

1.1 Types of City Council Meetings

1. Regular Meetings

- A. The City Council of the City of Brooklyn Center shall hold meetings in the Council Chambers of the City Hall, 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota, on the second and fourth Mondays of each month at 7:00 p.m. No meeting will be held on a legal holiday, but a regular meeting shall be held at the same hour on the next succeeding day that is not a holiday.
- B. Regular meetings will be cablecast and the videotapes will be retained for three months after approval of the official minutes of the meeting. The written Council minutes are the permanent record for the City.
- C. Procedures for Determining Whether Absences from Council Meetings are Excused.
 - 1. The Brooklyn Center City Charter, Section 2.05 states “the Mayor or Council member shall forfeit the office for (4) failure to attend three consecutive regular meetings of the Council without being excused by the Council.”
 - 2. The City Council of the City of Brooklyn Center, Minnesota, resolves that the following provisions for recording and establishing unexcused absences are set forth:
 - a. A member of the Council who will not be attending a meeting of the Council, and who wishes to be excused, shall report to the Mayor, Clerk, or Manager, either verbally or in writing at least two hours prior to the meeting, stating the reason for such absence.
 - b. If such prior notice is given, the absence will be excused, and the Mayor shall so declare for recording in the minutes; provided, however, that any member of the Council who is present at such meeting may move that the absence be declared unexcused. A majority of the Council members present may declare such absence to be unexcused if it is determined that there is not sufficient reason to believe that the absence is for good cause beyond the reasonable control of the absent Council member.
 - c. If no such prior notice is given, the absence will be unexcused, and the Mayor shall so declare for recording in the minutes.
 - d. The Council may excuse absences previously declared to be unexcused in the event the Council determines, on the basis of

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later discovered information or evidence that the absence was for good cause beyond the reasonable control of the absent member.

- e. Upon the absence of a Council member from a third consecutive regular meeting of the Council, the Council shall:
 - 1. Direct that written notice be served on the absent member in the manner provided for service of legal process, stating:
 - i. That the Council intends to declare a vacancy in the absent Council member's seat pursuant to Section 2.05 of the City Charter at a meeting of the Council on a specified date, time, and place;
 - ii. That the ground for declaring the vacancy is failure to attend three consecutive regular meetings of the Council without being excused by the Council; and
 - iii. That the absent member may request a hearing by written request delivered to the Mayor, Clerk, or Manager prior to the call to order of the meeting referred to in clause 1.
 - 2. Call a special meeting of the Council which shall be within ten (10) days of the meeting at which the third unexcused absence occurred.
- f. In the event no request for a hearing is received, the Council shall proceed to declare a vacancy in accordance with the procedures set forth in the City Charter.
- g. In the event a request for hearing is received, the Council shall set a date, time, and place for a hearing and shall so notify the absent member. The date of the hearing shall be not less than ten (10) days from the date the notice described in paragraph 5(A) was effectively served.
- h. At any such hearing the absent Council member may give information and evidence:
 - 1. That one or more of the three consecutive absences was in fact excused;

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2. That one or more of the three absences should have been excused because the absence was for good cause beyond the reasonable control of the absent member; or
3. That there is any other legal reason why the Council should not declare the position vacant.
 - i. Following the hearing the Council shall determine whether to declare a vacancy in the position and, if so, shall proceed in accordance with the procedures set forth in the City Charter.
 - j. No member of the Council is eligible to vote on whether his or her absence should be excused.

2. Informal Open Forum with City Council

The City Council of the City of Brooklyn Center shall hold an Informal Open Forum at City Hall, 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota, at 6:45 p.m. prior to the Regular meetings, which are held on the second and fourth Mondays of each month.

Informal Open Forum provides an opportunity for the public to address the Council on items that are not on the agenda. Informal Open Forum will be limited to 15 minutes, it is not televised, and it may not be used to make personal attacks, to air personality grievances, to make political endorsements, or for political campaign purposes.

3. Work Sessions

Work Sessions may be called when deemed necessary. Notice shall be delivered in the prescribed manner. Public input regarding work session matters will be allowed at the end of each Council work session topic. Public input will be limited to a maximum of five minutes per topic. Any member of the public desiring to address the Council shall raise his/her hand, be recognized by the presiding officer, then proceed with his/her discussion. All remarks and questions shall be addressed to the presiding officer and not to any individual Council Member, staff member, or other person. During the public input portion of the work session, all remarks shall be limited to the subject under discussion. No person shall enter into any discussion without being recognized by the presiding officer.

Reference: City Council Resolution Nos. 2006-46; 96-199; 95-229

1.2 Notice of Meetings

Notice of all regular meetings, work sessions, and special and emergency meetings shall be publicized and held at the regularly designated time or, in the case of special meetings, appropriately publicized, with notice given to the local media and pre-designated individuals.

In addition, there is a provision for special or emergency meetings where the Council may transact any form of City business. That provision sets specific procedures the Council must follow in calling the meeting.

Reference: City Council Resolution Nos. 2006-46

1.3 Parliamentary Procedure

The City Council has adopted Roberts Rules of Order Newly Revised for the conduct of meetings. Parliamentary procedure is usually viewed as complex, but it can simply be considered as a set of tools used to assure that a meeting goes smoothly and fairly. It is used to facilitate a group coming to a majority decision when there are differing points of view.

1. Points of Order

The Presiding Officer shall determine all points of order subject to the right of any member to appeal to the Council.

2. Parliamentary Appeal

Any member may appeal to the Council from a ruling of the Presiding Officer. If the appeal is seconded, the member may speak once solely on the question involved and the Presiding Officer may explain his/her ruling, but no other Council Member shall participate in the discussion. The appeal shall be sustained if it is approved by a majority of the members present exclusive of the Presiding Officer.

3. Decorum and Order – Council Members

- A. Any Council Member desiring to speak shall address the Presiding Officer and upon recognition, shall address only the question under debate.
- B. Council Member desiring to question the staff shall address the question to the City Manager or City Attorney, in appropriate cases, who shall respond to the inquiry or designate a staff member to do so.
- C. A Council Member, once recognized, shall be interrupted while speaking only if called to order by the Presiding Officer, a point of order is raised by another Council Member, or the speaker chooses to yield to questions from another Council Member.
- D. Any Council Member called to order while speaking shall cease speaking immediately until the question of order is determined. If ruled to be in order, he or she shall proceed. If ruled to be not in order, he or she shall remain silent or shall alter his/her remarks so as to comply with rules of the Council.

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- E. Council Members shall accord courtesy to each other, to City employees, and to the public appearing before the Council and shall refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities.
- F. Any Council Member may move to require the Presiding Officer to enforce the rules. Upon the affirmative vote of a majority of the Council, the Presiding Officer shall do so.

4. Decorum and Order – Employees

Staff members shall observe the same rules of procedure and decorum applicable to members of the Council. The City Manager shall ensure that they observe such decorum. Any staff member, including the City Manager, desiring to address the Council or members of the public shall first be recognized by the Presiding Officer. All remarks shall be addressed to or through the Presiding Officer.

5. Decorum and Order - Public

Members of the public attending Council meetings shall observe the same rules of order and decorum applicable to the Council. The Presiding Officer may order the removal of any person who makes inappropriate remarks or who becomes boisterous while addressing the Council and bar that person from further audience with Council.

6. Enforcement of Decorum

The City Manager shall carry out the orders and instructions of the Presiding Officer for maintaining order and decorum in the Council Chambers.

7. Personal Privilege

The right of a member to address the Council on a question of personal privilege shall be limited to cases in which his/her integrity, character, or motives are questioned or impugned.

8. Conflict of Interest

Any Council Member prevented from voting because of a conflict of interest shall refrain from debate and voting. That Council Member may choose to leave the Council Chambers during debate and voting on the issue.

9. Limitation of Debate

A Council Member normally should speak only once on a subject until every other member choosing to speak has done so.

10. Dissents and Protests

Any Council Member shall have the right to express dissent from or protest any action of the Council. A Council Member wishing to have the dissent or protest entered in the minutes should state so with language such as "I would like the minutes to show that I am opposed to this action for the following reasons:"

11. Rulings of Presiding Officer Final Unless Overruled

The Presiding Officer shall decide all questions or interpretation of these rules, points of order, or other questions of procedure requiring rulings. Unless overridden or suspended by a majority vote of the Council Members present and voting, a ruling shall be final and binding for purposes of the matter under consideration.

Reference: City Council Resolution Nos. 2011-167; 2006-46

1.4 Order of Business

The order of business of each meeting shall be as contained in the agenda prepared by the City Manager. The agenda shall be a listing of subjects which shall be taken up for consideration in the following order:

1. Informal Open Forum with City Council - 6:45 p.m.
2. Invocation* - 7 p.m.
3. Call to Order Regular Business Meeting
4. Roll Call
5. Pledge of Allegiance
6. Approval of Agenda and Consent Agenda
7. Presentations
8. Public Hearing
9. Planning Commission Items
10. Council Consideration Items (includes ordinances, resolutions, discussion items)
11. Council Report
12. Adjournment

*All members of the City Council shall share equally in the responsibility for determining who shall be permitted to deliver said invocations, and said invocations shall not exceed two minutes in length, nor shall said invocations deliver any political message, but instead will stringently adhere to the concept of what an invocation, by definition is, which is, a petition for guidance, and lastly that any reference to a deity in any invocation shall use the inclusive term "God" which is the broad-based spiritual term used in our nation's Pledge of Allegiance, ". . . one nation under God," and is also the term used on our currency and coins, "IN GOD WE TRUST."

Reference: City Council Resolution Nos. 2008-146; 2001-146; 98-28; 97-176; 97-12; 96-162

1.5 Varying Order

The order of business may be varied by the Presiding Officer. All Public Hearings shall be held at the time specified in the notice of hearing unless several public hearings are scheduled at one time; in that event they shall be heard as soon thereafter as practicable.

Reference: City Council Resolution Nos. 2006-46

1.6 Agenda

The agendas for regular Council meetings and Work Sessions are prepared in the City Manager's office. Typically, agenda items are submitted to the City Manager by the City departments by Monday preceding the Council meeting. Council Members may also submit agenda items by Noon of the preceding Monday for inclusion on the next Work Session agenda. Sufficient time will be allocated to Work Session agendas such that each Council Member may submit at most one item for discussion. Up to five (5) minutes will be provided for the item to be introduced by the Council Member and ten (10) additional minutes will be allowed for Council discussion and disposition of the item. On Monday preceding the Council meeting, a draft agenda is prepared and discussed by City Staff.

The agenda will ordinarily be delivered to Council Members on Wednesday preceding the Council meeting. The agenda and all supporting material not of a confidential nature shall also be available to the general public at the time it is delivered to the City Council.

Ref: Amended Res. 2019-177

1. Call to Order Informal Open Forum with City Council

The Mayor, Mayor pro tem, or Acting Mayor pro tem shall call the Informal Open Forum meeting to order at 6:45 p.m. Any person may address the Council on any subject pertaining to City business not listed on the agenda during the time set aside for those comments. The Presiding Officer may limit the time available to each person addressing the Council. Rules governing appearances at Open Forum are provided at the site of Council meetings.

2. Call to Order Regular Business Meeting

The Mayor, Mayor pro tem, or Acting Mayor pro tem shall call the Council meeting to order at 7 p.m.

3. Roll Call

Before proceeding with the business of the Council, the City Clerk shall record attendance of the Council Members in the minutes.

4. Approval of Agenda and Consent Agenda

Routine and non-controversial items shall be placed on the Consent Agenda. These items may be approved by one blanket motion upon unanimous consent. Any Council Member may request that any item be withdrawn for separate consideration. The item(s) is then placed under Council Consideration Items.

5. Policy Establishing Procedures for the Use of a Consent Agenda

The City Council must deliberate many agenda items at its meetings and the time available for such deliberation is severely limited. The City Council desires to have as much time as possible for the deliberation of significant agenda items which involve establishment of City policy and goals. Some agenda items are of such routine, noncontroversial nature that they need minimal Council deliberation. The City Council desires to handle these agenda items as expeditiously as possible in order to provide more time for significant agenda items. The City Charter provides in Section 3.03 (rules of procedure and quorum) that the City Council shall determine its own rules and order of business. The City Council resolves that the City Manager is hereby directed to prepare a consent agenda for each regular Council meeting. The consent agenda shall contain those items which in the judgment of the City Manager are routine, noncontroversial items that require Council action but need little or no deliberation. The following procedures and rules shall govern the use of the consent agenda by the City Council:

- A. Full copies of the consent agenda will be provided in advance to both the City Council and the Press, as well as to all citizens at the Council meeting.
- B. Pursuant to Section 3.07 of the City Charter readings of resolutions placed on the consent agenda are deemed to be waived by unanimous consent of the City Council unless any Council member objects at the time the consent agenda is considered.
- C. At the request of any individual Council member any item or items on the consent agenda may be removed from the consent agenda and placed upon the regular agenda for discussion.
- D. A motion to approve the consent agenda will not be debated.
- E. The consent agenda shall only be adopted by a unanimous vote of those Council members present at the meeting.

6. Amendment to Minutes

No amendment to the draft minutes included in the City Council packet will be in order unless the proposed amendment has been presented to the City Council in a written form suggesting changes or identifying language to be changed, including any proposed deletion of text. The proposed written amendment will not be entertained unless provided in written form allowing for sufficient copies to be made for all City Council members, the Clerk and City Manager by 6:00 p.m. on the date of a regular City Council meeting.

A Council Member who has not had sufficient time to prepare a written proposed amendment to the draft City Council minutes for the most recent meeting, may move to table the minutes to the next regular City Council meeting and if a majority vote in favor of tabling the adoption of the draft minutes, such minutes will be tabled to the next regular City Council meeting.

No amendment to draft City Council minutes that have been tabled will be in order or entertained unless the amendment is provided to the City Manager in written form setting forth the complete text of the proposed amendment, including any proposed deletion of text, by noon on the Wednesday before the next regular City Council meeting following the meeting at which the minutes were tabled

7. Protocol for All Action Items on the Agenda (those following the Consent Agenda, other than Public Hearing)

- A. Mayor states subject matter of the agenda item
- B. Mayor calls upon the City Manager to provide a staff report
 - 1. City Manager
 - a. Reports on the agenda item
- C. Mayor asks if there are any questions from the City Council
 - 1. Council asks questions
 - a. Discussion is not in order at this point
 - b. Statements of opinion or position are not in order at this point
- D. Mayor asks if there is a motion after the opportunity for City Council questions
- E. Council makes and seconds motion (for purposes of discussion)
- F. Mayor asks if there is any discussion on the motion:
 - 1. In order at this time are:
 - a. Comments
 - b. Statements support/opposition
 - c. Additional questions
 - d. Germane motions
 - 1. table
 - 2. amend
 - 2. Mayor recognizes Council Members wishing to discuss

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- a. All council members shall have an opportunity to discuss before a member shall be recognized to speak more than once
- b. Council Members shall directly address the specific motion and keep their remarks germane to that motion
- c. Council may make motion to limit or terminate discussion
 1. This motion shall not be in order until each Council Member shall have had an opportunity to speak on the motion.
3. Mayor asks if there is further discussion (unless discussion has been terminated by motion)
 - a. If there is none
- G. Mayor calls for a vote on the motion
 1. Mayor restates motion if requested by a Council Member
- H. City Council votes on the motion

8. Public Hearing

In interest of establishing a non-threatening and positive environment, the following rules are established:

- A. City Staff introduces item and gives staff report and recommendation
- B. Questions of Staff by Council
- C. Presiding Officer opens Public Hearing
 1. Comments by applicant (if applicable, i.e., Planning Commission applicant)
 2. Comments by concerned persons
Presiding Officer will ask persons to identify themselves for the public record before speaking at the hearing. All persons will address questions to the Presiding Officer. The Presiding Officer will then determine who will answer them. No one will be given an opportunity to speak a second time until everyone has had an opportunity to speak initially. Those speaking for the second time are asked to not be repetitive in their presentation.
- D. Close the Public Hearing
- E. Questions by Council
- F. Discussion by Council
- G. Action by Council

Reference: City Council Resolution Nos. 2007-64; 2005-121; 2003-172; 81-184

1.7 Addressing the City Council

Any member of the public desiring to address the Council shall raise his/her hand, be recognized by the Presiding Officer, then proceed to the podium. He or she shall state his/her name and address for the record.

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All remarks and questions shall be addressed to the Presiding Officer and not to any individual Council Member, staff member, or other person. During a public hearing all remarks shall be limited to the subject under consideration. No person shall enter into any discussion without being recognized by the Presiding Officer.

Reference: City Council Resolution Nos. 2006-46

1.8 Addressing the City Council After Motion is Made

After a motion has been made or after a public hearing has been closed, no person shall address the Council without first securing permission from the Presiding Officer.

Reference: City Council Resolution Nos. 2006-46

1.9 Limitations Regarding Public Comments and Reports

No speaker shall be permitted to address the Council on a topic which is currently before, or about to be submitted for consideration by a City commission, board, or other agency. If an appeal procedure is or was available, the Presiding Officer shall not allow oral communication to the Council outside that procedure.

Reference: City Council Resolution Nos. 2006-46

1.10 Presiding Officer

Section 2.06 of the Brooklyn Center City Charter designates the Mayor as Presiding Officer of the City Council and a Mayor pro tem who serves as Mayor in the Mayor's absence. In the absence of the Mayor and Mayor pro tem, the Acting Mayor pro tem shall preside. At its first regular meeting in January, the Council, by a majority vote, shall designate a Mayor pro tem. The most senior Council Member shall be designated as Acting Mayor pro tem, and in the event two or more members have equal seniority, then the member who received the most votes in their most recent election shall be designated as Acting Mayor pro tem.

Reference: City Council Resolution No. 2006-46; 92-262

1.11 Questions to be Stated

The Presiding Officer shall verbally restate each question immediately prior to calling for the vote, upon request from any Council Member. Following the vote, the Presiding Officer shall verbally announce whether the question carried or was defeated. The Presiding Officer shall also publicly state the effect of the vote for the benefit of the audience before proceeding to the next item of business.

Reference: City Council Resolution No. 2006-46

1.12 Maintenance of Order

The Presiding Officer is responsible for the maintenance of order and decorum at all times. No person is allowed to speak who has not first been recognized by the Presiding Officer. All questions and remarks shall be addressed to the Presiding Officer, or through the Presiding Officer to the appropriate Council Member, Staff member, citizen, or representative.

Reference: City Council Resolution No. 2006-46

1.13 Motions

When a motion is made and seconded, it shall be stated by the Presiding Officer before debate. A motion shall not be withdrawn by the mover without the consent of the person seconding it.

1. Motions Out of Order

With majority consent of the Council, the Presiding Officer may at any time allow an item to be considered out of the regular agenda order.

2. Division of Question

If the question contains two or more propositions, the Presiding Officer may, and upon request of a member, shall divide the same.

3. Precedence of Motions

When a motion is before the Council, no other motion shall be entertained except the following which shall have precedence in the following order:

- Adjourn
- Fix Hour of Adjournment
- Table
- Limit or Terminate Discussion
- Amend Postpone

4. Motion to Adjourn (Not Debatable)

- A. A motion to adjourn shall be in order at any time except:
 - 1. When made as an interruption of a member while speaking,
 - 2. When discussion has ended and vote on a motion is pending, and
 - 3. While a vote is being taken

- B. A motion to adjourn "to another time" shall be debatable only as to the time to which the meeting is adjourned.

5. Motion to Fix Hour of Adjournment

All meetings and Work Sessions of the Council shall be adjourned by 10:00 p.m. unless otherwise agreed to by at least a majority of the Council. A motion to set a different, specific time at which to adjourn shall be undebatable and shall be unamendable except by extraordinary vote (4/5ths).

Ref: Amended Res. 2019-177

6. Motion to Table

A motion to table shall be undebatable and shall preclude all amendments or debate of the subject under consideration. If the motion prevails, the matter shall be "taken from the table" at any time prior to the end of the next regular meeting, unless the motion is to either table indefinitely or to a date certain. If the motion is to table indefinitely, the matter shall not be rescheduled without at least majority approval of the Council.

7. Motion to Limit or Terminate Discussion

A motion to limit or terminate discussion may be used to limit or close debate on, or prohibit further amendment to, the pending motion. It is undebatable. If the motion fails, debate shall be reopened; if the motion passes, a vote shall be taken on the pending motion.

8. Motion to Amend

A motion to amend shall be debatable only as to amendment. A motion to amend an amendment shall be in order, but a motion to amend an amendment to an amendment shall not be in order. An amendment modifying the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order. A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment. Amendments shall be voted first, then the main motion as amended.

9. Motion to Continue

Motions to continue to a definite time shall be amendable and debatable as to propriety of postponement and time set.

Reference: City Council Resolution No. 2006-46

1.14 Duties at First Meeting of City Council

Council performs several specific duties at the first meeting of the New Year.

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1. In Brooklyn Center, the Mayor is the presiding officer of the Council with the right of one vote. The Mayor performs all duties conferred and imposed by the City Code or Charter, by ordinance, and by state laws. The Mayor is usually referred to as "your honor" in Council meetings by those present. The Council must elect a Mayor pro tem to serve on occasions when the Mayor is absent and also an Acting Mayor pro tem to serve in the event both the Mayor and Mayor pro tem are absent.
2. The Council must designate the official newspaper of the municipality where the City will publish required materials.
3. The Council must designate an official depository for the cash funds of the City.
4. In the absence of a provision for it elsewhere, the Council should decide upon a time and place for its regular meetings.
5. Unless previous bylaws are in effect, the Council should, at one of its first meetings, establish bylaws which contain an outline of the order of business at Council meetings, rules governing the deliberations of the Council, and provisions for the use of Council committees, special meetings, methods of Council voting, and so forth.

Reference: City Council Resolution No. 2006-46

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2.01 Policy on City Council Use of Electronic Mail

1. Support and Training

- A. City staff will provide user training to the City Council for electronic mail (e-mail) and voice mail.
- B. City staff will provide user support during normal business hours, only for equipment, software and communication facilities belonging to the City.

2. City Systems Use

- A. Computer equipment, computer programs and communication facilities connected to the City network are to be used for purposes of the City. They may not be used for any commercial or political purposes.
- B. Users may not use City facilities to communicate to others material that is obscene, indecent, or patently offensive in the workplace.

3. Electronic Mail

- A. Each Council Member will be responsible for selecting his/her own Internet service provider and for maintaining his/her own subscription to the service.
- B. The City will not purchase for Council Members any additional equipment or services, such as personal computers or phone lines, that are required for e-mail access.
- C. The IT Director will assign each Council Member an official City e-mail address (i.e. councilmemberlastname@ci.brooklyn-center.mn.us) in Microsoft Outlook. Microsoft Outlook will be accessed by Council Members through the Internet.
- D. The official City e-mail address will be used only by the Council Member to whom it is assigned.
- E. The primary purpose of the official e-mail address will be to communicate with Council Members, constituents and City staff.
- F. It is the nature of most e-mail systems that the security of messages cannot be guaranteed; therefore, users should not use e-mail to transmit messages containing data that must be kept secure.

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- G. Users should exercise good judgment in both the type of message created and in the tone and content of messages. E-mail messages must be able to withstand public scrutiny without embarrassment to the City if messages are forwarded beyond the intended recipients, accessed or inadvertently disclosed, subpoenaed in a legal action, or otherwise made public. Users should use generally accepted standards of business conversation in their e-mail messages.
- H. Users should be aware that communications using e-mail fall under the guidelines of the Data Practices Act.
- I. Electronic mail is intended as a medium for fast communication, not a medium for storage of valuable files. Users should save and file important e-mail messages in other applications.
- J. City Council Electronic Mail Protocol. In addition to the general public policies regarding the use of City e-mail, the following protocol shall be observed by the City Council Members with respect to the use of e-mail and avoidance of possible Open Meeting Law issues:
 - 1. City Council Members will not e-mail between or among themselves except for the limited purpose of:
 - a. Notifying Council Members that they will not be able to attend a meeting of the City Council, a City Commission, or other meeting to which they have been invited as a City Council Member
 - 2. City Council Members may direct e-mail to the City Manager, without copy to the City Council, any requests that items be placed on an agenda or informational items that they would like to have the City Council receive.
 - a. The City Manager will place agenda request items on the appropriate agenda upon the Council Member's request or place an item on a Work Session agenda to discuss with the City Council whether the Council wishes to have the item placed on an agenda.
 - b. The City Manager will distribute general informational items received from City Council members through the weekly update or City mail.
 - c. If the City Manager fails to place an item on either a regular or Work Session agenda, a Council Member may raise the issue under the miscellaneous portion of a Study Session or Work Session. City Council members may raise requests to place an

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item on a future agenda during the miscellaneous portion of the Study or Work Session agendas without having first requested their placement through the City Manager.

Reference: City Council Resolution Nos. 2003-172; 2000-145; 2000-54

2.02 Policy on City Council Use of Voice Mail

1. The IT Director will assign each Council Member an official City voice mailbox.
2. Each Council Member will complete a Voice Mail Greeting Information Form that will indicate individual greeting preferences.
3. City staff will be responsible for recording each Council Member’s voice mail greeting using the guidelines set forth in the attached *Voice Mail Standard Greeting Information Form* and the *Voice Mail Alternate Greeting Information Form*. Council Members may request that staff record an alternate greeting when the Council Member will not be checking voice mail for an extended period.
4. Each Council Member will be responsible for checking his/her voice mail with the frequency s/he indicates on the *Voice Mail Standard Greeting Information Form* unless s/he has requested that his/her voice mail be programmed with an alternate greeting and has submitted to the City Clerk the attached *Voice Mail Alternate Greeting Information Form*.
5. Long distance telephone charges that accrue when a Council Member checks his/her official City voice mail will be reimbursed by the City. The Council Member must submit documentation of the charges in the form of a billing statement or receipt.

Reference: City Council Resolution Nos. 2000-145; 2000-54

Voice Mail Standard Greeting Information Form

The following bold type will be the standard greeting for mayor and council member voice mail. To assist staff with the recording of your greeting, please provide information or preferences where indicated by ➔.

“You have reached the voice mail of Brooklyn Center Mayor/Council Member (NAME).

➔ Name: _____

Mayor/Council Member (NAME) does not keep business hours at City Hall, but s/he does check voice mail every (FREQUENCY).

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- ➔ When will you be checking for voice mail messages (i.e. every evening, on certain days of the week, etc.)? _____

S/he will respond to your message within (#) day(s).

- ➔ How long should a caller plan to wait for your response? _____

If you have a concern that cannot wait, (A and/or B).

- ➔ Please choose the option(s) you would like:

A) you may try to contact Mayor/Council Member (NAME) at (ALTERNATIVE LOCATION) at (PHONE NUMBER). Again, that number is (PHONE NUMBER).

If you chose this option please provide the following:

Alternative location: _____

Phone number for alternative location: _____

B) between 8:00 a.m. and 4:30 p.m. on regular business days, you may press "0" for a receptionist.

If you would like to leave a message for Mayor/Council Member (NAME), please speak slowly and distinctly, and leave your name, phone number and a brief message after the tone."

Voice Mail Alternate Greeting Information Form

The following bold type will be the alternate greeting for mayor and council member voice mail. If you are not planning to check your voice mail with the frequency indicated on your standard greeting, please complete this form and submit it to the City Clerk. Insert the appropriate information at each ➔.

- ➔ On what date do you want the alternate greeting to begin? _____

- ➔ On what date do you want your voice mail to return to your standard greeting?

"You have reached the voice mail of Brooklyn Center Mayor/Council Member (NAME).

- ➔ Name: _____

Mayor/Council Member (NAME) will not be checking his/her voice mail until (DATE).

- ➔ On what date will you be checking for voice mail messages? _____

S/he will respond to your message as soon as possible after that time. If you have a concern that cannot wait, and you are calling between 8:00 a.m. and 4:30 p.m. on a regular business day, you may press "0" for a receptionist. If you would like to leave a message for Mayor/Council Member (NAME),

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please speak slowly and distinctly, and leave your name, phone number and a brief message after the tone.”

2.03 Policy on City Council Commitment to the Brooklyn Center City Charter

For the first meeting of the City Council each January, a resolution is placed on the agenda as information and reminder of Council/Manager responsibilities. The City Council resolves:

1. To rededicate itself to the spirit and letter of the City Charter and to commit itself to ensuring compliance by the City Council collectively and individually with that spirit and letter of the City Charter.
2. To rededicate itself to the checks and balances of the City Charter that keep City government accountable.
3. To pledge that in its dealings with citizens and City staff, that the City Council will treat such citizens and staff with respect and courtesy. The Council shall deal with staff in accordance with the City Charter through the City Manager.
4. To discharge its responsibilities as intended and established by federal, state, and local laws and the City Charter, and to do so in a fair and impartial manner for the good of the whole City without regard for personal gain or interests.

Reference: City Council Resolution No. 2004-08

2.04 Policy Declaring Elected Officials be Considered Employees for Workers’ Compensation Insurance Purposes

The Minnesota Workers’ Compensation Act provides benefits to an “employee” who is injured while working. Minnesota Statutes 176.011, subd. 9, clause 6, provides that municipal officers elected or appointed for a regular term of office or to complete the unexpired portion of a regular term are considered to be “employees” for workers’ compensation insurance purposes only if the City has passed an ordinance or resolution to that effect. The Brooklyn Center City Council desires that the Mayor and Council Member be considered “employees” for workers’ compensation insurance purposes and adopted Resolution No. 2003-83 to comply with statutory requirements.

Reference: City Council Resolution No. 2003-83

2.05 Policy and Procedure on Mayor and Council Member Total Compensation

1. Need for Policy

The community is entitled to a clearly articulated, written description of the policy and procedure for establishing the total compensation of local elected officials.

2. Policy

- A. Service on the City Council is a civic obligation and an honor. The total compensation of the Mayor and Council Members should, therefore, not encourage candidacies based on monetary rather than public service objectives. However, the compensation of Brooklyn Center elected officials shall be fair and equitable in order to attract qualified candidates for local elective office.
- B. The propriety of the compensation levels of the Mayor and Council Members shall be evaluated through comparisons with compensation paid to similar officials within the seven county metropolitan area.
- C. The compensation levels of elected officials should be regularly reviewed and adjusted to ensure compliance with the objectives of this policy and to avoid the need for drastic or sudden compensation adjustments.
- D. Compensation set pursuant to this policy and procedure shall be deemed to be the total compensation for elected officials of the City with the exception of expense reimbursement which shall be the same as provided all other City employees.

3. Procedure

- A. The City Manager shall biennially prepare a compensation report that contains an analysis of the compensation paid to elected officials of Minneapolis-St. Paul Area Metropolitan cities having a population within 10,000 of the City of Brooklyn Center that are generally fully developed {Such grouping shall include the cities of Richfield, Roseville, Maplewood, Fridley, Shoreview, White Bear Lake, Crystal, New Hope, and Golden Valley, in addition to the City of Brooklyn Center.} The report shall compute the average and median amounts paid to Mayors and Council Members and correlate survey results to the current compensation of Brooklyn Center elected City officials. The City Manager shall assemble such additional information on compensation of City elected officials as may be requested to assist the Commission and Council in their review of elected official's compensation.
- B. The City Manager shall submit the compensation report to the City Council and the Financial Commission prior to June 1, for information pertaining to the applicable calendar year.
- C. The Financial Commission shall biennially review the City Manager's compensation report and discuss possible budgetary and public perception impacts of the indicated changes. Prior to July 1 of the same year, the Commission shall recommend to the City Council that the compensation of the

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Mayor and Council Members either remain the same or be changed to some specific amount in the manner prescribed by law.

- D. Consistent with the City Charter, Section 2.07, the Mayor and Council Members may, after conducting public hearings, set their compensation by ordinance. No change in compensation shall be in effect until January 1, following the next succeeding general election.

4. Authority

The authority for establishing compensation for the Mayor and Council Members is found in Minnesota Statutes 415.11 and the City of Brooklyn Center Charter, Section 2.07.

Reference: City Council Resolution No. 98-91; City Council Minutes 1/10/94

2.06 Policy on City Council Out-Of-State Travel

1. When Appropriate

- A. Conference, course, or training opportunity in the continental United States sponsored by:
 - 1. US Conference of Mayors
 - 2. National League of Cities
 - 3. United States Government or agency thereof
- B. Or as authorized in advance by a majority vote of the City Council

2. Expense Limits

- A. Actual cost of travel
 - 1. Coach air fare or rail
 - 2. Mileage at IRS rate
 - a. To and from terminal or depot
 - b. Or to and from site of conference, course, or training
 - 3. Shuttle bus, public transportation, or cab
 - a. As required to get to conference events and lodging
 - b. If taken to terminal or depot in Twin Cities
 - 4. Actual cost of lodging and meals
 - a. Any costs for persons other than the Council Member are not reimbursed, such as any cost above the room charge that would have been incurred for the Council Member alone are not reimbursed
- B. Cost of registration, materials, and classes at conference, course, or training opportunity
 - 1. Costs of optional events that are primarily social in nature are not reimbursed

2. Cost of any person other than the Council Member to attend any event or function is not reimbursed

3. Procedure for Approval of Travel

- A. As part of the annual budget process, the City Council will identify the maximum amount of money that may be spent for out of state travel by the Mayor and each Council Member
- B. Provided funds are available within the limits set by the City Council, a Council Member or the Mayor may attend an appropriate event as defined above if:
 1. in the case of a City Council Member, the member has not already traveled out of state in the current year or twice in the member’s current term on the City Council; or
 2. in the case of the Mayor, if the Mayor has not already traveled out of state in the current calendar year; or
 3. by majority vote of the City Council, the travel has been approved.

4. Annual review

- A. The policy shall be reviewed annually at a budget work session to determine if any changes should be proposed for formal action by the City Council

Reference: City Council Resolution No. 2005-135

2.07 Policy on City Council Travel Expense

Council Members attending approved travel may not purchase conference training materials at the City’s expense unless requested and approved in advance by the City Council.

Reference: City Council Resolution No. 2006-96

2.08 Policy on Access to City Attorney for Council Policy Development

1. Purpose

This policy is intended to serve as guidance to both Council Members and the City Attorney on accessing City Attorney services for the development of Council Policy initiatives. Work by the City Attorney on Council Policy matters typically occurs at the request of City Staff in the preparation of matters to be presented to the City Council for direction, or at the direction of the City Council after discussion on the matter at a meeting. For the purposes of this policy, “Council Policy” means matters within the power and authority of the City Council under the City Charter, City Code, or state law to decide on behalf of the City. This policy is not intended to infringe upon the authority or responsibilities delegated to the Mayor or City Council under the City Charter, City Code, or state law.

2. Policy

- A. Council Members, including the Mayor, may contact the City Attorney as needed for general informational purposes or with specific questions on issues related to the exercise of their duties such as on the application of the law regarding the open meeting law, gifts, conflicts of interest, incompatible positions, liability, etc.
- B. Council Members, including the Mayor, may contact the City Attorney for the purpose of requesting assistance with the development of Council Policy including, but not limited to, the following:
 - 1. To gain a general understanding of the legal implications of a potential City Policy initiative;
 - 2. To request preparation of a draft Council Policy initiative, including new or amended City Policy, to be presented to the City Council;
 - 3. To request the preparation or review of a new or amended City ordinance; or
 - 4. To request the preparation or review of a new or amended Council resolution.
- C. Council Members should be mindful of the costs associated with direct inquiries to the City Attorney and so should limit the use of that resource by being as efficient as practical in such contacts.
- D. The requirements of this policy are as follows:
 - 1. The City Attorney shall provide a report to the City on a quarterly basis of the time and costs associated with responding to individual Council Member requests made under this policy;
 - 2. The City Attorney shall inform the City Manager of the Council Policy matters initiated by individual Council Members under this policy and the City Manager shall assess the administrative impacts or policy implications of the proposed Council Policy; and
 - 3. Any Council Policy matter initiated by a Council Member under this policy shall be placed on a Council work session agenda with sufficient advanced public notice for review, deliberation, and direction by the City Council.

Reference: City Council Resolution No. 2020-097

SPECIAL ASSESSMENT POLICIES

2.10 Special Assessment Policy

1. General Policies

A. Initiation of Public Improvement Projects

Public improvement projects may be initiated by petition of affected property owners. Public improvements may also be initiated by the City Council when, in its judgment, such action is required.

The Capital Improvement Program shall detail a program of street improvements based on Pavement Management Program data, street and utility maintenance records, Municipal State Aid Standards, and the Local Storm Water Management Plan.

B. History

In 1964, the Village Council approved a Special Assessment Policy which detailed matters regarding the financing of public improvements as the community developed. This Policy has been periodically amended, and related policies approved by separate resolution. In 1985, a substantial change in policy was approved by resolution, when the City abandoned residential assessments based on frontage to adopt a policy based on residence unit. This policy is intended to incorporate all policies related to improvement project financing. It is understood that this policy cannot anticipate every situation, and that certain circumstances may justify deviations from this policy.

C. Financing and Assessment Policies Applicable to all Types of Improvements

When an improvement is constructed which is of special benefit to properties within a definable area, it is the intent of the City Council that special assessments be levied against the benefited properties within that area to the extent that the costs of such project can be deemed to benefit the properties. The following general principles shall be used as a basis of the City's assessment policy:

1. The "project cost" of an improvement shall be deemed to include the costs of all necessary construction work required to accomplish the improvement, plus engineering, legal, administrative, financing, and other contingent costs.
2. The "assessable cost" of an improvement shall be defined as being those costs, which, in the opinion of the City Council, are attributable to the

need for service in the area served by the improvement. Said "assessable cost" shall be equal to the "project cost" of the current project, minus any credit attributed to remaining useful life expectancy or to that part of the improvement deemed to benefit the community as a whole.

3. Terms of special assessments shall be as follows:
 - a. Street improvements - 10 years
 - b. Bituminous alley improvements - 10 years
Concrete alley improvements - 20 years
 - c. Water and sanitary sewer hookups and improvements - 10 years
 - d. Storm sewer improvements - 10 years

Interest is charged at a rate established by the City Council at the time of certification of the levy.

2. Surface Improvements

Surface improvements shall include grading and base construction, sidewalks, curb and gutter, surfacing, resurfacing, undergrounding overhead utilities, landscaping, beautification, and street lighting.

A. Standards for Surface Improvements

1. Arterial streets shall be of adequate width to accommodate projected traffic volumes. Sidewalks shall be provided on both sides of all arterial streets unless specifically omitted by the City Council, and shall be of the width approved by the City Council.
2. Collector streets (including commercial and industrial access streets) shall be designed based on anticipated usage, and shall normally be constructed in accordance with state aid standards. Sidewalks may be provided on one or both sides of all collector streets in accordance with the comprehensive plan and shall be at least 5 feet in width, unless otherwise approved by the Council. Wherever feasible, a boulevard at least 7 feet in width shall be provided, measured from the street face of curb to the street face of the sidewalk.
3. Residential streets shall be 30 to 36 feet in width, measured between faces of curbs or edge of street, unless otherwise approved by the Council. The Council may order the construction of sidewalks when such construction is warranted.
4. Alleys, in residential areas, shall be of bituminous construction unless drainage or other conditions require concrete.

5. Street lighting, when installed, shall be installed in accordance with the Council's policy on street lighting. Mid-block lights may be installed when the length of one block from the centerline of one intersecting street to the next intersecting street exceeds 700 feet, or when it is determined that a special public safety benefit would accrue.

B. Assessment Formula for Surface Improvements

The assessments to be levied against properties within the benefited areas shall be distributed to those properties on the basis of the following provisions:

1. Residential Streets

- a. For residential properties zoned R1, the assessment to be applied against each non-subdividable property shall be a unit amount established annually by the City Council. Said assessment is intended to represent a specific proportion of the average cost of making a typical improvement, such as the average cost of reconstructing a typical block of residential street. For properties which may be legally subdividable into two or more lots, the assessment to be applied shall equal the maximum number of lots allowable times the unit assessment. The assessment shall be calculated as follows:

1. For reconstruction or resurfacing of a residential street, the average cost of a typical similar project shall be multiplied by the Council's designated proportion to be assessed. The total assessed shall be divided by the average number of lots to be assessed to determine the unit assessment.
2. Absent any other policy changes, such as an increase in the proportion of cost to be assessed, the unit assessment shall be adjusted annually to reflect cost of living increases as measured by the Construction Index.

- b. For residential properties zoned R2, the assessment shall be applied on a front foot basis, said unit being calculated as follows: The R1 unit assessment shall be divided by 75 feet, to determine the front foot rate. The minimum assessment for an R2 property shall be the R1 unit assessment.

- c. For residential properties zoned R3, the assessment shall be applied per unit on the following basis. The R2 front foot rate

shall be multiplied by the total feet of frontage to determine the total benefit. The total benefit shall be divided by the total number of units in the development to determine the unit rate.

- d. For R4 to R7 properties, commercial, industrial, institutional, or special use properties, the benefits and resulting assessments shall be determined on an individual project basis.
- e. For those properties zoned R1 or R2 having frontage on two or more streets, special assessments shall be levied for improvements on only one of those frontages, at the owner's choice. For example, a property on the corner of A street and B Avenue may choose to be assessed when A street is improved, or B Avenue, but not both.

2. Municipal State Aid Streets

- a. For properties that are not commercial or industrial in project areas which are primarily residential in character:
 - 1. Benefiting properties abutting a state aid designated street shall be assessed in the same manner as those abutting other residential streets.
 - 2. In those cases where a municipal state aid street improvement project totally removes parking from a residential street where parking was previously allowed, no special assessments shall be levied. Where parking arrangements have been made, special assessments shall be levied.
- b. For properties which are commercial or industrial in project areas which are primarily residential in character, and for those properties in commercial areas:
 - 1. Commercial and industrial properties shall be assessed based on an area (acreage) basis. An "A" zone of benefit shall be determined on a project basis, but would typically include that area of all properties abutting the street to be improved, extending to a depth of 200 feet or the property depth, whichever is less. A "B" zone of lesser benefit may be established to identify those properties or portions of properties which do not abut the improved roadway, but which accrue benefit.

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2. Unless otherwise approved by the City Council, benefiting properties within this category will be assessed for 70 percent of the total project cost deemed to benefit the properties in accordance with Section 1.C.
3. If there is a combination of commercial, industrial and residential properties, the commercial-industrial rate will be determined by calculating an equivalent footage rate based on assessing 70 percent of the total project cost deemed to benefit the properties in accordance with Section 1.C., while the residential properties will be assessed in accordance with Section 1.C.

3. Other Streets

- a. Commercial and industrial properties abutting streets which are not designated as Municipal State Aid routes shall be assessed in the same manner as properties abutting State Aid routes.
- b. For owner-occupied residential properties located in a commercially zoned area, where such property is not susceptible to subdivision into more than 2 residential uses with direct street access, the assessment shall be equal to the assessment amount established for residential properties zoned R-1 times the number of lots into which the property is susceptible to subdivision.

4. Alleys

- a. The cost of installation, resurfacing, or reconstruction shall be assessed on a unit basis. Forty percent of the cost to be assessed shall be assessed equally to all owners of lots abutting the alley. The remaining 60 percent shall be assessed equally to all owners of lots currently having access to the alley.
- b. The cost to be assessed shall include all project costs. For properties where a non-hard surfaced driveway exists, the cost of constructing an asphalt driveway between the paved portion of the alley and property line, minus the cost of sod restoration for an equivalent area, shall be individually computed and added to the uniform assessment for the specific property involved.

3. Subsurface Improvements

Subsurface improvements shall include water distribution lines, sanitary sewer lines and storm sewer lines, ponds, or other drainage improvements.

A. Standards

Subsurface improvements shall be made to serve current and projected land use. All installations shall conform to the minimum standards therefore as established by those state, local, or federal agencies having jurisdiction over the proposed installations. All installations shall also comply, to the maximum extent feasible, to such quasi-official, nationally recognized standards as those of the American Insurance Association (formerly National Board of Fire Underwriters).

Service lines to the property line of each known or assumed building location shall be installed in conjunction with the construction of the mains.

B. Water Mains

All properties shall be assessed their share of the cost of installing water main to serve the property and the cost of installing the water service line between the water main and the property line. In addition, all properties shall be assessed their share of citywide or area improvements such as distribution mains, wells, above ground storage, and elevated storage tanks.

1. For those improvement projects where existing main or appurtenances are repaired or replaced, including service replacement to the property line, no special assessments shall be charged. The full cost of said improvements shall be financed by the Water Utility Fund.
2. For those improvement projects where main or appurtenances are installed to provide new service to previously unserved properties, the full cost of said improvement shall be assessed, with the basis being the Engineer's determination of benefit to each newly served property.
3. All properties connecting to the water system shall be charged a connection charge as per the most current utility rate structure. Properties without services shall be responsible for the full cost of installing service from the main to the building.

C. Sanitary Sewer

All properties shall be assessed their share of the cost of installing sanitary sewer laterals to serve the property and the cost of installing the sanitary sewer service line between the street and the property line. In addition, all properties shall be assessed their share of citywide or area improvements such as interceptors and pumping stations.

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1. For those improvement projects where existing lateral or appurtenances are repaired or replaced, including service replacement to the property line, no special assessments shall be charged. The full cost of said improvements shall be financed by the Sanitary Sewer Utility Fund.
2. For those improvement projects where lateral or appurtenances are installed to provide new service to previously unserved properties, the full cost of said improvement shall be assessed, with the basis being the Engineer's determination of benefit to each newly served property.
3. All properties connecting to the sanitary sewer system shall be charged a connection charge as per the most current utility rate structure. Properties without services shall be responsible for the full cost of installing a service from the main to the building.

D. Storm Drainage

All properties shall be assessed their share of the cost of installing storm drainage facilities to serve the property. In addition, all properties shall be assessed their share of city-wide or area improvements such as interceptors and detention ponds.

1. For a project which includes construction of a storm sewer interceptor, detention pond, or other regional facility, an engineering study shall establish the distribution of benefit and determine the assessable portion of the project cost.

The assessable cost of a storm sewer interceptor or detention pond shall be assessed equally per unit of area (square foot, acre, etc.) over the entire district served by the interceptor or detention pond.

The assessment is generally levied in the current year of construction of the interceptor storm sewer or detention pond, and it is entirely likely that a large number of properties will be assessed which do not receive immediate and total drainage relief. It is, however, considered that such properties do accrue benefit from the interceptor storm sewer since the interceptor is available to receive lateral storm sewer connections, or the detention pond or other regional facility may provide relief from storm events of greater magnitude than a 5 year storm.

2. For those improvement projects where existing lateral or appurtenances are repaired or replaced, or slightly upgraded, no special assessment shall be charged. The full cost of said improvements shall be financed by the Storm Drainage Utility Fund.

3. For those improvement projects where laterals or appurtenances are installed to provide new service to previously unserved properties, or where service is substantially upgraded, a portion of the cost of said improvement shall be assessed. Said portion shall be the same as the assessable portion of residential street improvement costs.

4. Assessment Deferral Program

There shall exist a program to defer a portion of the special assessments of qualifying persons under the provisions of Minnesota Statutes 435.193 through 435.195. Said program shall defer the payment of a portion of certified special assessments by property owners who are at least 65 years of age or older or who are retired due to permanent and total disability whose households meet certain financial characteristics.

A. Eligibility

1. The property upon which the assessment is deferred must be homesteaded;
2. The property is owned by a person at least 65 years of age on January 1st of the year in which payment of the first installment of the subject assessment levy is due; or is owned by a person who is retired due to permanent and total disability.
3. The applicant must have a "financial hardship" defined as:
 - a. An annual income for the applicant's household size which is at or below the "Very Low Income" limit established annually by HUD for the Minneapolis and St. Paul Metropolitan Area; and
 - b. The aggregate total of special assessment installments from previously existing special assessment levies plus the first year of the current levy will exceed 1 1/2 percent of the applicant's annual income.
4. Special assessment deferral applications are typically processed at the time of the actual special assessment being levied. However, an applicant may apply for a special assessment deferral at any time during the term of the special assessment. Additionally, past non-eligible applicants may reapply for reconsideration should qualifying eligibility conditions change in the future.

B. Calculation

1. The portion of the current levy which will be deferred will be that portion of the levy against the applicant's property which requires a first year installment payment which, when added to the applicant's annual payments from previously existing special assessment levies, would result in an aggregate total of special assessment installments totaling more than 1 1/2 percent of the applicant's annual income. The portion of the current levy which can be paid without aggregating total installments above 1 1/2 percent of the applicant's annual income shall not be deferred.
2. Special assessments levied due to the applicant's failure-to-pay charges for City services or failure to comply to City codes (i.e. delinquent utility assessments, assessments for weed removals, assessments for nuisance abatement, etc.) shall not be deferred, and installment payments for existing levies for such services shall not be included in calculating the maximum 1 1/2 percent aggregate payment.

C. Interest

Simple interest at the rate of that particular assessment levy shall be added to the deferred assessment, calculated from the date interest started to accrue on the original levy (usually the October 1 immediately following the certification date) to the date of payment of the deferred portion of the assessment.

D. Termination

The option to defer the payment of special assessments shall terminate and all amount accumulated plus applicable interest, shall become due upon the occurrence of one of the following events:

1. The death of the owner, provided that the spouse is otherwise not eligible for the benefits.
2. The sale, transfer, or subdivision of the property or any part thereof.
3. If the property should for any reason lose its homestead status.
4. The City Council determines that a hardship no longer exists.

Reference: City Council Resolution Nos. 2016-189; 2005-17; 2001-122; 2000-195; 97-214; 97-118; 94-274; 93-49; 90-138; 90-137; 85-34; 84-175; 83-190; 82-226; 81-244; 80-292

2.11 Special Assessment and Internal Loan Interest Rate Policy

1. Policy Objective

The objective of this policy is to establish equitable interest rate charges for special assessments levied against private property and for internal loans between funds. In the case of special assessments, the goal is to not unfairly burden the property owner, but yet recover the cost of borrowing from outside sources, recover the cost of administering the special assessment, and protect the City from the possibility that special assessment prepayments might impair the City's ability to service the bonds. In the case of internal loans, the goal is to prevent the loss of interest income to City funds which would otherwise invest their money.

2. Procedure

- A. In January of each year, the staff shall review the previous year's interest rate against the current market and recommend to the City Council an interest rate to be adopted and used for all special assessments levied and all internal loans outstanding for that year.
- B.
 - 1. The interest rate that will be used as a standard for setting the special assessment and internal loan interest rates shall be the interest rate from the City's most recent sale of improvement bonds with a ten year final maturity.
 - 2. If interest rates have changed substantially since that last bond sale, a comparable City's bond sale will be used from the listing in the League of Minnesota Cities magazine. Factors in determining comparability shall include: final maturity of the bonds, that they were issued by a City, that they were G.O. improvement bonds, and the City's bond rating.
- C. To the interest rate from the most recent bond sale, 2% shall be added to cover the City's cost of administration and protect the City from changes in market interest rates. The resulting interest rate shall be rounded to the nearest half percent.

Reference: City Council Minutes 5/13/96

FINANCIAL POLICIES

2.20 Capitalization and Depreciation Policy

The City of Brooklyn Center is required under Governmental Accounting and Standards Board (GASB) pronouncements to record and account for capital assets in accordance with approved City policies. Capital assets will be capitalized and accounted for in the fund that provided financing for asset acquisition and should be credited with the value of that asset.

Capital Asset Capitalization and Depreciation Schedule

Asset Category	Value Threshold
Land	\$0
Land Easements	\$10,000
Land improvements (parking lots, sidewalks, fencing)	\$25,000
Buildings/Building improvements (excludes furnishings)	\$50,000
Furniture and furnishings	\$10,000
Technology equipment (computers, communication systems, printers, network hardware)	\$10,000
Motorized vehicles (squad cars, pickup trucks, mowers)	\$10,000
Heavy equipment (plow trucks, fire trucks, loaders, graders)	\$25,000
Infrastructure improvements (water, sewer, storm sewer, street lights, streets)	\$250,000

Asset Type	Examples	Useful Life
<i>Non-infrastructure</i>		
Land	Land (not held for resale)	Indefinite
Land Easements	Right of way, public easements	Based on contract
Furniture and furnishings	Desks, tables, chairs	5 years
Computer and network hardware	Printers, servers, switches, wireless access points, etc.	5 years
Communication systems	Telephone systems, radio systems	8 years
<i>Motor Vehicles</i>		
Cars and light trucks		5 years
Fire trucks		15 years
Heavy duty trucks		10 years

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<i>Motorized equipment</i>		
Heavy construction equipment	Dozers, loaders, graders	10 years
Ground maintenance	Mowers, tractors and attachments	15 years
Other equipment	Recreation equipment, custodial equipment, engineering equipment	10 years
Improvements	Parking lots, sidewalks, fences	25 years
Buildings	Buildings, park shelters	25 years
<i>Infrastructure</i>		
Water systems	Trunks, mains, towers, pumps	25 years
Sewer systems	Trunks, mains, lift stations	25 years
Storm sewer systems	Trunks, mains, ponds	25 years
Street light systems	Street lights	15 years
Traffic control systems	Signal lights	15 years
Streets	Paved	25 years

Reference: City Council Resolution No. 2002-185; 2017-132

2.21 Financial Management Policies

1. Purpose

The City of Brooklyn Center has a responsibility to its citizens to carefully account for public funds, to manage municipal finances wisely, and to plan the adequate funding of services desired by the public, including the provision and maintenance of public facilities. The City also has the responsibility to its citizens to provide both short-term and long-term future financial stability. The City must ensure that it is capable of adequately funding and providing local government services needed by the community.

Further, the financial policies set forth herein, provide the basic framework for the overall fiscal management of the City. Operating independently of changing circumstances and conditions, these policies assist the decision-making process of the City Council and Administration.

Most of the policies represent long-standing principles, traditions and practices which have guided the City in the past and have helped maintain financial stability over the past years. The financial policies will be reviewed periodically to ascertain if modifications are necessary.

2. Objectives

In order to achieve this purpose, this plan has the following objectives for the City's fiscal performance:

- A. To protect the City Council's policy-making ability by ensuring that important policy decisions are not controlled by financial problems or emergencies and to prevent financial difficulties.
- B. To provide sound principles to guide the important decisions of the City Council and of management which have significant fiscal impact and to enhance the City Council's policy-making ability by providing accurate information on program costs.
- C. To set forth operational principles which control the cost of local government, to the extent consistent with services desired by the public and which lower financial risk.
- D. To employ revenue policies which mitigate undue or unbalanced reliance on certain revenues, especially property taxes; which distribute the costs of municipal services fairly; and which provide adequate funds to operate desired program and assist sound management of the city government by providing accurate and timely information on financial conditions.
- E. To provide essential public facilities and prevent deterioration of the City's public facilities and its capital plant.
- F. To protect and enhance the City's credit rating and prevent default on any municipal debts.
- G. To ensure the legal use and protection of all City funds through a quality system of financial and internal controls.
- H. The City will maintain a Risk Management Program that will minimize the impact of legal liabilities, natural disasters or other emergencies.

3. Financial Management Policies

- A. Capital Improvement Budget Policies
 - 1. The City will make all capital improvements in accordance with an adopted Capital Improvement Budget.
 - 2. The City will develop a multi-year plan for capital improvements and update it at least biennially.

3. The City Council will adopt the annual Capital Improvements Budget based on the multi-year capital improvement plan. Future capital expenditures necessitated by changes in population, changes in real estate development, or changes in economic base will be calculated and included in Capital Budget projections.
4. The City will coordinate development of the Capital Improvement Budget with the development of the operating budget. Future operating costs associated with new capital improvements will be projected and included in operating budget forecasts.
5. The City will use intergovernmental assistance to finance only those capital improvements which are consistent with the adopted capital improvement plan and City priorities and for which operating and maintenance costs have been included in operating budget forecasts.
6. The City will project its equipment replacement and maintenance needs for the next several years and will update this projection each year. From this projection, a maintenance and replacement schedule will be developed and followed.
7. The City staff will identify the estimated costs and potential funding sources for each capital project proposal before it is submitted to the City Council for approval.
8. The City will determine the least costly financing method over the length of all new projects.

B. Revenue Policies

1. The City will attempt to maintain a diversified and stable revenue system to shelter it from short-run fluctuations in any one revenue source and to minimize property taxes.
2. The City will estimate its annual revenue by an objective conservative analytical process.
3. The City will project revenues for the next three years and will update this projection annually. Each existing and potential revenue source will be reexamined annually.
4. The City will maintain sound appraisal procedures to keep property values correct. Property will be assessed at the legally mandated market

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value for each type of property. Reassessments will be made of all property at least every five years.

5. The City will follow an assertive policy of collecting property tax revenues. The annual level of uncollected property taxes should generally not exceed two percent.
6. Each year the City will recalculate the full costs of activities supported by user fees to identify the impact of inflation and other cost increases.
7. The City staff will recommend revised user fees with review by the City Council on an annual basis, to adjust for cost factors and inflation on the City's cost of providing services.
8. The City will set fees and user charges for each Enterprise Fund, such as Water and Sewer, at a level which fully supports the total direct and indirect costs of the activity. Indirect costs include the cost of annual depreciation of capital assets.
9. User charges and fees determined to be appropriate for City services will generally be established at a level which will recover the full cost of providing the service, including administrative costs.

C. Debt Policies

1. The City will confine long-term borrowing to capital improvements or projects which cannot be financed from current revenues.
2. When the City finances capital projects by issuing bonds, it will pay back the bonds within a period not to exceed the expected useful life of the project.
3. The City's goal is to amortize 65% of outstanding debt within 10 years; however, in no case shall the City amortize less than 50% of outstanding debt within 15 years.
4. State law limits general obligation debt to 30 years in most circumstances. The City will attempt to keep the stated maturity of General Obligation Bonds at or below 20 years.
5. Total General Obligation debt will not exceed the statutory limit of 3% of the estimated Market Value of taxable property in the City as required by Minnesota Statute, Section 475.53.

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6. Where possible, the City will use special assessment, revenue or other self-supporting bonds instead of General Obligation Bonds repaid with a property tax levy.
7. The City will not incur debt to support current operations.
8. The City will maintain good communications with bond rating agencies regarding its financial condition. The City will follow a policy of full disclosure in every financial report and bond prospectus. The City shall comply with SEC rule 15©2(12) on primary and continuing disclosure. Continuing disclosure reports shall be filed no later than 180 days after the end of the fiscal year.
9. Total governmental fund debt service cannot exceed 25% of the City's governmental fund expenditures.
10. The City will require Minimum Assessment (Taxable Valuation) Agreements on all projects in which the City is providing development assistance through tax increment financing or committing its bonding authority. This will ensure minimal cash flow (increment) to repay obligations, provide another level of review before commitment (by the City Assessor), and to the minimal value agreed upon, eliminate tax appeals during the agreement period.
11. The City shall use variable rate debt only if total principal and interest of the debt constitutes less than 20% of the City's total debt payments and only if circumstances dictate the need for a short-term call date. The City will not use derivative based debt.
12. The City shall use an outside bond attorney, an independent municipal advisor to structure the sale of debt, and a paying agent for book entry transactions.
13. The City shall invest bond proceeds in a separate account in order to account for earnings on invested proceeds for the purposes of complying with arbitrage regulations. The City shall complete an arbitrage rebate report for each issue no less than every five years after its date of issuance.

D. Investment Policies

1. The City will make cash flow analysis of all funds on a regular basis. Disbursement, collection and deposit of all funds will be scheduled to ensure maximum cash availability.

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2. When permitted by law, the City will pool cash from several different funds for investment purposes.
3. The City will invest at least 98% of its idle cash on a continuous basis.
4. The City will analyze market conditions and investment securities to determine what yield can be obtained, and attempt to secure the best possible return on all cash investments.
5. The City's accounting system will provide regular information concerning cash position and investment performance.
6. The City will maintain a formal written investment policy which will contain legal and administrative guidelines necessary to ensure that the City's available funds will be invested to the maximum extent possible, at the highest rates obtainable at the time of the investment, consistent with minimizing credit and market risk and which provides proper safeguards for the keeping of the City's investments.

E. Accounting, Auditing and Financial Reporting Policies

1. The City will establish and maintain a high standard of accounting practices in conformance with generally accepted accounting principles.
2. The accounting system will maintain records on a basis consistent with accepted standards for local government accounting using GASB 34 as the basis of accounting for all governmental funds and an accrual basis of accounting for Enterprise and Internal Service Funds. Accounting policies will reflect the principle of charging current taxpayers and/or users for the full cost of providing current services.
3. Regular monthly and annual financial reports will present a summary of financial activity by major types of funds as determined by the prior year's Comprehensive Annual Financial Report.
4. Where possible, the reporting system will provide monthly information on the total cost of specified services by type of expenditure and, if necessary, by fund.
5. An independent public accounting firm will perform an annual audit and will publicly issue an opinion concerning the City's finances.

F. Risk Management Policies

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1. The City will maintain a Risk Management Program that will minimize the impact of legal liabilities, natural disasters or other emergencies through the following activities:
 - a. Loss Prevention. Prevent negative occurrences.
 - b. Loss Control. Reduce or mitigate expenses of a negative occurrence.
 - c. Loss Financing. Provide a means to finance losses.
 - d. Loss Information Management. Collect and analyze relevant data to make prudent loss prevention, loss control and loss financing decisions.
 2. The City's Risk Management Program will:
 - a. Analyze all the City's risks.
 - b. Avoid risks whenever possible.
 - c. Reduce risks whenever possible.
 - d. Transfer risks to other entities when possible.
 - e. Of those risks that must be retained, it shall be the City's policy to fund risks which the City can afford and transfer all other risks to insurers.
 3. The City will maintain an active Safety Committee comprised of City employees.
 4. The City will periodically conduct educational safety and risk avoidance programs, through its Safety Committee and with the participation of its insurers, within its various departments.
 5. The Safety Committee will report to the City Manager, at least annually, on the results and costs of the City's Risk Management Program for the preceding year. The City Manager shall report annually to the City Council.
- G. Operating Budget Policies
1. In accordance with Chapter 7, Section 7.06 of the City Charter, the total sum appropriated in the General Fund annual budget shall be equal to the total estimated General Fund revenue and any allocated General Fund balance.
 2. The City will pay for all current expenditures with current revenues. The City will avoid budgetary procedures that balance current expenditures at the expense of meeting future year's revenues, or rolling over short-term

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debt, or that rely on accumulated fund balances to meet current obligations.

3. The City will annually appropriate a contingency appropriation in the General Fund budget, not to exceed five percent of the total budget, to provide for unanticipated expenditure of a non-recurring nature.
4. The City Manager, when submitting the Proposed Budget to the City Council, shall submit a balanced General Fund budget in which appropriations shall not exceed the total of the estimated General Fund revenue and any fund balance appropriated by the City Council.
5. Prior to adopting the General Fund Annual Budget, the City Council shall review the Reserve Policy.
6. In the event that there is a shortfall of revenues in a current year budget, the City Manager may recommend the use of a portion of the General Fund balance not to exceed the amount available after deducting amounts reserved for items not readily convertible to cash or reserved for working capital.
7. The budget will provide for adequate maintenance of the capital plant and equipment, and for their orderly replacement.
8. The budget will provide for adequate funding of all retirement systems.
9. The City will maintain a budgetary control system to assist in adhering to the budget.
10. The City administration will prepare regular monthly reports comparing actual revenues and expenditures to the budgeted amount.
11. Each year the City will update expenditure projections for its Enterprise Funds for at least the ensuing five years. Projections will include estimated operating costs of future capital improvements included in the Capital Budget.
12. The Operating Budget will describe the major goals to be achieved, and the services and programs to be delivered for the level of funding provided.
13. Where possible, the City will integrate performance measurement and productivity indicators with the budget.

14. Enterprise funds shall be budgeted to have positive net income plus a sufficient margin to provide for replacement cost of property, plant, and equipment.

H. Ethics Policy

The City will maintain, and periodically review, a formal written ethics policy for all City employees and elected officials.

I. Role of Auditors

The City’s independent auditors shall be required, in the course of their audit, in the content of their Management Letter, to report any conditions that appear to be violations of our financial management policy.

Reference: City Council Resolution Nos. 2019-060; 2017-186; 2017-150; 2017-137; 2014-19; 2011-167; 2006-120; 2004-189; 99-21; 98-48; City Council Minutes 4/8/19; 5/22/95; 6/8/92; 2/26/90; 12/22/80

2.22 Investment Policy

1. Scope

This investment policy applies to all of the investment activities of the City, except for the proceeds of refunding bond issues where the investment of such proceeds is specifically governed by the bond escrow agreement.

2. Objective

A. Safety

Safety of principal is the foremost objective of the investment program. Investments shall be in a manner that ensures the preservation of capital in the overall portfolio.

1. Credit Risk

Credit risk is the risk of loss due to failure of the security issuer or backer. Credit risk may be mitigated by:

- a. Limiting investments to the safest types of securities; and
- b. Diversifying the investment portfolio so that potential losses from any type of security or from any one individual issuer will be minimized.

2. Interest Rate Risk

Interest rate risk is the risk that the market value of securities in the portfolio will fall due to changes in general interest rate. Interest rate risk may be mitigated by:

- a. Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations, thereby avoiding the need to sell securities on the open market prior to maturity; and
- b. By investing operating funds primarily in shorter-term securities.

B. Liquidity

The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands. Furthermore, since all possible cash demands cannot be anticipated, the portfolio should contain a large component of securities with active secondary or resale markets.

C. Yield

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. The core of investments is limited to relatively low risk securities in anticipation of earning a fair return relative to the risk being assumed. Securities shall be held to maturity with the following exceptions:

1. Liquidity needs of the portfolio require that the security be sold.
2. A security of declining credit could be sold early to minimize loss of principal.
3. A security swap, of the same investment type, that improves the quality, yield, or target duration in the portfolio.

D. Stable Earnings

Since investment earnings are included in the budgeted revenues of the City, it is important that these earnings be stable and predictable through at least the next budget cycle.

3. Standards of Care

A. Prudence

The standard of prudence to be used by investment officials shall be the prudent person standard described in Minnesota Statutes Chapter 118A. It will be applied in the context of managing the overall portfolio. Investment officials acting in accordance with this policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the purchase and sale of securities are carried out in accordance with the terms of the policy.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of the City's affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.

B. Ethics and Conflicts of Interest

Officials involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Officials shall disclose any material interests in financial institutions with which they conduct business. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Officials shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the City.

C. Delegation of Authority

Authority to manage the investment program is derived from Minnesota State Statutes, Chapter 118A and Brooklyn Center City Charter Chapter 6, Section 6.04 and is granted to the City Manager, City Treasurer, and Assistant Finance Director. Responsibility for the operation of the investment program may be delegated by the City Manager to the City Treasurer, who shall carry out the program consistent with this policy. No person may engage in any investment transaction except as provided under the terms of this policy. The City Treasurer shall be responsible to the City Manager for all transactions undertaken and shall establish a system of controls to regulate the execution of all investment transactions.

D. Training

To ensure the competence of its investment officials, the City shall provide the opportunity for the officials to attend such investment training programs as are available and suitable.

4. Safekeeping and Custody

A. Authorized Financial Dealers and Institutions

A resolution shall be submitted to the City Council at least annually to designate depositories of City funds. This shall include institutions and dealers/brokers where accounts are maintained for banking services, purchase and sale of investment securities, and the custody of securities.

The City Treasurer shall provide to each broker or institution a written statement of investment restrictions which shall include a provision that all future investments are to be made in accordance with Minnesota Statutes governing the investment of public funds, prior to completing an initial transaction, and annually thereafter.

An annual review of the depositories shall be conducted by the City Treasurer. Requests for Proposals for banking services and custodian for investment securities shall be conducted on a periodic basis as defined in the Policy and Procedure on Requests for Proposals for Financial Professional Services.

B. Internal Controls

The City Treasurer is responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft, or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits likely to be derived and the valuation of costs and benefits requires estimates and judgments by management. Internal controls shall include the following:

1. Control of Collusion. Collusion is a situation where two or more employees are working in conjunction to defraud their employer.
2. Custodial safekeeping. Securities purchased from any bank or dealer shall be placed with an independent third party for custodial safekeeping or held in an account with the Federal Reserve Bank of Minneapolis.
3. Avoidance of physical delivery securities. Book entry securities are much easier to transfer and account for since actual delivery of a document

never takes place. Delivered securities must be properly safeguarded against loss or destruction. The potential for fraud and loss increases with physical delivered securities.

4. Clear delegation of authority to subordinate staff members. Officials must have a clear understanding of their authority and responsibilities to avoid improper actions. Clear delegation of authority also preserves the internal control structure.
5. Written confirmation of telephone transactions for investments and wire transfers. Due to the potential for errors and improprieties arising from telephone transactions, all transactions should be supported by written communications and approved by the appropriate official. Written communications may be via fax or email. Institutions and brokers/dealers shall be provided with a list of authorized signers.
6. Development of a wire transfer agreement with institutions and brokers/dealers. This agreement should outline the various controls, security provisions, and delineate responsibilities of each party making and receiving wire transfers.
7. Independent Audit. The City's independent auditors shall conduct a thorough review of the City's investment portfolio and transactions as part of their engagement.

C. Delivery Verses Payment

All trades where applicable will be executed by delivery verses payment (DVP). This ensures that securities are deposited in the eligible financial institution prior to the release of funds. Securities will be held by a third party custodian.

5. Suitable and Authorized Investments

A. Investment Types

Consistent with Minnesota Statutes Chapter 118A, the following investments will be permitted by this policy:

1. United States Securities: including bonds, notes, bills, or other securities which are direct obligations of the United States, its agencies, its instrumentalities, or organizations created by an act of Congress, which carry the full faith and credit of the United States.

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2. Commercial paper issued by U.S. corporations or their Canadian subsidiaries that is rated in the highest quality by at least two nationally recognized rating agencies and matures in 90 days or less.
3. Certificates of Deposits (Time Deposits) that are fully insured by the Federal Deposit Insurance Corporation.
4. Repurchase agreements and reverse repurchase agreements may be entered into with financial institutions identified by Minnesota Statutes Chapter 118A. Reverse repurchase agreements may only be entered into for a period of 90 days or less and only to meet short-term cash flow needs.
5. Securities lending agreements may be entered into with financial institutions identified by Minnesota Statutes Chapter 118A.
6. Minnesota joint powers investment trusts may be entered into with trusts identified by Minnesota Statutes Chapter 118A.
7. Money market mutual funds regulated by the Securities and Exchange Commission and whose portfolios consist only of short term securities permitted by Minnesota Statutes Chapter 118A.
8. Bonds of the City of Brooklyn Center issued in prior years, may be redeemed at current market price, which may include a premium, prior to maturity using surplus funds of the debt service fund set up for that issue. Such repurchased bonds shall be canceled and removed from the obligation of the fund.
9. General obligation bonds of state or local governments rated A or better by a national bond rating service.
10. Revenue obligations of state or local governments rated AA or better by a national bond rating agency.
11. The Minnesota Municipal Money Market Fund (4M) that was established by the League of Minnesota Cities to address the investment needs of Minnesota cities.

B. Collateralization

To the extent that deposits in bank accounts, certificates of deposit, and repurchase agreements exceed the available federal deposit insurance, collateral shall be furnished by the financial institution in accordance with Minnesota Statutes Chapter 118A.

C. Maximum Maturities

When purchasing investments, the Treasurer will attempt to match the maturity to future cash flow requirements. The City will not invest in securities maturing more than six years from the date of purchase. No more than ten percent of the City's portfolio at any time shall be invested in securities with maturities of more than five years.

6. Reporting

- A. The City Treasurer shall prepare a monthly investment report to the City Manager which shall include a succinct management summary; a list of significant transactions such as purchases, sales, and maturities of investments; a list of investments by type, a list of investments by maturity, a calculation of average yield on the portfolio, and a statement of interest earned. This report will be prepared in a manner which will allow the City Manager to ascertain whether investment activities during the month have conformed to the investment policy.
- B. A statement of the market value of the portfolio shall be issued at least annually. This will review the investment portfolio in terms of value and subsequent price volatility.

Reference: City Council Resolution Nos. 2016-58; 2006-120; 97-60; 90-105

2.23 Fund Balance and Classification Policy

Policy Objective: To provide a definition of the various City funds and to provide direction for classifying the various components of fund balance to indicate the extent to which the City is bound to honor constraints on the specific purposes for which amounts in the fund can be spent.

Governmental Funds

Governmental Accounting Standards Board (GASB) Statement No. 54, *Fund Balance Reporting and Governmental Fund Type Definitions* provide categories and terminology used to describe the components of fund balance in the governmental funds (but it does not apply to the proprietary or fiduciary funds). The City's governmental funds include; General Fund, Special Revenue Funds, Debt Service Funds and Capital Projects Funds.

Definitions (as they apply to Governmental Funds under GASB 54):

Fund balance – the difference between assets and liabilities reported in a governmental fund.

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Nonspendable fund balance – amounts that are not in a spendable form (e.g., prepaid items and inventories of supplies). Resources that must be maintained intact pursuant to legal or contractual requirements are also considered nonspendable.

Restricted fund balance – amounts subject to externally enforceable legal restrictions (creditors, grantors, contributors, and by law through constitutional provisions or enabling regulations).

Unrestricted fund balance – the total of committed fund balance, assigned fund balance, and unassigned fund balance, as described below.

Committed fund balance – amounts that can be used only for the specific purposes determined by a formal action of the government’s highest level of decision-making authority (City Council). Commitments may be changed or lifted only by the City Council taking the same formal action that imposed the constraint originally. The City Council must take action on these commitments before year end.

Assigned fund balance – amounts a government intends to use for a specific purpose; intent can be expressed by the government body or by an official or body to which the governing body delegates the authority.

The City Council authorizes the City Manager or the City Manager’s designee to assign fund balance that reflects the City’s intended use of those funds for the purposes of reporting the City’s financial position.

Unassigned fund balance – amounts that are available for any purpose in the general fund. Only the General Fund can report a positive amount of unassigned fund balance.

Prioritization of fund balance use – when both restricted and unrestricted resources are available for use, it is the City’s policy to first use restricted resources and then use unrestricted resources as they are needed, unless otherwise required by the restricting authority. When unrestricted resources are available for use, it is the City’s policy to use resources in the following order: 1) committed 2) assigned 3) unassigned.

General Fund

The General Fund is established to account for all revenues and expenditures which are not required to be accounted for in other funds. Revenue sources include property taxes, license and permit fees, fines and forfeits, charges for services, intergovernmental revenues, investment interest earnings, and transfers. The General Fund’s resources finance a wide range of functions including the operations of general government, public safety, and public works.

The City shall manage its cash flow needs by having a target unassigned General Fund balance at the close of each fiscal year of 50% to 52% of the next year’s General Fund operating budget.

Unassigned General Fund monies that are not required for cash flow purposes may be transferred into other funds as may be appropriate or needed during the fiscal year. It is specifically anticipated that

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transfers will be made to the Street Reconstruction Fund, Capital Improvements Fund, and the Technology Fund when operating results generate a surplus of actual revenues over actual expenditures to serve as a recurring source of funding for those three funds.

Special Revenue Funds

Special revenue funds are used to account for and report the proceeds of specific revenue sources that are restricted or committed to expenditures for specified purposes other than debt service or capital projects. Governmental accounting standards require that substantial inflows of revenues into a special revenue fund be either restricted or committed in order for the fund to be considered a special revenue fund.

- a. **Housing and Redevelopment Authority (HRA) Fund** – This fund was established to account for housing and redevelopment projects within the City of Brooklyn Center. The HRA has the authority to levy an ad-valorem property tax levy, which is the primary funding source for the Economic Development Authority
- b. **Economic Development Authority (EDA) Fund** – This fund was established to account for the development related activities in the City of Brooklyn Center. The EDA generates the funding to accomplish the development projects from grants, HRA property tax levy, or transfer from other funds of the City.
- c. **Community Development Block Grant (CDBG) Fund** – This fund was established to account for the collection of CDBG grant funding for related projects within the City.
- d. **Police Forfeitures Fund** – This fund was established to account for the proceeds from property seized by Police Department personnel.
 - i. The City receives property and money through law enforcement seizures under Federal Law 21USCS Section 881(e) and Minnesota Statutes, Sections 609.531-609.5317. 169A.63
 - ii. The City will use proceeds from these seizures as defined in State law and Department of Justice guidelines. Forfeited property and cash will be used:
 1. Only for law enforcement purposes, or;
 2. Only as a supplement to budgeted funds, or;
 3. Not as a source to supplant ordinary operating expenditures
 - iii. The City will establish procedures to ensure the safekeeping of forfeited property and funds until such time as they are used for approved purposes.
- e. **Tax Increment Funds** – These funds were established to account for the collection of tax increment generated revenues for parcels within the districts. These funds are used to finance various redevelopment activities within the Districts.

- f. **City Initiatives Grant Fund** – Revenues and expenditures from recurring grants or donations received from outside entities (federal, state, local) are accounted for in the fund.

Debt Service Funds

Debt service funds account for payments of principal and interest on City debt issuances. Fund balances are considered restricted as they are resources accumulated for principal and interest payments maturing in future years.

Capital Project Funds

Capital project funds are used to account for and report financial resources that are restricted, committed, or assigned to expenditure for capital outlays, including the acquisition or construction of capital facilities and other capital assets. Subledger codes are used to differentiate spending on multiple projects within individual capital project funds. Capital improvements should be included in the City's 15-year Capital Improvement Plan which is adopted by City Council at a public hearing on an annual basis.

Role of the Financial Commission – If a review of an expenditure is requested by the City Council from the Financial Commission, the Financial Commission will respond on the basis of the following questions:

- 1. Does the expenditure comply with the Fund Balance and Classification Policy?
 - 2. Is the expenditure appropriate considering the financial conditions of the City?
- a. **Capital Improvements Fund** – Large capital expenditures for municipal buildings, furnishings, equipment, computer/radio systems, park and trail improvements, and capital projects made possible through outside funding sources, are accounted for in the Capital Improvements Fund.
 - i. Funding Sources:
 - a. Each year, following the completion of the annual audit (typically July) the year-end fund balance of the General Fund will be reviewed for surplus operating funds. The audited year-end General Fund unassigned fund balance that exceeds 52% of the next year's General Fund operating budget will be transferred to the Capital Improvements fund.
 - b. Each year, following the completion of the annual audit (typically July) the year-end cash balance of the Brooklyn Center Liquor operations will be reviewed for surplus operating funds. The audited year-end Liquor Fund unrestricted cash balance that exceeds three and a half months of the next year's budgeted

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operating expenses and one year of budgeted capital equipment needs will be transferred to the Capital Improvements fund.

- c. On an annual basis, the City will receipt the greater of \$650,000 (or the full amount if less than \$650,000) of Local Government Aid (LGA) received OR 50 percent of total LGA.
- d. Project cost sharing grants from Regional, County, State or Federal governments.
- e. Tax increment funds as applicable.
- f. Allocated investment earnings based on the fund's cash balance.

Any remaining fund balance at year-end in the Capital Improvements Fund will be carried forward to fund future capital improvement projects as identified in the City's Capital Improvement Plan.

ii. Use of Funds:

- a. The capital improvements fund may be used, pursuant to this policy, for expenditures on capital equipment, infrastructure improvements and construction, and similar projects having an aggregate value in excess of \$50,000. The types of expenditures contemplated by this policy include projects such as:
 - building construction, repair, reconstruction, and remodeling, including component systems for heating, ventilation, and air conditioning
 - equipment and furnishings, including furniture, lights, and communications cabling
 - park landscaping, shelter, and improvements
 - computer, radio, and telephone systems
 - City contribution portion of cost-share or grant-funded infrastructure projects
- b. The expenditures from the capital improvements fund are to be used for governmental capital needs and not for enterprise fund capital needs, except as the general governmental portion of a joint project for both governmental and enterprise purposes.
- c. Additionally, the capital improvements fund may be used to provide loans to other funds maintained by the City in accordance with the City's special assessment and internal loan interest rate policy.

- iii. **Authority to Spend**
Expenditures meeting the above criteria may be funded through the capital improvements fund based on the following authority limits:
 - a. Expenditures from \$0 to \$50,000: Not eligible for funding from the capital improvements fund. Funding is required through the general fund operating budget.
 - b. Expenditures from \$50,001 to \$300,000: The City Council may, through simple majority, approve these expenditures.
 - c. Expenditures over \$300,001: Following a public hearing, the City Council may, through a 4/5ths majority, approve expenditures in this category.
 - iv. **Insurance Items**
Expenditures for repair or replacement of items that are to be reimbursed by insurance proceeds may be accounted for and authorized by the Finance Director.
- b. **Municipal State Aid Construction Fund** – In 1957 the Minnesota legislature authorized the establishment of a Municipal State Aid Streets system in all Minnesota cities with a population of 5,000 or greater not to exceed 20 percent of the city’s improved local mileage. The City receives an annual allocation of State Aid for streets in two pieces:
- i. Annual Maintenance Allocation – may be spent on crack sealing, seal coating, signs, and striping on streets within the designated MSA system.
 - ii. Annual Construction Allocation – these funds are tied to specific projects that are approved by MNDOT which are then reimbursed over time via an annual allocation. Depending on need and availability of reimbursement funds, the construction funding can lag several years behind the completion of eligible projects in this fund.
- c. **Capital Reserve Emergency Fund** – While the City carries property and casualty insurance, the City may need additional funds beyond insurance proceeds in the event of natural or other disaster impacting its buildings and their contents, as well as other improvements to real property. Also, unanticipated failure of buildings or improvements to buildings may require immediate expenditure of funds for repair or replacement that are not covered by insurance. The funds placed in the Capital Expenditure Reserve Fund are not to be considered a source for planned or recurring capital needs, but only to deal with emergency needs as described due to damage, loss, or failure of existing buildings and other improvements to real property.
- i. **Use of Funds**

- a. Funds may be expended from the Capital Expenditure Reserve Fund for the repair or replacement of buildings or other improvements to real property and their contents where the repair or replacement is necessitated by damage to such buildings or other improvements to real property and their contents due to:
- Natural disaster such as a tornado, storm, flood, or earthquake
 - Fire, vandalism, terrorism, explosion, building or component collapse

ii. Authority to Spend

Expenditures meeting the criteria for the use of funds may be funded through the Capital Expenditure Reserve Fund upon Resolution of the City Council finding that the criteria for expenditure have been met and that the use of funds would not otherwise be covered by insurance proceeds, except that the City Council may authorize the use of Capital Expenditure Reserve Funds in anticipation of the receipt of insurance proceeds providing that such funds used in anticipation of insurance proceeds are repaid to the Capital Expenditure Reserve Fund from such insurance proceeds.

iii. Fund Balance

The Capital Expenditure Reserve Fund shall be established at \$1,000,000. Such fund balance shall increase each year by the interest earned on the fund balance. In the event that the fund would drop below \$1,000,000, the City Manager shall prepare a plan for restoring the balance to \$1,000,000. The fund balance target should reflect an analysis of the City's uninsured exposure to the losses identified in this policy. Such plan, as well as whether the balance should be made higher or lower, shall be reviewed by the Financial Commission and City Council. The plan adopted by the City Council shall be included in the budgetary process if the fund's balance is not restored by transfer of existing funds from another fund, such as the Capital Improvement Fund.

- d. **Special Assessments Construction Fund** – The Special Assessments Construction Fund accounts for the resources and expenditures required for the acquisition and construction of infrastructure improvements that are financed wholly or in part by special assessments levied against benefited properties. Only those expenses that will be reimbursed via special assessment revenues or paid for from bond proceeds of which

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the underlying bonds will be repaid solely from special assessments qualify for reporting in the Special Assessments Construction Fund.

- i. The Special Assessments Construction Fund may be used, pursuant to this policy, for expenditures on infrastructure improvements and similar projects having an aggregate value in excess of \$50,000. The types of expenditures contemplated by this policy include projects such as:
 - a. street repair, replacement, and construction
 - b. bridge rehabilitation and construction
 - c. water, sanitary sewer, storm drainage, and street light utility improvements
- ii. Expenditures meeting the above criteria may be funded through the Special Assessments Construction Fund based on the following authority limits:
 - a. Expenditures from \$0 to \$50,000: Not eligible for funding from the Special Assessments Construction fund. Funding is required through the general fund operating budget.
 - b. Expenditures from \$50,001 to \$300,000: The City Council may, through simple majority, approve these expenditures.
 - c. Expenditures over \$300,001: Following a public hearing, the City Council may, through 4/5ths majority, approve expenditures in this category.
- e. **Street Reconstruction Fund** – This fund was established to provide funds and to account for the expenditure of such funds, for major street infrastructure improvements. The accumulation of funds to provide for such improvements is an attempt to reduce future debt issuance.
 - i. Sources of Funds
 - a. Franchise fees collected from CenterPoint Energy and Xcel Energy
 - b. Bond proceeds to be repaid with property tax levies
 - ii. Uses of Funds
 - a. Street reconstruction projects performed in accordance with the City’s 15 year capital improvement plan, specifically neighborhood

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reconstruction projects and mill and overlay projects as necessary.

- f. **Technology Fund** – The Technology Fund accounts for new technology improvements and the replacement of existing technology and capital items necessary to increase productivity and operating efficiencies. The majority of expenditures in this fund relate to technology infrastructure maintenance and expansion such as servers, switches, wireless access points, surveillance and audio-visual technology. Minor technology purchases such as desktop and laptop replacements, monitors, etc. are not permitted in this fund; rather they are coded to the fund and department that utilizes them.
- g. **Additional Capital Project Funds** – New capital project funds will be created as necessary for projects that warrant separate presentation due to their scope or complexity of funding sources.

Enterprise Funds

Enterprise Funds are those programs provided by the City which generate their own revenues for operations and capital maintenance. In some cases, these funds are expected to generate enough revenue to support capital projects in other funds, thereby reducing the need for use of the property tax levy. The City of Brooklyn Center operates three Enterprise Funds:

- a. Brooklyn Center Liquor
- b. Centerbrook Golf Course
- c. Earle Brown Heritage Center

Capital improvement projects in these enterprise funds that exceed a total anticipated cost of \$25,000 should be included in a Capital Improvement Plan which is annually adopted by City Council in conjunction with the budget process.

Public Utility Funds

The Public Utility Funds track the revenues and expenditures for fee based public utility services provided by the City. These funds operate on their own ability to generate revenues and receive no property tax support. Each year the City Council reviews the operations of these funds and sets rates for each service based on the needs for general operations, capital spending and debt service payments. The public utilities include:

- a. Water Utility Fund
- b. Sanitary Sewer Fund
- c. Storm Sewer Fund
- d. Streetlight Utility Fund
- e. Recycling Utility Fund

Capital improvement projects in these Public Utility Funds that exceed a total anticipated cost of \$50,000 should be included in the City's 15-year Capital Improvement Plan which is annually adopted by City Council in conjunction with the budget process.

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- a. Capital Expenditures may be funded through the Public Utility Funds based on the following authority limits:
 - i. Expenditures from \$50,001 to \$300,000: The City Council may, through simple majority, approve these expenditures.
 - ii. Expenditures over \$300,001: Following a public hearing, the City Council may, through a 4/5ths majority, approve expenditures in this category.
 - iii. Emergency spending is addressed in the City’s purchasing policy and those situations may be exempt from this requirement.

Internal Service Funds

Internal Service funds exist to centralize certain services and then allocate the cost of those services within the government. The City of Brooklyn Center internal services funds include:

- a. **Central Garage** – The Central Garage is used to fund replacement, maintenance, fueling, and insurance of the City’s fleet of vehicles through inter-fund charges to departments. Vehicle replacement costs are updated each year to ensure replacement costs being charged to departments are sufficient to purchase a new vehicle when the useful life has been reached. Replacement equipment and new equipment should be identified and approved by council during the budget process. If new or replacement equipment is needed unexpectedly subsequent to the budget process for that year, the items should be presented to and approved by council prior to purchase.
- b. **Employee Retirement Benefit** – This fund accounts for certain health care insurance benefits for City employees who retire before age 65. Substantially all of the City’s full-time police and fire employees and all other full-time employees hired before July 1, 1989 may be eligible for those benefits from the time they qualify for an unreduced PERA pension, until they reach age 65 or become eligible for Medicare. In the event that future costs would exceed funds available, other funds would be charged for the costs associated with their employees.
- c. **Employee Compensated Absences** - This fund accounts for payment of unused vacation and vested sick leave benefits, and the allocation of such costs to the respective departments and funds of the City.
- d. **Pension – GERF/PEPFF** - These funds were established to account for the net pension liability and related expense recorded with the adoption of GASB 68 related to the PERA Coordinated plan (GERF) and the PERA Police and Fire plan (PEPFF), respectively and the allocation of such costs to the respective departments and funds of the City.

Reference: City Council Resolution No. 2017-186; 2017-163; 2017-137; 2007-56; 2006-46; 97-84; City Council Minutes 1/10/94

2.24 Post-Issuance Compliance Policy for Tax-Exempt Governmental Bonds

The City of Brooklyn Center (the "City") issues tax-exempt governmental bonds to finance capital improvements. As an issuer of tax-exempt governmental bonds, the City is required by the terms of Sections 103 and 141-150 of the Internal Revenue Code of 1986, as amended (the "Code"), and the Treasury Regulations promulgated thereunder (the "Treasury Regulations"), to take certain actions subsequent to the issuance of such bonds to ensure the continuing tax-exempt status of such bonds. In addition, Section 6001 of the Code and Section 1.6001-1(a) of the Treasury Regulations, impose record retention requirements on the City with respect to its tax-exempt governmental bonds. This Post-Issuance Compliance Procedure and Policy for Tax-Exempt Governmental Bonds (the "Policy") has been approved and adopted by the City to ensure that the City complies with its post-issuance compliance obligations under applicable provisions of the Code and Treasury Regulations.

1. Effective Date and Term. The effective date of this Policy is the date of approval by the City Council of the City (April 8, 2019) and shall remain in effect until superseded or terminated by action of the City Council of the City.

2. Responsible Parties. The Finance Director of the City shall be the party primarily responsible for ensuring that the City successfully carries out its post-issuance compliance requirements under applicable provisions of the Code and Treasury Regulations. The Finance Director will be assisted by the staff of the Finance Department of the City and by other City staff and officials when appropriate. The Finance Director of the City will also be assisted in carrying out post-issuance compliance requirements by the following organizations:
 - (a) Bond Counsel (the law firm primarily responsible for providing bond counsel services for the City);

 - (b) Municipal Advisor (the organization primarily responsible for providing Municipal Advisor services to the City);

 - (c) Paying Agent (the person, organization, or City officer primarily responsible for providing paying agent services for the City); and

 - (d) Rebate Analyst (the organization primarily responsible for providing rebate analyst services for the City).

The Finance Director shall be responsible for assigning post-issuance compliance responsibilities to members of the Finance Department, other staff of the City, Bond Counsel, Paying Agent, and Rebate Analyst. The Finance Director shall utilize such other professional service organizations as are necessary to ensure compliance with the post-issuance compliance requirements of the City. The Finance Director shall provide training and educational resources to City staff who are responsible for ensuring compliance with any portion of the post-issuance compliance requirements of this Policy.

- 3 Post-Issuance Compliance Actions. The Finance Director shall take the following post-issuance compliance actions or shall verify that the following post-issuance compliance actions have been

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taken on behalf of the City with respect to each issue of tax-exempt governmental bonds issued by the City:

- (a) The Finance Director shall prepare a transcript of principal documents (this action will be the primary responsibility of Bond Counsel).
- (b) The Finance Director shall file with the Internal Revenue Service (the "IRS"), within the time limit imposed by Section 149(e) of the Code and applicable Treasury Regulations, an Information Return for Tax-Exempt Governmental Obligations, Form 8038-G (this action will be the primary responsibility of Bond Counsel).
- (c) The Finance Director shall monitor each issue of tax-exempt governmental bonds to ensure the proper allocation of bond proceeds to expenditures in accordance with the provisions of Treasury Regulations, Section 1.148-6(d)(1).
- (d) The Finance Director, in consultation with Bond Counsel, shall identify proceeds of tax-exempt governmental bonds that must be yield-restricted and shall monitor the investments of any yield-restricted funds to ensure that the yield on such investments does not exceed the yield to which such investments are restricted.
- (e) In consultation with Bond Counsel, the Finance Director shall determine whether the City is subject to the rebate requirements of Section 148(f) of the Code with respect to each issue of tax-exempt governmental bonds. In consultation with Bond Counsel, the Finance Director shall determine, with respect to each issue of tax-exempt governmental bonds of the City, whether the City is eligible for any of the temporary periods for unrestricted investments and is eligible for any of the spending exceptions to the rebate requirements. The Finance Director shall contact the Rebate Analyst (and, if appropriate, Bond Counsel) prior to the fifth anniversary of the date of issuance of each issue of tax-exempt governmental bonds of the City and each fifth anniversary thereafter to arrange for calculations of the rebate requirements with respect to such tax-exempt governmental bonds. If a rebate payment is required to be paid by the City, the Finance Director shall prepare or cause to be prepared the Arbitrage Rebate, Yield Reduction and Penalty in lieu of Arbitrage Rebate, Form 8038-T, and submit such Form 8038-T to the IRS with the required rebate payment. If the City is authorized to recover a rebate payment previously paid, the Finance Director shall prepare or cause to be prepared the Request for Recovery of Overpayments Under Arbitrage Rebate Provisions, Form 8038-R, with respect to such rebate recovery, and submit such Form 8038-R to the IRS.

4. Procedures for Monitoring, Verification, and Inspections. The Finance Director shall institute such procedures as the Finance Director shall deem necessary and appropriate to monitor the use of the proceeds of tax-exempt governmental bonds issued by the City, to verify that certain post-issuance compliance actions have been taken by the City, and to provide for the inspection of the facilities financed with the proceeds of such bonds. At a minimum, the Finance Director shall establish the following procedures:

- (a) The Finance Director shall monitor the use of the proceeds of tax-exempt governmental bonds to: (i) ensure compliance with the expenditure and investment requirements under

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the temporary period provisions set forth in Treasury Regulations, Section 1.148-2(e); (ii) ensure compliance with the safe harbor restrictions on the acquisition of investments set forth in Treasury Regulations, Section 1.148-5(d); (iii) ensure that the investments of any yield-restricted funds do not exceed the yield to which such investments are restricted; and (iv) determine whether there has been compliance with the spend-down requirements under the spending exceptions to the rebate requirements set forth in Treasury Regulations, Section 1.148-7.

(b) The Finance Director shall monitor the use of all bond-financed facilities in order to: (i) determine whether private business uses of bond-financed facilities have exceeded the *de minimus* limits set forth in Section 141(b) of the Code as a result of leases and subleases, licenses, management contracts, research contracts, naming rights agreements, or other arrangements that provide special legal entitlements to nongovernmental persons; and (ii) determine whether private security or payments that exceed the *de minimus* limits set forth in Section 141(b) of the Code have been provided by nongovernmental persons with respect to such bond-financed facilities. The Finance Director shall provide training and educational resources to any City staff who have the primary responsibility for the operation, maintenance, or inspection of bond-financed facilities with regard to the limitations on the private business use of bond-financed facilities and as to the limitations on the private security or payments with respect to bond-financed facilities.

(c) The Finance Director shall undertake the following with respect to each outstanding issue of tax-exempt governmental bonds of the City: (i) an annual review of the books and records maintained by the City with respect to such bonds; and (ii) an annual physical inspection of the facilities financed with the proceeds of such bonds, conducted by the Finance Director with the assistance with any City staff who have the primary responsibility for the operation, maintenance, or inspection of such bond-financed facilities.

5. Record Retention Requirements. The Finance Director shall collect and retain the following records with respect to each issue of tax-exempt governmental bonds of the City and with respect to the facilities financed with the proceeds of such bonds: (i) audited financial statements of the City; (ii) appraisals, demand surveys, or feasibility studies with respect to the facilities to be financed with the proceeds of such bonds; (iii) publications related to the bond financing; (iv) trustee or paying agent statements; (v) records of all investments and the gains (or losses) from such investments; (vi) paying agent or trustee statements regarding investments and investment earnings; (vii) reimbursement resolutions and expenditures reimbursed with the proceeds of such bonds; (viii) allocations of proceeds to expenditures (including costs of issuance) and the dates and amounts of such expenditures (including requisitions, draw schedules, draw requests, invoices, bills, and cancelled checks with respect to such expenditures); (ix) contracts entered into for the construction, renovation, or purchase of bond-financed facilities; (x) an asset list or schedule of all bond-financed depreciable property and any depreciation schedules with respect to such assets or property; (xi) records of the purchases and sales of bond-financed assets; (xii) private business uses of bond-financed facilities that arise subsequent to the date of issue through leases and subleases, licenses, management contracts, research contracts, naming rights agreements, or other arrangements that provide special legal entitlements to nongovernmental persons and copies of any such agreements or instruments; (xiii) arbitrage rebate reports and records of rebate and yield reduction payments; (xiv) resolutions or other actions taken by the governing body subsequent to

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the date of issue with respect to such bonds; (xv) formal elections authorized by the Code or Treasury Regulations that are taken with respect to such bonds; (xvi) relevant correspondence, including letters, faxes or emails, relating to such bonds; (xvii) documents related to guaranteed investment contracts or certificates of deposit, credit enhancement transactions, and financial derivatives entered into subsequent to the date of issue; (xviii) bidding of financial products for investment securities; (xix) copies of all Form 8038-Ts, Form 8038-Rs, and Form 8038-CPs filed with the IRS and any other forms or documents filed with the IRS; (xx) the transcript prepared with respect to such tax-exempt governmental bonds, including but not limited to (a) official statements, private placement documents, or other offering documents, (b) minutes and resolutions, orders, or ordinances or other similar authorization for the issuance of such bonds, and (c) certification of the issue price of such bonds; and (xxi) documents related to government grants associated with the construction, renovation, or purchase of bond-financed facilities.

The records collected by the Finance Director shall be stored in any format deemed appropriate by the Finance Director and shall be retained for a period equal to the life of the tax-exempt governmental bonds with respect to which the records are collected (which shall include the life of any bonds issued to refund any portion of such tax-exempt governmental bonds or to refund any refunding bonds) plus three (3) years. The Finance Director shall also collect and retain reports of any IRS examination of the City or any of its bond financings.

6. Remedies. In consultation with Bond Counsel, the Finance Director shall become acquainted with the remedial actions (including redemption or defeasance) under Treasury Regulations, Section 1.141-12, to be utilized in the event that private business use of bond-financed facilities exceeds the *de minimus* limits under Section 141(b)(1) of the Code. In consultation with Bond Counsel, the Finance Director shall become acquainted with the Tax-Exempt Bonds Voluntary Closing Agreement Program described in Notice 2008-31, 2008-11 I.R.B. 592, to be utilized as a means for an issuer to correct any post-issuance infractions of the Code and Treasury Regulations with respect to outstanding tax-exempt bonds.

7. Continuing Disclosure Obligations. In addition to its post-issuance compliance requirements under applicable provisions of the Code and Treasury Regulations, the City has agreed to provide continuing disclosure, such as annual financial information and material event notices, pursuant to a continuing disclosure certificate or similar document (the "Continuing Disclosure Document") prepared by Bond Counsel and made a part of the transcript with respect to each issue of bonds of the City that is subject to such continuing disclosure requirements. The Continuing Disclosure Documents are executed by the City to assist the underwriters of the City's bonds in meeting their obligations under Securities and Exchange Commission Regulation, 17 C.F.R. Section 240.15c2-12, as in effect and interpreted from time to time ("Rule 15c2-12"). The continuing disclosure obligations of the City are governed by the Continuing Disclosure Documents and by the terms of Rule 15c2-12. The Finance Director is primarily responsible for undertaking such continuing disclosure obligations and to monitor compliance with such obligations.

8. Other Post-Issuance Actions. If, in consultation with Bond Counsel, Municipal Advisor, Paying Agent, Rebate Analyst, the City Manager, the City Attorney, or the City Council, the City Finance Director determines that any additional action not identified in this Policy must be taken by the Finance Director to ensure the continuing tax-exempt status of any issue of governmental bonds of the City, the Finance

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Director shall take such action if the Finance Director has the authority to do so. If, after consultation with Bond Counsel, Municipal Advisor, Paying Agent, Rebate Analyst, the City Manager, the City Attorney, or the City Council, the Finance Director and the City Manager determine that this Policy must be amended or supplemented to ensure the continuing tax-exempt status of any issue of governmental bonds of the City, the City Manager shall recommend to the City Council that this Policy be so amended or supplemented.

9. Taxable Governmental Bonds. Most of the provisions of this Policy, other than the provisions of Section 7, are not applicable to governmental bonds the interest on which is includable in gross income for federal income tax purposes. On the other hand, if an issue of taxable governmental bonds is later refunded with the proceeds of an issue of tax-exempt governmental refunding bonds, then the uses of the proceeds of the taxable governmental bonds and the uses of the facilities financed with the proceeds of the taxable governmental bonds will be relevant to the tax-exempt status of the governmental refunding bonds. Therefore, if there is any reasonable possibility that an issue of taxable governmental bonds may be refunded, in whole or in part, with the proceeds of an issue of tax-exempt governmental bonds then, for purposes of this Policy, the Finance Director shall treat the issue of taxable governmental bonds as if such issue were an issue of tax-exempt governmental bonds and shall carry out and comply with the requirements of this Policy with respect to such taxable governmental bonds. The Finance Director shall seek the advice of Bond Counsel as to whether there is any reasonable possibility of issuing tax-exempt governmental bonds to refund an issue of taxable governmental bonds.

10. Qualified 501(c)(3) Bonds. If the City issues bonds to finance a facility to be owned by the City but which may be used, in whole or in substantial part, by a nongovernmental organization that is exempt from federal income taxation under Section 501(a) of the Code as a result of the application of Section 501(c)(3) of the Code (a "501(c)(3) Organization"), the City may elect to issue the bonds as "qualified 501(c)(3) bonds" the interest on which is exempt from federal income taxation under Sections 103 and 145 of the Code and applicable Treasury Regulations. Although such qualified 501(c)(3) bonds are not governmental bonds, at the election of the City Finance Director, for purposes of this Policy, the Finance Director shall treat such issue of qualified 501(c)(3) bonds as if such issue were an issue of tax-exempt governmental bonds and shall carry out and comply with the requirements of this Policy with respect to such qualified 501(c)(3) bonds.

Reference: City Council Resolution No. 2019-060; City Council Minutes 4/8/2019

UTILITY POLICIES

2.30 Policy for Public Utility Account Collections

1. Purpose

The purpose of this policy is to provide an orderly and reasonable method for the collection of accounts of the various utilities operated by the City of Brooklyn Center and any which may be added in the future. This policy is intended to follow with the provisions of Minnesota State Law, Brooklyn Center City Charter, and City Ordinance. Utilities currently operated by the City of Brooklyn Center and the corresponding ordinances are as follows: Water, Sanitary Sewer, Storm Drainage, and Street Light Service District, Chapter 4; and Recycling, Chapter 7.

2. Policy

In keeping with Minnesota State Law, all municipal utility services shall be considered to be services to the property, not to the person. All residential utility services shall be billed to the owner of the property, not to the tenant. Commercial and industrial properties may be billed to either the owner or the tenant.

Utility services shall be billed to the appropriate party by the Finance Department according to the rate schedule adopted annually by resolution by the City Council. Utility accounts shall become due immediately following billing and must be paid by the due date printed on the bill. Special assessment against the benefited property of any delinquent unpaid accounts shall be considered as the primary means of collection. Shutting off of water service to the benefited property shall be an alternate means of collection in any situation where special assessment isn't possible or practical and for situations where the customer has failed to provide a water meter reading for more than four quarters. Any City utility service for which a rate schedule is established by resolution is eligible for collection by means of either special assessment or water shut off.

3. Procedure

A. Normal Billing and Collection

1. A meter card is mailed to each residential property 28 days prior to the billing date. Readings must be submitted to the Finance Department by the date printed on the meter card. Penalties for failure to submit a meter reading will be charged on the date of billing as defined by the rate schedule. Customers who fail to submit a meter reading card for four quarters will be required to submit a meter reading or face the shut off of water service.

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2. A public utility bill is due 28 days from the date of billing.
3. The late payment penalty as defined in the rate schedule shall be applied five working days after the due date.
4. A delinquent billing is generated for each account unpaid after 35 days from the date of billing. Customers have 21 days to pay this delinquent bill.

B. Delinquent Accounts

1. Delinquent accounts shall be pended as a special assessment.
2. Rental property (Commercial or Industrial)
 - a. If delinquency not incurred by current tenant,
 1. obtain a meter reading and date of change of occupancy, and calculate final bill for previous tenant.
 2. if a forwarding address is available for the previous tenant, send a final bill. Send an informational copy to the property owner.
 3. if no address is available, notify property owner of delinquent final bill.
 4. if not paid in 28 days, the unpaid amount shall be certified as a special assessment.
 - b. If delinquency incurred by current tenant, follow normal procedures for delinquent bills and certification by special assessment to the property tax.

C. Final Bills

1. All final bills unpaid after 28 days shall be pended as a special assessment. For residential properties undergoing sale to new owners, where a utility bill exists which had not been pended to the assessment rolls prior to the date of closing on the sale to the new owner, the unpaid balance of the old owner shall not be applied to the account of the new owner.
2. Rental Property (Commercial and Industrial)

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- a. All final bills unpaid after 28 days shall be billed to the property owner, due in 28 days after the date of the billing.
 - b. If not paid in 28 days, the unpaid amount shall be certified as a special assessment.
3. Other Property
- a. After 28 days unpaid, the bill shall be pended as a special assessment, and a letter of explanation sent to the new property owner.
 - b. Two or more attempts 28 days apart shall be made to collect from the previous property owner. If unpaid, the bill shall be certified as a special assessment.

D. Returned Checks

Checks which are returned to the City for non-sufficient funds, account closed, or otherwise not honored by the bank shall be charged the maximum service fee allowed by Minnesota Statutes.

4. Special Assessments

For accounts that remain uncollected after performance of the normal billing and collection procedure, special assessment against the property shall be considered as a primary means of collection.

- A. The annual City Council resolution adopting the utility rate schedule shall establish the number of assessment cycles per year and a schedule for public hearings to be held at City Council meetings for the purpose of adopting a certification roll of delinquent utility accounts for special assessment. At least one certification cycle will be timed each year to coincide with Hennepin County's requirements for certification to the following year's taxes. Additional certification cycles may be set in the annual resolution.
- B. A certification cut-off date shall be established at which time all accounts which have been billed a delinquent bill and the account is unpaid as of the due date on the delinquent bill, shall have the balance on the account included in the preliminary special assessment certification roll.
- C. A notice of public hearing will be published in the City's official newspaper at least two weeks prior to the public hearing. A notice of public hearing and a copy of the proposed special assessment roll will be sent by first class mail to each affected property owner at least two weeks prior to the public hearing.

- D. The owner of the property shall have the option of paying the balance due on the account until the date the notice of public hearing is mailed. After the date the notice of public hearing is mailed, payments will still be accepted, but will include the certification charge.
- E. The public hearing will be held at a City Council meeting at which the property owner shall have the opportunity to object to the special assessment.
- F. After the public hearing, for each special assessment sustained by the City Council, the property owner shall have the option:
 - 1. To prepay the special assessment and the special assessment certification charge listed on the preliminary roll, but without additional interest after the public hearing, within 30 days of the public hearing date.
 - 2. To prepay the special assessment and the special assessment certification charge after 30 days of the public hearing date, but before the county certification deadline, with interest at the rate set in the adopted rate schedule, accrued beginning on the 31st day following the public hearing date through the date of payment.
 - 3. To pay the special assessment as billed to them by Hennepin County on their property tax statement with an assessment term of one year.
- G. After the 31st day following the public hearing, the certified roll, minus any prepayments, shall be delivered to Hennepin County.

5. Water Shut Offs

The City reserves the right to shut off water service to properties in situations where special assessment isn't practical or possible. Brooklyn Center Ordinance 4-202 provides that water service may upon reasonable notice be discontinued for nonpayment of individual accounts or for disregard of duly established rules and regulations pertaining to the operations of the water distribution system.

The following is the procedure to be followed when it is necessary to discontinue water service to any customer. Appropriate procedures for various circumstances of a water shut-off shall be as follows:

- A. For public utility accounts in arrears, or when a closing bill is more than 30 days overdue; for non-payment of the account by a property which is tax exempt and doesn't pay property taxes; or for non-payment of the account by a property which is in another city and that city doesn't cooperate with a request to special assess the delinquent account:

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1. A “Final Notice” letter is sent to each delinquent account unpaid 56 days after the date of billing. This notice informs customers that they have 11 days to select one of the following three options for handling their account.
 - a. Deliver payment in full to the City.
 - b. Sign and return a payment agreement to the City. A minimum acceptable agreement includes a partial payment of at least 1/4 of the total amount due paid within 14 days, and the full payment within 30 days of the date of the final notice. If that payment agreement is not met, the property will be red tagged.
 - c. Provide a written letter to the City requesting an administrative hearing before the City Council at their next regularly scheduled meeting. At this meeting, the customer must show cause as to why the City Council should remove their name and account from the list of accounts for which service is to be discontinued. The City Council may either sustain the requirement for payment, modify the required terms of payment, or order staff to take such actions as it deems are necessary. If no written request is received, it is assumed the customer waives the right to a hearing.
 2. On the 70th day, a “red tag” is delivered to properties where the account remains unpaid, a payment agreement has not been made or isn’t being adhered to, and where no request for a hearing has been made. This notice informs customers that payment is due within five days or water will be immediately shut off.
 3. Once service has been shut off for non-payment, the entire balance due and a restoration of service fee must be paid prior to service being turned on. The restoration of service fees will be established in the adopted rate schedule and will include a fee for restoration during normal business hours and a higher fee for restoration when workers must be called back on overtime.
- B. For a customer who short-circuits the special assessment process by paying the balance on the account with a check, then the check is returned to the City for non-sufficient funds or account closed after a critical step in the assessment process has been missed:
1. A “Final Notice” letter is sent to each delinquent account immediately upon receipt of the returned check from the bank. The established fee for processing a returned check shall be added to the account. This

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notice informs customers that they have 11 days to select one of the following three options for handling their account.

- a. Deliver payment in full of the total amount which was to be assessed plus the fee for a returned check to the City.
 - b. Sign and return a payment agreement to the City. A minimum acceptable agreement includes a partial payment of at least 1/4 of the total amount which was to be assessed plus the fee for a returned check, paid within 14 days, and full payment within 30 days of the date of the final notice. If that payment agreement is not met, the property will be red tagged.
 - c. Provide a written letter to the City requesting an administrative hearing before the City Council at their next regularly scheduled meeting. At this meeting, the customer must show cause as to why the City Council should remove their name and account from the list of accounts for which service is to be discontinued. The City Council may either sustain the requirement for payment, modify the required terms of payment, or order staff to take such actions as it deems are necessary. If no written request is received, it is assumed the customer waives the right to a hearing.
2. Two weeks after the date of the Final Notice letter, a “red tag” is delivered to properties where the account remains unpaid, a payment agreement has not been made or isn’t being adhered to, and where no request for a hearing has been made. This notice informs customers that payment is due within five days or water will be immediately shut off.
 3. Once service has been shut off for non-payment, the entire balance due and a restoration of service fee must be paid prior to service being turned on. The restoration of service fees will be established in the adopted rate schedule and will include a fee for restoration during normal business hours and a higher fee for restoration when workers must be called back on overtime.
- C. For a customer who refuses to submit a meter reading for four quarters or refuses to allow the City access to a property for maintenance of a meter as provided in City Ordinances, Chapter 4, Section 201, Subdivision 6.
1. After the City has contacted the owner through normal business channels and the owner has refused to provide a meter reading or allow access to a property for required maintenance, a “Final Notice” letter is sent to the owner and to the service address, if different. This notice reproduces the legal authority establishing the City’s need for access, describes the work

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to be performed, and informs customers that they have two weeks to make arrangements with the City to afford access to the property.

2. Two weeks after the date of the Final Notice letter, a “red tag” is delivered to properties where the meter reading or access have been denied. This notice informs customers that access is required within five days or water will be immediately shut off.
3. Once service has been shut off for denial of a meter reading or access, the meter reading or access must be allowed and a restoration of service fee must be paid prior to service being turned on. The restoration of service fees will be established in the adopted rate schedule and will include a fee for restoration during normal business adopted rate schedule and will include a fee for restoration during normal business hours and a higher fee for restoration when workers must be called back on overtime.

D. For a property owner making a request for the City to shut off water service:

1. The property owner must complete and sign a City form requesting and authorizing the shut-off or provide an equivalent written request. Billing for water, sanitary sewer, storm drainage, street light service district, and recycling program will continue;
 - a. at the minimum rates designated in the City’s utility rate schedule while the water is shut off for a period of one month or more; or
 - b. at the regularly scheduled rates when water is shut off for less than one month.
2. Once service has been shut off at the owner’s request, a restoration of service fee must be paid prior to service being turned on. The restoration of service fees will be established in the adopted rate schedule and will include a fee for restoration during normal business hours and a higher fee for restoration when workers must be called back on overtime.

E. Cold Weather Rule

The City of Brooklyn Center will not shut off water service between October 15 and April 15 if the shut off would affect the primary heat source of a customer. Customers must contact the utility billing staff and explain how the cold weather rule applies to them.

Reference: City Council Resolution Nos. 2008-29; 2000-55; 98-180; 97-86; 96-212; 93-13

2.31 Policy Regarding the Sanitary Sewer Rate for the Elderly

The City Council finds it in the best interest of the City to establish a sanitary sewer rate for the elderly as follows:

1. The rate is available to properties being billed residential sanitary sewer rates and where the head of household or spouse has attained the age of 62 years or older and a maximum of 2 persons permanently reside there.
2. The maximum of 2 persons in the residence may be exceeded by any additional persons who are at least 62 years of age or who are disabled.
3. Residents of owner-occupied homes applying for this program shall complete an application provided by the City once when entering the program and agree to notify the City of any changes in their household which might change their eligibility for the program.
4. Landlords of rental properties may apply for this program on behalf of their senior renters by annually completing an application provided by the City, agreeing that the benefit of the reduced rate shall flow through to the renter, and agreeing to notify the City of any changes in the rental of the property or the renter's household which might change their eligibility for the program.
5. Falsification of information submitted on the application or failure to notify the City of changes in eligibility shall constitute a violation of Chapter 4 of the City Ordinances and may be prosecuted according to Section 4-501 of Chapter 4 of the City Ordinances.
6. The sanitary sewer rate for the elderly shall be equal to 55% of the rate established annually for single-family homes.

Reference: City Council Resolution Nos. 97-215; 86-155; 83-124

2.32 Water Utility Meter Reading Policy

Brooklyn Center Ordinance 4-105 requires that all water utility customers read their meters and provide those readings to the Utilities Division. Section 4-202 states that water service may be discontinued to any property for disregard of duly established rules and regulations. The following is the policy regarding meter reading:

1. **Residential Properties:** A meter reading is due 18 days after the date of mailing meter reading cards.
2. **Non-Residential Properties:** Public Utilities Division employees read non-residential property meters each quarter.

3. If a meter reading is not provided and the meter reading must be estimated, then a delinquent meter reading penalty shall be assessed to the customer on the next utility bill. Meter reading penalties are established annually with the utilities rate schedules.
4. **Residential Properties:** If after four consecutive quarters the customer has not submitted a meter reading, the Public Utilities Division shall notify the customer that they have 14 days to schedule an appointment for meter reading. Such notice shall also inform the customer that they have a right to demand a hearing before a hearing officer designated by the City Manager to show cause as to why their water should not be shut off. The demand must be made in writing to the City Clerk within 10 days. If no written demand is received within that time period, then it is assumed the customer waives the right to a hearing.
5. **Non-Residential Properties:** If after two consecutive quarters the Public Utilities Division has not been able to read a meter, the customer shall be notified that they have 14 days to schedule an appointment for meter reading. Such notice shall also inform the customer that they have a right to demand a hearing before a hearing officer designated by the City Manager to show cause as to why their water should not be shut off. The demand must be made in writing to the City Clerk within 10 days. If no written demand is received within that time period, then it is assumed the customer waives the right to a hearing.
6. Following the show cause hearing, the hearing officer shall make findings and recommendation to the City Manager, whose determination shall be enforced.
7. If by the end of the 14-day period the customer refuses to schedule an appointment or if the Public Utilities Division is unable to otherwise gain access to the building or obtain a reading, and if the customer has not demanded a public hearing, then the water shall be turned off immediately.

Reference: City Council Resolution Nos. 2007-78; 93-63

2.33 Emergency Private Utility Service Repair Assessment Policy

The purpose of this Emergency Private Utility Service Repair Assessment Policy (“Policy”) is to provide assistance to Brooklyn Center residents who are facing unexpected financial burden of a needed exterior private utility repair (i.e., sewer or water line repair from the main, including the curb stop to the principle structure on the property). The program to assist eligible homeowners with the costs of these repairs will be funded through the City Sanitary Sewer and Water Utility Funds. The program will provide a minimum of \$500 and a maximum of \$10,000 for an eligible homeowner to complete the eligible private exterior repair. The City then recovers the amount it pays for the repair through a special assessment imposed on the homeowner’s property.

The City shall be responsible for corrective work needed on prior utility service line repairs performed by a contractor hired by the City for a period of ten years from completion of the repair work. The City's responsibility shall be limited to repairs related to the workmanship of the original repair work as determined by the City and does not include any other repair work that may be needed. This responsibility does not apply to work performed by a contractor hired by a homeowner pursuant to this Policy.

1. Eligibility Requirements

Eligible Homeowner – The homeowner must be current on all property taxes and utility payments to be eligible to participate in program offered pursuant to this Policy. If any of these payments are delinquent, they must be made current before the homeowner can be approved for funding.

Eligible Dwelling – Only owner-occupied homes in the City of Brooklyn Center are eligible.

Eligible Repairs – Emergency exterior private utility repairs between \$500 and \$10,000 in situations where a condition requiring immediate and urgent attention, which threatens or imperils the health and/or safety of the homeowner's dwelling, such as a repair or replacement of a failed sewer or water line.

2. Repair

The homeowner shall enter into a contract with a private contractor to perform the repair work. The contract must be approved in advance by the City. When the work has been completed, the homeowner shall receive an invoice from the contractor. The homeowner must submit the contractor's invoice to the City together with a signed and notarized special assessment agreement in the form provided by the City.

3. Special Assessment

The City will pay the contractor's invoice and assess, pursuant to the assessment agreement, the costs of the repair on the homeowner's property over a period of five years at the interest rate determined by City's special assessment interest policy. The City shall add a certification fee and any other applicable administrative costs to the amount assessed. The homeowner must agree, as part of the assessment agreement, to the assessment and to waive any and all procedural and substantive objections to the improvement and special assessment, including but not limited to hearing requirements and any claim that the assessment exceeds the benefit to the property. The property owner also waives any appeal rights otherwise available pursuant to Minnesota Statutes, Section 429.081.

Reference: City Council Resolution No. 2018-55

BUDGET POLICIES

2.40 Guidelines for Funding of Social Services

Social service funding will be divided into categories as follows:

- 1. Joint Powers Agreements.** Services which the City is required to or otherwise would provide itself and has chosen to enter into joint powers agreements with other governmental units to provide those services. Increased costs of providing these services over time are to be anticipated in the budget process based on allocation of costs to the City under the joint powers agreements.

Guideline: The services will be funded and included in the budget.

The City Council will review these services in February of even-numbered years to determine if the delivery mechanism through joint powers is appropriate and effective. Unless the Council directs notice of intent to leave the joint powers agreement by March of any given year, the budget will include participation for the following year.

- 2. Services Dependent on City Funding.** General services that the City could provide itself and has chose to contract for its provision by another entity, where the provision of the service in Brooklyn Center is dependent on the City’s provision of financial support at a given level. Increased costs of providing these services over time are to be anticipated in the budget process based on allocation of costs to provide the service in the City.

Guideline: The services will be funded and included in the budget at a level necessary for the provision of the service.

The City Council will review these services in February of each year to determine if the delivery mechanism through contract is appropriate and effective. Unless the Council directs notice of intent to terminate contractual provision of services by March of any given year, the budget will include participation for the following year.

- 3. Services Aided by City Funding.** General services that the City could provide itself and has chosen to contract for its provision by another entity and the provision of service in Brooklyn Center would be aided by City financial support, but is not dependent on City financial support.

Guideline: Based on a timely application for funding, the City Council will consider the following factors in determining funding in this category and allocate funding up to a total amount determined by the City Council

- service is unique in the City: that is, there is a rationale for funding the organization’s service provision, as opposed to funding one organization out of a

group of similar organizations without an objective basis for differentiating between the organizations

- request meets an important community need
- service does not duplicate other services offered in the community
- number of residents served or benefit to community is high in relation to the amount requested/provided from/by City
- program requires City support to provide level of service
- use of volunteers is reasonable and cost effective
- other funding sources have been explored/used
- budget request is reasonable in light of organization’s overall budget
- administrative costs and program service costs are in reasonable balance

Reference: City Council Resolution Nos. 99-186; 98-66; City Council Minutes 3/14/94

PURCHASING/DISPOSAL OF PROPERTY POLICIES

2.50 City Purchasing Policy

The policy of the City of Brooklyn Center shall be to follow the Uniform Municipal Contracting Law set forth in Minnesota Statutes, Section 471.345 as the same may be amended or renumbered from time to time. The City Manager shall be the chief purchasing agent for the City; all purchases for the City and all contracts shall be made or let by the City Manager for which State Law does not require solicitation of bids.

The City Manager shall establish an administrative purchasing policy to implement the provisions of the Uniform Municipal Contracting Law. The administrative purchasing policy shall include provisions on the City use of credit cards for the transactions of certain purchases.

Reference: City Council Resolution Nos. 2016-57; 2014-36; 96-106; 83-172; 81-43; City Council Minutes 8/12/91

DISPOSAL OF PROPERTY

2.51 City Disposal of Property Policy

The policy of the City of Brooklyn Center shall be to follow Minnesota State Law regarding disposal of public property. It is necessary from time to time for the City to dispose of surplus, unused, or unneeded equipment or supplies. Such property includes supplies and equipment, including electronic equipment, that have no market value or nominal market value or the cost of environmentally sound disposal is more than its value. It is in the best interests of the City for the City Manager to dispose of such property without incurring undue or unnecessary costs or commitment of staff resources in order to properly dispose of such property.

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The City Manager is authorized to dispose of surplus, excess, or unneeded property that, because of its state of disrepair, obsolescence, or other cause, is no longer of use to the City, in accordance with the following procedures:

1. Such property may be transferred to any other public agency to which transfer is authorized by Minnesota Statutes, Section 471.64, or other Statute governing the transfer of property from a City to another public agency.
2. When the City Manager determines that the cost of lawful and environmentally sound disposal of property exceeds its fair market value, the City may transfer such property to any party willing to receive the property at the lowest cost to the City or may dispose of the property through any duly authorized public authority receiving such property for disposal.
3. Disposal of property determined to be of value will be accomplished consistent with applicable State Law.

Reference: City Council Resolution No. 2005-108; 2004-16; 2000-197

DEVELOPMENT AND HOUSING POLICIES

2.60 Housing Bond Policy & Procedures

1. Application

- A. Applicant will submit a written application that acknowledges that the City has, and reserves, the right to decline to issue bonds or other assistance at any time, in the absolute and sole discretion of the City Council.
- B. Applicant will pay non-refundable application fee of \$5,000 for bond request of \$5,000,000 or more and \$3,000 for bond requests less than \$5,000,000 to cover City costs in processing and considering the application. If such funds are exhausted, the City may decline to proceed with consideration of the application until additional funds are paid to cover additional City expenses.
- C. Applicants will identify all significant investors and principals (more than 5% ownership interest, officers, partners, etc.). Applicants will identify, as to the applicant, and all significant investors and principals:
 1. All housing developments in which such person has, or has had, an interest.
 2. For each such development, provide the address of the development and the name, address and telephone number of the chief appointed

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executive or administrative officer of the municipality in which the development is located.

3. For each such development, whether any criminal citations, charges or complaints were issued, whether or not they resulted in convictions, against any owners or managers for violations of building, housing maintenance, rental licensing or similar laws, rules or regulations during the period in which the individual had an ownership interest. For each such citation, charge or complaint indicate the jurisdiction, date or dates of the alleged offense and final resolution.
 4. For each such development, whether the local licensing authority ever revoked, suspended or declined to a renew rental license; served notice of intent to revoke, suspend not renew a license; or conducted a hearing on specified charges, complaints or violations of building, housing maintenance or rental licensing laws, rules or regulations that could have resulted in revocation, suspension or non-renewal of a license during the period in which the individual had an ownership interest. For each such instance indicate the jurisdiction, date or dates of the incident and final resolution.
- D. Applicant will identify managers or proposed managers of the facility and, as to each manager or proposed manager and the officers, significant investors and principals of the manager, provide the same information identified in Section C.
 - E. Applicant will provide detailed information on the sources and uses of funds received in connection with the financing or refinancing.
 - F. For existing facilities applicant will present a detailed survey of the facility prepared by qualified professionals, including but not limited to: structural conditions; condition of roof, doors, windows and any other potential points of infiltration of air or water; mold; building exterior; life/safety systems and equipment; plumbing and HVAC systems; and unit interiors.
 - G. Applicant will submit a detailed building maintenance, repair and replacement program and schedule including a description of sources of funds or financing available to pay for such program. For existing facilities the program will describe when and how all deficiencies identified in the building survey will be addressed.
 - H. Applicant will describe all plans to provide security, maintain habitability and avoid crime (the Security and Crime-Free Housing Plan). Such plan could include tenant screening procedures and policies, tenant rules and regulations, lease terms, physical building security, on-site management, etc.

2. Contract Terms

- A. Covenants on use of funds, maintenance, compliance with laws and liability will be enforceable by the City as well as the Trustee.
- B. Applicant will pay the City attorney's and consultant's fees and costs for all litigation or administrative actions to enforce covenants.
- C. Applicant will provide and maintain an irrevocable letter of credit, in an amount specified by the City, that the City may draw upon if applicant fails to pay City's fees and costs. The letter of credit may also be drawn upon for payment of liquidated damages for false, incomplete or misleading statements in the application.
- D. Applicant will comply with representation about the use of funds secured by the financing or refinancing. The applicant will provide evidence of such expenditure of funds and books and records of the applicant will be available for inspection by the City or its authorized representatives. Funds remaining after all work identified as work to be accomplished with the proceeds of the financing or refinancing, will be deposited in a building maintenance fund.
- E. Applicant will comply with the maintenance repair and replacement program approved as a part of the application process and provide quarterly reports with such detail as is requested by the City to verify compliance.
- F. Applicant will comply with the Security and Crime-Free Housing Plan approved as a part of the application process and provides quarterly reports with such detail as is requested by the City to verify compliance.
- G. Applicant will comply with all federal, state and local laws, regulations, and ordinances relating to licensing, housing maintenance, building and fire codes or habitability.
- H. The applicant may not transfer the facility or change managers without City consent. The City will not be required to consider approval of a transfer of ownership or change of manager until all information on the transferee or new manager that is required by this policy for the initial applicant or manager has been provided to the City and the City has had adequate time to review such information and investigate the background of the proposed transferee or new manager.
- I. Failure to comply with these requirements is an event of default and City, as well as the Trustee, may exercise appropriate remedies for default under the bond documents.

3. Waiver

The City may waive or modify any of the requirements of these Procedures in its absolute and sole discretion if it determines that the public interest is adequately protected without full compliance with these Procedures. In deciding whether to waive or modify procedures the City may consider such factors as: whether the bonds are an initial issue or refunding bonds, the past experience of the City with the applicant, the condition of the facility, and the proposed use of bond proceeds.

Reference: City Council Resolution Nos. 2003-75; 94-177

2.61 Business Subsidy Policy

The following business subsidy policy is intended to satisfy the requirements of Minnesota Statutes, Sections 116J.993 and 116J.994 (the “Act”), in particular, Section 116J.994, subdivision 2, thereof. Terms used but not defined herein have the meaning given them in the Act. The term “City” shall mean the City of Brooklyn Center. The term “Project” means the property with respect to which the Business Subsidy is provided.

1. Mandatory Criteria

All Projects must comply with the following criteria:

- A. But For Test. There is a substantial likelihood that the Project would not go forward without the Business Subsidy. This criterion may be met based solely on representations of the recipient of the Business Subsidy.
- B. Wage Policy. If the Project results in an obligation to create new jobs pursuant to a subsidy agreement, the wage for each part-time and full-time job required to be created pursuant to the subsidy agreement shall, within two years of the benefit date, pay at least the state of Minnesota’s Minimum Wage.
- C. Feasibility. The recipient must demonstrate to the satisfaction of the City that the Project has been adequately financed and either has been or will be completed in a timely fashion.
- D. Compliance with Act. The Business Subsidy must satisfy all requirements of the Act.

2. Evaluative Criteria

The following criteria recognize that the award of a Business Subsidy may serve a variety of public purposes of varying importance depending upon the specific Project facilitated by the Business Subsidy. The degree of importance to be attached to various public purposes which may be served by a particular Project must therefore involve the

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exercise of sound judgment after weighing all relevant criteria. Not all evaluative criteria will be applicable to all projects.

In any event, the City may disregard any evaluative criterion it determines to be either irrelevant or unimportant in the case of the particular project, as permitted by the Act.

The evaluative criteria are as follows:

- A. Jobs. The number of full-time equivalent jobs to be created or retained by the proposed Project for a period of at least two years from the estimated benefit date.
- B. Tax Base. The net increase in property taxes estimated to be generated by the Project in the first full year of operation.
- C. Services to the Community. Whether the Project will provide services or facilities needed in the community. For example, the Project may provide needed health care services, commercial facilities, or other services or facilities needed in the community.
- D. Blighted Property. Whether the Project is located on property which is, or is likely to become blighted, and is not likely to be developed or redeveloped because of the blight or other adverse conditions.
- E. Design and/or Other Amenity Concessions. Whether, as a result of the Business Subsidy, the Project will include design and/or amenity features not otherwise required by law.
- F. Compatibility. Whether the Project is compatible with the comprehensive plan.
- G. Utilization of Existing Infrastructure Investment. Whether and to what extent the Project will utilize existing public infrastructure capacity or will require additional publicly funded infrastructure.
- H. Leveraged Public Funds. The ratio of private funds which will be applied towards the capital cost of the project compared to the Business Subsidy.
- I. Other Factors. Depending on the nature of the Project, such other factors as the City may deem relevant in evaluating the Project and the Business Subsidy proposed for it.

Reference: City Council Resolution Nos. 2018-15; 2000-20

STREET/ALLEY LIGHTING AND RESIDENTIAL STOP SIGNS POLICIES

2.70 Street and Alley Lighting Policy

1. A street light may be installed at every intersection of two or more public streets open for traffic within the City. On any streets with a curb-to-curb width in excess of 52 feet, and where there is normally a significant amount of pedestrian traffic, two street lights may be installed at each intersection.
2. Mid-block street or alley lights may be installed in any block in which the centerline to centerline distance between cross streets is greater than 700 feet, upon receipt of a petition signed by a majority of the residents on the block, including the signatures of the residents adjacent to the specific location where such mid-block light is requested. Before the street light can be installed, property owners located adjacent to the proposed street light must dedicate utility easements to the extent necessary for connection of the proposed street light to the electrical distribution system. In such instances, additional street or alley lights may be installed so that the distance between street lights does not exceed 700 feet.
3. Additional street or alley lights will be considered for individual approval upon receipt of a petition from the property owners in the affected area, or upon recommendation from the Chief of Police or from the Director of Public Works when such petition or recommendation demonstrates a specific warrant affecting traffic safety or public safety.
4. The type of lights installed under the provisions of the above three paragraphs shall be as follows:
 - A. If the electrical distribution system within the area is overhead, the light shall consist of a steel mast arm and luminaire mounted on a conventional wood pole with overhead electrical service.
 - B. If the electrical distribution system within the area is underground, the light shall consist of a steel mast arm and luminaire mounted on a conventional wood pole with underground electrical service.
 - C. The size of luminaries to be installed shall be as follows:

On collector and arterial streets	250 watt equivalent
On local residential streets	150 watt equivalent
5. All street and alley lighting requests and installations should be coordinated through the Director of Public Works.

Reference: City Council Resolution No. 2018-43; City Council Minutes 2/12/96; City Council Resolution No. 90-88

2.71 Residential Stop Sign Policy

The purpose of this policy is to provide for fair and uniform treatment of requests for Stop signs in residential areas. Such requests are evaluated by the City's Administrative Traffic Committee, and subject to appeal to the City Council.

1. The provisions of the Manual of Uniform Traffic Control Devices shall be followed.
2. The Administrative Traffic Committee should review speed data, accident records, clear view triangle surveys, and any other relevant data when considering a Stop sign at a particular location.
3. If a sight obstruction in the clear view triangle is contributing to the sense of danger at the intersection, or to a history of accidents at the intersection, staff should order the removal of that obstruction, according to City ordinances, before considering a Stop sign.
4. If an intersection experiences three or more recorded right-angle accidents in a three year period, Stop signs should be considered.
5. If average speed at the 85th percentile is more than five miles per hour over the speed limit, then police should increase enforcement in the area for one year, before considering a Stop sign.
6. Absent engineering data which clearly indicates the need for a Stop sign, a residential intersection should be left uncontrolled.

Reference: City Council Resolution No. 2006-46

SCHEDULE FOR PROFESSIONAL SERVICES POLICIES

2.80 Policy and Procedure on Requests for Proposals for Financial Professional Services

1. Need for Policy

The City needs a policy and procedure to provide for the orderly conduct of requesting proposals for professional services for handling financial affairs, to ensure that all services will be periodically reviewed, and that the proper balance will be maintained between cost and quality of services.

2. Policy

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- A. All professional services in the area of City finances will be periodically let out for request for proposals (RFPs) according to an established schedule.
- B. Service levels will be monitored by the City Council and Staff and if unsatisfactory service is received, that contract will be re-advertised prior to the year set in the schedule.
- C. Quality of service will be the primary factor in awarding a contract for professional service, but cost will also be a determinant.

3. Procedure

- A. A schedule shall be established for the conduct of RFPs. The schedule should be adhered to unless there is a performance problem or other justification for an earlier RFP. Going to the market too frequently with RFPs expends Staff time, requires extensive orientation of new professionals, and discourages quality firms from submitting proposals at their most attractive price since they will expect to only have the contract for a short time.
- B. Specifications tailored to the professional service to be advertised will be prepared by Staff, reviewed by the Financial Commission, and approved by the City Council.
- C. A review committee made up of the City Manager and Finance Director shall review proposals for Banking Services, Insurance Agent, Risk Management Consultant, and Custodian for Investment Securities. Proposals for Auditor and Financial Advisor shall be initially screened by Staff, and then reviewed by a committee of City Council Members and Financial Commission Members appointed by the Mayor in consultation with the Chair of the Financial Commission, with the approval of the City Council, which committee shall also include the City Manager and Finance Director.
- D. The specifications will emphasize the abilities, qualifications, and experience of the applicant firms to provide high quality service to the City. Price will be considered after one or more applicants have been identified as providing the desired quality of service. When appropriate, the specification shall require prices to be submitted in a separate, sealed envelope to be opened after applicants have been ranked according to quality.
- E. The City Manager shall make a recommendation to the City Council of a provider to be appointed to a multi-year engagement. It shall be written in the engagement that the appointment may be terminated earlier.

Schedule for Requests for Proposals Financial Services						
Type of Service	Financial Advisor for Bond Sales	Banking Services	Insurance Agent	Risk Management Consultant	Custodian for Investment Securities	Auditor
Usual Interval between RFPs	6 years	6 years	6 years	6 years	6 years	6 years
Most Recent RFP	2017	2015	2017	2003	2012	2014
2018				RFP	RFP	
2019						
2020						RFP
2021		RFP				
2022						
2023	RFP		RFP			
2024				RFP	RFP	
2025						
2026		RFP				RFP
2027						
2028						
2029	RFP		RFP			

Reference: City Council Resolution Nos. 2017-97; 2006-120; 2000-120; 99-20; City Council Minutes 5/28/96

2.81 Schedule for Requests for Proposals for Legal Services

The City Council wants to ensure that legal services will be periodically reviewed and that the proper balance will be maintained between cost and quality of services. The City Council resolves that requests for proposals for civil and criminal services be solicited on an alternating four-year basis, and the schedule should be adhered to unless there is a performance problem or other justification for an earlier request for proposal. The schedule for soliciting requests for proposals for legal services is as follows:

- Criminal Law Services every four years beginning 1997
- Civil Law Services every four years beginning 1999

Reference: City Council Resolution No. 97-186

MISCELLANEOUS POLICIES

2.90 Policy for the Sale of Salvaged Street Name Signs

The City Council desires to make available to the public for purchase street name signs which have been removed and would otherwise be salvaged. Such salvaged signs shall be made available on a first-come, first-served basis, at a cost intended to represent the salvage value of the sign plus an appropriate handling fee. The City Manager is hereby authorized and directed to establish a program for the sale of salvaged street name signs on the basis of this policy. All

proceeds from the sale of these signs shall be deposited in the Traffic Control Signs and Striping Materials line item in the General Fund budget.

Reference: City Council Resolution No. 2000-43

2.91 Bias/Hate Crime Response Plan

The City Council wishes to take a proactive approach to making and keeping Brooklyn Center a positive place to live, work, and visit for all persons. In response to a bias/hate crime, and at the victim's request, the following will occur:

1. Immediate Response.

- A. Upon receiving notice from the staff liaison of an incident, an assigned Responder will call the victim to set up a visit.
 - 1. This visit will allow the responder to ask questions to determine which community partners to notify (according to victim's requests and LMHRC guidelines).
 - 2. The victim will be given a disclaimer that the Responder is not a legal advisor or investigator.

2. Initiate Network Response.

- A. Notify the staff liaison and Mayor of the response.
- B. Contact the State Project Coordinator, LMHRC, to seek support and ensure that the Minnesota Department of Human Rights is notified.
- C. Identify if the affected area is participating in a neighborhood watch program. Crime watch coordinator would contact the neighborhood watch block captain. The goal would be to have one of the victim's neighbors attend the interview, thus adding a familiar face to the process.
- D. The City staff will send letters to the media, conduct interviews with local cable channel, and plan/conduct community-wide response when appropriate, and first and foremost with the victim's approval.
- E. Conduct follow-up contact. Follow-up contact should be made within one week, in person or by phone. Check on any recurrences, other problems, and offer continued support.
- F. Subsequent follow-up within one month (if appropriate).
- G. The team and network representatives involved in the response shall meet as necessary, review the process, and take-action or make needed changes.

3. Review Response.

- A. The Response Team shall review the overall process.
- B. The Response Team shall send letters of appreciation to the network representatives involved.
- C. The Response Team shall inform the City Manager and Police Chief of the outcome.

Reference: City Council Resolution No. 97-79

2.92 Policy Regarding the Use of City Water Towers for Personal Wireless Service Facilities

This policy is established as a guide to City staff in the preparation and administration of site lease agreements which would permit the location of antenna arrays and ancillary equipment (“facilities”) for personal wireless services on City-owned water towers.

1. Policy Objectives

City actions taken with regard to telecommunication activities must comply with a number of federal parameters established by the Telecommunications Act of 1996. For example, local actions must foster rather than discourage competition, thus the City will not discriminate against one or a group of providers in favor of another or another group of providers or potential providers. Under the same act, local actions which result in a prohibition on provision of telecommunication services are invalid. Thus staff is directed to facilitate establishment and provision of lawful wireless telecommunications services with the following local objectives in mind.

- A. Minimize the overall number of sites through co-location requirements;
- B. Insure that facilities will be safe and blend into their environment when possible; and
- C. That they be placed in suitable locations with residential locations being a last resort.

2. Policy Regarding Use of City-Owned Water Towers for Personal Wireless Service Facilities

A. Introduction

The City of Brooklyn Center has received requests from personal wireless service providers to place antenna arrays and ancillary equipment (“facilities”) on City-owned water towers. The Brooklyn Center City Council has determined that a uniform policy for reviewing these requests is desirable.

B. Priority of Users

Priority for the use of City-owned water towers for telecommunication facilities will be given to the following entities in descending order:

- 1. City of Brooklyn Center;

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2. Public safety agencies, including law enforcement, fire, and ambulance services, which are not part of the City of Brooklyn Center and private entities with a public safety agreement with the City of Brooklyn Center;
3. Other governmental agencies, for uses which are not related to public safety; and
4. Entities providing licensed commercial personal wireless services including but not limited to cellular, personal communication services (PCS), specialized mobilized radio (SMR), enhanced specialized mobilized radio (ESMR), paging, and similar services that are marketed to the general public.

C. Minimum Requirements

The placement of personal wireless service facilities on City-owned water towers must comply with the following requirements:

1. The facilities will not interfere with the purpose for which the water tower is intended;
2. The facilities will have no adverse impact on surrounding private property;
3. The applicant is willing to obtain adequate liability insurance and commit to a lease agreement which includes equitable compensation for the use of the water tower, and other necessary provisions and safeguards. The fees shall be established by the City Council after considering comparable rates in other cities, potential expenses, risks to the City, and other appropriate factors.
4. The applicant will submit a letter of credit, performance bond, cash deposit, or other security acceptable to the City to cover the costs of the facility's removal;
5. The facilities will not interfere with other users who have a higher priority as discussed in Section B regarding Priority of Users.
6. Upon reasonable notice, the facilities may be required to be removed at the user's expense;
7. The applicant must reimburse the City for any costs which it incurs because of the presence of the applicant's facilities;
8. The applicant must obtain any necessary land use approvals; and

9. The applicant will cooperate with the City’s objective to promote co-locations and thus limit the number of separate antenna sites requested.

D. Special Requirements

The use of City-owned water tower sites, for personal wireless service facilities brings with it special concerns due to the unique nature of these sites. The City’s water towers represent a considerable public investment and play a vital role in the operation of the City’s water distribution system. For these reasons, the placement of personal wireless service facilities on water tower sites will be allowed only when the City is fully satisfied that the following requirements are met:

1. The applicant’s use of the facility will not pose a risk to the City’s water supply;
2. There is sufficient room on the structure and/or on the grounds to accommodate the applicant’s facilities;
3. The presence of the facilities will not increase the maintenance costs to the City;
4. The presence of the facilities will not be harmful to the health of workers maintaining the water towers; and
5. The applicant’s facilities will conform to the City’s standards for appearance.

E. Application Process

All applicants who wish to locate personal wireless service facilities on City-owned water towers must submit to the City Manager a completed application, the application fee, and detailed plan that complies with this policy along with other pertinent information requested by the City.

F. Termination

The City Council may terminate any lease if it determines that any one of the following conditions exist:

1. A potential user with a higher priority cannot find another adequate location and the potential use would be incompatible with the existing use;

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2. A user's frequency broadcast unreasonably interferes with other users of higher priority, regardless of whether or not this interference was adequately predicted in the technical analysis; or
3. A user violates any of the standards in this policy, the lease agreement, or any other conditions attached to the City's permission.

Before taking action, the City will provide notice to the user of the intended termination and the reasons for it, and provide an opportunity for the user to address the City Council regarding the proposed action. This procedure need not be followed in emergency situations.

G. Reservation of Right

Notwithstanding the above, the City Council reserves the right to deny, for reasonable cause, the use of any or all City-owned property by any one or all applicants.

H. Effective Date

This policy shall be effective October 28, 1996.

Reference: City Council Resolution No. 96-215

2.93 Long-Term Deer Population Management Plan

The City of Brooklyn Center is an urban community with very little appropriate habitat for deer. High deer populations continue to pose a risk to human safety due to auto-deer accidents, cause destruction of landscaping and yard plantings, and further disrupt the already altered ecosystem of the City. The density of deer in Brooklyn Center far exceeds the recommended norm of twenty deer per square mile of habitat area. The City Council's goal is to create an acceptable environmental balance that will facilitate the peaceful co-existence of citizens and wildlife. The City Council adopts the long-term deer population management plan as follows:

1. The City of Brooklyn Center will develop an educational program that will provide residents with information on deer habits and guidelines for limiting localized deer damage through the use of screening, alternative plantings, and other techniques. Educational materials will be distributed through a variety of methods including public informational meetings, pamphlets, City Web Site, newspaper articles, and City Newsletter.
2. In order to prevent irreparable damage to the ecosystems in Brooklyn Center and to prevent significant injury or damage to persons or property, the City Council hereby sets the maximum deer population density to twenty (20) per square mile per City-designated management district. Actual numbers are to be collected via aerial count.

3. It is understood the adoption of this plan is consistent with the Minnesota DNR URBAN DEER POPULATION CONTROL POLICIES AND PROCEDURES dated April 10,2002, (exhibit attached) governing the conduct of deer population removal outside the normal hunting season.
4. The City will utilize bow hunters to reduce the number of deer in each management district to the goal of 15-20 deer per square mile. By the end of five years, the initial reduction period, it is projected that the deer population will be to a level that requires maintenance rather than aggressive reduction. The City will strongly encourage use of non-lethal methods to address deer damage but recognizes that harvesting of deer will be necessary to maintain the population goal.
5. Each Spring the City Manager or City Manager’s designee will review educational material, deer population numbers (current and projected) per an annual aerial survey, browse survey if appropriate, deer population management options, and recommend methods and deer harvest targets for the upcoming season.
6. The City Manager’s recommendations must be approved by the City Council following public hearing prior to initiation of City management plans. Annual plans approved by the Council will be forwarded to the Department of Natural Resources.

Reference: City Council Resolution No. 2003-165

2.94 Employee Service Recognition Program

The City of Brooklyn Center’s Employee Service Recognition Program is to recognize City employees for years of service to the City. Effective January 1, 1997, the City of Brooklyn Center’s Employee Service Recognition Program will include recognition of part-time City employees for their years of service to the City. The program recognizes all regular full-time and part-time employees who work 20 or more hours a week year round for the City of Brooklyn Center and part-time Fire Department employees retiring in good standing. The recognition is accomplished by the presentation of awards by the City Manager or by the Department Director.

Awards are for recognition of years of service as follows:

- | | |
|-------------------|--|
| Five Years | Awards such as City of Brooklyn Center sweatshirt and a personalized letter from the City Manager are given to employee. |
| 10 Years | Awards such as an engraved paperweight or engraved key chain and a personalized letter from the City Manager are given to the employee. |
| 15 Years | Awards such as an engraved letter opener, pocket knife, or desk clock and a personalized letter from the City Manager are given to the employee. |

20 Years Awards such as an engraved desk set and a personalized letter from the City Manager are given to the employee. Council recognizes years of employment at a Council meeting.

25 Years Awards such as an engraved wall clock or wrist watch and a personalized letter from the City Manager are given to the employee. Council recognizes years of employment at a Council meeting.

30 Years Awards such as an engraved weather instrument and a personalized letter from the City Manager are given to the employee. Council recognizes years of employment at a Council meeting.

Awarded Upon Retirement to Employee Who Has Completed Ten Years or More of Service: Awarded personalized Council resolution giving thanks for the work and dedication of the retiring employee mounted on a plaque presented by the City Manager.

Employee Service Recognition Program is funded through the budget.

Reference: City Council Resolution No. 97-25; Amended Res. 2019-006

2.95 Business Ethics Policy

The City of Brooklyn Center shall operate its business in accordance with the highest ethical standards and with the applicable laws of the United States and the State of Minnesota and the Charter and ordinances of the City of Brooklyn Center. Specific matters or types of transactions not covered by such specific provisions shall be conducted in accordance with the following general policy.

For purposes of this statement of business ethics policy, the term “public official” shall include all elected officials, all members of boards or commissions, and the City Manager and all employees of the City. The term “employee” shall include those personnel defined as employees in the City’s Personnel Rules and Regulations.

1. Offering or Accepting Gifts and Gratuities

- A. No public official shall misuse his or her position to secure special privileges or exemptions for such person or any other person.
- B. No public official shall directly or indirectly receive, or agree to receive, any compensation, gift, reward, or gratuity in payment for the performance of his or her official duties except as may be provided by law.
- C. Whenever a public official deals with a City supplier or customer, he or she has an obligation to act solely in the best interest of the City. This obligation includes

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not only those acts formalized by written contracts but also covers everyday business relationships with vendors or customers.

- D. No public official shall ask for or accept (directly or indirectly) payment, favors, or any other thing of significant value from a current or potential City supplier or customer, or any other person in consideration for assistance or influence, or upon the representation that such assistance or influence has been or will be rendered, in connection with a purchase or any other transaction or proceeding affecting the City. This policy does not bar the acceptance of unsolicited entertainment or advertising favors which are of negligible value and are legally permissible, when no assistance is given for or any obligation to render assistance is assumed by such acceptance. No public official may accept free meals or purchase meals, goods, or services at reduced prices from businesses in the City of Brooklyn Center or from vendors which sell or offer to sell goods or services to the City, unless such free meals or discounted meals, goods, or services are available on the same terms to the public at large or to all government employees. This policy does not apply to unsolicited acceptance of a meal which is incidental to a specifically scheduled business meeting relating to City business.
- E. No public official shall offer or give (directly or indirectly) payments, favors, or any other thing of significant value to an employee or agent of a current or potential supplier, customer, or union in consideration for assistance or influence, or upon the representation that such assistance or influence has been or will be rendered, in connection with a sale or any other transaction or proceeding affecting his or her employer or principal and the City. This policy generally does not apply to meals, entertainment, or advertising favors which are of insignificant value and are legally permissible and are given or offered without condition that it obligate the recipient.
- F. Acceptance or giving of gifts must be limited to incidentals which are obviously of an advertising nature as items of insignificant value, or which in no way would cause the City to be embarrassed or obligated, and no gifts or entertainment may be accepted which, due to value, circumstances, disposition of the gift, frequency or repetition of donation could cause the City to be embarrassed or obligated. Gifts which do not fit in these categories must be returned.
- G. Any questions concerning the application of this policy regarding specific transactions by City employees should be referred to an employee's immediate supervisor or department head, or the City Manager. Any questions concerning the application of this policy regarding specific transactions by all other public officials should be referred to the City Attorney.
- H. The provisions of this policy do not supersede any provision of an employment agreement with the City which is more restrictive than this policy.

2. Conflicts of Interest

A Prohibited conduct

1. A public official may not engage in any activity or become involved in any arrangement (directly or indirectly) through a family member or any other person acting on his or her behalf which will conflict, or may reasonably be viewed as conflicting, with his or her obligations and responsibilities to the City or involve the use of City information or goodwill for personal gain or for the gain of others.
2. A City employee must make prior disclosure of any contemplated consulting, representation, or secondary employment arrangement. If the City Manager determines that the proposed activity would violate this policy, the employee may not engage in it and continue City employment.

B. Action to be taken by public official

1. Whenever any public official, in the discharge of official duties, would be required to take an action or make a decision which would substantially affect the individual's financial interests or those of an associated business, (unless the effect on the individual is no greater than on other members of the official's business classification, profession, or occupation), they shall:
 - a. Prepare a written statement describing the matter requiring action or decision and the nature of the potential conflict of interest;
 - b. Deliver copies of the statement to the City Council, the City Manager, and the employee's immediate superior, if any;
 - c. If a potential conflict of interest presents itself and there is insufficient time to comply with the provision of clauses (a) and (b), the public official shall orally inform the City Council or superior of the potential conflict.
2. If the public official is not a member of the City Council, the City Manager shall make a determination in the matter. If there is no immediate superior, the public official shall abstain in a manner prescribed by the City Council from influence over the action or decision in question. If the public official is a member of the City Council, at the member's request,

the City Council shall excuse the member from taking part in the action or decision in question.

3. Safeguarding City Assets

A The department head or assigned manager/supervisor at each location is responsible for the safeguarding of all City assets and the correctness of data submitted to the Finance Department and contained in the financial reports.

B. Special protection shall be afforded assets which are readily saleable because of high intrinsic value or common usage. Attention should also be given to machinery, equipment, and records which, if damaged, would stop or drastically reduce operations for an extended period. Examples of assets or documents which could provide access to assets and which need protection are:

- Cash
- Marketable securities
- Readily marketable products, parts and subassemblies
- Precious metals (raw or in any high content form)
- Check blanks
- Stamps/postage meters
- Common tools and equipment
- High value, portable equipment
- Data processing and other office equipment, including programs
- Vital records

C. Although the preparation of the financial reports is the duty of the Finance Department, department heads are responsible for the accuracy and reliability of the financial data. Consequently, the department heads should be concerned about all those factors which are involved in the propriety of recordkeeping and in the care taken as to the procurement, handling, upkeep, and disposal of assets of all kinds.

D. The objective should be to safeguard City assets and maintain reliable financial records at a level of acceptable business risk. No false, misleading, or artificial entries shall be made on the books and records of the City. No funds or assets shall be maintained by the City for an illegal or improper purpose. All transactions must be fully and completely documented and recorded in the City's accounting records. All City payments, except from authorized petty cash funds, must be approved by the department head or the acting department head in the department head's absence.

4. Political Activities

- A The rights of employees to express their personal views on matters of public policy and to participate in partisan political activities on personal time shall be protected. An employee shall neither gain favor nor incur disadvantages within the City because of any decision or activity regarding the employee’s personal political participation.
- B. Any questions concerning the application of this policy regarding specific transactions should be discussed with an employee’s immediate supervisor, department head, or City Manager.

Reference: City Council Minutes 7/8/91

2.96 Policy for Residential Monument Signs

This policy is established to guide the review and approval process for monument signs for single family residential neighborhoods that are proposed to be placed within the City’s public street right-of-way. In addition to the general sign provisions of City Ordinance Chapter 34, the placement of monument signs within the public right-of-way may be permitted within R1 zoned single family residential areas subject to the following criteria.

1. The monument sign(s) shall be for the sole purpose of identifying the name of the subdivision, neighborhood, and/or neighborhood association. The sign shall also include City identification, i.e. the City logo or name.
2. The number, size, location, and design of the monument signs shall be determined through a sign plan review process upon application to the City. The City Council may require modifications to the proposed design of monument signs within the public right-of-way to promote uniform appearance, inclusion of the City of Brooklyn Center name and/or logo, uniform naming conventions, or address aesthetic concerns.
3. The cost for furnishing and installing monument signs shall be funded by the applicant, unless the monument sign is installed as part of a City-initiated redevelopment project or other City program.
4. Monument signs shall not be placed within the Clear View Triangle area in accordance with City Ordinance Chapter 25-802, or in other locations that will obstruct vehicular traffic sight lines as determined by the City’s Engineering Division.
5. The applicant shall obtain written authorization from the adjoining property owner with underlying ownership of the right-of-way (if applicable) at the proposed sign location.
6. Monument signs shall be constructed primarily of natural materials (stone) or low maintenance materials to minimize future maintenance issues.

7. The applicant shall enter into an agreement with the City for placement and maintenance of the monument sign within the public right-of-way. The City will accept limited maintenance responsibility for the sign consisting primarily of mowing around the sign on two or three occasions during the year. The applicant shall provide supplemental maintenance assistance to maintain the sign in a clean and orderly condition.
8. The City may remove and dispose of a monument sign located within the public right-of-way at the City's sole discretion due to several factors including, but not limited to, the following:
 - A. The applicant fails to maintain the sign to avoid deterioration.
 - B. The public right-of-way is needed for other purposes such as street improvements, utility installation, or other public need.
 - C. The City determines that the condition or location of the monument sign presents a public safety hazard.

Reference: City Council Resolution No. 2008-79

2.97 Policy for Street Light Banners

1. Purpose

The purpose of establishing a policy is to provide guidelines pertaining to the circumstances, character, location, and other standards under which the City will use its facilities to display street light banners.

2. General Provisions and Definitions

The following are general definitions of the City's three different potential banner classifications:

- A. *Standard Banner* – Aesthetics is the main purpose of the standard banner, which shall promote the City and/or general City area. The duration for use is typically a longer period ranging from six (6) to 12 months. Standard banners shall be provided by the City and/or donated and shall not contain a logo of any type. Replacement of standard banners is generally anticipated to be needed approximately every five (5) to 10 years, depending on use and application.
- B. *Seasonal Banner* – The main purpose of a seasonal banner is to promote a particular time of year. The duration for use is typically a shorter period ranging from two (2) to

four (4) months. Seasonal banners shall be provided by the City and/or donated and shall not contain a logo of any type.

- C. *Special Event Banner* – The main purpose of a special event banner is to promote a community event or activity. The duration for use is typically a short period of up to two (2) months. Special event banners shall be provided by the City, donated, and/or sponsored. A logo may be allowed on sponsored special event banners. The City may honor recognized special events that are held annually by reserving banner space for events such as Earle Brown Days, Dudley Nationals, Centennial Celebration, etc. Sponsored special event banners shall be funded by the sponsor prior to the installation of the banners. A fee for installation and retrieval shall be as set forth by City Council resolution.

3. Banner Eligibility

- A. Banners shall be used to promote certain civic activities.
- B. No banners with the main intent of commercial advertising or to advertise or promote religious holidays, political candidates, parties, or issues will be allowed.
- C. Advertising of a specific product or business will not be allowed and shall not be placed on standard or seasonal banners.
- D. The City Manager may allow a sponsor’s logo on special event banners.

4. Allowed Locations

- A. Banner installation is allowed only on decorative street lights equipped with banner hardware in the following areas: (An exhibit will be prepared indicating these locations based on light poles that are equipped with banner hardware. Currently, the recently installed Xerxes Avenue street lights would be the only allowed locations. This exhibit will be modified from time to time as other street light poles are equipped with banner hardware, should this occur.)

5. Approving Authority

- A. The City Manager as authorized by the City of Brooklyn Center City Council shall be the approving authority for all banner policy determinations including the approval of graphic designs of all banners and to determine banner placement within the designated area system.
- B. An Ad Hoc advisory committee as determined and established by the City Manager on a case-by-case basis shall review and provide recommendations for the design of all banners to the City Manager for approval.

- C. Appeals: If a sponsored banner design or a placement request is denied by the City Manager, the sponsoring organization may appeal this decision directly to the City Council by asking to be placed on the next available City Council meeting.
- D. The City Manager will develop administrative procedures for the detailed management of the banner program, which may be modified from time to time as warranted.

Reference: City Council Resolution No. 2009-75

2.98 In-Street Pedestrian Crossing Sign Traffic Policy

1. Background

A. Rights and Responsibilities

Both pedestrians and motorists in the State of Minnesota have rights and responsibilities on the roadway. Statistics and public response continue to reveal that the rights of pedestrians are not very well respected by motorists. This fact increases the potential for accidents and pedestrian injury at crosswalks.

B. Purpose

The purpose of this policy is to allow the usage of and give guidance for the installation of the In-Street Pedestrian Crossing Sign (R1-6b) in accordance with the Minnesota Manual on Uniform Traffic Control Devices for Streets and Highways (MMUTCD). The In-Street Pedestrian Crossing Sign (R1-6b) may be used to remind road users of the Minnesota State law that requires the driver of a vehicle to stop to yield the right-of-way to a pedestrian crossing the roadway within a marked crosswalk. It should be noted that studies show that excessive use of signs and pavement markings can substantially reduce the effectiveness of such devices. Therefore, a consistent application of this policy will serve both the motorist and pedestrian within the City.

2. Process

- A. City Staff will formalize all traffic safety concerns or requests and work with the requestor to gather pertinent facts to help clearly define the problem and seek a solution. City Staff will review those facts, determine if the request is warranted, and share this determination with the requestor. If a disagreement occurs with the recommendation or additional information and/or facts emerge that are persuasive as related to the City warrants/policies for the requested issue, the Administrative Traffic Committee will review the issue.

3. Guidelines

- A. The following guidelines are standards and warrants for the use of In- Street Pedestrian

Crossing Signs (R1-6b):

1. The provisions of the Minnesota Manual on Uniform Traffic Control Devices (MMUTCD) shall be followed.
2. Relevant speed, volumes, accident records, pedestrian counts, sight obstructions and demographic analysis shall be reviewed when considering In-Street Pedestrian Crossing Sign installations.
3. The sign shall not be used at intersections whose approaches are controlled by either stop signs or traffic control signals.
4. The sign should only be used at key locations, such as high pedestrian volume crosswalks, to avoid overuse.
5. The sign shall only be used at existing crosswalk locations.
6. The sign shall only be used as an in-street sign, not on the outside shoulder or parking lane. When installed, the sign shall not impede or obstruct any traffic movement, including through or turning movements.
7. When the sign is used at or in advance of a school crossing to supplement the ground mounted school warning signs, the sign shall include the SCHOOL plaque.
8. The sign shall be used seasonally due to safety issues with the use of the sign during the winter and to prevent damage during the winter because of plowing operations.
9. The sign shall only be installed on City streets and maintained by the City of Brooklyn Center at qualifying locations that are determined and prioritized by the Administrative Traffic Committee.
10. The sign shall only be used in 35 mph or lower speed zones.
11. The sign shall only be used on streets with vehicle traffic volumes that exceed 5,000 vehicles per day.
12. Only one sign structure shall be used per approach at marked crosswalks.
13. Any of the following supplemental conditions may warrant the sign's installation:
 - a. Those locations adjacent to and along established pedestrian routes to and from a school.
 - b. Locations adjacent to community centers, libraries, and other high use public facilities.

- c. Locations adjacent to public parks.
- d. Locations where accident records, sight obstructions and/or pedestrian volume warrants the installation.
- e. Locations where significant numbers of handicapped persons cross a street.
- f. Locations where significant numbers of senior citizens cross a street.

Reference: City Council Resolution No. 2011-72

2.99 Civic and Veterans Memorial Amphitheater Paver Policy

As part of the City of Brooklyn Center’s Civic and Veterans Memorial Amphitheater, the City is selling personalized pavers to be placed in the Plaza of Honor located next to the Amphitheater. Proceeds from the pavers help to fund the construction and ongoing maintenance of the Amphitheater. Allowing donor-recognition inscriptions on the pavers is intended to promote fundraising. The paver campaign is not intended to provide a forum for public or private speech or debate. The City provides numerous other areas and avenues for speech and discourse. The purpose of allowing inscriptions on pavers is solely to allow donor-recognition to assist in raising funds. These guidelines and policies are intended to set forth the permissible subject matter and procedures for paver inscriptions in Amphitheater fundraising campaign in the City.

Inscription Restrictions

Subject Matter – The paver inscriptions are intended solely to recognize the donor, assist in raising funds, and provide a donor an opportunity to express a commemorative message. The only inscriptions that will be allowed are those that:

- 1) Contain the name(s) of the donor(s) or family member(s) of the donor(s) (including any official title such as Dr. or Mayor);
- 2) Contain a statement or expression of goodwill;
- 3) Praise for people or animals;
- 4) Commemorate the death of a family member, and in such instances may include the name of the deceased, the words “In memory of” and the deceased person’s name, and a date (either the date of death or date of inscription); or
- 5) Honor individuals, businesses, or groups that:

- a) Provided service for the City, its residents or businesses;
- b) Lived or was located within the City; or
- c) Was a member of the City business, social, or educational community of the City.

The following types of inscriptions will be prohibited:

- Obscenities, profanities, or vulgar messages
- Acronyms that could be construed as obscene or profane
- Derogatory messages (explicit or implied)
- Sexually explicit messages
- Political messages or manifestos
- Controversial messages
- Messages that malevolently portray, demean or intimidate any group- race, ethnicity, gender, age, religion, socioeconomic, sexual preference, familial status, marital status, political, or other
- Messages that are deemed inappropriate for a public park
- Messages promoting any government entity other than the City of Brooklyn Center
- Messages that contain phone numbers, addresses, and/or websites

Text and Layout – No inscriptions of any other kind shall be allowed, and no text other than that described above shall be permitted on any paver. No signs, symbols or logos of any kind shall be allowed. Each paver shall be allowed three lines of text with no more than 15 characters or spacers per line. All letters will be capital letters. Inscription will be centered on the paver.

Warranty

Pavers shall have a five-year warranty. If it is necessary to remove a paver after the five-year time frame, the City is not required to replace a paver. However, the City will not bear responsibility for repair or replacement of vandalized or stolen pavers.

Procedure

The City will communicate these guidelines to potential donors, and advise them that all inscriptions are subject to review by the City and include these guidelines, summary, or reference thereof, in any advertisements or promotional materials for the paver campaign.

The City will forward a requested inscription that appears not to comply with this Policy to the City Attorney for review and a report to the City Council for a determination of whether the inscription is to be allowed or denied. The City shall communicate any denials/rejection and the reason(s) therefore to the donor.

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Application of Policy

This Policy shall be effective upon adoption by the City Council and shall apply to orders for pavers that have not been fulfilled by the City and placed in the Plaza of Honor.

Reference: City Council Minutes 9/28/15