

Charter Review Committee
March 8, 2011 Meeting Minutes - AMENDED

I. Attendance

Eight members present plus Law Director Tim Paluf

II. Minutes

Minutes from February 16, 2011 meeting were read and accepted by the committee.

III. Law Director Responses to Questions

Council term limit was last on the ballot 6 to 12 years ago and has been balloted on two previous occasions. Most recent vote was very close. Last committee voted unanimously to make the term limit change for council.

Agreement by committee to work out new language for terms.

Last election term limits on ballot, council was tense and on the news frequently.

All members of the difficult council left – 1 retired and 6 were voted out.

Tim has some language related to staggered terms that he will provide to committee.

Employment references – full time employee can be changed to no employee.

§4.12 – Definitions are difficult to define. Reasonable person standard

Relative terms – best way to interpret is on a case by case basis.

Finance Director – is not subject to council approval, all other department heads require council approval that is why position is separated.

§4.08 – Municipal elections are always odd numbered years. Tim will provide language from the county board of elections to clarify questions.

Wards – how is population shift handled? Engineer draws up the wards to get as equal as he can. Land is divided into quarters. Last done four years ago. Evaluation is completed upon request and tends to be done as needed. Council reviews the division – as a whole or part of council? Can be brought to council's attention by anyone.

§4.12 – Why change from five members to four members in vote, it is confusing.

Five member vote appears to be for major reasons.

Four member vote appears to be for attendance issues (3 meetings missed)

Tim agreed to look into language and why distinction is there.

§4.05 – Tuesday is the named day for council meetings. Where does it say must be second and fourth weeks? Charter says meetings must be at least twice a month.

§5.01 Run-off election – Only 40% is required to win, shouldn't it be 50% plus 1?
Should there be a run-off election?

Cons – expensive, waste of tax payer money.

Pros – someone could win with 25% of vote, deterrent to more than 2 to 3 people running.

§5.05 – Vacancy –

What happens if council does not approve Mayor's choice? May council then fill the vacancy? If not appointed within 30 days then council appoints.

If council denies appointment choice, they have 30 days to appoint another.

How can it be changed?

It is the Mayor's appointment, it should be his appointment. Council is like a resume approval. Ensuring the person is qualified for the job. Council is overseeing and needs to justify why denying qualified appointees. Council does not have to say why they denied an appointee.

Law Director – No council approval would give the Mayor a dictatorial power, cart blanche to approve, looking to avoid stalemate.

Tim has been law director since 1992 court decision resulted in Tim's appointment. Committee is concerned with Mayor submitting the same name every time until approved.

IV. Article V - The Mayor (continued) - New

a. §5.07 Absence

- i. Read section out loud
- ii. Discussion
No discussion

b. §5.08 Vacancy

- i. Read section out loud
- ii. Discussion
No discussion

c. §5.09 Removal

- i. Read section out loud
- ii. Discussion

There are differences between this section and section 4.12 Removal – five votes versus four votes. Council removing Mayor in this section, not an internal group management/control.

V. Article VI – Administrative Departments, Boards, and Commissions

- a. §6.01 – General Provisions
 - i. Read section out loud
 - ii. Discussion

No one has been the head of more than two departments.
Two departments are more than enough for one person to manage.
Ex. Police chief can also be safety director.
Suggest delete “or more” change to “not more than two departments.”
In most instances this makes sense
Need to look into this more
What are population/need shift changes since 1985.
May authorize one person to be head of not more than two departments.

Question - Do simple language changes go to the voters?
- b. §6.01.01 – Conflict of Interest
 - i. Read section out loud
 - ii. Discussion

Did council establish rules and regulations?
Why present if no rules and regulations?
- c. §6.01.02 – Removal
 - i. Read section out loud
 - ii. Discussion

Five votes is consistent with other sections.
Termination versus suspension – languages leaves opening with suspension.
- d. §6.02 – Director of Law
 - i. Read section out loud
 - ii. Discussion

What is city solicitor? Means City attorney
- e. §6.03 – Director of Finance
 - i. Read section out loud
 - ii. Discussion

Section conflicts with §5.05 specifically law director not approved by council. This section last changed in 1985.
When read with section 6.03 – does section 6.03 override?
Suggest amending language in section 5.05 to eliminate the conflict.
- f. §6.04 Planning and Zoning Commission
 - i. Read section out loud
 - ii. Discussion

Section appears to be very straight forward.

Question – Why is law director every two years?
New council with staggering terms is every two years.
Committee agrees that leaving law director at two years makes sense.

- g. §6.04.01 – Powers and Duties
 - i. Read section out loud.
 - ii. Discussion
Appeal of decisions requires a hard copy, no emails or faxes.

- h. §6.05 - Civil Service Commission
 - i. Read section out loud
 - ii. Discussion
Wording suggests that a secretary could work for multiple areas.

- i. §6.05.01 – Classification of Service
 - i. Read section out loud
 - ii. Discussion
What is unclassified? Covered by civil service, specific, defined positions.

- j. §6.05.02 - Duties
 - i. Read section out loud
 - ii. Discussion
What does 14 days mean? Business days versus calendar days. It was suggested that if language does not specify business days then it should be interpreted as calendar days. If the fourteenth day falls on a weekend, due date rolls to the next business day.

VI. Next Meeting

Tuesday, March 22, 2011 at 7:00 p.m. in the Community Center.
Review will start with section 6.05.03

Approved:

Committee Chair