

**CITY OF HAZELWOOD
SPECIAL COUNCIL MEETING
NOVEMBER 30, 2015**

CALL TO ORDER

A special Council meeting was called to order by Mayor Matthew G. Robinson at 7:00 p.m. on Monday, November 30, 2015, in the Council Chambers at Hazelwood City Hall, 415 Elm Grove Lane.

On roll call the following members of the Council were present:

Bob Parkin
Russell Todd
Rosalie Hendon
Mary G. Singleton
Matthew G. Robinson
Carol A. Stroker
Robert M. Aubuchon
Don W. Ryan

Councilman Warren H. Taylor was not present. Mrs. Wolf declared a quorum was present. Also present were City Manager Matt Zimmerman, City Attorney Kevin O'Keefe, and City Clerk Colleen Wolf.

SPECIAL ORDER OF BUSINESS

**CHARTER REVIEW
COMMITTEE
RECOMMENDATION**

Don Young, chairman of the Charter Review Committee, introduced the committee members: Rosemarie Moss, Pat Piotrowicz, Rory Schwartz, Tory Valenti, Carl Wolf, Mike Krebs, and Bill Young and gave a presentation on their recommendation for amendments to the City Charter.

Mr. Young summarized the proposed changes. The Mayor would nominate board and commission members with approval of the City Council. A Compensation Commission to review and recommend elected officials' compensation would be established and the Mayor and Council's salaries would be set by ordinance. Department descriptions would be removed from the Charter and would be created by ordinance. Personnel management would officially become the responsibility of the City Manager. The public hearing process would be removed from the Charter and would be governed by current state statute. The processes for Initiative, Referendum and Recall, and Amended Petition would be clarified. In compliance with state statutes, responsibility for elections would be placed with the St. Louis County Election Board (Election Board).

Mrs. Stoker noted individual Council members currently make nominations to the boards and commissions and appointments are made with approval of the entire Council. She asked the reason for the proposed change.

Mr. O'Keefe responded he made the recommendation in order to recognize that the Mayor is the only elected official selected citywide and the only Council member independent of a local focus. In most Mayor/Council forms of government, the Mayor is an executive official and has the power to appoint to the exclusion of the legislative branch. In our City, which has a City Manager form of government, the Mayor doesn't have executive authority such as the power of veto. However, he was elected by the broadest constituency and has the broadest perspective. Therefore, the proposed change would allow him, as the electorate's choice, to manifest his approval on the mechanism of City government.

Mr. Zimmerman commented the difficulty of finding board/commission members from each ward was a primary consideration. The change provides flexibility without removing the Council's authority to assure there's a geographic distribution of appointees, while encouraging volunteerism.

Mr. O'Keefe emphasized the proposal was driven by practical considerations and was not at the suggestion of the Mayor.

Mr. Wolf stated the committee discussed this issue at length. He noted 90 percent of municipalities make appointments in this manner and the Council would have the ability to easily override the Mayor.

Mr. O'Keefe stated the Charter currently provides for appointments to be made by the Council and doesn't specify a process. The current process of having each Council member nominate their constituents for appointment to the various boards and commissions was established by tradition. The change would give the responsibility for nomination to the Mayor. Obviously, he would consult with the Council or the appointment may not be approved. Mr. O'Keefe noted there are boards that don't have eight members, such as the Board of Adjustment which has five regular members. He stated the Council would vote aye or nay on a nominee to assure fair representation.

Mr. Ryan noted some portions of the Charter refer to Councilman or Councilmen and others to Council member(s). He asked if all instances could be changed to Council member(s) to provide gender neutrality and consistency.

Mr. O'Keefe replied affirmatively.

Mr. Aubuchon asked if the historical election references under *Article II. The Council, Section 1. Composition and Term* could be deleted.

Mr. O'Keefe responded they are the foundation upon which the election cycle is now determined and should not be deleted.

With respect to Council compensation, Mr. O'Keefe stated the proposed Charter revisions are modeled after the state's process for compensation for elected and appointed officials in which a salary commission performs a compensation study and submits a recommendation for compensation of members of the General Assembly, judges, etc. Mr. O'Keefe stated a Compensation Commission, comprised of citizens, would be established by utilizing chairmen from standing committees who are already interested and involved in the City and familiar with its workings. The commission would convene every four years. They would perform a survey of similar positions across the area and make a recommendation.

Mr. Young asked if the Council would have to accept the recommendation.

Mr. O'Keefe responded the schedule shall become effective unless disapproved by a resolution adopted by a 2/3 majority vote of the City Council before December 1 following the filing of the schedule. He added the salaries wouldn't go into effect until the next election cycle.

Mr. Young noted some Council members will have to wait two or three years for the new salary to take effect.

Mr. O'Keefe responded the Missouri constitution prohibits an increase in compensation for elected officials during their term of office.

Mr. O'Keefe explained the commission would convene on August 1 (of a year yet to be determined); perform a study of the compensation of elected officials in the area with similar size municipalities, services, etc.; fix compensation for the Mayor and Council; and file the compensation schedule with the City Clerk no later than the following October 1. The Council would then have until December 1 to reject it.

Mr. Wolf stated the Charter revision would establish a clear process and allow Mayor and Council compensation to be established by citizens and to be current and fair. It was noted current compensation was established in 1989.

Mr. O'Keefe added the criteria of the Charter Review Committee included removing unnecessary minutia and building in flexible systems to avoid the need for future amendments. Therefore, we would defer to state statutes or passage of an ordinance in the event of changes such as election technicalities.

Mr. O'Keefe stated the proposed Charter revision provides for one or more municipal judges, as opposed to only one, to provide flexibility. Removing the department descriptions, and establishing them instead by ordinance, is also intended to provide flexibility and efficiency. For example, a Charter amendment would not be required to consolidate or split departments.

With respect to *Article II. The Council, Section 4. Vacancies*, Mrs. Stroker stated sometimes 30 days to fill a Council vacancy isn't sufficient. She asked if there's a penalty in the event an appointment isn't made within 30 days.

Mr. O'Keefe emphasized the residents of the ward are deprived of Council representation as long as the vacancy is allowed to continue. He stated a ward constituent could get a court order to hold the City Council in session until an appointment is made.

Mr. O'Keefe stated the committee's recommendations for revision of *Article VII. Department of Personnel, Section 4. Powers and Duties of Civil Service Board*, emphasize the protection provided to employees to insulate them from political forces such as patronage and political favoritism or disfavor and that it's a civil service system and employment decisions, from employment to promotion and discipline, are to be made on the basis of merit. The responsibility in the first instance is placed upon the City Manager.

Mr. O'Keefe stated *Article VII. Department of Personnel, Section 7. Prohibitions*, states no employees shall take part in the City's political process other than their right to vote. The text of the section is unchanged. However, a state statute which exempts first responders was added as a footnote. The footnote was used, rather than revising the section, to avoid the need for additional Charter revisions in the event of a future change in state statute. This footnote method was used in two other instances in the proposed Charter amendments; one is relative to the Police Chief and the other concerns campaign finance.

Mr. O'Keefe explained in *Article VIII. Planning and Zoning*, the committee recommends deleting the requirements for public notice and subdivision plats. The City will comply with the pertinent City ordinance and/or state statute. This level of detail in the Charter is unnecessary.

Mr. O'Keefe stated *Article X. Initiative, Referendum and Recall* was discussed by the committee at considerable length. The committee proposes retaining the 20 percent threshold but also requiring a 20 percent majority in five of the eight wards, in a manner similar to the St. Louis and St. Charles County Charters. Therefore, a small section of the City would not be sufficient to generate the entire 20 percent and a breadth of support for the issue would be guaranteed. With respect to amended petitions, there is a time limit for submission of a referendum on an ordinance. Mr. O'Keefe explained referendum is when an ordinance passed by the Council is suspended and submitted to the electorate for approval or rejection. Initiative is the process by which the people submit an ordinance they themselves enact. There are time limits for the process of submitting a petition which assure uninterrupted flow of City business. The time limits would be unchanged. However, requirements for meeting a numerically sufficient number of unduplicated signatures of registered voters would be added to prevent submission of a patently inadequate petition in order to get additional time to submit sufficient signatures. In addition, housekeeping changes are proposed for *Section 9*.

Voting which would allow the Election Board to run the election and eliminate the possibility of conflict between the Charter and Election Board regulations. Unnecessary detail such as ballot content, which could be specified by ordinance, would be deleted.

Mr. Zimmerman noted the change would eliminate the possibility of a threat to the validity of a vote.

Mr. O’Keefe stated Charter amendments must be approved by a simple majority of voters who vote in the election. The Council must decide if, what, and when to submit a proposition. The deadline to submit an ordinance and proposition to the Election Board for certification for the April 5, 2016 election is 5:00 p.m. on January 26, 2016. He stated all Charter revisions can be submitted in one proposition, referencing the ordinance which cites the revisions, and the Election Board will make the Charter documents available at each polling place or they can be divided into as many questions as the Council desires, with some cost impact.

Various options were discussed. Mayor Robinson stated the amendments could be split into several propositions with some placed on the April 2016 ballot and some on the November 2016 ballot. He stated the Council may want to delay placing the amendment relative to Council compensation on the ballot until the budget is balanced and all services are restored. He suggested adding a discussion on placement of the Charter amendments on a ballot to the December 16 Council meeting agenda.

Mr. Aubuchon commented the amendments wouldn’t provide the Council with an increase in compensation, but would offer a process for citizens to fairly establish Council salaries without an election.

Ms. Moss commented the November ballot is very lengthy. Generally, the longer the ballot and the farther down on the ballot the propositions are, fewer people vote on them.

ADJOURNMENT The meeting was adjourned at 8:30 p.m.

Matthew G. Robinson - Mayor
City of Hazelwood, Missouri

ATTEST:

Colleen Wolf, MMC - City Clerk
City of Hazelwood, Missouri