



City of Columbia Heights | Administration

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MEMORANDUM

To: Charter Commission
From: Kelli Bourgeois, City Manager
Date: April 12, 2023

RE: Recommended Charter Amendments

As you may know, I am leaving my position as city manager for Columbia Heights effective tomorrow. Before I leave, I wanted to share a couple Charter amendment suggestions I ask that you consider. I understand both of these items have been considered in the past but given the changes we have seen in the size and complexity of municipal operations I feel they both warrant consideration and action at this time. I discussed both these items with the Mayor and Council at their April Work Session so they are aware I of my recommendations as well.

MAYOR OVERSIGHT OF THE POLICE DEPARTMENT

The first item is amending Sections 10 and 53, removing the Mayor from overseeing the Police Department and making that a duty of the City Manager. I have the utmost respect for our current Mayor and the past Mayors I have worked for in Columbia Heights and this is not meant to be a slight to Mayor Márquez Simula or our previous Mayors. I believe with the complexities involved in policing in today's world as well as the fact that most of the duties outlined as the Mayor's role in Charter are delegated by Statute or Rule to the Chief Law Enforcement Officer (the Police Chief), and finally that any decision that impacts the budget must be made by the full City Council, the Mayor is ineffectual as the overseer of the Police Department.

In addition, given these restrictions on the Mayor's ability to act as the Charter states, I believe it puts the Mayor in a potentially contentious and unfair position with the public because the expectation is that the Mayor has carte blanche to do the will of the public whereas, the Mayor's hands may be tied due to the Statutory and budget constraints identified.

I recommend the Charter draft an Ordinance to be adopted by the City Council amending Sections 10 and 53 of the Charter to read:

Section 10. THE MAYOR. The mayor shall be the presiding officer of the council, and shall exercise all powers and perform all duties conferred and imposed upon the mayor by this charter, the ordinances of the city, and the laws of the state. A president pro tempore shall be chosen who shall serve as president in the mayor's absence, and who shall, in the mayor's absence, exercise all powers and perform all duties conferred and imposed upon the mayor by this charter, the ordinances of the city and the laws of the state. In the absence of both the mayor and the president pro tempore, the council member with the most seniority (as determined by consecutive uninterrupted years of service to date) shall exercise and perform said powers and duties. The mayor shall have the appointment, control, and direction of al

~~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 the event of a vacancy in the office of mayor, whether by death, resignation, or any other cause, the council shall order a special election to fill the vacancy for the unexpired term except in the case of a recall, the vacancy shall be filled in the manner provided by this charter. **(Ordinance No. 1389, passed April 26, 1999)**
(Ordinance No. 1086, passed June 11, 1984)

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.~~ The city manager's duties shall be:

- (a) To see that this charter and the laws, ordinances and resolutions of the city are enforced;
- (b) To appoint and, except as herein provided, remove the city clerk, all heads of departments, and all subordinate officers and employees in the departments, all appointments to be upon merit and fitness alone;
- (c) To exercise control over all departments and divisions of the city administration created by this charter or which may be hereafter created by the council except as herein provided;
- (d) To attend all meetings of the council, with the right to take part in the discussions but having no vote; but the council may at its discretion exclude the city manager from meetings at which the city manager's removal is considered;
- (e) To recommend to the council for adoption such measures as the city manager may deem necessary for the welfare of the people and the efficient administration of the city's affairs;
- (f) To keep the council fully advised as to the financial condition and needs of the city, and to prepare and to submit to the council the annual budget;
- (g) To prepare and to submit to the council for adoption an administrative code incorporating the details of administrative procedures, and from time to time to suggest amendments to the same; and
- (h) To perform such other duties as may be prescribed by this charter or required of the city manager by ordinances or resolutions adopted by the council. **(Ordinance No. 1086, passed June 11, 1984)**

MAYOR TERM OF OFFICE

The second item I'd like to ask you to consider is amending the Charter to change the mayoral term from two years to four years. Currently, the four councilmember terms are staggered 4 year terms with two seats open each election, and the mayor term is a 2 year term that is open at each election. It would make sense to change the mayor term to a four year term to 1) make it consistent with the other councilmember terms, and 2) to make the position more effective and reduce staff time needed to onboard a new mayor. Again, this is not meant to disparage our current or former mayors at all.

Columbia Heights operates as a weak mayor form of government whereby the Mayor has no more power than any other Councilmember when it comes to votes and actions of the city council. However, the Mayor does have administrative, ceremonial, and procedural duties the other Councilmembers don't have. I would estimate generally it takes a new Mayor a full year to learn their roles and functions and to hit a rhythm with staff. Currently, with a two year term that only leaves one year of the term for the Mayor and staff to work highly efficiently and effectively together. Then add in having to campaign for another election less than one year later it is a lot to ask of a part time elected official.

Staff feels changing the mayoral term to a four year term would be beneficial to staff, the community and to the person serving as Mayor. It provides continuity, efficiency, and stability that can be lost when Mayors change over every two years. With that, I recommend the Charter draft an Ordinance to be adopted by the City Council amending Section 7 of the Charter to read as follows:

Section 7. ELECTIVE OFFICES. The council shall be composed of a mayor and four council members who shall be qualified electors, and who shall be elected at large in the manner hereinafter provided. The four council members shall serve for a term of four years and until their successors are elected and qualified. The Mayor shall serve for a term of ~~two~~ four years and until a successor is elected and qualified. The council shall be judge of the election of the mayor and council members. **(Ordinance No. 1466, passed December 15, 2003) (Ordinance No. 1300, passed April 10, 1995)**

A note on the adoption and implementation of these charter amendments should they move forward. The mayoral oversight of the police department can be adopted by the Council via the standard Ordinance process and this would be effective following publication in the newspaper:

- Initial charter action to make the amendment;
- A second motion by Charter Commission to amend the charter;
- City Council first reading of an Ordinance amending the Charter;
- If the first reading is approved by a 5/0 vote, then a second reading of the Ordinance;
- If the second reading is approved by a 5/0 vote, then the ordinance is published in the newspaper and effective 30 days after publication.

Per State Statute, changing the mayoral term from two to four years requires a different implementation timeline. The general Ordinance review process is the same as above however the ordinance doesn't become effective until the next election which would be held in 2024 for the mayoral term beginning in 2025. Therefore, the current Mayoral term would remain two years and expire the end of 2024.

Thank you for taking the time to consider my recommendations. Although I won't be on staff in Columbia Heights when the Charter Commission discusses these recommendations, I would be happy to discuss my thoughts with you at any time. Otherwise, I wish you the best and appreciate the time and effort you all put into making Columbia Heights the wonderful city it is!