

**Brooklyn Park Charter Commission Meeting Agenda**  
**Wednesday, February 12, 2025, 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 February 12, 2025
4. Approval of Minutes
  - 4.1A** DECEMBER 11, 2024, MEETING
  - 4.1B** JANUARY 8, 2025, MEETING
5. Old Business
  - 5.1 Charter Commission Officers for 2025
    - 5.1A** CHARTER COMMISSION OFFICERS FOR 2025
  - 5.2 Review of Charter Commission By-Laws
    - 5.2A** CHARTER COMMISSION BY-LAWS
6. Reports of Officers, Boards, and Standing Committees
7. New Business
  - 7.1 Review of Charter Commission 2024 Annual Report
    - 7.1A** CHARTER COMMISSION 2024 ANNUAL REPORT
8. Correspondence/Communications
  - 8.1 Council Liaison Update on Council Actions
  - 8.2 Question on Quorum Numbers
    - 8.2A** QUORUM NUMBERS
  - 8.3 Letter to Mayor Winston/City Manager Stroebel, RE: Council Liaison to the Charter Commission
    - 8.3A** LETTER TO MAYOR WINSTON/CITY MANAGER STROEBEL, RE: COUNCIL LIAISON TO THE CHARTER COMMISSION
  - 8.4 City of St. Paul amends Charter to Allow Administrative Fines for Code Enforcement
9. Adjournment

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

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

<b>Agenda Item No.:</b>	<b>4.1A</b>	<b>Meeting Date:</b>	February 12, 2025
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Dennis Secara, Chair

**Attachments:**

4.1A DECEMBER 1, 2024, REGULAR MEETING MINUTES

**Brooklyn Park Charter Commission Meeting Minutes**  
**Wednesday, December 11, 2024, 7:00 p.m.**  
**City Hall Room A203**

1. Call to Order/Roll Call

Present: Commissioners Barbara Bor, Peggy Larkin, Dennis Secara, LaDawn Severin, Shamara Freeman, Scott Simmons, and Gregory Szach.

Absent: Commissioners Sunday Alabi (excused), Amy Hanson (excused), Adam Hunt, Shamara Freeman, Susan Maberera and Council Liaison Nichole Klonowski.

Staff Present: Cindy Devonish, Community Experience and Engagement Manager, Jennifer Gooden, Deputy City Clerk, Jason Newby, Inspections & Environmental Health Manager

2. Public Comment – None.

3. Additions/Approval of the Agenda of December 11, 2024

Motion Chair Secara, Second Commissioner Larkin to approve the agenda as submitted. Motion carried unanimously.

4. Approval of Minutes

4.1 SEPTEMBER 11, 2024, REGULAR MEETING MINUTES

Commissioner Simmons had a minor correction to the meeting minutes.

**Motion Commissioner Secara, second Commissioner Severin to approve the September 11, 2024, regular meeting minutes as amended. The motion carried.**

5. Old Business – None.

6. New Business

6.1 Code Enforcement and Administrative Penalties in Brooklyn Park

Chair Secara presented a recent article from the Star Tribune regarding the Code Enforcement issues in the City of St. Paul.

6.2 Presentation on Code Enforcement in Brooklyn Park – Jason Newby, Inspections and Environmental Health Manager

Inspections and Environmental Health Manager Newby briefed the Commissioners regarding the Administrative Enforcement options within the city. He explained there were options such as penalties, administrative hearings, and special assessments. He reviewed the Environmental Health process on how complaints were handled and the proactive approach the department used for corrective inspections.

Mr. Newby reported the common nuisances and complaints handled with Environmental Health included garbage, long grass, junk and inoperable vehicles. He stated there was a fee schedule for the violations if they had not complied, however, since the system was created in 2015 to have

residents comply with the violation, there had been a 90% compliance rate.

Mr. Newby reported fines were still assessed as special assessments to property taxes, but most were for unpaid water bills. He said very few non-compliant fines were assessed and explained the process of appealing the fee before it was assessed.

Mr. Newby explained the program was created in 2015 and had been recognized nationally and locally. It was a system that had changed from enforcement driven to complaint driven. He stated prior to 2015, the city would drive by and notify residents by mail of the violation. With the new program, the city would knock on the door and help, it was more time for the correction or offer suggestions. He stated that door knocking, door hangers and brochures have been very beneficial and had shown improvement in compliance.

Mr. Newby reviewed with the Commissioners the City View program that was available to view. He stated it allowed residents to see the violation in an area, what inspections had taken place and what permits had been issued. He stated the mapping ability had helped tremendously.

Commissioner Larkin inquired about what problems were not being addressed. She inquired if there were certain areas that required an adjustment to fee amounts if a citation was issued.

Mr. Newby stated in nine years, no homes had been lost due to the program. He stated the fees were all the same for the neighborhoods in the city. He explained the options of appealing the fee during the time the payment was due. He stated there were very few abatements made by the city.

Commissioner Larkin inquired about the amount of unpaid water bills that were assessed to a property.

Mr. Newby reported he would have to get that information from the Utility Billing Department and could provide it later. He reminded the Commissioners the assessed fees were usually collected at the closing of the house when a house was sold.

Community Experience and Engagement Manager Devonish inquired about the process of when wages were garnished and what payment schedule was available to residents.

Mr. Newby stated he was not aware of any issues with wage garnishments and citations. He stated that specific question would be a finance department question.

7. Reports of Officers, Boards, and Standing Committee – None.

8. Correspondence/Communications

Commissioner Bor requested the attendance record for Council Liaison Klonowski be reviewed. She remarked that Council Liaison Klonowski had a low attendance presence at the Charter Commission meetings. Commissioner Bor recommended an alternative Council Member be present at the meetings if the appointed Council Liaison could not attend.

Chair Secara agreed that a second Council Member be present at the meeting.

Commissioner Simmons suggested the Charter Commission attend a work session with the City Council to review and explain the City Charter and how it worked.

Commissioner Simmons reported January 2025 would be his last Charter Commission meeting as he was moving.

Chair Secara reported the City Council rejected amendments to Sections 4.03 and 2.06. He reported he had attended the Council meetings and there were not enough votes to pass the amendments and there was an agreement amongst the Council members.

Commissioner Larkin inquired if the amendments could be brought back to the City Council for consideration. She felt if the Council Liaison or a Council Member was present for the Charter Commission meetings, there might be a better understanding of the proposed changes.

Chair Secara reported it was not currently on the agenda, but it was an item that could be added to the work plan in January.

#### 9. Adjournment

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

The meeting adjourned at 8:06 p.m.

Respectfully submitted,

Jennifer Gooden,  
Staff Liaison

**City of Brooklyn Park**

**CHARTER COMMISSION Attachments**

<b>Agenda Item No.:</b>	<b>4.1B</b>	<b>Meeting Date:</b>	February 12, 2025
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Dennis Secara, Chair

**Attachments:**

4.1B JANUARY 8, 2025, REGULAR MEETING MINUTES

**Brooklyn Park Charter Commission Meeting Minutes**  
**Wednesday, January 8, 2025, 7:00 p.m.**  
**City Hall Room A203**

1. Call to Order/Roll Call

Present: Commissioners Sunday Alabi, Barbara Bor, Shamara Freeman, Amy Hanson, Adam Hunt, Peggy Larkin, Dennis Secara, LaDawn Severin, Gregory Szach.

Absent: Commissioners Susan Maberera, Adam Hunt, Scott Simmons (excused) and Council Liaison Nichole Klonowski.

Staff Liaison Present: Jennifer Gooden, Deputy City Clerk

2. Public Comment – None.

3. Additions/Approval of the Agenda of January 8, 2025

**Motion Chair Secara, Second Commissioner Larkin to approve the agenda as submitted. The motion passed unanimously.**

3.1 Approval of December 11, 2024 Meeting Minutes

Chair Secara stated the December 11, 2024, minutes would be provided at the February meeting for approval.

4. Old Business – None.

5. New Business

5.1 Treasurer's Report

Secretary/Treasurer Hanson reported no expenses were accrued for the Charter Commission for calendar year 2024. The report was accepted unanimously by the Commission as submitted.

6. New Business

6.1 Election of Officers

Chair Secara stated the Chair, First Vice Chair, Second Vice Chair, and Secretary Treasurer positions to be filled. He stated it was the tradition the First Vice Chair to move up to be Chair, Second Vice Chair to move up to be First Vice Chair.

Chair Secara stated the positions served two-year terms. He asked for nominations for Secretary Treasurer. Hearing none, he asked if Commissioner Hanson would like to continue for a second term.

Commissioner Hanson stated she would fulfill the second year of her term.

Chair Secara asked for oppositions, hearing none, the nomination passed unanimously. Commissioner Hanson was selected as Secretary/Treasurer.

Chair Secara stated the Second Vice Chair position was the next position to be filled.

Commissioner Bor stated she was concerned with the spotty attendance of Commissioner Mabera.

Chair Secara asked for nominations. Commissioner Szach stated he would volunteer for the position.

Chair Secara asked for oppositions, hearing none. The nomination passed unanimously. Commissioner Szach was selected as Second Vice Chair.

Commissioner Bor stated she would not like to move to Chair of the Charter Commission and would like to complete the two-year term as First Vice Chair.

Chair Secara asked for oppositions, hearing none. The nomination passed unanimously. Commissioner Bor was selected as First Vice Chair.

Chair Secara reported he had fulfilled two terms as Chair. There were no nominations for Chair.

Commissioner Hunt inquired what changes needed to be made in the Charter to allow members to serve longer than the two-year term. He inquired how long the process would take.

Chair Secara stated the By-laws would need to reflect that change and they could be ratified at tonight's meeting.

**6.1 Motion Commissioner Hanson, Second Commissioner Alabi to table the Charter Commissioner Chair position until the ratification of the by-laws. The motion passed unanimously.**

Commissioner Hunt stated the officers should be allowed to serve more than two terms.

Commissioner Alabi stated he would approve extending two-year terms to three-year terms.

Chair Secara stated there were no limits on the number of terms a commissioner could serve, only the offices in which they could serve.

Commissioner Hanson suggested after serving a two-year term and if there was no others interested in running for the position, the officer should have the option to serve an additional term.

Commissioner Alabi stated if an officer expressed an interest in taking an officer position, they should have the opportunity to challenge the current officer.

**6.1 Motion Commissioner Hanson, second Commissioner Alabi to amend the By-laws, Section #11 Officers, Terms, Duties to read "Officers may not be elected to serve more than two full consecutive officer terms unless there are no other nominees." The motion passed unanimously.**

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| 11. <b>Officers, Terms, Duties:</b> The officers of the Commission shall be the chair, two vice-chairs and a secretary/treasurer. A recording secretary may be hired by the City of Brooklyn Park to take the minutes of all meetings. Officers terms are two years. Officers may not be elected to serve more than two full <u>consecutive</u> officer terms <i>unless there are no other nominees</i> . Officers shall be elected by a majority of the Commission at the regularly scheduled meeting on the second Wednesday of January of each odd numbered year, provided that a quorum of the Commission is present. |
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Chair Secara asked for nominations for the Chair position.

**6.1 Motion Commissioner Hanson, Second Commissioner Alabi to nominate Commissioner Secara as Chair of the Charter Commission serving a third term. The motion passed unanimously.**

6.2 Review of By-Laws

Chair Secara presented the Charter Commission By-laws and asked if there were any questions.

Commissioner Larkin inquired for clarification of the definition of the unexcused absence regarding four unexcused absences.

Commissioner Hunt inquired as to what qualified as an unexcused absence.

Commissioner Bor stated it had been discussed previously and if there was no notification prior to the meeting to the Chair, it was an unexcused absence.

Commissioner Hunt suggested the wording be changed to four scheduled meetings in a 12-month rolling calendar for unexcused absences.

Commissioner Alabi inquired as to when the attendance record would start.

Commissioner Hunt suggested it start at tonight's meeting.

**7b. Unexcused Absences.** When any member has failed to attend four ~~consecutive~~ scheduled meetings of the Commission without excuse in a rolling 12 month period, the Commission shall determine whether said member is still performing the duties of his/her office satisfactorily. However, the Commission shall give strong consideration to said member's failure to attend four ~~consecutive~~ scheduled meetings of the Commission. If at any time the Commission determines that the Commissioner has failed to attend four ~~consecutive~~ scheduled meetings of the Commission without excuse, the Chief Judge shall be notified of the Commissioner's failure to perform the duties. The District Court may thereupon make its order of removal and the Chief Judge shall fill the vacancy.

**6.2 Motion Commissioner Hunt, Second Hanson to amend By-laws Section 7b. Unexcused Absences. "When any member has failed to attend four scheduled meetings of the Commission without excuse in a rolling 12 month period, the commission shall determine whether said member is still performing the duties of his/her office satisfactorily." The motion passed unanimously.**

Commissioner Larkin inquired if the new amendment could be applied to Council Liaison for the Commission.

Chair Secara reported he sent a request to the mayor for a new Council Liaison be assigned to the Charter Commission. He stated he suggested a replacement Council Member be in attendance if the appointed Council Liaison could not attend the meeting.

Deputy City Clerk Gooden reported the correspondence was received and the Mayor did not make appointments to commissions at the last council meeting due to him not able to attend the meeting.

Commissioner Alabi stated the Charter Commission needed a dependable Council Member appointed to the Commission.

Commissioner Larkin reminded the commissioners the Council Members took an oath they swore to uphold the Constitution and the City Charter. She stated a replacement council member should be sent when the assigned council member could not attend.

Commissioner Hanson suggested the Council Liaison send a report of what Council Members were working on or items of interest at the council meetings if they were not able to attend the Charter Commission meetings.

Commissioner Bor stated the Commissioners needed to be more verbal with the mayor regarding attendance of the assigned Council Liaison.

Commissioner Alabi inquired of the quorum requirements by law. He inquired as to what the determining number was for a quorum.

**From the By-Laws:**  
**#2. Quorum:** No meeting shall be convened, and no official action taken by the Commission if less than a majority of the duly appointed members of the Commission then serving are present.

Chair Secara explained that a quorum of six members was needed if 11 members were appointed to hold a meeting to make decisions or vote on matters. He stated a quorum was 2/3 of its members present.

Commissioner Bor stated there was no set value in the number people present at the meeting. She inquired whether a quorum would be considered two thirds of the members or the majority of the members depending on the number appointed at the time.

Commissioner Hanson stated it was the majority of the appointed members.

6.3 Charter Commission 2025 Meeting Dates

Chair Secara briefed the Commissioners on the 2025 meeting schedule. He stated the Commissioners normally voted on taking the summer off. He stated there were not many items on the Work Plan to plan on attending the meetings but there might be an occasion when a meeting would be canceled due to lack of agenda items.

6.4 Review Charter Commission Work Plan

Chair Secara briefed the Commissioners on the Work Plan and reminded them of changes that could be brought up at any time to the Work Plan. He reported Section 4.03, Primary Municipal Elections item could still be reviewed and presented to the City Council again. He stated a work session with the City Council might be the best option to present it again and receive feedback from the Council. He stated if there was no interest from the Council in pursuing the changes, then the item would be removed from the Work Plan.

The consensus of the Commission was to leave Section 2.06, Council Vacancies, on the Work Plan as they felt it needed more discussion.

Commissioner Bor requested the date be changed on the Work Plan to reflect 2025.

**6.4 Motion Chair Secara, Second Commissioner Alabi, to accept the Work Plan as amended.**

**The motion passed unanimously.**

7. Correspondence/Communications

7.1 Council Liaison Update on Council Actions – None.

Chair Secara reported Commissioner Hunt would be leaving the Commission due to moving out of Brooklyn Park.

Commissioner Hunt reported he appreciated all what the Commission did and would stay tied to the Brooklyn Park community.

Chair Secara reported that Commissioner Simmons would also be leaving the Commission due to moving out of the city.

8. Adjournment

**Motion Chair Secara, second by Commissioner Larkin to adjourn the meeting. The motion carried unanimously.**

The meeting adjourned at 8:07 p.m.

Respectfully submitted,

Jennifer Gooden,  
Staff Liaison

**City of Brooklyn Park**

**CHARTER COMMISSION Attachments**

<b>Agenda Item No.:</b>	<b>5.1A</b>	<b>Meeting Date:</b>	February 12, 2025
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Dennis Secara, Chair

**Attachments:**

5.1A CHARTER COMMISSION OFFICERS FOR 2025

**CHARTER COMMISSION OFFICERS  
As of January 8, 2025**

**CHARTER COMMISSION CHAIR.....Dennis Secara**  
**FIRST VICE CHAIR.....Barbara Bor**  
**SECOND VICE CHAIR.....Gregory Szach**  
**SECRETARY/TREASURER.....Amy Hanson**

**Notes:**

1. *Commissioner Hanson was selected as Secretary/Treasurer on February 8, 2023. She was nominated for Secretary/Treasurer on January 8, 2025, and Commissioner Hanson accepted the officer position.*
2. *Commissioner Szach was nominated for First Vice Chair on January 8, 2025, and Commissioner Szach accepted the officer position.*
- \*3. *Commissioner Bor was selected as Vice Chair on January 13, 2021, and February 8, 2023. She was nominated to serve again on January 8, 2025. Commissioner Bor accepted the officer position.*
- \*4. *Commissioner Secara was selected as Chair on January 13, 2021, and January 11, 2023. He was nominated to serve again on January 8, 2025. Commissioner Secara accepted the officers position.*

**Current Charter Commission By-Laws (amended January 8, 2025):**

11. **Officers, Terms, Duties:** The officers of the Commission shall be the chair, two vice-chairs and a secretary/treasurer. A recording secretary may be hired by the City of Brooklyn Park to take the minutes of all meetings. Officers terms are two years. Officers may not be elected to serve more than two full consecutive officer terms unless there are no other nominees. Officers shall be elected by a majority of the Commission at the regularly scheduled meeting on the second Wednesday of January of each odd numbered year, provided that a quorum of the Commission is present. Notice of the convening of the meeting of the election of officers shall be sent to each member of the Commission at least three days prior to said meeting. The officers shall serve until their successors have been duly elected. The Chair shall preside at all Commission meetings and shall be empowered to call a special meeting upon complying with the notice requirements herein before set forth. The vice-chair shall exercise all of the powers of the Chair in the absence or disability of the Chair. The secretary/treasurer shall keep the minutes of all Commission meetings and ensure the same are preserved in the official records maintained and preserved by the Commission.

**City of Brooklyn Park**

**CHARTER COMMISSION Attachments**

<b>Agenda Item No.:</b>	<b>5.2A</b>	<b>Meeting Date:</b>	February 12, 2025
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Dennis Secara, Chair

**Attachments:**

5.2A CHARTER COMMISSION BY-LAWS

# BROOKLYN PARK CHARTER COMMISSION BY-LAWS

1. **Meetings:** Regular meetings of the Charter Commission shall be convened on the second Wednesday of each month at 7:00 p.m. at the City Hall. Special meetings shall be held at the call of the Chair of the Commission. Members of the Commission shall have a minimum of a three-day notice prior to the call of any Charter Commission meeting. The Charter Commission is required to have at least one meeting per (calendar) year.
2. **Quorum:** No meeting shall be convened, and no official action taken by the Commission if less than a majority of the duly appointed members of the Commission then serving are present.
3. **Conduct of Meetings:** The most recent version of “Robert’s Rules of Order” shall govern the proceedings of the Brooklyn Park Charter Commission.
4. **Notice of Meetings:** Regular meetings shall adjourn to a time and place certain. If a regular meeting is not adjourned to a time and place certain, the recording secretary of the Commission shall notify all members of the Commission by mail and or email as to the date and place where the meeting will reconvene and said written notice shall be sent at least three days before said meeting.
5. **Telephone or Email Notice:** A notice reminding Commission members of a regular meeting is for the convenience of the membership only and failure of a member to receive notice shall not be a valid excuse for an absence from the meeting.
6. **Statutory Meetings:** Notwithstanding any provision of these bylaws to the contrary, the Charter Commission shall be convened upon presentation of a petition signed by at least ten percent of the voters of the city as shown by the returns of the last General municipal election. The Charter Commission shall also convene upon an approved resolution by the City Council.
- 7a. **Removal:** Any member of the Commission may be removed at any time from office by written order of the Hennepin District Court, the reason for such removal being stated in the order.
- 7b. **Unexcused Absences.** When any member has failed to attend four scheduled meetings of the Commission without excuse in a rolling 12 month period, the Commission shall determine whether said member is still performing the duties of his/her office satisfactorily. However, the Commission shall give strong consideration to said member’s failure to attend four scheduled meetings of the Commission. If at any time the Commission determines that the Commissioner has failed to attend four scheduled meetings of the Commission without excuse, the Chief Judge shall be notified of the Commissioner’s failure to perform the duties. The District Court may thereupon make its order of removal and the Chief Judge shall fill the vacancy.

This section shall not be interpreted to imply automatic removal upon meeting a threshold listed above. The Commission shall retain the right to consider any special circumstances a member may wish to present.

- 7c. **Failure to Perform the Duties:** If at any time the Commission determines that a

Commissioner has failed to perform the duties of his/her office, the Chief Judge shall be notified. The District Court shall thereupon make its order of removal, and the Chief Judge shall fill the vacancy.

- 8a. **Reporting Requirements:** The Commission's Chair shall prepare a draft annual report and present it to the Commission at its first meeting in January for approval by the Commission. The Commission's Chair shall submit to the Chief Judge of the Hennepin District Court on or before February 1 of each year an annual report outlining its activities and accomplishments for the preceding year. The Commission Chair shall forward a copy of the report to the Clerk of the City of Brooklyn Park. The secretary/treasurer shall obtain an annual expense report from the City and present it to the Commission at their first meeting in January. The report shall be entered into the minutes.
- 8b. **Legislative Update:** Within 60 days of the conclusion of any legislative session, the Commission shall contact the City Attorney to receive a written update on legislative changes that may have been imposed by the Legislature that affect the City Charter.
9. **Commission Year:** A Commission year will commence January 1 and terminate December 31 of each calendar year.
10. **Members Term:** Terms of Commission members are for four years, with appointments on June 1 of an even numbered year. Terms are staggered with six members being appointed to serve four years and five members being appointed two years later to serve four years.
11. **Officers, Terms, Duties:** The officers of the Commission shall be the chair, two vice-chairs and a secretary/treasurer. A recording secretary may be hired by the City of Brooklyn Park to take the minutes of all meetings. Officers terms are two years. Officers may not be elected to serve more than two full consecutive officer terms unless there are no other nominees. Officers shall be elected by a majority of the Commission at the regularly scheduled meeting on the second Wednesday of January of each odd numbered year, provided that a quorum of the Commission is present. Notice of the convening of the meeting of the election of officers shall be sent to each member of the Commission at least three days prior to said meeting. The officers shall serve until their successors have been duly elected. The Chair shall preside at all Commission meetings and shall be empowered to call a special meeting upon complying with the notice requirements herein before set forth. The vice-chair shall exercise all of the powers of the Chair in the absence or disability of the Chair. The secretary/treasurer shall keep the minutes of all Commission meetings and ensure the same are preserved in the official records maintained and preserved by the Commission. The recording secretary shall also be charged with the responsibility of giving notice of the convening of any special meeting of the Commission.
12. **Officer Vacancy:** If an officer of the Commission shall resign or be unable to perform the duties of his/her office, the Commission shall be empowered to fill said vacancy at a regularly scheduled meeting of the Commission by majority vote of the members present so long as a quorum is present. An officer elected to complete an unexpired term may be subsequently elected to a full two-year term in that office.
13. **Committees:** The Chair shall designate and appoint any committee he/she feels is necessary to conduct the business of the Commission. The membership of the committee shall be made up of members of the Commission only, and the Chair may designate one

of the committee members to serve as Chair. A committee so designated shall report its recommendations to the Charter Commission, which has the power to either accept, reject, or modify said recommendations.

The Commission may appoint a subcommittee and or task force(s) as it deems necessary to facilitate investigations and research for the Commission. These members serve in an advisory capacity only to the Commission. Subcommittees and or task force(s) shall not contain a quorum of the Commission.]

14. **Attendance:** Members of the Commission are expected to faithfully participate in the meetings or other activities of the Commission to which they have been appointed. A Commission member shall notify his/her staff liaison, Commission chair, or designated officer if he/she is unable to attend a Commission meeting.
15. **Order of business.** The order of business shall be as follows:
  - Call to Order/Roll Call
  - Public Comment
  - Additions/Approval of the Agenda
  - Approval of Minutes
  - Old Business
  - Reports of Officers, Boards, and Standing Committees
  - New Business
  - Correspondence/Communications
  - Adjournment
16. **City Charter Amendment Process.** The Charter Commission shall give equal weight and appropriate consideration to all proposed amendments to the City's Charter.
  - 16a. *Proposals originating from either the city council, or residents must come to the Commission through the city clerk.*
  - 16b. *Proposals originating from within the Commission shall be considered received by the city clerk.*
  - 16c. *If Commissioners determine that an issue is not Charter related, the issue shall be returned to its' originator with an explanation of the Commission's decision. Issues that Commissioners determine to be Charter related, may be added to the Commission's work plan.*

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

<b>Agenda Item No.:</b>	<b>7.1A</b>	<b>Meeting Date:</b>	February 12, 2025
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Dennis Secara, Chair

**Attachments:**

7.1A CHARTER COMMISSION 2024 ANNUAL REPORT

# BROOKLYN PARK CHARTER COMMISSION

## 2024 Annual Report

### MEETINGS

- The Charter Commission held monthly meetings in **January 10, March 13, April 10, June 12, September 11, and December 11**. The **February 14, July 10, August 14, October 9** and **November 13** meetings were canceled. On **May 8**, a quorum was not present.

### CHARTER ACTION ITEMS IN 2024

#### *City Charter Section 4.03, Primary Municipal Elections and Section 2.06, Council Vacancies*

At the December 13, 2023, meeting, Commissioners discussed amendment language presented by Attorney Tolar to Section 4.03 for discussion. After lengthy discussions, the Commissioners edited the proposed amendment language relating to eligible voters. The Commissioners voted and passed a recommended amendment to the City Council for approval, to Chapter 4, Section 4.03 of the City Charter. The public hearing and first reading of the ordinance was held on February 12, 2024.

At the **February 26, 2024**, City Council meeting, the second reading of the amendment to Chapter 4, Section 4.03 failed due to questions and concerns by the Council related to the appointment process, and appointing a qualified person until a special election was held.

At the **March 13, 2024**, Charter Commission meeting, the Commissioners discussed the failed ordinance amendment to Chapter 4, Section 4.03 and the questions and concerns by the Council. It was the consensus of the Commissioners to take up the amendment issue again to Section 4.03 and put it on the work plan for a future meeting. Discussions were held on other options; ranked choice voting, a candidate receiving 50% plus votes at the Primary would be accepted as the winner, the state mandated special election dates, and the appointment process.

Other discussions were held on Section 4.03 and presenting the amendment without changes to the council again, along with Section 2.06 addressing the Council vacancies and how long a council seat was vacant. It was the consensus of the Commissioners to add Section 4.03 and 2.06 to the work plan.

At the **April 10, 2024**, Charter Commission meeting, Commissioners held discussions on Section 4.03, related to the special elections, gaps in the vacant seats and not having a special primary. It was noted for the special primary election in the West District, had the 50% plus rule been in effect, Council Member McGarvey would have been declared the winner and the special election in August would not be held. Other discussions were held on not receiving recommendations from the Council on what they liked or didn't like, educating the Council on special elections from the city charter. The Commissioners voted to table the discussion on Section 4.03. The Commissioners also voted and passed to attend a Council work session and educate the council on special elections, the process, mandated dates, and the timing to hold special elections using the special elections chart.

At the **June 12, 2024**, Charter Commission meeting, the Commissioners held discussions on the

May 8, 2024, Council Work Session. The Chair and a few Commissioners were in attendance and provided information about the city charter, the process for amending the charter, the history of special elections and when primaries were held.

Discussions were held on Section 4.03 on why it failed, and the consensus of the Commissioners was to resubmit Section 4.03 in its same form as presented in February to the Council and possibly submit the amendment to Section 2.06.

Discussions were held on Section 2.06, the previous special elections where the vacancy was declared and ordered a special election at the same council meeting.

Chair Secara presented to the Commissioners the proposed amendment to Section 2.06 relating to the special elections.

**Current Language from the City Charter, Chapter 2, Section 2.06:**

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.

**Proposed Language to Chapter 2, Section 2.06:**

If more than 365 days remain in the unexpired term, a special municipal election must within 45 days of the declaration date be ordered to fill the vacancy for the balance of the unexpired term. Upon declaring the vacancy, the council must appoint a qualified person to fill the vacancy until a special election for the vacancy has been concluded. 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.

Discussions were held on the 45 days being effective and when the 365 days were started, concerns with the special election dates mandated by state election law, the timeline for a special election including the time and place, notices in the newspaper and notice of the special election on the city's website.

A suggestion was made to remove the sentence related to the appointment and let the special election run its course.

**~~“Upon declaring the vacancy, the council must appoint a qualified person to fill the vacancy until a special election for the vacancy has been concluded.”~~**

Additional revisions were suggested to the sentence to read:

**“A special election must be ordered to fill the vacancy for the balance of the unexpired term.”**

Other discussions were held on keeping the 45 days in the language because it put a time limit on the council and holding the council accountable, the two week filing period according to state law, if the council had the authority to appoint a qualified person to fill the vacancy until the special election; the Commissioners not being in favor of the appointment and conflicting language in the Charter, “filings may close no sooner than 7 days after the election is ordered.”

Additional revisions were suggested:

**“If more than 365 days remain in the unexpired term, a special municipal election must within 45 days of the declaration date be ordered to fill the vacancy for the balance of the unexpired term.”**

**Revised Proposed Language to Section 2.06:**

If more than 365 days remain in the unexpired term, a special municipal election must within 45 days of the declaration date be ordered to fill the vacancy for the balance of the unexpired term. ~~Upon declaring the vacancy, the council must appoint a qualified person to fill the vacancy until a special election for the vacancy has been concluded.~~ The council shall set times for candidates to file for such office, however, filings may close no sooner than (7)/(15) 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.

Other discussions were held about the consensus of the council to shorten the period from declaring the vacancy to being sworn in. The Commissioners decided to skip the primary and do the winner take all related to the 50% plus one process. The Commissioners also reviewed the ordinance amendment to Section 4.03.

The Commissioners voted and passed unanimously to resubmit the amendment to Section 4.03 as presented to the Council in February.

**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.

Commissioners held additional discussions on the language to Section 2.06 and proposed an

amendment to add “and call for a special election” at the end of the first sentence:

***“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 and call for a special election.”***

A motion and second was made to amend Section 2.06 to add, “and call for a special election” at the end of the first sentence.

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 and call for a special election. 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.

Discussions were held on the timing of the resignation, when the special elections occurred and getting an opinion from the city attorney. The Commissioners voted and unanimously passed to table the proposed amendment until the Commissioners received an opinion from the city attorney related to the amendments to Section 2.06.

The Commissioners also voted and passed unanimously to table submitting Section 4.03 to the Council until September for further discussions.

At the **September 11, 2024**, Charter Commission meeting, Commissioners discussed the amendments to Section 2.06 and 4.03. Chair Secara stated the amendment to Section 4.03 was already voted on at the last meeting to send the amendment to the Council and tonight would be discussing the amendment to Section 2.06.

Discussion was held on Chair Secara’s meeting with City Attorney Thomson, Attorney Tobar and the City Clerk and discussed the Commissioners proposed amendment to Section 2.06. The city attorney determined there was no legal issue with any of the language the Commissioner’s proposed. The attorney stated the Commissioners were asking the council to call for the special election simultaneously when declaring a vacancy. The Charter said the council had within 45 days of the vacancy date to call for a special election and with the proposed amendment, was saving 45 days in a vacancy.

Chair Secara and Commissioners reviewed the proposed amendment to Section 2.06:

**Proposed Language to Section 2.06:**

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 and call for a special election if one is required. 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 365 days or more remain in the term, the council must upon declaring a vacancy within 45 days of the declaration date order a special 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)/(15) 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.
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Discussions were held on the filing dates as noted by the attorney at the last meeting to be 15 days per state law.

The Commissioners voted on the proposed amendments to Sections 2.06 and 4.03 and passed unanimously to send the recommended amendments to the Council.

Staff Liaison Montero gave the timeline of the amendments presented to the council.

September 23	Council set the public hearing
October 3	Public Hearing Notice and text of proposed ordinance is published
October 14	Public hearing and First Reading of Ordinance Held
October 28	Second Reading of Ordinance Held
November 7	Ordinance Published in Newspaper
February 5, 2025	Ordinance becomes effective (90 days after passage and publication)

At the **October 14, 2024**, Council meeting, the public hearing and first reading of the ordinance amendments were held. Chair Secara presented the amendments, and the Council voted and approved the first reading of the amendments.

At the **October 28, 2024**, Council meeting, the second reading of the ordinance amendments were held. Chair Secara presented the amendments to the Council. The Council members held discussion related to appointments under 2 years, if the residents had an opportunity to weigh in on the amendments, residents should be voting on the candidates, if the sections applied to the mayor, the amendments were related to special elections, a candidate achieving 50% plus vote, being declared the winner. The vote by the Council was to 5 to 2 and the amendments failed.

## **CHARTER PROVISIONS AND ISSUES DISCUSSED IN 2024**

### ***Authority to Change Candidate Filing Dates***

Commissioners discussed whether municipalities had the authority to shorten the candidate filing period for special elections.

Attorney Tolar reviewed state law, Attorney General's Office opinion and State Statute Chapter 205, Election Law. She stated state election law would govern and not MN Statute 410.21.

### ***Code Enforcement and Administrative Penalties in the City***

At the December 11, 2024, meeting, Commissioners held discussions on the code enforcement and administrative penalties in the city.

Inspections and Environmental Health Manager Jason Newby gave a presentation regarding the administrative enforcement options within the city. The options were penalties, administrative hearings, and special assessments. He briefed on the environmental health process on how complaints were handled and the proactive approach the department used for

corrective inspections. He presented the City View program that allowed residents to see the violations in an area, what inspections had taken place and permits that had been issued.

Discussions were held on problems not being addressed, certain areas that required an adjustment to fee amounts if a citation was issued, amount of unpaid water bills that were assessed to a property, and when wages were garnished, what payment schedule was available to residents.

Mr. Newby stated no homes had been lost due to the program. He stated the fees were all the same for the neighborhoods in the city, explained the options for appealing the fee, and stated there were very few abatements done by the city.

He stated information on unpaid water bills would come from the utility billing department. He stated the assessed fees were collected at the closing of the house when it was sold.

Mr. Newby stated he was not aware of any issues with wage garnishments and citations and could be answered by the Finance Department.

### **OTHER**

- At the **February 12, 2024**, City Council meeting, Chair Dennis Secara gave the Annual Verbal Charter Commission report.
- The Annual Commission Joint Goal Setting meeting with the City Council was held on **August 5, 2024**.

Respectfully submitted,

Dennis Secara, Chair  
Brooklyn Park Charter Commission

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

Devin Montero, City Clerk  
Chief Judge Kerry Meyer  
Charter Commission Members

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

<b>Agenda Item No.:</b>	<b>8.2A</b>	<b>Meeting Date:</b>	February 12, 2025
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Dennis Secara, Chair

**Attachments:**

8.2A QUESTION ON QUORUM NUMBERS

## **BROOKLYN PARK CHARTER COMMISSION BY-LAWS ON A QUORUM**

- 2. Quorum:** No meeting shall be convened, and no official action taken by the Commission if less than a majority of the duly appointed members of the Commission then serving are present.

11 members – 6 members are needed for a quorum to conduct a meeting.

### **What if there are vacancies?**

10 members (one vacancy) – 6 members are needed for a quorum to conduct a meeting.

9 members (two vacancies) – 5 members are needed for a quorum to conduct a meeting.

8 members (three vacancies) – 5 members are needed for a quorum to conduct a meeting.

**City of Brooklyn Park**

**CHARTER COMMISSION Attachments**

<b>Agenda Item No.:</b>	<b>8.3A</b>	<b>Meeting Date:</b>	February 12, 2025
<b>Prepared by:</b>	Devin Montero	<b>Presented By:</b>	Dennis Secara, Chair

**Attachments:**

8.3A LETTER TO MAYOR WINSTON/CITY MANAGER STROEBEL, RE: COUNCIL LIAISON TO THE CHARTER COMMISSION

**Brooklyn  
Park  
Administration**

City of Brooklyn Park  
City Hall  
5200 85th Ave. N.  
Brooklyn Park, MN 55443  
763-424-8000  
[www.brooklynpark.org](http://www.brooklynpark.org)

To: Mayor Hollies Winston  
City Manager Jay Stroebel

From: Dennis Secara, Chair, Brooklyn Park Charter Commission

Date: January 9, 2025

Subject: Council Liaison to the Charter Commission

On Monday, January 13, 2025, Mayor Winston will be appointing Council Liaisons to various Commissions/Committees.

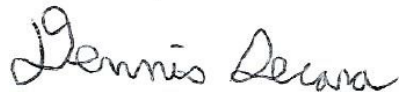
The Commissioners respectfully request the appointment of an alternate Council Liaison to the Charter Commission.

Last year, the Commissioners held discussions on amending the Charter related to special elections, and the Council Liaison was not in attendance. The Commissioners believe it is crucial to have a Council Liaison present for critical discussions and to report back to the Council on the Commission's discussions. This allows the Council to be aware of, and possible offer questions or concerns, when crafting ordinance amendments.

Having an alternate Council Liaison attend the meetings would be valuable to both the Commissioners and the Council, especially when discussing amendments to the City Charter.

Additionally, having a Council Liaison present is valuable for providing updates on council actions that have taken place on Monday before the Commission meeting.

Sincerely,



Dennis Secara, Chair  
Brooklyn Park Charter Commission

cc: Charter Commission Members  
City Attorney