

**MINUTES OF THE CITY OF COLUMBIA HEIGHTS
CHARTER COMMISSION
JANUARY 16, 2020
7:00 P.M.
CITY HALL-CONFERENCE ROOM #1**

Call to Order

President Steve Smith called the meeting to order at 7 p.m.

Roll Call/Status of Membership

Members present: Steve Smith, Matt Abel, Kathy Ahlers, Ramona Anderson, Tyler Eubank, Bill Hugo, KT Jacobs, Tom Kaiser, Carolyn Laine, Joe Schluender, Gregory K. Sloat, and Susan Wiseman

Members absent: Rob Fiorendino, Patrick McVary, Frost Simula, and Council Liaison Bobby Williams

Also in attendance: City Attorney Jim Hoeft and City Clerk/Recording Secretary Nicole Tingley

Approval of Agenda

Motion by Commissioner Anderson, seconded by Commissioner Jacobs to approve the agenda as presented. Motion passed unanimously.

Approval of October 17, 2019 Meeting Minutes

Motion by Commissioner Wiseman, seconded by Commissioner Anderson, to approve the October 17, 2019 meeting minutes. Motion passed 12-0-1 with Commissioner Ahlers abstaining.

Election of Officers

A. President

Motion by Commissioner Abel, seconded by Commissioner Schluender to nominate Steve Smith for President. Motion passed unanimously.

B. Vice President

Motion by Commissioner Wiseman, seconded by Commissioner Anderson to nominate Matt Abel for Vice President. Motion passed unanimously.

C. Secretary

Motion by Commissioner Anderson to nominate Bill Hugo for Secretary. Motion passed unanimously.

Correspondence

City Clerk/Recording Secretary Tingley stated that Commissioner McVary has decided not to apply for reappointment for his term ending February 15, 2020. Tingley indicated that the City would be advertising for a Charter Commission appointment during spring appointments to other city boards and commissions.

Old Business

A. City Council Appointment Process

President Smith introduced the topic noting that in past discussions one of the main points discussed is that the process to appointment a councilmember is too lengthy. Smith stated that the Charter Commission needs to consider how to change that and the impacts of that.

Commissioner Ahlers stated that the impact of having a vacancy on the City Council is much higher with a city council of 5 members versus a city council with 7 members so increasing the number of councilmembers should be considered. Commissioners Jacobs and Wiseman and President Smith stated that it should be considered separately in the future.

Smith noted that the step in the process that has been in question the most during past discussions is the time given for candidates to apply to be appointed.

Commissioner Anderson asked if it was required for the City Council to interview all applicants. City Attorney Hoeft responded that is it not required in the Charter and is the decision of the City Council.

It was clarified that applicants had 45 days to apply the last time a council seat was vacant. Commissioner Schluender noted that in addition there was the time for interviewing and making the determination. It was estimated that the entire process was around 4 months. Commissioner Sloat commented that the application period should only be 2 weeks. Commissioner Anderson commented that it has to be published in the newspaper so it should be 1 month.

Commissioner Laine stated that another approach is to take is to have a special election and let the people decide. Laine pointed out for example that Richfield's Charter states that if there is not an election within 180 days, a special election is held to fill a city council vacancy.

Commissioner Schluender stated that if feasible it would be better for the voters to decide a council vacancy rather than the City Council as it is a political process.

Commissioner Jacobs commented that a special election is very costly. Wiseman added that it also consumes a significant amount of staff time.

Commissioner Schluender noted that a special election could take a few months using the 60A seat as an example. Ahlers added that rank choice voting would make it so there would not have to be a primary election. Smith commented that rank choice voting is an entirely different discussion. The Charter Commission concluded not to discuss that at this time.

The Charter Commission discussed the cost of a special election versus the value. Commissioner Laine stated that the value of having the people choose outweighs any costs. Commissioner Jacobs stated that the council represents the people.

Commissioner Sloat stated that he would be in agreeance with having special elections. Commissioner Wiseman stated cost aside that she would agree on special elections. Wiseman noted that she also has concerns that people do not vote so it would just be the same people choosing every time.

Commissioner Jacobs stated that one of her concerns is that there is a likely possibility that the next election could result in a city council vacancy and wondered if a decision could be made and implemented. Smith stated there is enough time for the charter commission to bring a proposal to City Council.

Commissioner Jacobs provided a summary of her proposal to change the City Council Vacancy language in the City Charter. Jacobs noted that she would like to eliminate all the individual parameters and instead have a full process timeline. She stated that she does not think that every applicants needs to be interviewed noting that the City Council could choose the top 3 candidates to interview.

Commissioner Laine questioned what the parameters would be for choosing the top 3 and expressed concern that it is a prejudicial process. Commissioner Schluender suggested that all councilmembers could unanimously agree not to interview someone.

Commissioner Ahlers suggested that other models and examples need to be analyzed.

The Charter Commission determined that special election guidelines would have to be in a proposal. City Attorney Hoeft stated that there is not any language in the City Charter for a special election to fill a council vacancy. Hoeft explained that the Charter Commission made the application period 45 days to accommodate for sufficient time to apply after two consecutive weeks of newspaper publication.

Hoeft then clarified that the longest time a vacancy is appointed under the charter is 2 years. This is because the charter calls for the position to be filled by appointment until the next general election which occurs every 2 years. Hoeft explained how council vacancies work for statutory cities.

President Smith asked the commission if changing to a special election would eliminate the concern about a long process to fill a council vacancy. City Attorney Hoeft advised the commission that they should not only make changes to the charter regarding council vacancies because of the circumstances of the next city election. Charter Commissioners agreed.

The Charter Commission discussed special meetings. It was clarified that the length between meetings must be 30 days.

Motion by Commissioner Laine that the Charter Commission put together a process to consider how to fill a vacancy on the City Council by a special election and when it would be used. Commissioner Schluender added an amendment to bring demonstration language and examples to the next Charter Commission meeting. Commissioner Ahlers added that the demonstration language and examples be included in the next Charter Commission meeting packet.

Commissioner Jacobs commented that the Charter Commission should research and propose options for both a special election and changing the timeline. These proposals should be brought to the next meeting. President Smith inquired who would be drafting the proposals.

Commissioner Abel stated that it is usually those who make the motion draft it. President Smith reiterated that if someone has a passion for something, they can bring a proposal to the group. Commissioner Laine rescinded her motion. Commissioner Laine asked what the interest of the group has in making City Council appointments by special election before she puts effort into writing a proposal.

Commissioner Wiseman commented she would be interested in seeing proposals on both a special election and tweaking the current process. City Attorney Hoeft provided additional background information on how the Charter Commission made the current process.

The Charter Commission discussed if there was interest in reviewing two proposals at its next meeting, one to put in a process for a special election and another to modify the current process. The Charter Commission came to a consensus that it would be interested in reviewing both. President Smith stated that it is up to the membership to group up and collaborate on drafting proposals.

There was a discussion on gathering information to make the proposals. Tingley stated she could send out a list of charter cities to the commission members so they can look up the procedures of other cities. Hoeft added that all statutory cities have to follow state statute regarding city council vacancies and special elections.

New Business

A. Approve the 2019 Charter Commission Annual Report

Motion by Commissioner Kaiser, seconded by Commissioner Abel, to approve the 2019 Charter Commission Annual Report. Motion passed unanimously.

B. City Charter Review

President Smith stated that in the past the Charter Commission completed a review of the entire Charter. He stated that with the proposals for the section on city council vacancies, this should be addressed later. Hoefft stated that he believed that it was approximately 6-8 years ago that the charter was completely reviewed. Hoefft added that there have not been any significant law changes that would necessarily affect any portions of the charter. Commissioner Ahlers noted that in the charter where it discusses where to post notices for City Council vacancies changes in technology need to be considered.

Adjournment

Motion by Commissioner Jacobs, seconded by Commissioner Wiseman to adjourn. Motion passed unanimously.

Meeting adjourned at 8:01 pm

Respectfully Submitted,

Nicole Tingley, City Clerk/Recording Secretary