

**MINUTES OF THE CITY OF COLUMBIA HEIGHTS
CHARTER COMMISSION
JULY 20, 2017
7:00 P.M.
CITY HALL-CONFERENCE ROOM #1**

Call to Order

President Steve Smith called the meeting to order at 7:00 p.m.

Oath of Office – James Guy

Roll Call/Status of Membership

Members present: Steve Smith, Matt Abel, Ramona Anderson, Roger Johnson, Tom Kaiser, Carolyn Laine, Mike Patiuk, Eric Penniston, Frost Simula, Gregory Sloat, Susan Wiseman, and James Guy

Members absent (excused): Rob Fiorendino

Also in attendance: City Attorney Jim Hoeft, Council Liaison Connie Buesgens, and City Clerk/Recording Secretary Katie Bruno

Approval of Agenda

Motion by Commissioner Abel, seconded by Commissioner Johnson to approve the agenda as presented. Motion passed unanimously.

Approval of Minutes

Motion by Commissioner Simula, seconded by Commissioner Wiseman to approve the minutes from the April 20, 2017 meeting. Motion passed unanimously.

Correspondence

Secretary Bruno reported she received a resignation from Lee Bak on April 20, 2017.

President Steve Smith reported he received an email from Commissioner Penniston with suggestions for the council appointment process. Commissioner Simula also had prepared suggestions. President Smith stated he has not received any feedback until now, and suggested continuing the discussion at the October meeting. Commissioners were encouraged to send any suggestions to himself or the Recording Secretary.

Old Business-None

New Business

A. Review of Chapter 2-Section 7; Elective offices

President Smith indicated there has been requests to consider changing the mayor's term from two to four years. Commissioner Sloat asked who made the request. President Smith indicated Mayor Schmitt, City Manager Fehst, as well as community members.

It was clarified that any change would go into effect at the next election. Commissioner Anderson commented that two years is a short amount of time to get connected and established in the role. Commissioner Johnson stated he thinks two years is a good amount of time, it allows for more frequent scrutiny.

Councilmember Buesgens reported it is very expensive to run for office, and it would be better if the term was four years. Buesgens expressed concern with equal opportunity for citizens to run, based on economic status.

Buesgens also noted with a two year term, a seated mayor could spend more time campaigning. Commissioner Laine indicated four years can be a long time, if the mayor has authority over the police department.

Commissioner Wiseman stated she thinks four years makes sense. Commissioner Abel indicated historically mayor's have served multiple terms. Commissioner Laine expressed concern with the cost to run for office, and indicated that could eliminate some people from running. Commissioner Abel suggested if accountability is an issue, why not change councilmembers to two year terms.

Motion by Commissioner Abel, seconded by Commissioner Anderson to change the mayor's term from two to four years. 10 Ayes, 2 Nays; Motion Carried.

Ayes; Steve Smith, Matt Abel, Ramona Anderson, Tom Kaiser, Carolyn Laine, Mike Patiuk, Eric Penniston, Frost Simula, Susan Wiseman, and James Guy. Nays; Roger Johnson, Gregory Sloat

President Smith clarified this was a first reading, the second reading will be considered at the October 19, 2017 meeting.

Commissioner Laine requested researching other communities for comparison.

B. Review of Chapter 2-Section 10; the Mayor's direction of the police department.

President Smith shared comparable cities' practices. Of the 14 cities, none of them have the mayor oversee the police department; three have exceptions in times of emergency.

Commissioner Sloat asked who made the request. President Smith indicated Mayor Schmitt and the City Manager have requested this be looked at.

Commissioner Sloat indicated he thinks it should remain as it is, with an elected official overseeing the police department. Commissioner Simula noted that the City Manager is accountable to the whole council. Councilmember Buesgens noted the charter does not define the expected role of the mayor as it relates to the police department. City Attorney Jim Hoeft clarified that while the mayor has the authority through the Charter to oversee the police department, the mayor does not have to exercise that authority. The former mayor delegated the authority to the City Manager. Hoeft noted this could be an issue with a prospective candidate for Police Chief. Hoeft indicated he has no concern with the current mayor; he does have a concern with the lack of parameters. Commissioner Kaiser questioned if this change would limit the ability to address personnel issues with the Police Chief. Hoeft indicated the State has a defined process for hiring as well as terminating a Chief. Hoeft noted that the suggested change would put the City Manager in charge of the police department, and from a legal standpoint, there is nothing differentiating the police department for the other city departments in administrative process.

Commissioner Abel indicated section 53 (Powers and Duties of the City Manager) would need to be addressed as well. Hoeft indicated the exception language from Section 53 could be stricken.

Hoeft indicated the language in Section 10 was part of the original Charter, adopted in 1921. Commissioner Laine commented that the police department has seen significant changes since 1921.

Commissioner Sloat expressed concern with the City Manager requesting the change. Hoeft stated he first heard of the request from the Mayor and the HR Director.

Commissioner Kaiser stated he thinks there could be negative public perception, taking the power from an elected official. Commissioner Simula disagreed, stated he thinks the public may appreciate the additional layers of accountability. Hoeft reported the City Manager has overseen every other city department without incident. Commissioner Anderson stated she likes to balance the power between the Mayor and the City Manager.

Commissioner Guy commented that the City Manager is accountable to the council. Commissioner Penniston indicated the mayor is directly elected, and the City Manager is indirectly accountable. Penniston advised the commission to think of this as future planning, not for the current conditions. Commissioner Laine commented that this may be a determining factor for a prospective Police Chief candidate.

Motion by Commissioner Laine, seconded by Commissioner Simula to make the following changes to the city's Charter:

Section 10. THE MAYOR. The mayor ~~shall have the appointment, control, and direction of all police officers of the city, and~~ shall be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the governor for the purposes of the military law.

Section 53. POWERS AND DUTIES OF THE CITY MANAGER. Subject to the provisions of this charter and any regulations consistent therewith which may be adopted by council, the city manager shall control and direct the administration of the city's affairs. ~~except that the police department and the enforcement of the laws pertaining to said department shall be under the sole control of the mayor.~~

President Smith clarified this was a first reading, the second reading will be considered at the October 19, 2017 meeting.

Commissioner Sloat suggested inviting the Mayor in to discuss at a future meeting, and take no action at this point. Commissioner Penniston requested to hear perspective from law enforcement.

7 Ayes, 5 Nays; Motion Carried.

Ayes; James Guy, Roger Johnson, Carolyn Laine, Mike Patiuk, Frost Simula, Steve Smith, and Susan Wiseman, Nays; Matt Abel, Ramona Anderson, Tom Kaiser, Eric Penniston, and Gregory Sloat

President Smith clarified this was a first reading, the second reading will be considered at the October 19, 2017 meeting.

Motion by Commissioner Abel, seconded by Commissioner Anderson to adjourn. All Ayes, Motion carried.

Meeting adjourned at 7:54 pm.

Respectfully Submitted,



Katie Bruno,

City Clerk/Recording Secretary