

Corrected: 6/21/2005

Approved: 6/21/2005

CITY OF CRESTWOOD  
CHARTER COMMISSION  
REGULAR MEETING

Tuesday

June 7, 2005

7:00 p.m.

The Charter Commission of the City of Crestwood met at the Government Center on Tuesday, June 7, 2005 at 7:00 p.m.

Chairman James Brasfield called the meeting to order.

Roll Call:

On roll call the following members were present:

Dr. James Brasfield  
Alderman Pat Duwe  
Mr. John Bell  
Ms. Carol Wagner  
Ms. Bernie Alexander  
Mr. Rich Bland  
Dr. David Brophy  
Ms. Char Braun

City Attorney Rob Golterman

Absent:

Mr. Jim Dankenbring  
Mrs. Pat Kapsar

Public comments:

Jim Wolfe, 9165 General Grant Lane. He does not want term limits eliminated. He stated that it is difficult to beat an incumbent and that term limits will allow fresh faces to step forward. He believes that would be good for the Board.

Chairman Brasfield asked that the minutes of May 17, 2005 be amended to reflect that Char Braun was present. Commissioner Braun moved to approve the minutes of May 17, 2005 as amended and Commissioner Wagner seconded the motion. The minutes of May 17, 2005 were approved.

Chairman Brasfield reminded the Commission that the recording equipment had failed the evening of February 15, 2005. (This was the initial meeting of the Commission) Commissioner Wagner moved to approve the minutes of February 15, 2005 and Alderman Duwe seconded the motion. The minutes of February 15, 2005 were approved.

The City Attorney Rob Golterman summarized how Civil Service provisions relate to the Charter and the personnel code. There was a brief discussion about why questions concerning Civil service provisions were raised. The City Attorney affirmed that Code is where most employment issues are dealt with in detail. The one item relating to this that is being contemplated to be changed is the elimination of the text: "...and who shall be a civil service employee" in the City Clerk Section. (Sec 5.2 (a) CITY CLERK)

Chairman Brasfield proposed a two fold procedure on refining the amendments presented. Preliminary votes will be taken as amendments are developed if necessary (Nothing done as the

Commission is acting as a Committee as a Whole would be a final determination of the Commission), then at a subsequent meeting, a vote of the Charter Commission will be taken in a formal way before recommending the proposed amendments. This process would allow the Charter Commission to act as a Committee as a Whole to consider proposed legislation informally. A motion was made for the Commission to adjourn to a Committee as a Whole by Alderman Duwe and seconded by Commissioner Wagner. The motion passed.

Chairman Brasfield inquired as to how the amendments would be proposed. The City Attorney stated that the text of the amendment would have some introductory language followed by the present language and the proposed language by section.

The Housekeeping List was reviewed line by line as prepared.

Legal updating (cover & credit updating) does not have to be the part of the ballot.

It was agreed that Sections 15.1, 15.2, and 15.3 will be updated.

In section 15.3 there should be a reference to when the amendments will take effect. The City Attorney suggested the addition of the following text: "any amendments to this charter shall be in full effect for all purposes on and after the date and time of the certification of the results of the election on the adoption of the said amendments."

Section 15.4 FIRST GENERAL MUNICIPAL ELECTION will be deleted.

(The City Attorney noted that the original Charter will be retained as part of the official record of the City, as the copies of the original charter will be archived. That will serve as adequate record of the official date of the election concerning the original Charter.)

Sec 4.8 CITY ATTORNEY Remove that phrase "with no right of appeal".

Sec. 5.2 (h) REPORT OF FINANCIAL CONDITION OF CITY The question was raised whether sections (g) and (h) should be reversed in the order they appear and it was decided not to bother changing such a minor detail.

Sec. 9.3 PETITIONS (b) & Section 10.3 PETITION (b) The addition of the words, "as provided by the City Clerk" following "approximate cost".

Section 13.8 CHARTER REVIEW COMMITTEE The addition of the words "but at least once during every ten year period" after the words "time to time".

Sec 3.10 LEGISLATIVE PROCEEDINGS (a) MEETINGS: Delete the last sentence of this section. (Technological changes have occurred and new developments may occur that make the restriction of always meeting within the city limits physically an unreasonable restriction.)

Sec. 5.1 CITY ADMINISTRATOR Remove "with no right of appeal" in the first paragraph & Update language: "The City Administrator's compensation and other terms and conditions of employment shall be established by the Mayor, with the approval..." in the second paragraph.

Sec 5.2 (a) CITY CLERK Delete the phrase, "...and who shall be a civil service employee".

Sec. 5.2 (f) BUDGET AND CAPITAL PROGRAM Change "five year plans to three year plans."

Section 7.1 FISCAL YEAR Update: The change shall read: The fiscal year of the city shall be the calendar year, unless changed by ordinance.

Sec.3.3 QUALIFICATIONS Clarification will be added to recognize the office is declared by the ward. (For example a recalled alderman or one that has already served 3 terms can't come back and run for the seat held by the other alderman of the same ward) The City Attorney will prepare language for this clarification.

Sec. 3.4 The City Attorney will provide language to provide clarification on 3 consecutive "elected" terms, unless term limits are eliminated.

Sec 3.10 (f) PROCEDURE An addition of the words "in accordance of Section 4.4(b) should be added to the end of this section.

The following other possible additions from the Housekeeping list were deemed not significant enough to require an amendment:

{Sections relating to Sec 3.10 (f)} A possible provision for the adoption of emergency legislation might be made here. (i.e. National emergency preparedness) – no amendment proposed

Sec. 5.2 (g) FINANCE AND ADMINISTRATIVE RECORD The language of this section lacks definition. Language may be improved/updated. – no amendment proposed

Sec. 6.1 & Sec 6.2 This is where a clarification of exempt and non-exempt may be added. – no amendment proposed

By the next meeting a copy of the exact language to be voted on by the Commission will be prepared.

Term limit amendment- This would be a separate item if proposed. The effective date would be noted in the proposed language. The second paragraph of 3.4 would be eliminated and the City Attorney would provide new language. Chairman Brasfield stated that although the commission may not vote to put this on the ballot, the proposed language should be prepared.

Censure amendment – There was discussion about the suggestions made about censure in the public forum. John Bell recalled from his research on censure that most Charters that included it left it open how it was used. Censure would be included in the Charter as a method of reprimand. The Board of Aldermen can then adopt a Code of Conduct that addresses the specifics of how/when they might use the method of reprimand.

Citizen petition signature requirements – Chairman Brasfield suggested that the formula be developed. First, the Commission decided that the number should remain based on the number of registered voters. Secondly, the Commission decided to use the numbers that they had discussed at the April 19, 2005 meeting to plug into the formula and draft the language, but to think about those numbers before coming back to it next time for a vote.

Chairman Brasfield asked whether the three topics above: Term Limits, Censure, & Signature requirements will be separate issues on the ballot. It was proposed to keep Censure & term limits separate, but possibly include Citizen Petition signature numbers in the housekeeping list. The total number of proposed amendments to put forth on a ballot has yet to be determined. The combinations and number of amendments will be decided next time.

The issue raised by the Mayor about department heads. The question was raised whether or not that was addressed by ordinance and the City Attorney said that yes it was regulated by ordinance currently and allowed with the approval of the Board of Aldermen. The Commission said that this issue should continue to be regulated by ordinance. It was pointed out that budget

cuts in small City governments have necessitated that city governments have individuals hold multiple positions. The Commission agreed not to propose an amendment.

The Charter Commission will meet again on June 21, 2005.  
It will be duly noted that we came out of the committee as a whole.

The meeting was adjourned at 9:00 p.m.