

**MINUTES OF THE CITY OF COLUMBIA HEIGHTS  
CHARTER COMMISSION  
OCTOBER 26, 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:

Matt Abel (Prior to meeting)

Ramona Anderson

Frost Simula

**Roll Call/Status of Membership**

Members present: Steve Smith, Matt Abel, Ramona Anderson, Roger Johnson, Tom Kaiser, Rob Fiorendino, Eric Penniston, Frost Simula, and Gregory Sloat,

Members absent: James Guy

Members absent (excused): Carolyn Laine, Mike Patiuk, Susan Wiseman

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

President Smith requested adding the item *Addressing the Appointment Process*, prior to the approval of minutes.

**Approval of Agenda**

Motion by Commissioner Johnson, seconded by Commissioner Abel to approve the agenda as amended.

Motion passed unanimously.

**Appointment Process**

President Smith explained there are currently thirteen members on the commission, up to fifteen are allowed. Smith reported applications are sent to the Chief Judge for consideration, and are not reviewed by himself or city staff. The Judge will review the applications and make the appointment(s) independent of the city or the commission. Applications were being held at City Hall, going forward applications will be sent to the Judge upon receipt.

**Approval of Minutes**

Motion by Commissioner Penniston, seconded by Commissioner Johnson to approve the minutes from the July 20, 2017 meeting. Motion passed unanimously.

**Correspondence**

Secretary Bruno reported she received one email questioning the appointment process.

**Old Business**

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

President Smith explained the city's past practice on the process, indicating if the second reading is approved without changes; it is approved and sent to the city council for consideration. If there are changes, tonight's action would constitute a first reading.

Smith reported at the July 20<sup>th</sup> meeting the motion was adopted; to change the mayor's term from two years to four years. This constituted the first reading.

Bruce Nawrocki, former Councilmember indicated a four year mayoral term would make it difficult to change the make-up of the council (majority), and urged the commission to leave the term at two years.

Commissioner Penniston questioned the process going forward. President Smith reported that upon Charter Commission approval, the Council will consider the item. If it is denied by the Council, the item will come back to the Charter Commission. The Commission can then decide whether to initiate a referendum, or leave it unchanged.

Commissioner Sloat questioned if the councilmember terms would remain staggered. Fiorendino indicated that Councilmembers' terms would not be affected by this consideration. Sloat was concerned with the ability to change the majority of the council every four years; rather than two years.

Commissioner Fiorendino indicated there are good arguments on both sides, indicating he thinks a four year term is a nice balance.

Smith indicated in his experience it can take most of the first term to learn the responsibilities of the job.

*Motion by Commissioner Anderson, seconded by Commissioner Sloat to table the action until the January, 2018 meeting. 2 Ayes, 7 Nays, Motion failed. Ayes; Anderson, and Sloat. Nays; Abel, Fiorendino, Johnson, Kaiser, Penniston, Simula, and Smith*

Commissioner Simula stated the expenses associated with campaigning could limit who can run for office every two years.

*Motion by Commissioner Fiorendino, seconded by Commissioner Abel to change the mayor's term from two years to four years. 6 Ayes, 3 Nays; Motion Carried. Ayes; Abel, Fiorendino, Kaiser, Penniston, Simula, and Smith. Nays; Anderson, Johnson, and Sloat*

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

President Smith reported the following language was adopted at the previous meeting:

*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.*

*And*

*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.*

A survey of various cities' practices was distributed. In all cases, with a few exceptions in times of emergency; the City Manager has authority over the Police Department.

Commissioner Simula stated that the Mayor has often delegated that authority to the City Manager in the past.

Commissioner Penniston stated that because the City Manager answers to the City Council, the Council would be indirectly involved.

Commissioner Sloat stated he sees this as another layer of bureaucracy between the people and the police.

Commissioner Smith brought up the fact that a City Manager would likely have more experience in personnel and human resources than a Mayor would.

*Motion by Commissioner Anderson, seconded by Commissioner Sloat to amend the motion to read:*

*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.*

*In time of public danger or emergency the Mayor may, with the consent of Council majority, take command of the Police, maintain order, and enforce the law. 7 Ayes, 2 Nays; Motion carried. Ayes; Anderson, Sloat, Abel, Penniston, Simula, Smith and, Johnson. Nays; Kaiser and Fiorendino.*

President Smith clarified action can be taken as a first reading at this time, the City Attorney can review the amended language prior to the second reading, scheduled for January 18, 2018.

*Motion by Commissioner Anderson, seconded by Commissioner Sloat to make the following changes to the City 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.*

*In time of public danger or emergency the Mayor may, with the consent of Council majority, take command of the Police, maintain order, and enforce the law. 8 Ayes, 1 Nay; Motion Carried. Ayes; Anderson, Sloat, Kaiser, Fiorendino, Abel, Penniston, Smith, and Johnson. Nay; Simula.*

*And*

*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.~~*

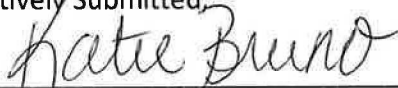
### **C. Discussion of Council Appointment Process.**

President Steve Smith reported he received suggestions from Commissioner Penniston and Commissioner Simula at the July meeting. Smith stated he has not received any additional correspondence, and suggested continuing the discussion at the January meeting.

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

Meeting adjourned at 7:47 pm.

Respectfully Submitted,



Katie Bruno, City Clerk/Recording Secretary