p.m. on the date specified by the Council. Applications can be returned City Hall by mail, in person, or by email to bpcityclerk@brooklynpark.org.

E. Selection of Finalists

The City Council will review all applications. 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. After reviewing all candidate applications, the City Council will announce the finalists and the process for the interviews at a regular or special meeting.

F. Finalist Interviews

The City Council will interview finalists at a regular or special meeting to be held in the Council Chambers at City Hall.

G. Selection

Voting on the selection of a Council Member or Mayor will be scheduled at a regular or special meeting. (See attached selection Instructions.) The selected candidate will be sworn in at a regular or special meeting.

MAYOR/CITY COUNCIL SELECTION INSTRUCTIONS

The City Council will receive applications for Mayor or Council Member until the determined deadline. 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.

Council Member Vacancy

1. The City Council will review the applications and select at least two applicants for interviews.
2. The selected applicants will be interviewed by the City Council at a regular or special meeting.
3. After the interviews are completed, at the next Council meeting, a motion to appoint a Council Member shall be made as follows: "Motion to appoint _____ to serve the balance of the unexpired term of [DISTRICT] Council Member [NAME]."
4. If the motion fails, the Council has two more votes to appoint an applicant.
5. If a Council Member applicant is not appointed by the Council within 45 days, the Mayor must within 60 days of the declaration make the appointment from the applicants selected by the Council.
6. At a regular or special meeting the Mayor will state "I Mayor [NAME] appoint _____ to serve the balance of the unexpired term of [DISTRICT] Council Member [NAME]."
7. The applicant appointed will take their Oath of Office as soon as possible to begin their term on the City Council.

Mayor Vacancy

1. The City Council will review the applications and select at least two applicants for interviews.
2. The selected applicants will be interviewed by the City Council and Mayor Pro Tem at a regular or special meeting.
3. After the interviews are completed, at the next Council meeting, a motion to appoint a Mayor shall be made as follows: "Motion to appoint _____ to serve the balance of the unexpired term of Mayor [NAME]."
4. If the motion fails, the Council has two more votes to appoint an applicant.
5. If a Mayor applicant is not appointed by the Council within 45 days, the Mayor Pro Tem must within 60 days of the declaration make the appointment from the applicants selected by the Council.
6. At a regular or special meeting the Mayor Pro Tem will state: "I Mayor Pro Tem [NAME] appoint _____ to serve the balance of the unexpired term of Mayor [NAME]."
7. The applicant appointed will take their Oath of Office as soon as possible to begin their term on the City Council.

(Notice Example)

NOTICE OF COUNCIL VACANCY

NOTICE IS HEREBY GIVEN that the City of Brooklyn Park is accepting applications from Brooklyn Park residents interested in an appointment to fill the remaining term of a Mayor/Council seat. The term expires on [DATE].

The Council may appoint any individual who is eligible for election to the office of City Council. To be eligible, a person must be a U.S. citizen, a resident of the City and at least 21 years old.

Application forms are available at City Hall, 5200 85th Avenue North, Brooklyn Park, MN 55443, or by contacting the City Clerk at 763-493-8180, or via e-mail at bpcityclerk@brooklynpark.org.

Applications are due by 4:30 p.m. on [DATE]. Applications will be reviewed and interviews conducted with the City Council prior to the Council making an appointment to fill the position.

Devin Montero, City Clerk

To be published in the Sun Post on [DATE]

Other Suggested Postings:

- *Brooklyn Park City Hall*
- *Cable Access Channel*
- *City of Brooklyn Park website*
- *Twitter*
- *Facebook*
- *Minority Newspapers*

(Example Letter)

TO: Mayor/Council Member Applicants

RE: City Council Appointment

Thank you for your interest in being appointed to the Brooklyn Park City Council.

The position involves three regular Council meetings each month which are held on the first, second and fourth Mondays at 7:00 p.m. in the City Hall Council Chambers and an Economic Development Authority meeting which is held on the third Monday of each month at 7:00 p.m. at City Hall.

Special meetings may be called as the need arises. The Mayor/Council Member will be appointed to serve on other boards, committees, or task forces.

Enclosed is an application and questionnaire to be completed and returned to City Hall. The forms returned will be given to the Council for their review. The Council will then interview all interested applicants prior to their [DATE], City Council Meeting beginning at 7:00 p.m. in the City Hall Council Chambers.

If you have any further questions, please feel free to contact City Hall. The application and questionnaire should be returned to City Hall no later than [DATE], at 4:30 p.m.

Sincerely,

Jay Stroebel
City Manager

APPOINTMENT SCHEDULE:

[DATE], [TIME]	Deadline for Applications
[DATE], [TIME]	Council Reviews Applications and selects Finalist
[DATE], [TIME]	Council conducts interviews at a regular or special meeting
[DATE], [TIME]	Council makes the appointment to fill the remaining term at a regular or special meeting

(Example Application)

**CITY OF BROOKLYN PARK
5200 85TH AVENUE NORTH
BROOKLYN PARK, MN 55443**

APPLICATION FOR POSITION OF MAYOR/COUNCIL MEMBER

The City prohibits discrimination on the basis of race, color, creed, religion, national origin, sex, sexual orientation, marital status, status with regard to public assistance, membership, or activity in a local commission, disability, or age in all aspects of our personnel policies, practices, and operations.

The position involves three regular meetings each month, held on the first, second and fourth Mondays at 7:00 p.m. at City Hall, and an Economic Development Authority meeting on the third Monday of each month at 7:00 p.m. at City Hall. Special meetings are called as needed. A Council Member will be appointed to serve on other boards, committees, and task forces.

NAME: _____

HOME ADDRESS: _____ City _____ State _____

Email: _____ Home Phone: _____

Work Phone: _____ Cell Phone: _____

(Example Questions)

1. How long have you lived in Brooklyn Park?
2. What is your current occupation and where do you work?
3. Being part of the City Council requires attendance at nighttime meetings and functions. Does your work schedule allow you to attend those occasional meetings?
4. Briefly describe your involvement in the Brooklyn Park Community including the organizations to which you currently belong as well as organizations in which you've been active in the past.
5. What aspects of your current or past occupation(s) will help you as a Mayor/Council Member?
6. Have you ever participated as a citizen on any advisory committee? Explain your experience.
7. What do you think are the major issues currently facing the City?
8. Why does the appointment to this elective office interest you? Why should the City Council appoint you to this vacancy?

Qualifications for Office:

- I will be 21 years of age.
- I will have been a resident of the City of Brooklyn Park for 30 days prior to [Date/Month].
- I have not been convicted of a felony, or if convicted, I have had my civil rights restored.

I have read and understand the above qualifications of office and they are true. I also attest that the answers on this application are true and correct.

Signed: _____ Date: _____

City of Brooklyn Park
CHARTER COMMISSION Attachments

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

Attachments:

5.1C CITY CHARTER CHAPTER 2

CHAPTER 2

FORM OF GOVERNMENT

SECTION 2.01 FORM OF GOVERNMENT (Amended by Ordinance #2009-1098 Effect. 7/30/09)

The form of government established by this Charter is the Council-Manager plan. The Council shall exercise the legislative and executive power of the city and determine all matters of policy. The Council shall have complete control and be responsible for city administration, but shall exercise this control exclusively through the City Manager and the Council shall not attempt to perform any administrative work.

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.

SECTION 2.03 MAYOR AND COUNCIL MEMBERS: QUALIFICATIONS AND TERMS

(Amended by Ordinance #1975-208A Effect. 11/23/75; #1986-537A Effect. 11/28/86; #2009-1098 Effect. 7/30/09)

The Council shall be composed of a Mayor and six Council Members who shall be qualified voters, and shall hold no other elected office, nor any non-elective paid municipal office or employment for the city, and who shall qualify as provided in this Charter.

The Mayor and Council Members must reside within the boundary limits of the city. The Council Members must reside within the boundary limits of the district that they are elected to represent.

The Mayor shall be elected at-large. Each of the district Council Members shall be elected by the qualified voters of the district in which they reside. There shall be two Council Members elected from each district.

The Council Members shall be elected for a term of four years and shall serve until their successors are elected and qualified. There shall be one Council Member elected from each district each even numbered year. The Mayor shall be elected at-large every four years commencing in 1990.

The transition from two year terms for Council Members to four year terms shall be as follows:

Council Members who are elected at the regular election in 1986 shall have a term of two years and those three Council Member positions shall be on the ballot in November of 1988 for a term of four

years, and the new four term terms shall commence in January of 1989.

Council Members who are elected at the regular election in 1987 shall have a term of three years and those three Council Member positions shall be on the ballot in November of 1990 for a term of four years, and the new four year terms shall commence in January of 1991.

The transition from a three year term for the Mayor to a four year term shall be as follows:

The Mayor elected at the regular election to be held in November, 1987, shall serve a three year term; the Mayor elected at the regular election to be held in November, 1990, shall serve a four year term commencing in January of 1991. The Mayor's term from that date forward shall be for four years.

SECTION 2.04 DISTRICTS AND REDISTRICTING PROCEDURES (Amended by Ordinance #1971-33A Effect. 2/17/72; #1981-357A Effect. 7/2/81; #1982-388A Effect. 8/20/82; #1986-538A Effect. 12/1/86; #1992-691 Effect. 7/7/92; #1994-757 Effect. 9/5/94; #2000-941 Effect. 3/6/01; #2002-968 Effect. 9/10/02; #2003-993 Effect. 7/3/03; #2009-1098 Effect. 7/30/09; #2019-1244 Effect. 11/20/19.

The city shall be divided into three representative districts whereby population within the boundaries of each district shall be as near equal as practical in keeping with the one-person, one-vote concept.

The district boundaries of the city shall be evaluated biennially by the Charter Commission.

The City Manager shall issue a City Population Report by the first day of March of each odd-numbered year, to commence in 1973, that shall contain the current estimates of population per district, based on any and all of the following sources: (1) The United States Census, (2) Any special census, (3) Building permit records, and/or (4) Any other information available that will provide the most current population estimate per district.

If the Charter Commission determines that the population within each district is not as equal as practicable in keeping with the one person, one vote concept, as evidenced by the Biennial City Manager's Population Report, the Charter Commission shall provide a Redistricting Report to the City Council.

The Charter Commission shall submit this report to the Council within 45 days after the receipt of the Manager's City Population Report. This Redistricting Report, upon its release to the Council, shall be published in two consecutive issues of the official newspaper of the city and on the city's website. The Council shall consider the report of the Charter Commission and within 45 days of its receipt enact a redistricting ordinance which shall take effect 30 days after publication. If the Council does not enact by ordinance a plan for redistricting within the specified time, no further remuneration shall be paid to the Mayor or Council until the districts of the city are duly redetermined as required by this Charter.

The City Manager shall report to the Charter Commission recommended or required changes in district or precinct boundaries as a result of the U. S. Census or any court or legislative ordered redistricting or apportioning which affects districts or precinct boundaries. The Charter Commission and the City Council shall then proceed to redistrict pursuant to the afore described provisions of this section of the Charter and of any applicable State statutes.

No redistricting shall occur at any time by the City Council unless and until the Charter Commission

has the opportunity to provide a redistricting report to the City Council in accordance with this Section.

SECTION 2.05 INCOMPATIBLE OFFICES (Amended by Ordinance #2005-1037 Effect. 8/31/05)

No member of the Council shall be appointed City Manager, nor shall any member hold any non-elective paid municipal office or employment under the city except as otherwise permitted by state law; and until one year after the expiration of his/her term as Mayor or Council Member, no former member shall be appointed to any non-elective paid appointive office or employment under the city.

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

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

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

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

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

If less than 365 days remain in the term, the Council may appoint an eligible person to fill the office for the balance of the unexpired term using the procedure. The candidate receiving a majority of votes of all members of the Council must be appointed to fill the vacancy. If no candidate receives a majority of votes, additional votes may be taken. If the Council fails to make an appointment within 45 days after the declaration, or if the Council votes three times on the appointment and fails to fill the vacancy, the Mayor must, within 60 days after declaration

appoint an eligible person to fill the vacancy;

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

SECTION 2.07 THE MAYOR (Amended by Ordinance #1972-125A Effect. 12/20/72; #2009-1098 Effect. 7/30/09)

The Mayor shall be the presiding officer of the Council. The Council shall choose from its members a Mayor Pro-Tem who shall hold office at the will of the Council and shall serve as Mayor in case of the Mayor's disability or absence from the city, or in case of a vacancy in the office of Mayor until a qualified successor has been elected or appointed. The Mayor shall have a vote as a member of the Council. The Mayor shall exercise all powers and perform all duties conferred and imposed upon him/her by this Charter, the ordinances of the city, and the laws of the State. The Mayor shall be recognized as the official head of the city for all ceremonial purposes, by the courts for purpose of serving civil process and by the Governor for purposes of martial law.

SECTION 2.08 SALARIES (Amended by Ordinance #2009-1098 Effect. 7/30/09)

The Mayor and members of the Council shall receive such compensation for their services as may be prescribed by ordinance enacted by a simple majority vote of all the members of this Council. The City Manager and all subordinate officers and employees of the city shall receive such salaries or wages as may be fixed by the Council.

SECTION 2.09 INVESTIGATIONS AND AUDITS (Amended by Ordinance #1999-907 Effect 01/20/2000; #2009-1098 Effect. 7/30/09)

The Council shall have power to make investigations into the city's affairs, subpoena witnesses, administer oaths and compel the production of books, papers and other documentary evidence including electronic format. The Council shall provide for an audit of the city's accounts at least once a year by the Minnesota State Auditor or by a certified public accountant. The Council may at any time provide for an examination or audit of the accounts of any office or department of the city government and it may cause to be made any survey or research study of any subject of municipal concern.

SECTION 2.10 INTERFERENCE WITH ADMINISTRATION (Amended by Ordinance #2009-1098 Effect. 7/30/09)

Except for the purpose of inquiry in Section 2.09, the Council and its members shall deal with and control the administrative services solely through the City Manager, and neither the Council nor any member thereof shall give orders to any of the subordinates of the City Manager, either publicly or privately.

City of Brooklyn Park
CHARTER COMMISSION Attachments

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

Attachments:

5.1D BROOKLYN PARK CITY CODE 30.32, COUNCIL VACANCY APPLICATION AND APPOINTMENT PROCEDURE

('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)

City of Brooklyn Park

CHARTER COMMISSION Attachments

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

Attachments:

5.1E BROOKLYN PARK PAST SPECIAL ELECTIONS

BROOKLYN PARK SPECIAL ELECTIONS

Accept Resignation Date	Declare Vacancy Date	Call for Special Election Date	Special Primary Date	Special Election Date	Canvass Election Date	Recount Date	Certify Recount Date	Candidate Sworn in Date	Vacant Seat
West – K. Draeger February 5, 2001	February 5, 2001	February 5, 2001	No Primary Per Resolution	May 15, 2001	May 21, 2001	N/A	N/A	S. Draeger May 29, 2001	4 Months
Central-M. Trepanier June 11, 2001	June 11, 2001	June 11, 2001	No Primary per Resolution	September 20, 2001	September 24, 201	N/A	N/A	R. Haglund October 8, 2001	5 Months
East-T. Pistilli March 17, 2003	March 17, 2003	March 17, 2003	No Primary per Resolution	June 17, 2003	June 23, 2003	N/A	N/A	P. Schnellman July 14, 2003	5 Months
Mayor-S. Lampi (Died Feb. 26, 2011)	March 7, 2011	March 7, 2011	No Primary per Resolution	April 30, 2011	May 9, 2011	N/A	N/A	J. Lunde May 16, 2011	3 Months
West-J. Meyer (Died May 20, 2012)	May 21, 2012	May 29, 2012	No Primary per Resolution	August 14, 2012	August 17, 2012	August 21, 2012	August 27, 2012	B. Mata September 4, 2012	5 Months
West-J. Jordan Elected November 2012; Sworn in January 7, 2013; Resigned August 31, 2016	September 12, 2016	(Initiated the Appointment Process)	N/A	N/A	N/A	N/A	N/A	S. Pha -Elected November 8, 2016 -Appointed by Mayor on November 10, 2016	4 Months
Mayor-J. Lunde December 14, 2020	December 14, 2020	January 4, 2021	April 13, 2021	August 10, 2021	April 15, 2021 August 13, 2021	August 19, 2021	August 23, 2021	L. Jacobson August 30, 2021	9 Months
East-L. Jacobson Elected as Mayor, August 10, 2021	September 7, 2021	October 11, 2021	No Primary per Resolution; (Redistricting) Amended Charter	February 8, 2022	February 14, 2022	N/A	N/A	Xp Lee February 22, 2022	6 Months
West-S. Pha December 12, 2022	December 12, 2022	January 9, 2023	May 9, 2023	August 8, 2023	May 15, 2023 August 18, 2023	N/A	N/A	T. McGarvey August 28, 2023	9 Months

NOTE:

1. The absentee voting period was changed from 30 days to 46 days by the state legislature in 2010.
2. The requirement to hold special elections on uniform dates was passed by the state legislature in 2017.

SPECIAL ELECTIONS

Special elections are used to fill vacant offices or decide ballot questions; they can be scheduled at various times during the year, and may be held in conjunction with a regularly scheduled election.

The following statutes govern special elections:

- Federal, state and county offices: *Minnesota Statutes* [204D.17-204D.29](#)
- City and town offices and questions: *Minnesota Statutes* [205.10](#)
- School district offices and questions: *Minnesota Statutes* [205A.05](#)

Upcoming Special Elections

The Office of the Secretary of State has been notified of the following special elections. Contact the local jurisdiction for details about the vacant office or ballot question. Last updated March 6, 2024.

MARCH 19, 2024

- [Special Election House District 27B](#) (Vacancy)

APRIL 9, 2024

- Special Election City of Albert Lea (Question)
- Special Election City of Mounds View (Vacancy & Question)
- Special Election City of Stacy (Vacancy)
- School District Special Election ISD 508 - St. Peter (Question)
- School District Special Election ISD 581 - Edgerton (Question)
- School District Special Election ISD 914 - Ulen-Hitterdal (Question)
- School District Special Election ISD 2889 - Lake Park Audubon (Question)

APRIL 30, 2024

- Special Primary Hennepin County Commissioner District 6 (Vacancy)

MAY 14, 2024

- Special Election Hennepin County Commissioner District 6 (Vacancy)
- Special Election City of Slayton (Question)
- School District Special Election ISD 514 - Ellsworth (Question)

- School District Special Election ISD 578 - Pine City (Question)
- School District Special Election ISD 709 - Duluth (Question)
- School District Special Election ISD 2215 - Norman County East (Question)
- School District Special Election ISD 2448 - Martin County West (Question)

Special Election Dates

Most special elections may only be held on one of the following five dates:

- Second Tuesday in February
- Second Tuesday in April
- Second Tuesday in May
- Second Tuesday in August
- First Tuesday after the first Monday in November

2024 UNIFORM ELECTION DATES ▼

- February 13
- April 9
- May 14
- August 13
- November 5

2025 UNIFORM ELECTION DATES ▼

- February 11
- April 8
- May 13
- August 12
- November 4

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205.10 MS 1957 [Repealed, 1959 c 675 art 13 s 1]

205.10 MUNICIPAL SPECIAL ELECTIONS.

Subdivision 1. **Questions.** Special elections may be held in a city or town on a question on which the voters are authorized by law or charter to pass judgment. A special election may be ordered by the governing body of the municipality on its own motion or, on a question that has not been submitted to the voters in an election within the previous six months, upon a petition signed by a number of voters equal to 20 percent of the votes cast at the last municipal general election. A question is carried only with the majority in its favor required by law or charter. The election officials for a special election shall be the same as for the most recent municipal general election unless changed according to law. Otherwise special elections shall be conducted and the returns made in the manner provided for the municipal general election.

Subd. 2. **Vacancies in city offices.** Special elections shall be held in statutory cities to fill vacancies in elective city offices as provided in section 412.02, subdivision 2a.

Subd. 3. [Repealed, 2017 c 92 art 2 s 26]

Subd. 3a. **Uniform election dates.** (a) Except as allowed in paragraph (b) and subdivision 4, a special election held in a city or town must be held on one of the following dates: the second Tuesday in February, the second Tuesday in April, the second Tuesday in May, the second Tuesday in August, or the first Tuesday after the first Monday in November. A home rule charter city must not designate additional dates in its charter.

(b) A special election may be held on a date other than those designated in paragraph (a) if the special election is held in response to an emergency or disaster. "Emergency" means an unforeseen combination of circumstances that calls for immediate action to prevent a disaster from developing or occurring. "Disaster" means a situation that creates an actual or imminent serious threat to the health and safety of persons or a situation that has resulted or is likely to result in catastrophic loss to property or the environment.

Subd. 4. **Vacancies in town offices.** Special elections to fill vacancies in town offices as provided in section 367.03, subdivision 6, must be held with the town general election or on a date authorized by subdivision 3a.

Subd. 5. **Limit on ballot questions.** The governing body of a city or town may not act to submit a ballot question at a general or special election and may not accept a petition for submission of a ballot question at a general or special election unless all election-related deadlines can be met, including publication deadlines for all required notices. A petition rejected under this subdivision may be resubmitted at a time when compliance with all election-related deadlines is possible. Nothing in this subdivision requires the scheduling of a special election for a ballot question.

Subd. 6. **Cancellation.** A special election ordered by the governing body of the municipality on its own motion under subdivision 1 may be canceled by motion of the governing body, but not less than 74 days before the election.

History: 1959 c 675 art 6 s 10; 1976 c 2 s 74; 1976 c 44 s 6; 1981 c 29 art 7 s 38; 1981 c 172 s 1; 1983 c 62 s 4; 1993 c 375 art 7 s 7; 1994 c 646 s 8,9; 1997 c 147 s 42; 1999 c 75 s 1; 1999 c 132 s 31,32; 2003 c 75 s 1; 2008 c 244 art 1 s 15; 2013 c 131 art 2 s 54; 2016 c 161 art 1 s 14; 2017 c 92 art 2 s 10,11

SPECIAL ELECTIONS AND EARLY VOTING DATES

Early Voting Starts	Uniform Special Election Date	Early Voting Starts	Uniform Special Election Date	Early Voting Starts	Uniform Special Election Date	Early Voting Starts	Uniform Special Election Date	Early Voting Starts	Uniform Special Election Date
29-Dec-23	13-Feb-24	23-Feb-24	9-Apr-24	29-Mar-24	14-May-24	28-Jun-24	13-Aug-24	20-Sep-24	5-Nov-24

Items to Consider:

- 1. Date of resignation**
- 2. Filing Periods**
- 3. Canvass Dates**
- 4. Contest Dates**
- 5. Recounts**