

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 the Commissioners would decide whether to take up the issue again and put the amendment on the work plan. 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 but a question for clarification by Council Member Klonowski, acting as the Council Chair.

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

She stated the Council was new and suggested the Commissioners 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 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 happened. She stated the Commissioners 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 favorably and got back to the argument about the democratic process. He saw the point where the Council would like to have a full Council 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 was moving back to an appointment until an election. 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 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 8 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 tried 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, 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, 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 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, ordinances, 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 do RCV.

Commissioner Bor stated the component the Commissioners sent forward as a proposed amendment was looking at the percentages was accepted by the Council, and did not recommend a further changes. She stated when talking about if it was in sync, 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 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 the Commissioners 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 and 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 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 valuable time on it. He stated it sounded like they were creating a voting option and thought if that was created by them 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.

Commission 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 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 consider 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