

Note: The minutes are considered "Draft" until approved at the next meeting.

MINUTES                      Wednesday, October 14, 2015

Charter Revision      4 PM at Carnegie Town Hall

Commission Meeting 235 West Tenth Street

Members Present: Sue Aguilar, Jill Entenman, Pauline Poletes, Justin Smith, and Robert Thimjon

Members Absent: None

Staff Present: Paul Bengford, Assistant City Attorney; Cari Hanzel, Paralegal/Clerk; and Tamara Jorgensen, MMC, Assistant City Clerk

1. Call To Order

Commission Chair Robert Thimjon called the meeting to order at 4 p.m.

2. Approval Of Minutes

A. September 9, 2015

A motion was made by Sue Aguilar and seconded by Pauline Poletes to approve the minutes. Thimjon called for a voice vote. All members voted yes. Motion Passed.

3. New Business

A. Charter Article I - Powers of the City

Section 1.01. Powers of the city.

No comments or suggestions were made at this time.

Section 1.02. Construction.

No comments or suggestions were made at this time.

Section 1.03. Intergovernmental relations.

No comments or suggestions were made at this time.

Section 1.04. Limitations.

No comments or suggestions were made at this time.

Section 1.05. New taxes.

No comments or suggestions were made at this time.

B. Charter Article II - City Council

Section 2.01. General powers and duties.

No comments or suggestions were made at this time.

Section 2.02. Composition, eligibility, election, and terms.

(a)Composition. There shall be a city council composed of the mayor and eight (8) members. Three (3) council members shall be nominated and elected by the voters of the city at large, and five (5) shall be nominated and elected by the voters of each of the five (5) council districts, as provided in article VI.

(b)Eligibility. Only the registered voters of the city who have resided in the city for at least six (6) months immediately prior to the date of election shall be eligible to hold the office of council member or mayor.

(c)Election and terms. The terms of council members shall be four (4) years beginning no later than whichever day the City Council meets during the third week of May following the official canvass of any final council or mayoral election, whichever is later, and shall continue until a successor has been elected and takes office. No council member may serve more than two (2) full or partial terms consecutively; however, a council member may immediately thereafter be eligible to be a candidate for mayor. The two consecutive term limit shall apply regardless of whether a council member has served as a district or an at large council member or both.

(4-11-00, Section/Chapter A; 4-8-14, Section/Chapter A)

Sue Aguilar made the following statements regarding election and terms (c): She referenced a City Council Member who was elected to fulfill a partial term and was reelected the next year. This Council Member has served a total of five years but is not eligible to run again because of this terminology. The request was made to review this section for possible improvements.

Thimjon stated that he would like additional research done on this subject to determine how other government entities handle partial terms.

This item will be added to the Charter Revision Commission Meeting agenda for Thursday, November 12, 2015, for further review.

Section 2.03. Mayor.

No comments or suggestions were made at this time.

Section 2.04. Compensation; expenses.

The annual salary of the mayor and part-time council members is set in section 9.05, and shall be automatically adjusted annually for inflation or deflation, as determined by a generally accepted federal government index (e.g.,

CPI-U). The mayor and council members shall receive their actual and necessary expenses incurred in the performance of their duties of office. The mayor, but not the council members, shall participate in the city's employee benefits programs which are available to other management employees, excluding the city pension system. However, upon taking office the mayor may elect to participate in the employees' retirement system, if allowed by ordinance, or may elect not to participate in the employees' retirement system.

(4-8-08, Section/Chapter A)

Aquilar asked for clarification regarding the differences between the pension system and the employee's retirement system. She also requested clarification on what is covered by the ordinances. The City Attorney's office will research this information.

This item will be added to the Charter Revision Commission Meeting agenda for Thursday, November 12, 2015, for further review.

Section 2.05. Prohibitions.

No comments or suggestions were made at this time.

Section 2.06. Vacancies; forfeiture of office; filling of vacancies.

No comments or suggestions were made at this time.

Section 2.07. Judge of qualifications.

No comments or suggestions were made at this time.

Section 2.08. City clerk.

No comments or suggestions were made at this time.

Section 2.09. Investigations.

No comments or suggestions were made at this time.

Section 2.10. Independent audit.

No comments or suggestions were made at this time.

Section 2.11. Procedure.

(a) Meetings. The council shall meet regularly at least once in every month at such times and places as the council may prescribe by rule. If the council meets more than once a month, it may designate which meeting is the regular monthly meeting. If they don't so designate one, the first meeting of the month is the regular monthly meeting. Special meetings may be held on the call of the mayor or of six (6) or more members and, whenever practicable, upon no less than twelve hours' notice to each member. All meetings shall be public, except as allowed by state law.

(b) Rules and journal. The city council shall determine its own rules and order of business and shall provide for keeping of an accurate journal of its proceedings. This journal shall be a public record .

(c) Voting. Voting, except on procedural

motions, shall be by roll call and the ayes and nays shall be recorded in the journal. Five (5) members of the council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. Each council member shall have an equal vote; the mayor shall only vote as necessary to break a tie. All actions of the council shall be by a majority of those present, except no ordinances or any action calling for the expenditure of money in excess of the state bids limits for municipalities or filling of vacancies as set forth in section 2.06 shall be valid or binding unless adopted by the affirmative vote of five (5) or more members of the council.

Thimjon requested clarification on the definitions of a regular meeting and special meetings.

This item will be added to the Charter Revision Commission Meeting agenda for Thursday, November 12, 2015, for further review.

Section 2.12. Action requiring an ordinance.

No comments or suggestions were made at this time.

Section 2.13. Ordinances in general.

No comments or suggestions were made at this time.

Section 2.14. Updating the Code of Ordinances.

The Code of Ordinances must be updated at least every twenty years, pursuant to the provisions of state law, as was done in 1972 and in 1992.

Justin Smith suggested modifying this sentence to read: "As was done in 1972, 1992, and 2012. This change will be given consideration for adding to the ballot for 2016.

C. Charter Article III - Mayor

Section 3.01. Executive Power.

No comments or suggestions were made at this time.

Section 3.02. Election and qualifications of mayor.

The mayor shall be elected for a term of four years by a direct vote of the people at the regular city election. No mayor shall serve more than two (2) full or partial terms consecutively; however, the mayor may immediately thereafter be eligible to be a candidate for council member. The mayor's terms shall begin no later than whichever day the City Council meets during the third week of May following the official canvass of the mayor's election and shall continue until a successor has been elected and takes office.

(4-11-00, Section/Chapter C; 4-8-14, Section/Chapter B)

Aguilar suggested that this section be reviewed in conjunction with Section 2.02

(c) regarding partial terms.

This item will be added to the Charter Revision Commission Meeting agenda for Thursday, November 12, 2015, for further review.

Section 3.03. Mayor's duties and responsibility.

No comments or suggestions were made at this time.

Section 3.04. Mayor's power to veto legislation.

No comments or suggestions were made at this time.

4. Public Input

There was none.

5. Open Discussion

There was none.

6. Adjournment

Commission Chair Robert Thimjon adjourned the meeting at 4:13 p.m.

Tamara Jorgensen, MMC

Assistant City Clerk