

Corrected: 6/7/05

Approved: 6/7/05

CITY OF CRESTWOOD  
CHARTER COMMISSION  
REGULAR MEETING

Tuesday

February 15, 2005

7:00 p.m.

The Charter Commission of the City of Crestwood met at the Government Center on Tuesday, February 15, 2005 at 7:00 p.m.

City Administrator Don Greer called the meeting to order.

**Roll Call:**

On roll call the following members were present:

Dr. James Brasfield  
Alderman Pat Duwe  
Mr. John Bell  
Mr. Rich Bland  
Dr. David Brophy  
Mrs. Pat Kapsar,  
Ms. Bernie Alexander  
Ms. Carol Wagner  
Mr. Kevin King

City Administrator Don Greer  
City Attorney Rob Golterman

Absent:

Mr. Jerry Bratsch

Mr. Greer introduced himself as well as City Attorney Golterman and asked the commission to introduce themselves.

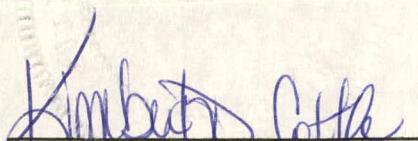
A general discussion regarding the existing Charter, its history and requirements for review was conducted.

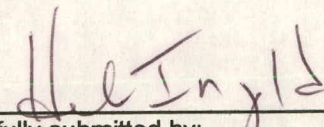
The commission elected Dr. James Brasfield, Chairperson and Pat Kapsar, Vice-Chairperson.

Chairman Brasfield engaged the commission in discussions with regard to schedule and topics for future discussion. The commission chose to meet every two weeks beginning with the 1<sup>st</sup> Tuesday in March and will meet the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays of each month. The commission will not meet on the 1<sup>st</sup> Tuesday in April as it is Election Day.

Chairman Brasfield asked Mr. Greer to make inquiries with City Staff regarding existing Charter, how well it operates, and any known issues from staff level to assist the Commission in focus. Information was requested to be E-mailed to the Commission prior to the next meeting. Alderman Duwe was requested to query the Mayor and Board of Aldermen in a similar manner.

There being no further business, the meeting was adjourned at 8:30 p.m.

  
Attest: Kimberly Cottle, City Clerk

  
Respectfully submitted by:  
Helen Ingold, Executive Secretary





Thomas E. Fagan, Mayor

Office of the City Administrator

**AGENDA  
2005 CHARTER COMMISSION**

**Meeting 1**

**February 15, 2005**

**7:00 p.m.**

**Crestwood Government Center  
One Detjen Drive  
Crestwood, MO 63126**

- 1) Introductions**
- 2) Overview of Charter**



Corrected: 3/15/05

Approved: 3/15/05

CITY OF CRESTWOOD  
CHARTER COMMISSION  
REGULAR MEETING

Tuesday

March 1, 2005

7:00 p.m.

The Charter Commission of the City of Crestwood met at the Government Center on Tuesday, March 1, 2005 at 7:00 p.m.

Chairman James Brasfield called the meeting to order.

**Roll Call:**

On roll call the following members were present:

Dr. James Brasfield  
Alderman Pat Duwe  
Mr. John Bell  
Mr. Rich Bland  
Dr. David Brophy  
Mrs. Pat Kapsar,  
Ms. Bernie Alexander

Absent:

Mr. Jerry Bratsch  
Ms. Carol Wagner  
Mr. Kevin King

Press: Mike Anthony, Call newspapers

There were no public comments. Chairman Brasfield indicated that with the Commission's approval we would adopt the practice of hearing any brief public comments at the beginning of the meeting.

Chairman Brasfield noted that Don Greer will not be present due to the flu. Administration is in the process of preparing suggested areas to update. Rob Golterman, City Attorney, is in the process of reviewing the information we asked him to gather. Chairman Brasfield thanked John Bell for examining sections of the charter.

John Bell suggested that he take those sections and bring them back to next meeting with suggestions for changes.

Ms. Alexander asked whether the Commission will be redrafting a new charter or only amendments to the existing charter. Chairman Brasfield answered that as the examination takes place the commission will assess whether major or minor revisions will be required.

Chairman Brasfield stated that tonight's first order of business is to examine the first four sections and flag sections that need examination. He noted that the National Civic League has a model city charter and a copy of that model charter has been ordered. The Municipal League is also being contacted for a model. Mrs. Kapsar has reviewed the table of contents of neighboring cities' charters. Some have topics that are timely, such as eminent domain.

The suggestions in the preliminary sections are non-substantial.

Dr. Brophy suggested to keep in mind as the Commission goes through this that there will some changes that the Commission may make to the entire charter that may be non-controversial and then there may be other changes that maybe should be treated as separate individual items that



could be voted on by the people. Alderman Duwe thought that it was about \$25,000 to put things on the ballot.

#### **Article One**

Dr. Brophy raised the question of the definition of the word "perpetuity"? Is the City of Crestwood indissoluble? We will check with the City Attorney for a clear definition.

#### **Article Two**

This section allows the city to act independently. A charter city has more flexibility in dealing with problems than those cities that only can derive solutions from state statute.

**Article 2.2** may relate to eminent domain. A state law forbidding eminent domain would supersede a city charter.

#### **Article Three**

Chairman Brasfield pointed out that a Home Rule charter allows alderman to be elected at large instead of by wards. This is the sort of thing that would be a change requiring a vote. The argument to represent at large is that aldermen will be interested with the city as a whole instead of focused on their own ward's interests. The risk is that majority of aldermen live in one area. Dr. Brophy added that Crestwood is lucky in that we are a small community. The ward system does a good job to keeping the representatives in touch with the people they represent. They could possibly visit all the residents in their ward during a campaign. The cost to run a campaign and the time to run a campaign is efficient. He thinks we have a good system and that it is working well. Chairman Brasfield noted that twenty-five percent of the constituency is in each ward which keeps the aldermen with a city-wide view. We have a homogeneous community. He could not see an advantage of changing.

**Sec 3.3 Qualifications** The question was asked whether someone who has been delinquent in fines can be appointed or quickly pay the fines and be eligible for election. A question of future ineligibility was raised such as the candidate did meet the requirement when elected, but then moves out. Chairman Brasfield referred to **Forfeiture of Office Sec. 3.7 (b)** which addresses this. Further questions were raised as to the age to be eligible to run for office and whether that was discussed and established by the original charter commission? Alderman Duwe replied she did not remember lengthy discussion of that. The age guidelines were probably there in prior code. Ms. Alexander asked about the terms of recall? Chairman Brasfield suspected that language was taken from other charter models. John Bell inquired if each aldermanic seat seen as separate. He asked if a recalled candidate run for the other aldermanic seat in the same ward in the next election. Dr. Brophy stated that a seat can be won back. Ms. Alexander clarified that the text revealed that you are suspended to run again until your term (had you served it fully) has ended. No, you cannot run in the next election because the term you would have served has not expired. Chairman Brasfield felt that the possibility might exist that you could run for the other seat in the same ward. It was decided to refer to the City Attorney for clarification on this issue. Mr. Bland added that in such circumstance you would think we would want the controversy to die down and give it a rest. John Bell asked what the wording should be if we wanted a "time-out" for someone who was recalled? Chairman Brasfield pointed out that there might be circumstances where a candidate is a "good" guy and should have the right to run again. You have to build a structure that can handle either case – a worthy candidate and a controversial one. Dr. Brophy stated that there are various circumstances which, when it comes to recall, make it a very nebulous situation. Possibly other communities do allow someone who is recalled to run again.

**Sec. 3.3** also states that a convicted felon cannot run for office. Missouri has the suspended imposition sentence, which means someone could be serving under supervision and still run. Alderman Duwe emphasized that it is difficult to uncover this sort of information under the current state law. The City Attorney will be asked about this.



**Sec 3.4.** Dr. Brophy stated that he thinks this will have to be discussed more than any other issue that is going to be before the commission and will probably need to be discussed several times at length with the public present for some of these discussions as well. That is the issue of term limits, particularly with respect to aldermen. The executive branch is commonly term limited. It becomes questionable whether term limits are applied to the legislative branch. When the charter was drawn he was in favor of term limits. It was politically popular to be in favor of term limits at that time. The long-term effects were not really known. Because it was so controversial ten years ago, it was put on the ballot as a separate issue. He believes approximately 75% of voters supported the issue at that time. We can now see the way the term limits are. Currently Crestwood has eight aldermen serving potentially three terms each, a total of nine years. The City stands a risk of periodically losing the majority of the experience on the Board of Aldermen with the term limits as they are currently structured. Some would say there is a need for institution memory. Dr. Brophy stated that he thinks there is a need for an institutional ability to get things done and that the commission needs to examine this issue. The change of the majority of the members of the Board of Aldermen at any one particular time creates a very unstable situation. Dr. Brophy stated that he thinks most people would acknowledge and accept that it takes a year to 18 months to gain the knowledge, confidence and abilities to function properly as an Alderman. He further stated that this is a critical area. Alderman Duwe was asked how many aldermanic terms will expire under the term limit of three terms in the next 24 months. Alderman Duwe answered that four aldermen will have reached their limits. Chairman Brasfield pointed out that term limits are just now starting to create an effect. Dr. Brophy reiterated the importance of discussing the issue. Alderman Duwe added that April 2006 is when the first aldermen will have to leave office due to term limits. Chairman Brasfield initiated putting the issue on the agenda for our next meeting.

**Sec 3.5** –The question was raised why an increase of aldermanic compensation cannot go into effect during the current term served. Alderman Duwe answered that it is written that way so that in effect, you cannot give yourself a raise.

**Section 3.6, 3.7, 3.8, 3.9** – These sections were read through and no changes were initiated.

**Sec3.10** – The commission determined that it needs to contact the City Attorney to make sure that this section is clear and in compliance with current state law. Clarification of how a Bill becomes an ordinance could be outlined in this section.

**Sec. 3.11, 3.12**- These sections were read through and no changes were initiated.

#### **Article IV**

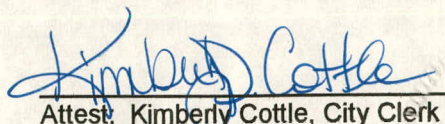
Term limits for the Mayor will also be examined.

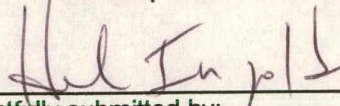
Dr. Brophy complimented the strength of the original charter.

The Commission determined that at its next meeting they will review those items discussed with the City Attorney, discuss term limits again, and continue the examination of the charter through Article VIII.

The Charter decided to meet on Tuesday March 29<sup>th</sup>, due to no meeting on April 5<sup>th</sup>.

There being no further business, the meeting was adjourned at 9:00 p.m.

  
Attest: Kimberly Cottle, City Clerk

  
Respectfully submitted by:  
Helen Ingold, Executive Secretary





Thomas E. Fagan, Mayor

Office of the City Administrator

**AGENDA  
2005 CHARTER COMMISSION**

**Meeting 2**

**March 1, 2005**

**7:00 p.m.**

**Crestwood Government Center  
One Detjen Drive  
Crestwood, MO 63126**

- 1) Roll Call**
- 2) Public Comments**
- 3) Review notes on "old items related to Charter adoption in the charter" made by John Bell**
- 4) Review any comments (sections or problems) submitted by City Administrator (and staff) and City Attorney.**
- 5) Review sections 1 thru 4 of the Charter to see if there are any areas that seem to need in depth discussion and review, and begin discussion of these areas.**
- 6) Examine calendar for the following**
  - a) Dates for possible public hearing(s) so these can be publicized in City Newsletter**
  - b) Since there will be no meeting election night (April 5), do we want to hold a meeting on March 5.**
  - c)**
- 7) New Business**

Posted at 11:30 a.m. 3/1/05 (delay in posting was due to staff member illness)



Corrected: 3/29/2005  
Approved: 3/29/2005

CITY OF CRESTWOOD  
CHARTER COMMISSION  
REGULAR MEETING

Tuesday

March 15, 2005

7:00 p.m.

The Charter Commission of the City of Crestwood met at the Government Center on Tuesday, March 15, 2005 at 7:00 p.m.

Chairman James Brasfield called the meeting to order.

**Roll Call:**

On roll call the following members were present:

Dr. James Brasfield  
Alderman Pat Duwe  
Mr. John Bell Mr. Rich  
Bland Dr. David Brophy  
Ms. Bernie Alexander  
Mr. Kevin King  
Mrs. Pat Kapsar

City Administrator, Don Greer  
City Attorney, Rob Golterman

**Absent:**

Ms. Carol Wagner  
Mr. Jerry Bratsch

There were no public comments.

Mr. Jerry Bratsch has resigned from the Charter Commission. A Public Hearing is set for May 17<sup>th</sup>, 2005. The minutes of March 1, 2005 were approved.

Commissioner John Bell led a discussion on the report he submitted to the Charter Commission. **The Cover Page will reflect either the date of adoption or election of the Amended Charter. The Credit's Page reflecting the names and photos of the original Charter Commission will be retained and an additional credits page will be added with names (and possibly photos) of this Commission.**

No changes are recommended on Sec. 6.1 (a) and Se. 6.1 (b).

**Sec. 7.1 has been changed by ordinance and needs to be updated.** The Fiscal year is now the calendar year. The new text should reflect what the current ordinance dictates and allow for change by ordinance.

The change shall read:

**Section 7.1 FISCAL YEAR**

**The fiscal year of the city shall be the calendar year, unless changed by ordinance.**

Alderman Duwe asked whether or not Sec. 7.1 (i) was still the way transfers occurred. Don Greer explained



that it was.

No change is suggested to Sec. 8.4 – Wards.

Dr. Brophy suggested the addition of the word "frequently" to Section 13.8 in the first sentence after the word "less".

#### **Section 13.8 CHARTER REVIEW COMMITTEE**

**From time to time, but not less frequently than every ten (10) years, the Mayor and Board of Aldermen shall provide for a Charter Review Committee to consider whether any amendments to this Charter are appropriate.**

No changes were suggested in Article XIV Sec. 14.1, 14.2, 14.3, 14.4, and 14.5.

#### **Article XV**

**Sec.15.1 should be revised.** The references to inaugurating a new form of government will be eliminated and it will reflect the revision. The suggested new text reads:

#### **Section 15.1 PURPOSE OF SCHEDULE**

**The purpose of the following provisions is to promote the orderly transition from the current provisions to the revised provisions of the Charter. The provisions of this Article shall constitute a part of this Charter only to the extent and the time required to accomplish that aim.**

**Sec. 15.2** would require similar **updating if an election** is necessary. None is known to be necessary at this time. The cost of an election may be less if it was held on a existing election day.

No change is suggested to Sec.15.3 **Section**

**15.4 should be deleted.**

The original Charter will be amended. The Charter will then be printed as the amended Charter (of whatever date it is amended). The original Charter will be archived.

City Attorney Rob Golterman addressed the following sections:

Sec. 3.3 QUALIFICATIONS (reference-felony conviction)

The current language suffices to prohibit a convicted felony from being qualified to serve.

**Sec.3.3 QUALIFICATIONS** (reference-recall)

Mr. Golterman expressed that current language is subject to interpretation as to whether each aldermanic seat is a separate office or that the two aldermanic seats from each ward represent a single office. Mr. Golterman expressed that in his view, each ward represented a single office. The Charter commission should consider whether to clarify if the office is declared by the ward or a specific aldermanic position (seat held).

#### **Sec 3.10 LEGISLATIVE PROCEEDINGS (a) MEETINGS**

Under the new sunshine law meetings may be held via the internet and telephone conferencing. Consideration should be given to eliminating the requirement that no meetings be held outside the city limits.

#### **Sec 3.10 LEGISLATIVE PROCEEDINGS (c) RULES AND ORDER OF BUSINESS**

The question was raised as to this being consistent with state law. We are in compliance.



### **Sec 3.10 LEGISLATIVE PROCEEDINGS (f) PROCEDURE**

Mr. Golterman stated that the current manner is in compliance. Commissioner John Bell asked whether it would be appropriate to **reference to the aldermanic section to clarify the process for how a bill is adopted** in this section. Chairman Brasfield added that it would be helpful not to have to look in two different places to find out how the process works and noted that a reference might be added here.

### **Sec 4.2 QUALIFICATIONS (reference-felony conviction)**

The current language suffices to prohibit a convicted felony from being qualified to serve.

### **Sec 4.8 CITY ATTORNEY**

The question had been asked what "with no right of appeal" refers to. It refers to the right of appeal that is the right of city employees who have been terminated etc. **The recommendation is to remove that phrase as it is unnecessary.**

The question was raised whether the same was true for the City Administrator (Sec. 5.1).

### **Sec. 5.1 CITY ADMINISTRATOR Remove "with no right of appeal".**

The City Attorney also recommends discussing whether a provision should be made for the adoption of **emergency legislation**. This sort of thing is being included in other City Charters. The purpose is to allow emergency legislation in extraordinary circumstances. Commissioner Alexander asked if this is the sort of thing used during a national emergency and is there code already in place to provide for those circumstances. It was confirmed that there was and this would be for a different type of emergency. The Commission did not see a great need to create this type of provision. The City Attorney will provide neighboring cities text that refers to this for further examination.

City Administrator Don Greer brought up the need for clarification in the Charter for interference with the employees. Our current code warns about interference, but no recourse is provided. The current Charter is clear in its intent. The elected official should have open channels of communications with department heads. Employees should be protected from intimidation by elected officials. The Charter of Clayton has nearly the same language as ours in intent, but includes serious repercussions (removal of office) consequences for non compliance. Some sort of recourse spelled out in the Charter would help address the issue when violations occur.

Dr. Brophy suggested a two level recourse, where the first level would provide censure and the second level comes when the violation is serious enough or the violations are repeated.

City Attorney Rob Golterman added that the Charter does not clearly spell out the process for removal from office of an elected official, regardless of the violation of the Charter. Removal from office is not something that would happen very often. It was asked whether the City Code addressed this. There is not currently such language spelled out in the code.

Chairman Brasfield agreed with Dr. Brophy that censure would be a deterrent.

The Commission will review other charters and how they address this issue. **Topics of censure and impeachment should address a variety of violations.** Discussion of this issue will continue next month after more data has been gathered.

### **Sec 5.2 (a) CITY CLERK**

The text reads, "...and who shall be a civil service employee".

The suggestion was made to **delete the phrase above**. The Charter could authorize the City to adopt classification for the employees to meet the City's needs and provide consistency and clarity. The



difference between exempt and non-exempt employees should be clear.

**Sec. 5.2 (f) BUDGET AND CAPITAL PROGRAM**

Administrator Greer stated that **three year plans were more realistic than five year plans. Sec. 5.2**

**(g) FINANCE AND ADMINISTRATIVE RECORD**

The language of this **section lacks definition**. The Commission asked the City Administrator for some suggestion as to the improvement in this section. The City Administrator said it is imperative that the Board of Aldermen has access to the financial record. It is important that the language is clear for protection of future generations of Aldermen and administration.

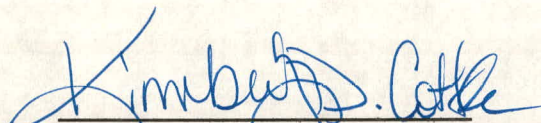
The City Administrator complemented the original Charter and how well it has served the City through the years. He stated that we have had many unusual circumstances arise and it has served us well through those events.

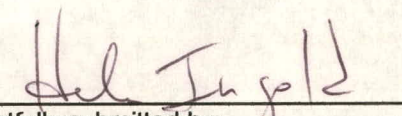
Dr. Brophy raised a question about Sec. 5.1 and the language used. The City Administrator responded that the language seems sufficient.

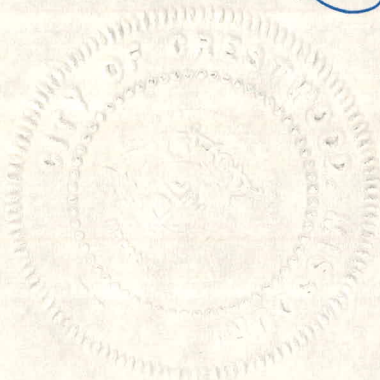
There was a brief discussion about the needs to define classifications and other human resources issues by the City. The Charter may be able to provide some sort of outline in this area, but more detailed policies and procedures will be addressed by Code.

Sections five through nine will be reviewed next time.

Meeting adjourned at 9:00 p.m.

  
Attest: Kimberly Cottle, City Clerk

  
Respectfully submitted by:  
Helen Ingold, Executive Secretary







Thomas E. Fagan, Mayor

Office of the City Administrator

**AGENDA  
CITY OF CRESTWOOD CHARTER COMMISSION**

**Meeting 3**

**March 15, 2005**

**7:00-9:00 p.m.**

**Crestwood Government Center  
One Detjen Drive  
Crestwood, MO 63126**

- 1. Chair Opening Remarks**
- 2. Confirm Public Hearing date-May 17**
- 3. Comments from visitors**
- 4. Approval of Minutes from March 1**
- 5. Report from John Bell on Charter transition items that might be eliminated**
- 6. Report from City Attorney Golterman on questions raised by Commission**
- 7. Report on items for consideration by City Administrator Greer and staff**
- 8. Additional discussion of Term Limits**
- 9. Review of Sections 5 thru 8**
- 10. Other business**
- 11. Adjourn**

Posted 3/14/05 @ 2:15 p.m.



Corrected: 4/19/05

Approved: 4/19/05

CITY OF CRESTWOOD  
CHARTER COMMISSION  
REGULAR MEETING

Tuesday

March 29, 2005

7:00 p.m.

The Charter Commission of the City of Crestwood met at the Government Center on Tuesday, March 29, 2005 at 7:00 p.m.

Chairman James Brasfield called the meeting to order.

Roll Call:

On roll call the following members were present:

Dr. James Brasfield  
Alderman Pat Duwe  
Mr. Rich Bland  
Dr. David Brophy  
Ms. Bernie Alexander  
Ms. Carol Wagner  
Mrs. Pat Kapsar  
Mr. John Bell

There were no public comments.

Mr. Kevin King has resigned from the Charter Commission.

The minutes of March 15, 2005 were examined. Commissioner Alexander made the motion to approve and Alderman Pat Duwe seconded the motion. The minutes of March 15, 2005 were approved

A copy of the model City Charter (8<sup>th</sup> edition) from the National Civic League was circulated. Sec 5.1

CITY ADMINISTRATOR

Dr. Brophy brought up the implications of use of the language "salary" vs. "compensation package. The Commission will examine language in other charters that accurately reflects common practices and discuss this again. Compensation and severance packages have become a growing practice in public and private sectors.

Sec. 5.2 POWERS AND DUTIES

(a) CITY CLERK

The question of exempt and non exempt employees needs clarification. A section that addresses that topic could be added. This would eliminate the need to specify in individual sections. A model from another charter (Santa Clara, California) was circulated for examination. The Santa Clara Charter contains a section that clarifies exempt and non-exempt employees.

The phrase "...and who shall be a civil service employee" will be deleted It will allow the Board flexibility in the future. The question was raised to whether there were state laws specifying



whether or not the City Clerk position was to be a civil service position. The City Attorney will be contacted about this question.

- (b) APPOINTMENT AND REMOVAL OF EMPLOYEES –no change
- (c) ADMINISTRATION OF DEPARTMENTS–no change
- (d) ATTENDANCE AT THE BOARD OF ALDERMEN MEETINGS–no change
- (e) ENFORCEMENT OF LAWS–no change
- (f) BUDGET & CAPITAL IMPROVEMENTS

The decision was made at the last meeting to Change “five year plans to three year plans.”

(g) FINANCE AND ADMINISTRATIVE RECORD

There was discussion as to how the language in this section can be improved. There was discussion whether the addition of a timeframe in which to request the report would be beneficial.

(h) REPORT OF FINANCIAL CONDITION OF CITY

The question was raised whether sections (g) and (h) should be reversed in the order they appear. An examination of the original minutes of the Charter Commission might shed some light as to what the intentions of these sections were. The Code also spells out practices that relate to this section. Commissioner Alexander expressed that the Charter language is sufficient and that the City Code holds adequate specifics. Alderman Duwe concurred. The question still remains whether (g) and (h) should be reversed in order.

- (i) OTHER REPORTS–no change
- (j) OTHER DUTIES–no change

Sec. 5.3 PERFORMANCE REVIEW–no change

## ARTICLE VI

Sec. 6.1 & Sec 6.2 This is where a clarification of exempt and non-exempt may be added.

## ARTICLE VII

Sec. 7.1 The change shall read: The fiscal year of the city shall be the calendar year, unless changed by ordinance.

Sec. 7.2 (a) - no change

Sec. 7.2 (b) –CAPITAL PROGRAM - Update to three year period vs. five. Sec. 7.2

(c), (d), (e), (f), (g), (h), (i), (j), (k), (l), - no change

Sec. 7.3 TAXATION POWERS- no change

Sec. 7.4 SALE OF BONDS The City Attorney will be contacted to see if any other debt instruments besides Bonds should be included in this section.  
Sections 7.3 and 7.4 are tightly regulated by state ordinance.

## ARTICLE VIII

Sec. 8.1 - no change Sec 8.2 - no change



Sec 8.3 - no change

It was noted that Sec. 8.3 (a) has language that refers to separate seats for the Aldermen from a ward.

Sec 8.4 - no change

## ARTICLE IX INITIATIVE AND REFERENDUM

Sec 9.1 - no change

Sec 9.2 - no change

Sec 9.3 - Dr. Brophy prepared a handout on the number of voters required for an initiative or referendum. This matter will be examined to see how our charter varies from the current norm. The Commission will return to this subject for further discussion at the next meeting. Sec 9.3 (b) indicates that the petitioner shall provide the approximate cost of the election. Dr. Brophy requests that it made clear how that approximate cost could be accessed by the petitioner. The suggestion was made to add the text, "...as provided by the City Clerk" after the words "approximate cost" in sec. 9.3 (c). Dr. Brophy added that initiatives and referendums are the opportunity for our citizens to take active involvement in our government.

Sec 9.4, Sec 9.5, Sec 9.6, Sec 9.7, Sec 9.8 - no changes noted Sections ten (10) through fifteen (15) will be discussed next time.

## TERM LIMITS

Commissioner John Bell shared his research on censure provisions.

Dr. Brophy presented the following comments concerning term limits from Jerry Bratsch. Jerry was a member of the original 1995 Charter Commission and unfortunately needed to resign from the present Charter review commission. Dr. Brophy stated that these comments have a historical perspective and a current perspective and provide an additional view and important information about term limits.

*Term limits was a major issue with the public during the development of the Charter in 95. They were tired of "no change" in representation and frustrated with lack of challengers to aldermanic and mayoral positions. So much so that when the Charter was placed on the ballot in 1995 there were two issues. One on the Charter itself (yes or no) and second, a separate vote "shall there be term limits" yes or no. There should be minutes on file at the City Clerk's office with detail of the discussion leading to the final wording on the ballot.*

*It was recognized that the initial implementation "could" lead to the loss of a number of experienced aldermen at one time; one of the trade offs of term limits. As time passes, the chance of major across the board changes in aldermanic seats is minimal.*

*Unless the public feels they aren't doing their jobs, in which case they should be removed en masse. That's why we vote!!*

*Three year terms were established to allow any alderman to run for the mayor's office while sitting as an alderman. With two year terms, some aldermanic terms expired with the mayor while some alternated with the mayor race. Those aldermen expiring with the mayor were forced to choose between running for alderman or mayor while the alternate alderman could run for mayor while sitting in the aldermanic chair and if he lost he was still an alderman.*

*Three 3-year terms for mayor and aldermen were selected by the Charter Commission members as the limits, feeling that 6 years wasted experience and 9 years was time for change, regardless.*

*Mayoral term limits were driven by the extended period of many, many years of no change in executive*

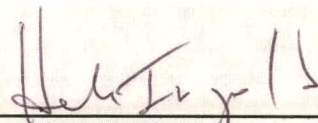


*leadership brought on by public complacency and lack of competitors. In terms of fairness, all terms for alderman and mayor were extended from two to three years and staggered to provide fair opportunity for any alderman to oppose the mayor during a mayoral race.*

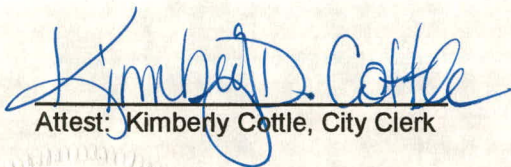
Alderman Duwe commented that there is the possibility we will have 4 new board members in 2006. It is possible that by 2007 will have completely new board. The question of term limits was decided by the voters in 1995. Chairman Brasfield raised the question whether the removal of term limits would apply to just the Board of Aldermen and not the Mayor. The difference is recognized between term limits for executive positions and term limits for legislative branches. Term limits are coming into effect in 2006, when the first Aldermen are ineligible to seek re-election. The Commission would like to hear public input on this topic. The City Attorney will be contacted to illustrate what changes would need to be made if a decision is made to get rid of term limits. An election to eliminate term limits would have take place by November in order for the Aldermen who term out to run for re-election in April 2006.

Item 6 on tonight's agenda will be discussed at the next meeting.

Meeting adjourned 9:00 p.m.



Respectfully submitted by:  
Helen Ingold, Executive Secretary



Attest: Kimberly Cottle, City Clerk







Thomas E. Fagan, Mayor

Office of the City Administrator

**AGENDA**  
**CITY OF CRESTWOOD CHARTER COMMISSION**

**Meeting 4**

**March 29, 2005**

**7:00-9:00 p.m.**

**Crestwood Government Center  
One Detjen Drive  
Crestwood, MO 63126**

- 1. Chair opening remarks**
- 2. Comments from visitors**
- 3. Approval of Minutes from March 15**
- 4. Review of Sections 5 thru 9**
- 5. Revisit Question of Term Limits**
- 6. Discuss "removal from office" concept raised 3/15**
- 10. Other business**
- 11. Adjourn**

Posted 3/28/05 at 10:00 a.m.



CITY OF CRESTWOOD  
CHARTER COMMISSION  
REGULAR MEETING

Corrected: N/A  
Approved: 5/17/05

Tuesday

April 19, 2005

7:00 p.m.

The Charter Commission of the City of Crestwood met at the Government Center on Tuesday, April 19, 2005 at 7:00 p.m.

Chairman James Brasfield called the meeting to order.

Roll Call:

On roll call the following members were present:

Dr. James Brasfield  
Alderman Pat Duwe  
Mr. Rich Bland  
Dr. David Brophy  
Ms. Bernie Alexander  
Ms. Carol Wagner  
Mrs. Pat Kapsar  
Mr. John Bell

The City Attorney Robert Golterman was present.

There were no public comments.

The minutes of March 29, 2005 were examined. Alderman Pat Duwe made the motion to approve and Commissioner Bernie Alexander seconded the motion. The minutes of March 29, 2005 were approved.

The legal issues discussed last time were addressed by the City Attorney.

In Sec. 5.1 CITY ADMINISTRATOR. The question had been raised as to whether the word "salary" was descriptive enough. The City Attorney recommended that the words, "The City Administrator's compensation and other terms and conditions of employment shall be established by the Mayor, with the approval of..." Compensation would be a better term.

In Sec. 5.2 POWERS AND DUTIES. The question had been raised whether the City Clerk needed to be a civil service employee as the Charter now provides. The City Attorney stated that the answer to that question was no. There is no reason that the City Clerk can not be removed from civil service and the employee rank could be treated as other department heads. There is no state or municipal law requiring the City Clerk to be a civil service employee. Eliminating this requirement from the Charter would give flexibility to the Board of Aldermen on this issue.

In Sec 7.4 SALE OF BONDS. The City Attorney stated that the current language is appropriate and has a broad legal meaning that would include other types of debt instruments

The City Attorney stated that any proposal to eliminate term limits would require that the proposition include specific language referring to current office holders.



Dr. Brophy asked the City Attorney to clarify the amendment process as referred to in Sec 13.8. The City Attorney stated that all of the amendments could be submitted as an amended Charter. Should there be a specific item that is significant the voters could vote on that item separately.

With no other questions, City Attorney Robert Golterman left the meeting.

#### ARTICLE X RECALL

Section 10.3 PETITION (a) NUMBER OF SIGNATURES The question was raised whether the number of votes required was reasonable. The current language ties the percentage of signatures to the number of registered voters. Some possible revisions discussed were a percentage tied to the actual number of votes cast in the last election, lowering the percentage to 10%, and lowering the percentage to 15%. In a related issue, ARTICLE IX INITIATIVE AND REFERENDUM: Sec. 9.3 PETITIONS (a) the percentage of 12% should perhaps be reduced to 5% or 6%. The numbers of 12% for recall and 6% for referendum were proposed. It was decided to review these numbers again next month before the public hearing, May 17<sup>th</sup>.

Section 10.3 PETITION (b) The addition of the words, "as provide by the City Clerk" following "approximate cost" as in Sec. 9.3 PETITIONS (b) was noted.

ARTICLE XI –no change

ARTICLE XII – no change

ARTICLE XIII – no change noted, except for the addition of the word "frequently" in Sec 13.8 as discussed at the March 15<sup>th</sup> meeting.

Sec.13.1 This is place where censure text could be added. Sec 13.7 It was noted that the charter may be amended with a lower percentage than it takes for initiative, referendum or recall.

ARTICLE XIV The question was asked about term limits and if it would affect any language in this Sec 14.2.

ARTICLE XV – Strike out Sec.15.4 and update language in Sec 15.1, Sec 15.2 and Sec 15.3

#### CENSURE

The Charter Commission reviewed the Censure Language materials submitted by John Bell. John Bell pointed out that there should be a process of censure where a violation was of a degree not to warrant forfeiture of office. The question was raised as to the definition of the majority of the Board of Aldermen when calling for a vote for forfeiture or censure, as in Sec 3.7. The question was raised whether the majority is defined by the members of the Board of Aldermen elected or the majority of a quorum present at a meeting. The minimum standard for forfeiture or censure should be is the same as the standard for passing an ordinance. This standard should reflect that such a measure could not take place on a single legislative day. This should be spelled out in these sections in addition to the censure wording that is proposed to be added. The intent of these additions is not to create something that will be used very often, but to create a deterrent to misconduct. The committee agreed that some language regarding censure and the process will be proposed as an amendment. The City attorney will be asked to survey all sections where such additions would be relevant. The Charter Commission will take up this issue in further detail at the next meeting. The Charter Commission thanked John Bell for his work and research on this topic.

#### TERM LIMITS

The Charter Commission has come to a consensus to look at term limits for the Board of Aldermen, but not the Mayor. The difference is recognized between term limits for executive positions and term limits for legislative branches. It is believed that most other cities in St. Louis County do not have term limits for their



Aldermen. Chairman Brasfield will check with the St. Louis County Municipal league to see how many cities have any sort of term limits. The voters should be given the opportunity to revisit this issue. The Commission does not need to decide whether to be for or against term limits, but to ask is it time for the voters to revisit the issue. The commission does believe it is reasonable to bring this issue back to the voters.

The legal form for the amendments to the Charter will be researched. The voters may need explanation in addition to the legal language required for the ballot.

The public hearing will be held May 17<sup>th</sup>. Chairman Brasfield suggested surveying the number of proposed amendments and their content at the next meeting. On May 17<sup>th</sup>, the Commission can present to the public what their examination has produced so far. The log might serve as a list of proposed changes. Separate issues noted this evening include: term limits, censure/forfeiture, percentage of signatures. It is the desire of the Commission to divide the substantive things from the housekeeping things. Chairman Brasfield proposed that we walk the public through what the Commission has accomplished. The Commission has reviewed the entire charter and made a list of the housekeeping changes and identified the 3 or 4 things that are more significant. These things would be presented and ask then there would be an opportunity for public opinions. It was suggested that we use the website as a vehicle to encourage those who will attend the public hearing to review the charter.

#### Next steps

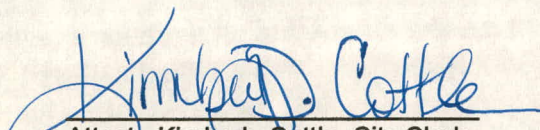
Commission discussed the next steps and reached a consensus to:

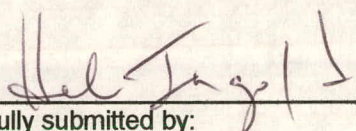
At next meeting (May 3) identify the major issues that might be put on the ballot—and the general direction of the amendments

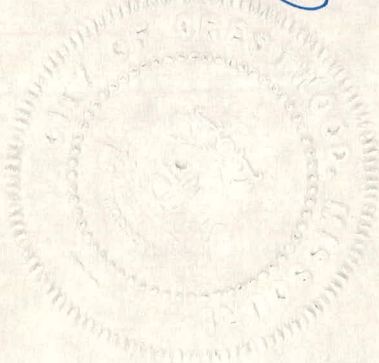
At the May 17th public hearing meeting those attending will be informed about the Commission deliberations and possible charter amendments.

After the public input, the Commission will see if there is a consensus on what items should be put on the ballot, and the general wording of those items

Meeting adjourned 8:45 p.m.

  
Attest: Kimberly Cottle, City Clerk

  
Respectfully submitted by:  
Helen Ingold, Executive Secretary







**Thomas E. Fagan, Mayor**

**Office of the City Administrator**

**AGENDA  
CITY OF CRESTWOOD CHARTER COMMISSION**

**Meeting 5**

**April 19, 2005**

**7:00-9:00 p.m.**

**Crestwood Government Center  
One Detjen Drive  
Crestwood, MO 63126**

- 1. Opening Remarks by Chair**
- 2. Comments from visitors**
- 3. Approval of Minutes from March 29**
- 4. Review of Sections 10 thru 15**
- 5. Review "censure" language – submitted by John Bell**
- 6. Revisit Term Limits issue**
- 7. Discuss organization of public hearing meeting (May 17)**
- 18. Other business**
- 9. Adjourn**

*Posted 4/18/05 @ 10:00 a.m.*



CITY OF CRESTWOOD  
CHARTER COMMISSION  
REGULAR MEETING

Tuesday

May 3, 2005

7:00 p.m.

The Charter Commission of the City of Crestwood met at the Government Center on Tuesday, May 3, 2005 at 7:00 p.m.

Chairman James Brasfield called the meeting to order.

Roll Call:

On roll call the following members were present: Dr.

James Brasfield  
Alderman Pat Duwe  
Mr. Rich Bland  
Dr. David Brophy  
Mrs. Pat Kapsar  
Ms. Bernie Alexander  
Mr. John Bell  
Ms. Char Braun

Absent:

Mr. Jim Dankenbring  
Ms. Carol Wagner

A number of citizens were in the audience, including Mayor Roy Robinson.

Chairman Brasfield presented his research on term limits in other cities. The Municipal League did a survey and provided the following information about cities with term limits for their council members:

Clayton: 3 – 3 year terms  
Ellisville: 2 – 3 year terms  
Ferguson: 4 -2 year terms  
Kirkwood: 2- 4 year terms  
Richmond Heights: 3 – 4 year terms  
St. Johns: 4 – 3 year terms  
Wildwood: 4 – 2 year terms

Dr. Brophy commented that there are over 90 cities in the St. Louis County area and of those cities he believes that 17 in the county have charters. Chairman Brasfield concurred and added that only a Charter city can set term limits by the voters. Cities that are not Charter Cities are limited by what State laws provide in accordance to what Class city they are. Third and fourth class cities do not have term limits.

Ms. Cindy Tench, 9017 Laurel Crest Drive stated that she is in favor of term limits for Alderman. She pointed out the value of new ideas that new leaders bring. She added that Aldermen make sacrifices to serve and should step down and enjoy the other parts of their lives. She opposes getting rid of term limits.

The minutes of April 19, 2005 were examined. Alderman Pat Duwe made the motion to approve and Commissioner Pat Kapsar seconded the motion. The minutes had not been sent via email prior to the meeting, so approval will be held until the next meeting.

New member Char Braun was welcomed.



The commission discussed how to organize the issues for the public hearing. The consensus was to present the 3 page simple review as a hand out at the public hearing. The commission will also have copies of the Charter available at the public hearing. Key issues will be highlighted on the one page summary report. Commissioner John Bell suggested the creation of a summary list of house keeping items and invite public hearing attendees to return to a later meeting to comment on the minor issues. Commissioner Char Braun suggested that we provide detail about the 3 major items: censure, term limits, and initiative/referendum. The consensus was to have available for the public at the public hearing the following:

- The 1 page Summary with additional annotations
- The 3 page simple review
- A summary list of house keeping changes
- Copies of the Charter

Dr. Brophy presented information on the issue of term limits. Dr. Brophy suggests that there are both sides of the issue that need to be weighed and that it is a valid issue for discussion and consideration. The question was raised as to whether we were going to present any of the pros & cons on the issue. Chairman Brasfield stated that the main purpose of the public hearing is to hear from the public. Members of the Commission indicated that the impact of term limits has not yet taken place and the public needs to be made aware of the issue.

Commissioner Kapsar raised the question of whether or not censure belongs in the charter. Chairman Brasfield answered that the Charter provides for dismissal and censure is seen as a lesser discipline or expression of displeasure. Commissioner Kapsar asked how the measure would be carried out operationally. Chairman Brasfield answered that it would be a motion brought to the floor. It would still be a drastic step to take, but less drastic than a dismissal. It creates a public record of misconduct. Currently there is no authorization for such an act.

Percentages for initiative and referendum are also major issues. The percentage change to propose has not been decided. A hand out was reviewed that compared other percentages. Our current percentages are more restrictive than those in other cities. The question was raised whether the percentage to change the charter should be higher than that for initiative and referendum. Two choices are to have the percentage of signatures based on total registered voters or as a percent of voters in the last election. The Commission will further consider take this issue after the public hearing.


The format for the public hearing will be to begin with the basics of approval of the minutes etc., then summarize where the Commission is in the process and the major issues that have been identified. Next, take public comment, then, depending on how long that takes there may be further discussion and lastly, to make note of things to discuss at the next meeting. The issue was brought up of how to handle someone taking more than a fair share of time. Chairman Brasfield does not anticipate a problem. There will not be any sort of presentation of why the issues have been flagged. The question was raised as to what if someone comes up and starts asking questions directly to the Commission. Chairman Brasfield suggested that questions of the commission be postponed until after all of those who have come to express their opinions have had a chance to speak. It was pointed out that on several of these issues the commission has not come to a consensus whether the commission as a whole is for or against an issue. This public hearing is to hear the opinions of the public. The public attending the meeting will be informed that no votes have been taken or decisions made concerning proposed amendments.

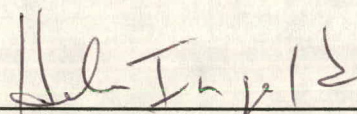
A meeting will held June 7, 2005 with additional meetings as necessary to be scheduled later. Members will bring their summer schedule to the May 17th meeting.

Chairman Brasfield envisions the next step after the public input is gathered is to define the amendments, then get the City Attorney to review the legal language for the amendments.

The meeting adjourned at 8:40 p.m.



  
Attest: Kimberly Cottle, City Clerk

  
Respectfully submitted by:  
Helen Ingold, Executive Secretary







**Roy Robinson, Mayor**

**Office of the City Administrator**

**AGENDA  
CITY OF CRESTWOOD CHARTER COMMISSION**

**Meeting 6**

**May 03, 2005**

**7:00-9:00 p.m.**

**Crestwood Government Center  
One Detjen Drive  
Crestwood, MO 63126**

1. Opening Remarks by Chair
2. Comments from visitors
3. Approval of Minutes from April 19, 2005
4. Review summary materials provided by staff
5. Discussion of Term Limits amendment
6. Discussion of proposed censure amendment
7. Review of other proposed amendments to date
8. Discussion of any new proposed amendments
9. Discuss of format for public hearing meeting (May 17)
10. Set date for June meeting
11. Other business
12. Adjourn

**Posted 4/29/05 @ 11:00 a.m.**



Corrected: 6/7/05

Approved: 6/7/05

CITY OF CRESTWOOD  
CHARTER COMMISSION  
REGULAR MEETING

Tuesday

May 17, 2005

7:00 p.m.

The Charter Commission of the City of Crestwood met at the Government Center on Tuesday, May 17, 2005 at 7:00 p.m.

Chairman James Brasfield called the meeting to order.

**Roll Call:**

On roll call the following members were present:

Dr. James Brasfield  
Alderman Pat Duwe  
Mr. John Bell  
Mrs. Pat Kapsar  
Ms. Carol Wagner  
Ms. Bernie Alexander  
Mr. Rich Bland  
Dr. David Brophy

Absent:

Mr. James Dankenbring

Also present:

Kimberly Cottle, City Clerk

**Approval of Minutes:**

Chairman Brasfield called for approval of the Minutes of the Charter Review Commission on April 19, 2005. It was moved by Alderman Duwe that the minutes be approved. Commissioner Brophy seconded the motion. On voice vote motion carried and was declared passed.

Chairman Brasfield called for approval of the Minutes of the Charter Review Commission on May 3, 2005. It was moved by Commissioner Alexander that the minutes be approved. Alderman Duwe seconded the motion. On voice vote motion carried and was declared passed.

Chairman Brasfield gave a brief summary of the history of this Charter Review Commission. He stated that they began meeting in February and that their process has been to review the current Charter line by line and evaluate if each part is working or they believe changes may need to be made. He stated that their discussions may or may not be the basis for recommending changes to the Charter. He stated the reason for the existence of this commission and the Charter review process as provided for by the Charter.

Chairman Brasfield identified two categories of issues which the Commission had been reviewing. The first category is "housekeeping issues": minor language corrections or clarifications, items included to allow for the transition to becoming a charter city which are no longer relevant, and other items that are not perceived to be controversial. The second category is "major issues": term limits, adding a disciplinary option for elected officials other than dismissal, and reducing the percentage of signatures necessary to begin an initiative, referendum or recall action. He stated that these issues had been discussed but the Commission had not yet decided whether or not to recommend changes in these items to the Board of Aldermen. He stated that the Commission was anxious to hear the thoughts of the public on these or other



items regarding the Charter. He stated that the public hearing would be held this evening and that the public was welcome at this and any other meeting of the Charter Review Commission.

Commissioner Bell stated that part of the reason for discussing a change in the required number of petition signatures was due to the fact that fewer signatures were needed to submit a Charter amendment than for any of the other petitionable actions. He also stated that, though term limits exist in the Charter, Crestwood has not yet had any elected officials reach the end of their term limitations.

Commissioner Brophy stated that currently no punishment other than removal from office is available when an Alderman violates the charter. He stated that censure might be an option as an alternative in cases when removal might be too strong a punishment.

### **Public Hearing**

Chairman Brasfield opened the public hearing and asked that speakers come forward to the podium and identify themselves by name and address for the record.

Jim Wolfe, 9165 General Grant Lane, stated that he doesn't see any reason to remove term limits. He stated that there have been many changes in the Board and he believes term limits might get more people involved in running for office. Regarding censure, Mr. Wolfe stated that he does not see a reason why it would be needed. He stated that if there is a flagrant violation of the Charter, the elected official should be dispersed with.

Robert Duetschmann, 9700 Twincrest, stated he believes term limits should be deleted. He stated that if an elected official is doing a good job, he should be allowed to continue to run and if he is not doing a good job, the people have the choice not to re-elect him.

Denise Mernan, 834 South Sappington, stated that she is opposed to a censure option. She stated that elected officials should be well aware of the provisions of the Charter and if he or she violates the Charter it is a serious matter that requires serious consequences. She asked how many times censure would be used before an official would be dismissed. She stated that she is in favor of keeping term limits and that since term limits are used in all levels of government up to the President of the United States, she sees no reason Crestwood should not have them, too. She stated that she is opposed to reducing the number of signatures required for petition action because they are serious matters and should not be attained easily.

Mary Lou Parsons, 9872 Amberley, stated that the term limits haven't been tested yet and they should be given a chance. She stated that, as they are now, terms are staggered and that is good. She stated she believes that after a while, elected officials can become complacent and only listen to a small group.

Tom Tench, 9017 Laurelcrest, stated that he is in favor of leaving the term limits as they are for several reasons. He believes that some change on the Board is a good thing and, though he understands that there will be some loss of experience, most of the knowledge remains due to the staggered terms. He stated that he is in favor of leaving the percentage of signatures needed for petitions as they are in the current Charter and does not believe that any petitions have failed due to lack of currently needed signatures.

Martha Duchild, 9158 General Grant Lane, asked a question regarding Section 13.8 of the Charter. She stated that the Charter Review Commission is to meet in no less than 10 years, then asked 10 years from what date. Commissioner Brophy ventured that it might be from the date of the Charter's approval and stated that clarifying that language is something that the Commission has discussed as a topic under their "housekeeping" items. Mrs. Duchild asked that the language be clarified in the Charter revision and give a specific date from which that 10 year period began.



Commissioner Bland stated that the Commission had consulted the City Attorney at their first meeting to be sure that they were meeting at the proper time in regards to that provision. He stated that the City Attorney believed they were and that the Commission agreed that the language in that section should be clearer.

Ms. Duchild also stated that she is opposed to removing term limits. She stated that no change should be made in something so consequential unless a problem has been proved. Ms. Duchild further stated that she does not believe the number of petition signatures required for action should be lowered because such actions are serious matters and should not be attained easily.

Ms. Duchild asked who would determine what offenses would be disciplined by censure and what offenses would result in removal from elected office. Commissioner Bland, Chairman Brasfield clarified that censure would give the option of a different remedy without establishing a separate set of grounds for disciplinary action. Commissioners Bell and Brophy stated that censure would allow for a warning for lesser offenses and gave examples. Commissioner Brophy stated that the Commission did not consider that censure would be used frequently. Ms. Duchild recommended that if censure is added, that the Charter state the number of censures that would be allowed before the official would be removed from office.

Faye Clark, 1341 Trelane, asked if there was a high enough percentage of petition signatures which would override the necessity of taking a referendum to the aldermen or to election; a percentage which would simply trigger the matter to take effect. Commissioner Brophy stated that a problem with that would be that if a group gathered enough signatures and simply overturned something by referendum without an election, another group could simply do the same with an initiative and put the matter back into effect. Chairman Brasfield gave a brief history of referendum and initiative in government. He stated that he is not aware of any time in which a referendum or initiative could be completed simply by signatures.

Don Ulmer, 9141 Desmond Drive, suggested that a public comment time be added at the end of this meeting; Chairman Brasfield agreed to that suggestion. Mr. Ulmer suggested that a recall be extended as an option in regards to City staff, not just elected officials.

Don Maddox, Alderman, 9301 Lavant Drive, suggested that in Section 3.5 of the Charter, the word "diminished" be removed, thereby eliminating the prohibition against lowering elected officials' salaries while they were in office. Regarding Section 5.2(b), he asked if there was an appeals process for dismissed employees who might wish to appeal the decision to someone above the City Administrator. He stated that he was not sure if the Civil Service Board handled such matters but that if there is not a process provided by the Charter, he believes the matter should be considered and possibly added.

Vicki Cross, 1244 Capri, stated that she believes term limits should be removed. She stated that if voters believe a person should not be reelected, they have the chance to vote for any other candidate in that election and do not have to wait for term limits. Regarding censure, she stated that at this time, she does not think it is needed; elected officials should know the rules and abide by them or face the consequence. She further stated that she believes the percentages of signatures needed for petition actions should stay as the currently are.

Jerry Miguel, Alderman, 1249 Camelot Lane, said that he believes there may be a loophole in Section 3.4 as it is currently written. He stated that the current language leaves open the possibility that an elected official could resign before the end of his or her ninth year of service and still run in the next election because he or she would not have served three successive, "full" three year terms. He further stated that he believes a term limit of two terms, or six years, might be enough and that term limits encourage others to serve.

Regarding censure and a previous example of an elected official speaking directly to a employee without going through the City Administrator for such communications, Alderman Miguel stated



that he was under the impression that the City Administrator had given Aldermen permission to speak directly to Department Heads. Commissioner Bland stated that the City Administrator had told the Commission that he had done so, but that the Commission was thinking of future City Administrators and future elected officials over the 10 years until the meeting of the next Charter Review Commission.

Roy Robinson, Mayor, 9165 Cordoba Lane, stated that he believes the Charter should include a provision that no Department Head, including the City Administrator, should hold more than one Department Head position. He stated that if it is necessary for a Department Head to hold more than one such position on a temporary, interim basis while a search is being conducted for a qualified candidate, that provision could be made, but that it should only be allowed on a temporary basis. Commissioner Brasfield asked if Mayor Robinson envisioned this type of provision applying only to Department Heads or if he thought it should also apply to other employees; specifically, would this Charter amendment still allow the Board of Aldermen to combine and streamline departments and positions if they chose. Mayor Robinson replied that he envisioned it only applying to the City Administrator and Department Heads, in order to keep divisions of power; that department and position streamlining in other levels could still be allowed. Commissioner Brophy pointed out that other cities also currently allow Department Heads, such as the Police Chief, to hold the position of City Administrator. Mayor Robinson stated that he disagreed with such a practice.

Denise Mernan, 834 South Sappington, stated that she shares the Mayor's concern regarding the Police Chief being allowed to hold another position. She stated that, as a matter of principal, she believes there should be a separation of power.

There being no further public comment, Chairman Brasfield thanked the citizens for their comments and confirmed that there would be an opportunity for public comment at the end of this meeting. He also invited the public to attend future meetings of the Charter Review Commission.

The public hearing was closed at 8:03 p.m.

Roy Robinson, Mayor, 9165 Cordoba Lane, came forward again and stated that he had no intention to change the members of this commission. He stated that he believes these commissioners are doing a fine job, thanked them for their service to the city and asked them to finish the job.

### **Commission Review and Discussion of Public Comments**

Chairman Brasfield stated that the Commission would now take time to review the comments just made by the public. He said that the Mayor had just raised a major issue in regards to whether or not an appointed official should be allowed to hold a second position with the City. He suggested that the Commission take that issue under consideration.

Commissioner Bell stated in regards to the number of signatures required on petitions, the Commission is considering a suggestion to lower the required number in order to close a loophole which would allow a Charter amendment action with fewer petition signatures than for a referendum or initiative.

Commissioner Brophy said it should be noted that even if the signature requirement was reduced, it would still be far more stringent than any of the other governments of which the Commission is aware. He stated that it should be a goal to encourage citizen participation in their government, not discourage it, and that even at the lower requirement it would still be a fairly significant and difficult hurdle to overcome in order to pursue a referendum, initiative or recall.



Don Clark, 1341 Trelane, stated that he has been out meeting residents and suggested that elected officials should be doing the same.

Chairman Brasfield stated that there has not been a successful referendum, initiative or recall petition action in the last 10 years. He stated that that could be a result either of the requirements being too high or that there hasn't been an interest in pursuing those options.

Commissioner Brophy commented that there have been one or two instances in which people have expressed to him an interest in pursuing a referendum action, but have been discouraged from doing so either by the inordinate number of signatures required or by the stringent restrictions on which items qualify for referendum action. He quoted the Charter restrictions on which items were protected from referendum action and gave examples.

Commissioner Alexander reiterated that the Charter Review Commission is not making policy; it is simply considering suggestions and possible revisions which might be made. She stated that when she was an Alderman, she could not have imagined revoking the vote of the people by removing an elected official from office. She stated that that was her reasoning behind considering censure as a warning for less egregious offenses.

Commissioner Bell agreed, stating that the current provisions of the Charter appear only to allow for a "firing squad" or nothing in regards to punishing officials for Charter violations.

Commissioner Brophy stated that he was thankful for the public who took the time to come to this meeting and that he will take their comments into consideration. He stated that he notices the lack of unanimity among the public and that there are strong and constructive points of view on both sides of these major issues. He pointed out that that is the reason these types of matters should go to a vote of the full electorate of the city.

Commissioner Kapsar stated that she agrees; this Commission is not making policy. That will be done by the voters, as it should be. She stated that it is the job of this Commission to put forth ideas and that the voters will have the final say on anything that this Commission comes up with.

### **Discussion of Major Issues**

Chairman Brasfield asked if the Commissioners had thoughts at this time regarding the major issues; specifically, did anyone care to remark on the Mayor's comments about restricting the City Administrator from holding another office. He asked whether the Commissioners thought such a thing should be included in the Charter or whether that would be a matter to be dealt with by ordinance.

Commissioner Brophy asked if there should be a blanket statement in the Charter that no employee in the City of Crestwood be allowed to hold more than one office or position. Chairman Brasfield stated that it is important to remember that there may be times during which a Department Head may need to hold more than one position during a time of transition. He also stated that the City needed to be careful about putting such a blanket statement in the Charter as it might tie the hands of future Boards who may wish to merge departments or combine positions in ways which might not now be fully anticipated.

Chairman Brasfield stated that, as someone who teaches governmental structure in the abstract, he would tend to be cautionary regarding a City Administrator or Department Head holding more than one position on more than a temporary basis; however, he was not certain if such a prohibition should be made in the governing Charter or by ordinance. Regarding that matter, as well as protection of employees and an appeal process, he stated that philosophically the Charter is to be a broad governing document, while Ordinances and policies are to be used to deal with more detailed needs of the City, such as employee protections, etc.



Commissioner Brophy stated in response to Alderman Maddox's earlier comment regarding removing the prohibition against diminishing elected officials' compensation, he believes that the phrase exists to protect the officials' against coercion.

### **Set Agenda for June 7<sup>th</sup> Meeting**

Chairman Brasfield asked if the Commission was ready to begin working toward finalizing recommendations to the Board of Aldermen.

Commissioner Brophy stated that he would like to have a discussion at that meeting regarding whether or not a person should be allowed to hold more than one office. He further stated that he believed it was time to work towards preparing recommendations.

Chairman Brasfield offered to speak with the City Attorney in the next few days regarding the items and necessary language so that more specific details could be discussed at the June 7<sup>th</sup> meeting. The Commissioners agreed that Chairman Brasfield and also agreed to review the "housekeeping" items again at that meeting.

Commissioner Brophy recommended that the Commission members review their notes from this meeting and that there be a provision allowing the Commissioners to raise and discuss such new items, if desired, at the next meeting.

### **Additional Meeting Dates**

The Commission members discussed future meeting dates and agreed that a meeting would be held on Tuesday, June 21, 2005. They also agreed to postpone deciding on meeting dates for July and August.

Commissioner Bland asked that Chairman Brasfield also speak with the City Attorney and receive clarification regarding an employee's appeal process and protections, as well as the different levels of employees, in answer to questions from earlier in the evening and to prepare the Commission for such discussions, if needed. Chairman Brasfield stated that he would.

Commissioner Brophy asked if the City Clerk, who was in attendance, would like to comment on the "housekeeping" item regarding the current requirement that the City Clerk be a Civil Servant. Chairman Brasfield stated that the City Clerk was welcome to comment tonight if she wished, or by written note at a later time; whichever option would be most comfortable for her.

Kimberly Cottle, City Clerk, noted that she had been City Clerk only a short amount of time, though she hoped to continue in the position for many years. She stated that she serves at the pleasure of the City Administrator, the Mayor and the Board of Aldermen. She said that she understands that the Commission needs to consider the language pertaining to this position in regards to whomever might hold the position, not directly relating to her and would, therefore, not state an opinion. She stated that she respectfully deferred to the decision of the Commission on the matter.

### **Public Comment**

Referring to the earlier request to have public comment again at the end of the meeting, Chairman Brasfield asked if anyone present would like to make another comment before the meeting adjourned.



Jim Wolfe, 9165 General Grant Lane, stated that he still did not understand the need for censure. He stated he hoped that other aldermen would step up and discipline an alderman who is not following the rules. Commissioner Bland gave an example likening censure to the criminal justice system and stated that it would bring items to light by allowing a two-prong approach. He stressed that when and how many times censure would be used would be up to the Board of Aldermen; however, it would give them a more thorough way to police themselves.

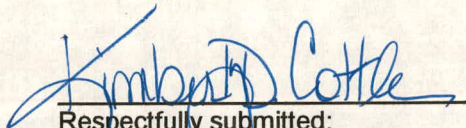
Martha Duchild, 9158 General Grant Lane, stated that she does not agree with the Board of Aldermen members policing themselves. She stated that in order to avoid the appearance of subjectivity, if censure was added, it should have stated offenses, like forfeiture of office does. Commissioner Bland stated that the Commission had discussed ways to keep censure from being overused or as a weapon against a certain alderman. Chairman Brasfield stated that there currently only seems to be one punishment, forfeiture of office, even if the violation is a minor offense. He stated that other Charters the Commission had reviewed offered another punishment for lesser offenses. Ms. Duchild stated that she understood the reason for wanting another remedy, but believed that specific grounds for censure and the number of times censure could be used should be stated. Chairman Brasfield stated that the Commission understood her concerns and thanked her for bringing them up.

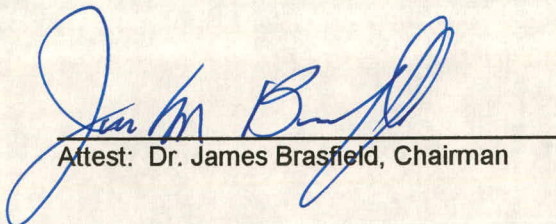
Jacque Stock, 1536 South Sappington, suggested that the Commissioners wear nametags at future meetings so that audience members knew who they were.

#### **Adjournment**

Chairman Brasfield asked if there were any further comments. When no one came forward to comment, he thanked everyone for coming and invited them to return for the June 7<sup>th</sup> meeting. There being no further business before the Commission, Commissioner Wagner made a motion to adjourn. Alderman Duwe seconded the motion. On voice vote, motion carried and was declared passed.

8:49 p.m.

  
Respectfully submitted:  
Kimberly D. Cottle, City Clerk

  
Attest: Dr. James Brasfield, Chairman





**Roy Robinson, Mayor**

**Office of the City Administrator**

**AGENDA  
CITY OF CRESTWOOD CHARTER COMMISSION**

**Meeting 7**

**May 17, 2005**

**7:00-9:00 p.m.**

**Crestwood Government Center  
One Detjen Drive  
Crestwood, MO 63126**

1. Chair Opening Remarks
2. Approval of Minutes from 4/29/05 and 5/3/05 Meetings
3. Public Hearing
4. Commission Review and Discussion of Public Comments
5. Discussion of Major Issues
6. Set Agenda for June 7th Meeting
7. Decide on Additional Meeting Dates
8. Other Business
9. Adjourn

Anyone with special needs wishing to attend, please phone 729-4700 so that the City may make appropriate accommodations for you.

Posted 5/13/05 @ 11:30 a.m.



Corrected: 6/21/2005

Approved: 6/21/2005

CITY OF CRESTWOOD  
CHARTER COMMISSION  
REGULAR MEETING

Tuesday

June 7, 2005

7:00 p.m.

The Charter Commission of the City of Crestwood met at the Government Center on Tuesday, June 7, 2005 at 7:00 p.m.

Chairman James Brasfield called the meeting to order.

Roll Call:

On roll call the following members were present:

Dr. James Brasfield  
Alderman Pat Duwe  
Mr. John Bell  
Ms. Carol Wagner  
Ms. Bernie Alexander  
Mr. Rich Bland  
Dr. David Brophy  
Ms. Char Braun

City Attorney Rob Golterman

Absent:

Mr. Jim Dankenbring  
Mrs. Pat Kapsar

Public comments:

Jim Wolfe, 9165 General Grant Lane. He does not want term limits eliminated. He stated that it is difficult to beat an incumbent and that term limits will allow fresh faces to step forward. He believes that would be good for the Board.

Chairman Brasfield asked that the minutes of May 17, 2005 be amended to reflect that Char Braun was present. Commissioner Braun moved to approve the minutes of May 17, 2005 as amended and Commissioner Wagner seconded the motion. The minutes of May 17, 2005 were approved.

Chairman Brasfield reminded the Commission that the recording equipment had failed the evening of February 15, 2005. (This was the initial meeting of the Commission) Commissioner Wagner moved to approve the minutes of February 15, 2005 and Alderman Duwe seconded the motion. The minutes of February 15, 2005 were approved.

The City Attorney Rob Golterman summarized how Civil Service provisions relate to the Charter and the personnel code. There was a brief discussion about why questions concerning Civil service provisions were raised. The City Attorney affirmed that Code is where most employment issues are dealt with in detail. The one item relating to this that is being contemplated to be changed is the elimination of the text: "...and who shall be a civil service employee" in the City Clerk Section. (Sec 5.2 (a) CITY CLERK)

Chairman Brasfield proposed a two fold procedure on refining the amendments presented. Preliminary votes will be taken as amendments are developed if necessary (Nothing done as the



Commission is acting as a Committee as a Whole would be a final determination of the Commission), then at a subsequent meeting, a vote of the Charter Commission will be taken in a formal way before recommending the proposed amendments. This process would allow the Charter Commission to act as a Committee as a Whole to consider proposed legislation informally. A motion was made for the Commission to adjourn to a Committee as a Whole by Alderman Duwe and seconded by Commissioner Wagner. The motion passed.

Chairman Brasfield inquired as to how the amendments would be proposed. The City Attorney stated that the text of the amendment would have some introductory language followed by the present language and the proposed language by section.

The Housekeeping List was reviewed line by line as prepared.

Legal updating (cover & credit updating) does not have to be the part of the ballot.

It was agreed that Sections 15.1, 15.2, and 15.3 will be updated.

In section 15.3 there should be a reference to when the amendments will take effect. The City Attorney suggested the addition of the following text: "any amendments to this charter shall be in full effect for all purposes on and after the date and time of the certification of the results of the election on the adoption of the said amendments."

Section 15.4 FIRST GENERAL MUNICIPAL ELECTION will be deleted.

(The City Attorney noted that the original Charter will be retained as part of the official record of the City, as the copies of the original charter will be archived. That will serve as adequate record of the official date of the election concerning the original Charter.)

Sec 4.8 CITY ATTORNEY Remove that phrase "with no right of appeal".

Sec. 5.2 (h) REPORT OF FINANCIAL CONDITION OF CITY The question was raised whether sections (g) and (h) should be reversed in the order they appear and it was decided not to bother changing such a minor detail.

Sec. 9.3 PETITIONS (b) & Section 10.3 PETITION (b) The addition of the words, "as provided by the City Clerk" following "approximate cost".

Section 13.8 CHARTER REVIEW COMMITTEE The addition of the words "but at least once during every ten year period" after the words "time to time".

Sec 3.10 LEGISLATIVE PROCEEDINGS (a) MEETINGS: Delete the last sentence of this section. (Technological changes have occurred and new developments may occur that make the restriction of always meeting within the city limits physically an unreasonable restriction.)

Sec. 5.1 CITY ADMINISTRATOR Remove "with no right of appeal" in the first paragraph & Update language: "The City Administrator's compensation and other terms and conditions of employment shall be established by the Mayor, with the approval..." in the second paragraph.

Sec 5.2 (a) CITY CLERK Delete the phrase, "...and who shall be a civil service employee".

Sec. 5.2 (f) BUDGET AND CAPITAL PROGRAM Change "five year plans to three year plans."

Section 7.1 FISCAL YEAR Update: The change shall read: The fiscal year of the city shall be the calendar year, unless changed by ordinance.



Sec.3.3 QUALIFICATIONS Clarification will be added to recognize the office is declared by the ward. (For example a recalled alderman or one that has already served 3 terms can't come back and run for the seat held by the other alderman of the same ward) The City Attorney will prepare language for this clarification.

Sec. 3.4 The City Attorney will provide language to provide clarification on 3 consecutive "elected" terms, unless term limits are eliminated.

Sec 3.10 (f) PROCEDURE An addition of the words "in accordance of Section 4.4(b) should be added to the end of this section.

The following other possible additions from the Housekeeping list were deemed not significant enough to require an amendment:

{Sections relating to Sec 3.10 (f)} A possible provision for the adoption of emergency legislation might be made here. (i.e. National emergency preparedness) – no amendment proposed

Sec. 5.2 (g) FINANCE AND ADMINISTRATIVE RECORD The language of this section lacks definition. Language may be improved/updated. – no amendment proposed

Sec. 6.1 & Sec 6.2 This is where a clarification of exempt and non-exempt may be added. – no amendment proposed

By the next meeting a copy of the exact language to be voted on by the Commission will be prepared.

Term limit amendment- This would be a separate item if proposed. The effective date would be noted in the proposed language. The second paragraph of 3.4 would be eliminated and the City Attorney would provide new language. Chairman Brasfield stated that although the commission may not vote to put this on the ballot, the proposed language should be prepared.

Censure amendment – There was discussion about the suggestions made about censure in the public forum. John Bell recalled from his research on censure that most Charters that included it left it open how it was used. Censure would be included in the Charter as a method of reprimand. The Board of Aldermen can then adopt a Code of Conduct that addresses the specifics of how/when they might use the method of reprimand.

Citizen petition signature requirements – Chairman Brasfield suggested that the formula be developed. First, the Commission decided that the number should remain based on the number of registered voters. Secondly, the Commission decided to use the numbers that they had discussed at the April 19, 2005 meeting to plug into the formula and draft the language, but to think about those numbers before coming back to it next time for a vote.

Chairman Brasfield asked whether the three topics above: Term Limits, Censure, & Signature requirements will be separate issues on the ballot. It was proposed to keep Censure & term limits separate, but possibly include Citizen Petition signature numbers in the housekeeping list. The total number of proposed amendments to put forth on a ballot has yet to be determined. The combinations and number of amendments will be decided next time.

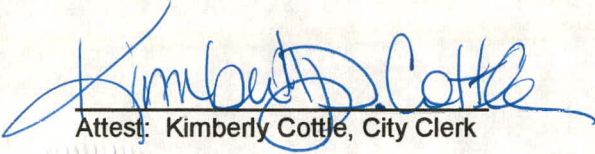
The issue raised by the Mayor about department heads. The question was raised whether or not that was addressed by ordinance and the City Attorney said that yes it was regulated by ordinance currently and allowed with the approval of the Board of Aldermen. The Commission said that this issue should continue to be regulated by ordinance. It was pointed out that budget



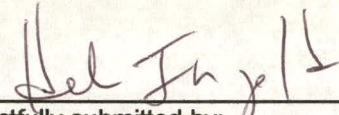
cuts in small City governments have necessitated that city governments have individuals hold multiple positions. The Commission agreed not to propose an amendment.

The Charter Commission will meet again on June 21, 2005.  
It will be duly noted that we came out of the committee as a whole.

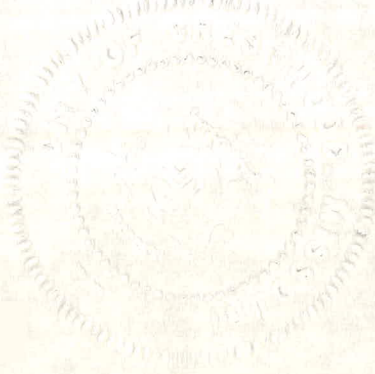
The meeting was adjourned at 9:00 p.m.



Attest: Kimberly Cottle, City Clerk



Respectfully submitted by:  
Helen Ingold, Executive Secretary







**Roy Robinson, Mayor**

**Office of the City Administrator**

**AGENDA  
CITY OF CRESTWOOD CHARTER COMMISSION**

**Meeting 8**

**June 7, 2005**

**7:00-9:00 p.m.**

**Crestwood Government Center  
One Detjen Drive  
Crestwood, MO 63126**

1. Opening Remarks by Chair
2. Comments from visitors
3. Approval of Minutes from 5/17/05 and 2/15/05 Meetings
4. Review of Civil Service provisions
5. Review and draft language for "housekeeping" amendments
6. Review and draft language for term limit amendment
7. Review and draft language for censure amendment
8. Review and draft language for citizen petition signature requirements
9. Discuss and review multiple office limitation amendment
10. Other business or issues
11. Confirm June 21 as next meeting date
12. Adjourn

Anyone with special needs wishing to attend, please phone 729-4700 so that the City may make appropriate accommodations for you.

Posted 6/03/05 @ 10:30 a.m.



Corrected:	N/A
Approved:	11/15/05

CITY OF CRESTWOOD  
CHARTER COMMISSION  
REGULAR MEETING

Tuesday

June 21, 2005

7:00 p.m.

The Charter Commission of the City of Crestwood met at the Government Center on Tuesday, June 21, 2005 at 7:00 p.m.

Chairman James Brasfield called the meeting to order.

Roll Call:

On roll call the following members were present:

Dr. James Brasfield  
Alderman Pat Duwe  
Ms. Carol Wagner  
Ms. Bernie Alexander  
Mr. Rich Bland  
Dr. David Brophy  
Mrs. Pat Kapsar  
Ms. Char Braun

City Attorney Rob Golterman

Absent:

Mr. John Bell

Opening Remarks by the Chair: Chairman Brasfield noted that the Charter Commission has before them a summary of what the Charter Commission has been doing over the last several months. The Charter Commission adjourned into a Committee as a Whole at the June 7, 2005 meeting and went through all the various sections of the Charter. Some preliminary decisions were made, but no final decisions, as the Charter Commission was meeting as a Committee as a Whole. The Charter Commission is tonight receiving the report from the Committee as a Whole. The report drawn from the preliminary decisions as a Committee as a Whole has been prepared by the City Attorney, Rob Golterman in the form of the complete Charter with the proposed changes highlighted in blue text.

Public Comment: There was no public comment.

Chairman Brasfield asked that the minutes of June 7, 2005 be amended to reflect that Char Braun was present. Commissioner Brophy moved to approve the minutes of June 7, 2005 as amended and Alderman Duwe seconded the motion. The minutes of June 7, 2005 were approved.

The Charter Commission thanked City Attorney, Rob Golterman for preparing the report for the Charter Commission to see what the specific language to be included in the Charter might be. Chairman Brasfield noted that the agenda had set out the issues by item, but asked the Charter Commission whether they would like to review the proposed changes sequentially through the Charter report prepared by the City Attorney, Rob Golterman. The Charter Commission's consensus was to review the proposed changes to the Charter sequentially. Chairman Brasfield clarified that the process would be to go through each section sequentially and vote on each of



the proposed changes, then, decide which proposed changes would be put together as amendments on the ballot.

### **MOTIONS TO APPROVE CHANGES AND CREATE AMENDMENTS TO GO BEFORE THE VOTERS OF CRESTWOOD, MO.**

{ All motions to approve a change are a motion to create an amendment and/or amendments to put before the voters of the City of Crestwood, MO. The number of amendments and which changes are to be bundled together in amendments will then be determined after the approval of the changes proposed – See: NUMBER OF AMENDMENTS section below }

**Section 3.3 - QUALIFICATIONS** ADD - “For purposes of this Section, both seats within a given Ward, constitute the same office.”

Commissioner Brophy moved to approve that change and Commissioner Kapsar seconded the motion. Motion passed.

**Section 3.4 – ELECTION AND TERMS** Chairman Brasfield pointed out that there are two different sets of proposed language set forth. City Attorney, Rob Golterman explained that if the proposed change in the first paragraph eliminating term limits was approved by the voters, then the ballot language would specify the exclusion of the proposed language of the proposed change in the second paragraph as it would no longer be relevant if term limits were eliminated.

[If recommendation is to eliminate term limits -- language added to end of first paragraph. Delete second paragraph.]

Aldermen shall be elected to terms of three (3) years in duration. The terms of the two (2) Aldermen representing each ward shall be staggered. ADD- “There shall be no limit to the number of terms to which an alderman, including current aldermen can be elected.”

~~ELIMINATE An alderman shall be limited to three (3) successive, full three (3) year terms, not including time served to complete an unexpired term. Such person cannot serve again as alderman in that ward for three (3) years.~~

[Proposed section if term limits retained. First paragraph remains the same. Revise second paragraph.]

Aldermen shall be elected to terms of three (3) years in duration. The terms of the two (2) Aldermen representing each ward shall be staggered.

REVISE Second paragraph to READ: “An alderman cannot be elected to the same office for more than three (3) consecutive full terms. Such person cannot serve again as alderman in that ward for three (3) years.”

Chairman Brasfield summarized that if the voters approved the first one (proposed change - elimination of term limits) that the second one (proposed change - control of consecutive terms) would be null and void. However, if term limits are retained by the voters, the desired control would be there and the loop hole of surrendering your seat in an effort to run again in the next election would be eliminated. Commissioner Brophy moved that the changes as indicated to Section 3.4 be approved. Alderman Duwe seconded the motion. The vote was 6-1.



Commissioner Pat Kapsar voted to oppose the change. All other Commissioners voted to approve. Motion Passed.

**Section 3.7 (b) ADD - CENSURE/FORFEITURE OF OFFICE** A member of the Board of Aldermen shall forfeit the office if such member (1) lacks at any time during the term of such office any qualification for the office prescribed by this Charter (except as provided in Section 8.4 (c) of this Charter) or required by law. ADD - "A member of the Board of Aldermen shall be subject to either censure or forfeiture of office for violating", AND ELIMINATE "or (2) violates" any prohibition of this Charter.

Commissioner Wagner moved that the changes to add censure as indicated to Section 3.7 (b) be approved. Commissioner Bland seconded the motion. Pat Kapsar expressed her opposition to censure. The Commission discussed the pros and cons. The vote was 5-2. Motion Passed.

### **Section 3.8 JUDGE OF QUALIFICATIONS**

The Board of Aldermen shall be the judge of the election and qualifications of the Mayor and members of the Board of Aldermen and of the grounds for ADD - "either censure or" forfeiture of their office and for such purposes shall have power to subpoena witnesses, administer oaths and require the production of evidence. Any person charged with conduct constituting grounds for ADD - "either censure or" forfeiture of office shall be entitled to a public hearing on written request. Decisions made by the Board of Aldermen under this section shall be subject to review by the courts.

Commissioner Brophy moved that the changes to add censure as indicated to Section 3.8 be approved. Commissioner Braun seconded the motion. The vote was 5-2. Motion Passed.

### **Section 3.10 (a) -LEGISLATIVE PROCEEDINGS - MEETINGS**

SECOND PARAGRAPH: All meetings of the Board of Aldermen shall be public meetings, at which the Board of Aldermen shall provide for public comments, unless public access has been restricted pursuant to law. ELIMINATE - ~~In no event shall any meeting of the Board of Aldermen be held outside the city limits.~~

Alderman Duwe moved that the changes as indicated to Section 3.10 (a) be approved. Commissioner Alexander seconded the motion. Motion Passed.

### **Section 3.10 (g) -LEGISLATIVE PROCEEDINGS - EFFECTIVE DATE**

Every ordinance shall become effective upon its adoption ADD - "and approved by the Mayor in accordance with Section 4.4(b)" or at any later date specified therein.

Commissioner Kapsar moved that the changes as indicated to Section 3.10 (g) be approved. Alderman Duwe seconded the motion. Motion Passed.

### **Section 4.7 (b) -VACANCY; ADD - CENSURE/FOREFEITURE OF OFFICE;FILLING VACANCIES (b) CENSURE/FOREFEITURE OF OFFICE**

The Mayor shall forfeit such office if: (1) at any time during the term of office the Mayor lacks any qualifications prescribed by this Charter or by law. ADD - "The" ELIMINATE ~~;~~ ~~or (2) the Mayor~~ ADD - "shall be subject to censure or forfeiture of office for violating" ELIMINATE ~~es~~ any prohibition of this Charter. ( NEW TEXT



READS = The Mayor shall be subject to censure or forfeiture of office for violating any prohibition of the Charter.)

Commissioner Braun moved that the changes as indicated to Section 4.7 (b) be approved. Commissioner Brophy seconded the motion. The vote was 5-2. Motion Passed.

#### **Section 4.8 CITY ATTORNEY**

THIRD PARAGRAPH: The City Attorney shall receive compensation as determined by ordinance. The City Attorney may be removed on recommendation of the Mayor with the advice and consent of the majority of the Board of Aldermen or by a three-fourths ( $\frac{3}{4}$ ) vote of the authorized membership of the Board of Aldermen on its own initiative, ELIMINATE ~~—with no right of appeal.~~

Alderman Duwe moved that the changes as indicated to Section 4.8 be approved. Commissioner Wagner seconded the motion. Motion Passed.

#### **Section 5.1 CITY ADMINISTRATOR**

FIRST PARAGRAPH: There shall be a City Administrator nominated by the Mayor and appointed with the advice and consent of a majority of the authorized membership of the Board of Aldermen. The person appointed shall serve for an indefinite term. The City Administrator may be removed on recommendation of the Mayor with the consent of a majority of the authorized membership of the Board of Aldermen, or by a three-fourths ( $\frac{3}{4}$ ) vote of the authorized membership of the Board of Aldermen on its own initiative, ELIMINATE ~~—with no right of appeal.~~

Commissioner Brophy moved that “with no right of appeal” be struck from Section 5.1, first paragraph. Commissioner Wagner seconded the motion. Motion Passed.

SECOND PARAGRAPH: The City Administrator ADD —“ ’s compensation and other terms and conditions of employment” shall be ELIMINATE - ~~paid a salary in an amount~~ established by the Mayor, with the approval of a majority of the authorized membership of the Board of Aldermen or by a three-fourths ( $\frac{3}{4}$ ) vote of the authorized membership of the Board of Aldermen on its own initiative. The person appointed to the office of City Administrator shall possess such qualifications as provided by ordinance. If the City Administrator becomes incapacitated, a temporary city administrator shall be appointed

Commissioner Alexander moved that the changes as indicated to Section 5.1, second paragraph be approved. Alderman Duwe seconded the motion. Motion Passed.

#### **Section 5.2 (a) CITY CLERK**

The City Administrator shall appoint an officer who shall have the title of City Clerk ~~and who shall be a civil service employee.~~ The City Clerk shall keep the record of proceedings of the Board of Aldermen, authenticate by the City Clerk’s signature all ordinances and resolutions and record them in full as a permanent record. The City Clerk shall perform such other duties as may be required by law, this Charter, ordinance or the City Administrator.



Commissioner Wagner moved to strike the phrase " and who shall be a city clerk" from Section 5.2, end of first sentence. Commissioner Alexander seconded the motion. Motion Passed.

#### **Section 5.2 (f)**

The City Administrator shall submit annually a recommended budget and a projected  
ELIMINATE - ~~five (5)~~ ADD - "three (3)" year capital improvement, replacement, and  
personnel needs program to the Mayor and Board of Aldermen.

Commissioner Bland moved to change the language to reflect a projected three year capital improvement instead of five. Alderman Duwe seconded the motion. Motion passed.

#### **Section 7.1 FISCAL YEAR**

The fiscal year of the city shall begin on the first day of ADD - "January" ELIMINATE - ~~July~~ and end on the last day of ADD - "December" ELIMINATE - ~~June~~, unless otherwise set by ordinance.

Commissioner Alexander moved to change the language as indicated to reflect the current practice. Alderman Duwe seconded the motion. Motion passed.

#### **Section 7.2 BUDGET (b) CAPITAL PROGRAM**

At least forty-five (45) days prior to the beginning of each fiscal year, the City Administrator shall submit to the Board of Aldermen a capital and personnel needs program for at least a ADD - "three (3)" ELIMINATE - ~~five (5)~~ year period, including a list of all proposed capital improvements, replacement and personnel needs with appropriate supporting information, cost estimates, methods of financing, time schedules and the estimated annual cost of operating and maintaining the proposed facilities. The program shall be reviewed and extended each year.

Commissioner Wagner moved to change the language to reflect three years instead of five in Section 7.2 (b). Commissioner Kapsar seconded the motion. Motion passed.

The Charter Commission discussed the proposed number for petition. The consensus was that 8% is a desirable change.

#### **Section 9.3 PETITIONS (a) NUMBER OF SIGNATURES**

Initiative and referendum petitions shall be signed by qualified voters of the city equal in number to at least ELIMINATE - ~~twelve percent (12%)~~ ADD - "eight percent (8%)" of the total number of voters registered to vote at the last general municipal election.

Alderman Duwe moved to change the required percentage from 12% to 8 % in Section 9.3 (a). Commissioner Brophy seconded the motion. Motion passed.

#### **Section 9.3 PETITIONS (b) FORM AND CONSENT**

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the printed name and address of the person signing. Petitions shall



contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered and shall also state the approximate cost of the election, ADD - "as provided by the City Clerk."

Commissioner Alexander moved add the words "as provided by the city clerk" to the end of the last sentence in Section 9.3 (b). Commissioner Wagner seconded the motion. Motion passed.

The Charter Commission discussed the proposed number for recall. The consensus was that 15% is a desirable change.

#### **ARTICLE X RECALL Section 10.3 PETITION (a) NUMBER OF SIGNATURES**

A petition for recall of the Mayor shall be signed by that number of qualified voters of the city equal to at least ELIMINATE - ~~twenty percent (20%)~~ ADD - "fifteen percent (15%)" of the total number of voters registered to vote at the last general city election. A petition for recall of a member of the Board of Aldermen shall be signed by that number of qualified voters eligible to vote at the recall election equal to at least ELIMINATE - ~~twenty percent (20%)~~ ADD - "fifteen percent (15%)" of the total number of voters registered to vote at the last general city election in that member's ward.

Alderman Duwe moved to change the required percentages for recall from 20% to 15 % in Section 10.3 (a). Commissioner Wagner seconded the motion. Motion passed.

#### **ARTICLE X RECALL Section 10.3 PETITION (b) FORM AND CONSENT**

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the printed name and address of the person signing. Recall petitions shall state the name and office of the elected official sought to be recalled and shall also state the approximate cost of the election, ADD - "as provided by the City Clerk." No petition shall seek the recall of more than one officer.

Commissioner Alexander moved add the words "as provided by the city clerk" to Section 10.3 (b). Commissioner Kapsar seconded the motion. Motion passed.

The Charter Commission discussed **Section 13.1 PERSONAL FINANCIAL INTEREST** in terms of whether or not censure should be included. No motion was made to make any change to this section.

#### **Section 13.8 CHARTER REVIEW COMMITTEE**

From time to time, ADD- "and at least once during each" ELIMINATE - ~~but not less than every~~ ten (10) years period, the Mayor and Board of Aldermen shall provide for a Charter Review Committee to consider whether any amendments to this Charter are appropriate. The members of the Charter Review Committee shall be appointed by the Mayor with the advice and consent of the Board of Aldermen.

Commissioner Bland moved that the changes as indicated to Section 13.8 be approved. Alderman Duwe seconded the motion. Motion passed.



#### **Section 15.1, 15.2, 15.3, and 15.4**

The sections under Article XV, Transitional Schedule are to be revised as follows:

#### **SECTION 15.1 –PURPOSE OF SCHEDULE [Revise to read as follows]**

The purpose of the following provisions is to promote the orderly transition from the ELIMINATE - ~~present~~ ADD - “current provisions to the amended provisions of the Charter.” ELIMINATE - ~~government of the City of Crestwood, Missouri, to the new government provided for in this Charter and to inaugurate the new government under the provisions of this Charter.~~ The provisions of this Article shall constitute a part of this Charter only to the extent and for the time required to accomplish that aim.

#### **SECTION 15.2 –ELECTION TO ADOPT CHARTER [Revise to read as follows]**

ADD - “Any elections pertaining to amendments to” this Charter shall be ELIMINATE - ~~submitted to a vote of the electors of the City of Crestwood at an election to be held on the 7th day of November, 1995. The election shall be administered by the officials charged with the responsibility for the conduct of city elections.~~

#### **SECTION 15.3 –TIME OF TAKING EFFECT [Revise to read as follows]**

ADD - “Unless otherwise specified, any amendments to” this Charter shall be in full effect for all purposes on and after the date and time of the certification of the results of the election on the adoption of ELIMINATE - ~~this Charter~~ ADD - “the said amendments.”

#### **SECTION 15.4 –FIRST GENERAL MUNICIPAL ELECTION [Delete in its entirety.]**

~~———— The first general municipal election shall be held on the 2nd day of April, 1996.~~

~~———— One Alderman shall be elected from each ward to the seat expiring in 1996 for a term of two (2) years. This two year term shall not be subject to the limitations imposed by Section 3.4 of this Charter. Subsequent elections for all aldermanic seats shall be for three (3) year terms, in accordance with Section 3.4 and 3.7 of this Charter.~~

~~———— The Mayor shall be elected at large in 1996 with mayoral elections each three (3) years thereafter.~~

Commissioner Wagner moved that the changes as indicated to ARTICLE XV be approved. Alderman Duwe seconded the motion. Motion passed.

#### **NUMBER OF AMENDMENTS**

The Charter Commission discussed which of these amendments should be bundled together. The Consensus was that a Term limit amendment should be a separate issue to be brought to the issue. The Censure amendment was discussed as to whether it was controversial enough to warrant its own place on the ballot.



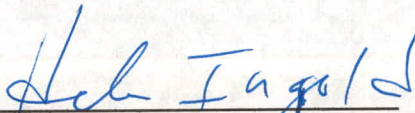
Commissioner Brophy moved that Charter Commission propose three amendments: one for Censure, one for Term Limits, and one general (omnibus) that includes all other proposed changes. Commissioner Braun seconded the motion. Motion passed.

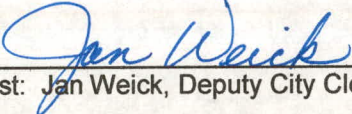
The Board of Aldermen will receive a report (a update form of the report used at this meeting) that includes the old & new text. A summary that explains the general with some basic information as to how these recommendations was made as well. The documents will be prepared and a date will be set to present the recommendations to the Board.

It was noted that a page will be added to the official Charter with the Charter Review 2005 Commission member's names and photo.

Commissioner Brophy made a motion for the Charter Review Commission to adjourn with the Chair having the power to call another meeting if he deems it to be necessary. Commissioner Bland seconded the motion. Motion passed.

The meeting was adjourned at 9:00 p.m.

  
Respectfully submitted by:  
Helen Ingold, Executive Secretary

  
Attest: Jan Weick, Deputy City Clerk





**Roy Robinson, Mayor**

**Office of the City Administrator**

**AGENDA  
CITY OF CRESTWOOD CHARTER COMMISSION**

**Meeting 9**

**June 21, 2005**

**7:00-9:00 p.m.**

**Board of Aldermen Chambers  
Crestwood Government Center**

1. Opening Remarks by Chair
2. Comments from Visitors
3. Approval of Minutes from June 7, 2005
4. Report from Charter Commission Committee of the Whole
5. Discussion and decision on draft term limit amendment
6. Discussion and decision on draft "housekeeping" amendment
7. Discussion and decision on draft censure amendment
8. Discussion and decision on citizen petition signature requirements amendment
9. Discussion of amendment format—number of separate amendments
10. Discussion and decision on any additional amendments
11. Timing and format for presentation of amendments
12. Schedule additional meetings
13. Other business
14. Adjourn

Anyone with special needs wishing to attend, please phone 729-4700 so that the City may make appropriate accommodations for you.

Posted 6/17/05 @ 4:30 p.m.



CITY OF CRESTWOOD  
CHARTER COMMISSION  
REGULAR MEETING

Corrected: N/A

Approved: 1/17/2006

Tuesday

November 15, 2005

7:00 p.m.

The Charter Commission of the City of Crestwood met at the Government Center on Tuesday, November 15, 2005 at 7:00 p.m.

Chairman James Brasfield called the meeting to order.

Roll Call:

On roll call the following members were present:

Dr. James Brasfield  
Alderman Pat Duwe  
Mr. John Bell  
Ms. Carol Wagner  
Ms. Bernie Alexander  
Mr. Rich Bland  
Dr. David Brophy  
Ms. Char Braun  
Mrs. Pat Kapsar

City Attorney Rob Golterman

NOTE: There was a problem with the recording equipment during this meeting. Minutes were prepared from notes taken at the meeting by Chairman Brasfield. A tape recording of the Charter Commission meeting was provided to the City by Mike Anthony, Executive Editor of the Call Newspapers. The tape recording affirmed the content these notes and the recording provided by Mr. Anthony will be kept on file as a supplement to the official minutes.

Chairman Brasfield- welcomed everyone back to what will probably be the final regular meeting of the Charter Commission. He noted that the Commission will need to provide for the approval of minutes from this meeting.

The Pat Duwe moved and John Bell seconded the approval of the minutes of the meeting of June 21, 2005. Commissioner Wagner moved to approve the minutes of June 21, 2005. Alderman Duwe seconded the motion. Commission approved the motion.

Chairman Brasfield indicated the City Attorney had asked (email of 7/20/05) the Commission to look at the question of whether or not the Mayor had the power to break a tie vote on an ordinance.

Chairman Brasfield and asked the City Attorney to comment on the issue. City Attorney Golterman indicated that mayors over the last couple of years had asked him if they had the power to break a tie on an ordinance vote. He said that the current Charter language could give rise to contrary interpretations. Sec 3.10(d) states that a majority of the authorized members of the BOA need to vote to adopt an ordinance. This could be interpreted to mean at least 5 Aldermen.



But, Section 4.4 states that the Mayor shall not vote on questions except in case of a tie. Thus, one could argue that in the case of a 4-4 tie on an ordinance, the Mayor is allowed to vote to break a tie. City Attorney Golterman indicated the Charter Commission may wish to clarify the issue.

Brasfield said that Mayor Killoren had broken a tie on an ordinance before Crestwood was a charter city. He said he on at least one occasion he had broken a tie on an ordinance without challenge. Brasfield said he did not believe the original Charter Commission had intended to prohibit the Mayor from breaking a tie on an ordinance.

Commissioner Brophy said he had studied the Charter closely and concluded that Sec 4.4 clearly states that the Mayor has the power to vote to break a tie on an ordinance. Commissioner Brophy pointed out that there were two other sections relative to possible votes by the Mayor. These are the instances of appointment to a city board and the vote to overturn a veto.

City Attorney Golterman said that because the vote to overturn an ordinance veto requires a 3/4 vote no tie is possible. He indicated he had not been referring to the power of the Mayor to break ties on appointments, and that it was a completely different issue.

Commissioner Brophy moved that Sec.3.10 (b) and revised 3.9 (b) remain as stated. Commissioner Wagner seconded the motion.

In the discussion on the motion various members of the Charter Commission spoke to the issue affirming the right of the Mayor to break a tie on an ordinance vote, and expressing different views on whether or not a Charter amendment was necessary.

City Attorney Golterman said that there have been various conflicting interpretations of the Charter in recent months. He stated that the Charter Commission had the opportunity to make the issue clear about the Mayor breaking ties on ordinance votes.

Chairman Brasfield asked Commissioner Duwe if she recalled as a member of the original charter commission whether it was the intent of the commission to not allow the Mayor to break ties on an appointment vote. She indicated that the original Charter Commission did intend to so limit the mayor. Chairman Brasfield asked Commissioner Duwe if she recalled as a member of the original charter commission whether it was the intent of the commission to not allow the Mayor to break ties on ordinance votes. Commissioner Duwe replied the original commission had not intended to prohibit the Mayor from breaking ties on an ordinance vote.

The Commissioners concluded that clarification of this issue was needed. Commissioner Kapsar indicated that it did not seem to be clear on breaking ties on appointments which had occurred.

Chairman Brasfield asked if any member of the Commission wished to make a motion on this issue. No one made a motion, and Brasfield indicated the Commission would move on.

Chairman Brasfield pointed out that Commissioner Brophy's motion was still on the floor. As the discussion closed Chairman Brasfield indicated that there seemed to be a split view of the Commission on this issue and the easiest way to resolve the question was to vote on Commissioner Brophy's motion. If the motion was approved the Charter Commission would take no action on the matter. If the motion was defeated, then a new motion could be introduced to reflecting the city attorney's suggested language.

The Commission voted by a show of hands and the motion was defeated 5-4.

The City Attorney was asked what language would clarify that the Mayor does have the power to break a tie vote.



Commissioner Braun then moved that the Commission add to its recommendation the following.

The first sentence of Section 4.4(a), as amended, would read as follows:

(a) **BOARD OF ALDERMEN MEETINGS** -- The Mayor shall preside at meetings of the Board of Aldermen, but shall not vote on any question or Ordinance except in case of a tie.

And that section 3.10 (d) be amended as follows:

(d) **VOTING** -- Except as otherwise provided in **Sections 4.4(a) and 4.4(b)** of this Charter, an affirmative vote of a majority of the authorized members of the Board of Aldermen shall be necessary to adopt any ordinances.

The motion was seconded by Commissioner Bell.

The motion passed.

Commissioner Brophy moved that the recently adopted proposed charter amendment on the Mayor breaking ties should be put on the ballot as a separate item. The motion was seconded by Commissioner Wagner.

Commissioner Kapsar said she thought this would be more appropriately made a part of the "housekeeping" provision since it was a clarification not a new item, and did not believe it would be controversial. The Commission discussed the whether the issue was or was not controversial.

By a voice vote the Commission defeated the motion.

Commissioner Bell moved that the new recommended language change on the right of the Mayor to break ties be included as part of the housekeeping section. Commissioner Wagner seconded the motion.

The motion was approved by voice vote.

Chairman Brasfield said that item #5 on the agenda provided for a final review of previous recommendation. He said this was included to provide an opportunity for the Commission to review the decisions taken at the June 21<sup>st</sup> meeting if they desired. When no one wished to make any suggestions for change Chairman Brasfield indicated the Commission would move to the next agenda item.

Chairman Brasfield asked the City Attorney about the timing for presentation to the BOA. He said that for the measure to appear on the ballot in April it must be submitted to the County Election Board by late January, and that it was unlikely that the BOA would have a second December meeting.

Commissioner Brophy suggested the Commission make its initial presentation to the BOA at the Nov 22<sup>nd</sup> meeting. The Commission agreed. Chairman Brasfield said he would immediately contact the City Clerk and make arrangements to have the comm. placed on the agenda for the Nov 22<sup>nd</sup> meeting. He invited all members of the Commission to join him at the meeting for the presentation and to participate in whatever way they wished.

A member of the audience asked to be recognized.

Faye Clark of 1341 Trelane asked to present a statement to the Commission. Ms. Clark read from the statement that is attached to the minutes. Members of the commission addressed the comments in the statement.



Chairman Brasfield asked if any other members of the audience wished to speak. No one else wished to do so.

Chairman Brasfield suggested the minutes of this meeting be circulated to the Commission by email for comment and tentative approval. Then, after the first of the year the Commission would meet to finally approve the minutes and adjourn sine die.

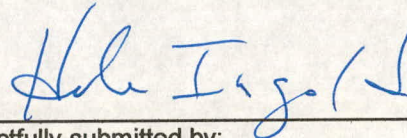
Commissioner Brophy agreed that the Commission should not permanently adjourn yet, and should be subject to the call of the chair for its final meeting. The Commission agreed to this procedure.

Commissioner Brophy asked if there was a method by which when someone acts contrary to the charter an action can be taken to correct it. Chairman Brasfield replied that an affected party can always bring suit in County Court to overturn the action, but there does not seem to be any other remedy. Chairman Brophy indicated that is often too expensive an action, and that therefore it is sometimes not possible to remedy such an action.

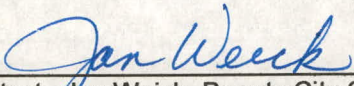
No one had any other new or old business.

Alderman Trueblood from the audience asked to be recognized. He expressed his appreciation to the Commissioners for their work.

The Commission adjourned at 8:15pm.



Respectfully submitted by:  
Helen Ingold, Executive Secretary



Attest: Jan Weick, Deputy City Clerk





**Roy Robinson, Mayor**

**Office of the City Administrator**

**AGENDA  
CITY OF CRESTWOOD CHARTER COMMISSION**

**Meeting 10**

**November 15, 2005**

**7:00 p.m.**

**Board of Aldermen Chambers  
Crestwood Government Center**

1. Call to order
2. Update from Commission Chair
3. Approval of Minutes from Previous Meeting
4. Review the Issue of Mayor's Tie Breaking Power for Votes on Ordinances
5. Final Review of Previous Recommendations
6. Tentative schedule for Presentation to Board of Aldermen
7. Agreement on How to Handle Approval of Minutes for this Meeting
8. Old Business
9. New Business
10. Adjourn

Anyone with special needs wishing to attend, please phone 729-4700 so that the City may make appropriate accommodations for you.

Posted 11/10/05 @ 1:00 p.m.



CITY OF CRESTWOOD  
CHARTER COMMISSION  
REGULAR MEETING

Corrected: N/A

Approved: 1/17/06

Tuesday

January 17, 2006

7:00 p.m.

The Charter Commission of the City of Crestwood met at the Community Center on Tuesday, January 17, 2006 at 7:00 p.m.

Chairman James Brasfield called the meeting to order.

Roll Call:

On roll call the following members were present:

Dr. James Brasfield  
Mr. John Bell  
Ms. Bernie Alexander  
Dr. David Brophy  
Ms. Char Braun  
Mrs. Pat Kapsar

Chairman Brasfield welcomed everyone to the final meeting of the Charter Commission. He said he will send a note of appreciation to Mike Anthony of the Call newspaper for providing a copy of his tape of the November 15, 2005 meeting to assist in the preparation of minutes.

Commissioner Alexander suggested that the mailing of the Charter and proposed amendments to the residents of Crestwood be accompanied by a short summary (one page) of the proposed amendments to facilitate citizens understanding what has been proposed.

Chairman Brasfield was asked by the Commission to look into having the tapes of the Commission's meetings put on a CD.

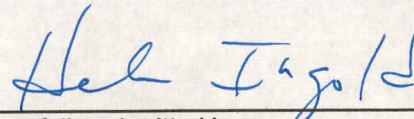
Commissioner Brophy moved that the minutes of the meeting of November 15, 2005 be approved. Commissioner Alexander seconded the motion. It was approved by voice vote.

The Commission briefly discussed various ways to educate residents about the proposed Charter Amendments.

Commissioner Brophy moved that the draft minutes of the meeting of January 17, 2006 be approved. Commissioner Bell seconded the motion. It was approved by voice vote.

Commissioner Brophy moved that the Charter Commission adjourn sine die. Commissioner Braun seconded the motion. It was approved by voice vote.

Meeting adjourned: 7:45 p.m.



Respectfully submitted by:  
Helen Ingold, Executive Secretary



Attest: Jan Weick, Deputy City Clerk



## CENSURE ISSUE

**Re: ARTICLES III BOARD OF ALDERMEN & IV MAYOR  
Sec.'s 3.7(b), 3.8, & 4.7(b)**

### **Minutes concerning Censure by Date:**

City Administrator Don Greer brought up the need for clarification in the Charter for interference with the employees. Our current code warns about interference, but no recourse is provided. The current Charter is clear in its intent. The elected official should have open channels of communications with department heads. Employees should be protected from intimidation by elected officials. The Charter of Clayton has nearly the same language as ours in intent, but includes serious repercussions (removal of office) consequences for non compliance. Some sort of recourse spelled out in the Charter would help address the issue when violations occur.

Dr. Brophy suggested a two level recourse, where the first level would provide censure and the second level comes when the violation is serious enough or the violations are repeated.

City Attorney Rob Golterman added that the Charter does not clearly spell out the process for removal from office of an elected official, regardless of the violation of the Charter. Removal from office is not something that would happen very often. It was asked whether the City Code addressed this. There is not currently such language spelled out in the code.

There are sections of the code that need updating. Chairman Brasfield agreed with Dr. Brophy that censure would be a deterrent.

The Commission will review other charters and how they address this issue. **Topics of censure and impeachment should address a variety of violations.** Discussion of this issue will continue next month after more data has been gathered. (3/15/05)

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The Charter Commission reviewed the Censure Language materials submitted by John Bell. John Bell pointed out that there should be a process of censure where a violation was of a degree not to warrant forfeiture of office. The question was raised as to the definition of the majority of the Board of Aldermen when calling for a vote for forfeiture or censure, as in Sec 3.7. The question was raised whether the majority is defined by the members of the Board of Aldermen elected or the majority of a quorum present at a meeting.

It was generally agreed that the minimum standard for forfeiture or censure should be is the same as the standard for passing an ordinance. This standard should reflect that such a measure could not take place on a single legislative day, and that it requires a majority vote of the members of the Board of Aldermen. This should be spelled out in these sections in addition to the censure wording that is proposed to be added. The intent of these additions is not to create something that will be used very often, but to create a deterrent to misconduct. The committee agreed that some language regarding censure and the process will be proposed as an amendment. The City attorney will be asked to survey all sections where such additions would be relevant. The Charter Commission will take up this issue in further detail at the next meeting. The Charter Commission thanked John Bell for his work and research on this topic. (4/19/05)

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Commissioner Kapsar raised the question of whether or not censure belongs in the charter. Chairman Brasfield answered that the Charter provides for dismissal and censure is seen as a lesser discipline or expression of displeasure. Commissioner Kapsar asked how the measure would be carried out operationally. Chairman Brasfield answered that it would be a motion



brought to the floor. It would still be a drastic step to take, but less drastic than a dismissal. It creates a public record of misconduct. Currently there is no authorization for such an act.  
(5/03/05)

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**Comments from the public hearing about Censure May 17,2005.**

Jim Wolfe, 9165 General Grant Lane, stated that he does not see a reason why it (censure) would be needed. He stated that if there is a flagrant violation of the Charter, the elected official should be dispersed with.

Denise Mernan, 834 South Sappington, stated that she is opposed to a censure option. She stated that elected officials should be well aware of the provisions of the Charter and if he or she violates the Charter it is a serious matter that requires serious consequences. She asked how many times censure would be used before an official would be dismissed.

Martha Duchild, 9158 General Grant Lane, asked who would determine what offenses would be disciplined by censure and what offenses would result in removal from elected office. Commissioner Bland, Chairman Brasfield clarified that censure would give the option of a different remedy without establishing a separate set of grounds for disciplinary action. Commissioners Bell and Brophy stated that censure would allow for a warning for lesser offenses and gave examples. Commissioner Brophy stated that the Commission did not consider that censure would be used frequently. Ms. Duchild recommended that if censure is added, that the Charter state the number of censures that would be allowed before the official would be removed from office.

Vicki Cross, 1244 Capri, stated that at this time, she does not think it is needed; elected officials should know the rules and abide by them or face the consequence.

Jerry Miguel, Alderman, 1249 Camelot Lane, stated regarding censure and a previous example of an elected official speaking directly to a employee without going through the City Administrator for such communications, Alderman Miguel stated that he was under the impression that the City Administrator had given Aldermen permission to speak directly to Department Heads. Commissioner Bland stated that the City Administrator had told the Commission that he had done so, but that the Commission was thinking of future City Administrators and future elected officials over the 10 years until the meeting of the next Charter Review Commission.

Jim Wolfe, 9165 General Grant Lane, stated that he still did not understand the need for censure. He stated he hoped that other aldermen would step up and discipline an alderman who is not following the rules. Commissioner Bland gave an example likening censure to the criminal justice system and stated that it would bring items to light by allowing a two-prong approach. He stressed that when and how many times censure would be used would be up to the Board of Aldermen; however, it would give them a more thorough way to police themselves.

Martha Duchild, 9158 General Grant Lane, stated that she does not agree with the Board of Aldermen members policing themselves. She stated that in order to avoid the appearance of subjectivity, if censure was added, it should have stated offenses, like forfeiture of office does. Commissioner Bland stated that the Commission had discussed ways to keep censure from being overused or as a weapon against a certain alderman. Chairman Brasfield stated that there currently only seems to be one punishment, forfeiture of office, even if the violation is a minor offense. He stated that other Charters the Commission had reviewed offered another punishment for lesser offenses. Ms. Duchild stated that she understood the reason for wanting another remedy, but believed that specific grounds for censure and the number of times censure could be



used should be stated. Chairman Brasfield stated that the Commission understood her concerns and thanked her for bringing them up.

**End Public Hearing comments on Censure (5/17/05)**

**Commissioners comments (5/17/05)**

Commissioner Alexander reiterated that the Charter Review Commission is not making policy; it is simply considering suggestions and possible revisions which might be made. She stated that when she was an Alderman, she could not have imagined revoking the vote of the people by removing an elected official from office. She stated that that was her reasoning behind considering censure as a warning for less egregious offenses. (5/17/05)

Commissioner Bell agreed, stating that the current provisions of the Charter appear only to allow for a "firing squad" or nothing in regards to punishing officials for Charter violations. (5/17/05)

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Censure amendment – There was discussion about the suggestions made about censure in the public forum. John Bell recalled from his research on censure that most Charters that included it left it open how it was used. Censure would be included in the Charter as a method of reprimand. The Board of Aldermen can then adopt a Code of Conduct that addresses the specifics of how/when they might use the method of reprimand. (6/07/05)

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**Section 3.7 (b) ADD - CENSURE/FORFEITURE OF OFFICE** A member of the Board of Aldermen shall forfeit the office if such member (1) lacks at any time during the term of such office any qualification for the office prescribed by this Charter (except as provided in Section 8.4 (c) of this Charter) or required by law. ADD - "A member of the Board of Aldermen shall be subject to either censure or forfeiture of office for violating", AND ELIMINATE "or (2) violates" any prohibition of this Charter.

Commissioner Wagner moved that the changes to add censure as indicated to Section 3.7 (b) be approved. Commissioner Bland seconded the motion. Pat Kapsar expressed her opposition to censure. The Commission discussed the pros and cons. The vote was 5-2. Motion Passed.

**Section 3.8 JUDGE OF QUALIFICATIONS**

The Board of Aldermen shall be the judge of the election and qualifications of the Mayor and members of the Board of Aldermen and of the grounds for ADD – "either censure or" forfeiture of their office and for such purposes shall have power to subpoena witnesses, administer oaths and require the production of evidence. Any person charged with conduct constituting grounds for ADD – "either censure or" forfeiture of office shall be entitled to a public hearing on written request. Decisions made by the Board of Aldermen under this section shall be subject to review by the courts.

Commissioner Brophy moved that the changes to add censure as indicated to Section 3.8 be approved. Commissioner Braun seconded the motion. The vote was 5-2. Motion Passed.

**Section 4.7 (b) –VACANCY; ADD - CENSURE/FOREFEITURE OF OFFICE;FILLING VACANCIES (b) CENSURE/FOREFEITURE OF OFFICE**

The Mayor shall forfeit such office if: (1) at any time during the term of office the Mayor lacks any qualifications prescribed by this Charter or by law. ADD - "The"



ELIMINATE ~~;- or (2) the~~ Mayor ADD - “shall be subject to censure or forfeiture of office for violating” ELIMINATE ~~es~~ any prohibition of this Charter. ( NEW TEXT READS = The Mayor shall be subject to censure or forfeiture of office for violating any prohibition of the Charter.)

Commissioner Braun moved that the changes as indicated to Section 4.7 (b) be approved.  
Commissioner Brophy seconded the motion. The vote was 5-2. Motion Passed.  
(6/21/05)





**Roy Robinson, Mayor**

**Office of the City Clerk**

**AGENDA  
CITY OF CRESTWOOD CHARTER COMMISSION**

**January 17, 2006**

**7:00 - 8:00 p.m.**

**Crestwood Community Center  
9245 Whitecliff Park Lane  
Crestwood, MO 63126**

1. Opening Remarks by Chair
2. Approval of Minutes from November 15, 2005
3. Steps for Voter Education on Charter Amendments
4. Adjourn Sine Die

Anyone with special needs wishing to attend, please phone 729-4700 so that the City may make appropriate accommodations for you.

Posted 1/13/06 @ 4:00 p.m.



# Complete Inventory of Charter

July 12, 2005

## OVERVIEW BY TITLE OF ARTICLE

COVER PAGE & CREDIT'S PAGE = **UPDATED w/ 2005 dates & names**

ARTICLE I INCORPORATION, NAME AND BOUNDARIES **No Change**

ARTICLE II POWERS **No Change**

ARTICLE III BOARD OF ALDERMEN **CHANGES**  
**(KEY ISSUES = TERM LIMITS & CENSURE)**

ARTICLE IV MAYOR **CHANGES (KEY ISSUE = CENSURE)**

ARTICLE V CITY ADMINISTRATOR **MINOR CHANGES**

ARTICLE VI ADMINISTRATIVE ORGANIZATION AND PERSONNEL SYSTEM **No Change**

ARTICLE VII FINANCIAL PROCEDURES **UPDATED to Current practice**

ARTICLE VIII NOMINATIONS AND ELECTIONS **No Change**

ARTICLE IX INITIATIVE AND REFERENDUM **CHANGES %**

ARTICLE X RECALL **CHANGES %**

ARTICLE XI FRANCHISES **No Change**

ARTICLE XII LICENSING, TAXATION AND REGULATION OF BUSINESSES,  
OCCUPATIONS, PROFESSIONS, VOCATIONS ... **No Change**

ARTICLE XIII GENERAL PROVISIONS **MINOR CHANGES**

Article XIV TRANSITIONAL PROVISIONS **No Change**

Article XIV TRANSITIONAL SCHEDULE **UPDATED**



# **A summary of the proposed changes that are considered to be minor and can be bundled together into a single amendment.**

July 12, 2005

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## **Article III BOARD OF ALDERMEN**

**Sec.3.3 QUALIFICATIONS** Clarification to declare a specific aldermanic position (seat held)

**Sec 3.10 LEGISLATIVE PROCEEDINGS (a) MEETINGS:** Under the new sunshine law meetings may be held via the internet and telephone conferencing. Eliminating the requirement that no meetings be held outside the city limits.

**Sec 3.10 (g) PROCEDURE** Clarification of the process of how Bill becomes an ordinance is added { ref to 4.4(b)}.

## **Article IV MAYOR**

**Sec 4.8 CITY ATTORNEY** Remove that phrase "with no right of appeal", as it is unnecessary.

## **Article V CITY ADMINISTRATOR**

**Sec. 5.1 CITY ADMINISTRATOR** Update language: "The City Administrator's compensation and other terms and conditions of employment shall be established by the Mayor, with the approval of..." Compensation would be a better term. Remove "with no right of appeal".

**Sec 5.2 (a) CITY CLERK** Delete the phrase, "...and who shall be a civil service employee". There is no reason that the City Clerk can not be removed from civil service and the employee rank could be treated as other department heads.

**Sec. 5.2 (f) BUDGET AND CAPITAL PROGRAM** Change "five year plans to three year plans."

## **Article VII FINANCIAL PROCEDURES**

**Section 7.1 FISCAL YEAR** Update: The change shall read: The fiscal year of the city shall be the calendar year, unless changed by ordinance.

**Section 7.2 BUDGET(b) capital program** Change "five year period to three year period."

## **ARTICLE IX INITIATIVE AND REFERENDUM & ARTICLE X RECALL**

**Sec. 9.3 PETITIONS (a) & Section 10.3 PETITION (a)** The percentages will be lowered from 12% to 8 % in Sec. 9.3 & from 20% to 15% in Sec. 10.3.

**Sec. 9.3 PETITIONS (b) & Section 10.3 PETITION (b)** The addition of the words, "as provided by the City Clerk" following "approximate cost".

**Sec. 10.3 CHARTER REVIEW COMMITTEE** Clarification That the Charter Review is happen at least every 10 years.

(Cont.)



**Article XIII GENERAL PROVISIONS**

**Section 13.8 CHARTER REVIEW COMMITTEE** The addition of the word "frequently" to Section 13.8 in the first sentence after the word "less".

**Article XV TRANSITIONAL SCHEDULE** Will be revised to reflect 2005 update is taking place.

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**COVER PAGE & CREDIT'S PAGE:** The Cover Page will reflect either the date of adoption or election of the Amended Charter. The Credit's Page reflecting the names and photos of the original Charter Commission will be **retained** and an **additional credit's page will be added** with names and photo of the 2005 Charter Commission.

**(Not part of the amendment but will be updated in reprint of Charter)**

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**LOG  
of  
POSSIBLE  
AMMENDMENTS  
to  
CHARTER**

**CHARTER REVIEW COMMISSION 2005  
CITY OF CRESTWOOD**

**Log by  
Meeting Date  
Section discussed  
Copies of minutes by subject of Section**



**March 1, 2005**

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**Article III BOARD OF ALDERMEN**

**Section 3.4 ELECTION AND TERMS**

**(The Topic of TERM LIMITS will be discussed at a later meeting after data is gathered)**

**Sec 3.4.** Dr. Brophy stated that he thinks this will have to be discussed more than any other issue that is going to be before the commission and will probably need to be discussed several times at length with the public present for some of these discussions as well. That is the issue of **term limits**, particularly with respect to aldermen. The executive branch is commonly term limited. It becomes questionable whether term limits are applied to the legislative branch. When the charter was drawn he was in favor of term limits. It was politically popular to be in favor of term limits at that time. The long-term effects were not really known. Because it was so controversial ten years ago, it was put on the ballot as a separate issue. He believes approximately 75% of voters supported the issue at that time. We can now see the way the term limits are. Currently Crestwood has eight aldermen serving potentially three terms each, a total of nine years. The City stands a risk of periodically losing the majority of the experience on the Board of Aldermen with the term limits as they are currently structured. Some would say there is a need for institution memory. Dr. Brophy stated that he thinks there is a need for an institutional ability to get things done and that the commission needs to examine this issue. The change of the majority of the members of the Board of Aldermen at any one particular time creates a very unstable situation. Dr. Brophy stated that he thinks most people would acknowledge and accept that it takes a year to 18 months to gain the knowledge, confidence and abilities to function properly as an Alderman. He further stated that this is a critical area. Alderman Duwe was asked how many aldermanic terms will expire under the term limit of three terms in the next 24 months. Alderman Duwe answered that four aldermen will have reached their limits. Chairman Brasfield pointed out that term limits are just now starting to create an effect. Dr. Brophy reiterated the importance of discussing the issue. Alderman Duwe added that April 2006 is when the first aldermen will have to leave office due to term limits. Chairman Brasfield initiated putting the issue on the agenda for our next meeting.

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**Section 3.10 LEGISLATIVE PROCEEDINGS**

**Sec 3.10 (f) PROCEDURE** The commission determined that it needs to contact the City Attorney to make sure that this section is clear and in compliance with current state law.  
**Clarification of how a Bill becomes an ordinance could be outlined in this section.**

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**Article IV MAYOR**

**Section 4.3 ELECTION AND TERM**

Term limits for the Mayor will also be examined.



March 15, 2005

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**COVER PAGE &  
CREDIT'S PAGE**

Commissioner John Bell led a discussion on the report he submitted on transitional issues to the Charter Commission. **The Cover Page will reflect either the date of adoption or election of the Amended Charter.** The **Credit's Page** reflecting the names and photos of the **original** Charter Commission will be **retained** and an **additional credit's page will be added** with names ( and possibly photos) of this Commission.

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**Article III BOARD OF ALDERMEN**

**Sec.3.3 QUALIFICATIONS** (reference-recall)

Mr. Golterman expressed that current language is subject to interpretation as to whether each aldermanic seat is a separate office or that the two aldermanic seats from each ward represent a single office. Mr. Golterman expressed that in his view each ward represented a single office. The Charter commission should consider whether to clarify whether the office is declared by the ward or a specific aldermanic position (seat held).

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**Sec 3.10 LEGISLATIVE PROCEEDINGS (a) MEETINGS**

Under the new sunshine law meetings may be held via the internet and telephone conferencing. Consideration should be given to eliminating the requirement that no meetings be held outside the city limits.

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**Sec 3.10 LEGISLATIVE PROCEEDINGS (f) PROCEDURE**

Mr. Golterman stated that the current manner is in compliance. Commissioner John Bell asked whether it would be appropriate to **reference to the aldermanic section to clarify the process for how a bill is adopted** in this section. Chairman Brasfield added that it would be helpful not to have to look in two different places to find out how the process works and noted that a reference might be added here.

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**POSSIBLE ADDITION:**

**{Re: Sections relating to Sec 3.10 (f)}**

The City Attorney also recommends discussing whether a provision should be made for the adoption of **emergency legislation**. This sort of thing is being included in other City Charters. The purpose is to allow emergency legislation in extraordinary circumstances. Commissioner Alexander asked if this is the sort of thing used during a national emergency and is there code already in place to provide for those circumstances. It was confirmed that there was and this would be for a different type of emergency. The Commission did not see a great need to create this type of provision. The City Attorney will provide neighboring cities text that refers to this for further examination.

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March 15, 2005

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POSSIBLE ADDITION:

{Re: Sections relating to conduct of elected officials - Articles III & IV}

The City Attorney also recommends discussing whether a provision should be made for the adoption of **emergency legislation**. This sort of thing is being included in other City Charters. The purpose is to allow emergency legislation in extraordinary circumstances. Commissioner Alexander asked if this is the sort of thing used during a national emergency and is there code already in place to provide for those circumstances. It was confirmed that there was and this would be for a different type of emergency. The Commission did not see a great need to create this type of provision. The City Attorney will provide neighboring cities text that refers to this for further examination.

City Administrator Don Greer brought up the need for clarification in the Charter for interference with the employees. Our current code warns about interference, but no recourse is provided. The current Charter is clear in its intent. The elected official should have open channels of communications with department heads. Employees should be protected from intimidation by elected officials. The Charter of Clayton has nearly the same language as ours in intent, but includes serious repercussions (removal of office) consequences for non compliance. Some sort of recourse spelled out in the Charter would help address the issue when violations occur.

Dr. Brophy suggested a two level recourse, where the first level would provide censure and the second level comes when the violation is serious enough or the violations are repeated.

City Attorney Rob Golterman added that the Charter does not clearly spell out the process for removal from office of an elected official, regardless of the violation of the Charter. Removal from office is not something that would happen very often. It was asked whether the City Code addressed this. There is not currently such language spelled out in the code.

There are sections of the code that need updating. Chairman Brasfield agreed with Dr. Brophy that censure would be a deterrent.

The Commission will review other charters and how they address this issue. **Topics of censure and impeachment should address a variety of violations.** Discussion of this issue will continue next month after more data has been gathered.

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**Article IV MAYOR**

**Sec 4.8 CITY ATTORNEY**

The question had been asked what, "with no right of appeal" refers to. It refers to the right of appeal that is the right of city employees that terminated etc. **The recommendation is to remove that phrase as it is unnecessary.**

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**March 15, 2005**

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**Article V CITY ADMINISTRATOR**

**Sec. 5.1 CITY ADMINISTRATOR**

**Remove "with no right of appeal".**

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**Sec 5.2 POWERS and DUTIES**

**Sec 5.2 (a) CITY CLERK**

The text reads, "...**and who shall be a civil service employee**".

The suggestion was made to **delete the phrase above**. The Charter could authorize the City to adopt classification for the employees to meet the City's needs and provide consistency and clarity. The difference between exempt and non-exempt employees should be clear.

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**Sec. 5.2 (f) BUDGET AND CAPITAL PROGRAM**

Administrator Greer stated that **three year plans were more realistic than five year plans**.

**Sec. 5.2 (g) FINANCE AND ADMINISTRATIVE RECORD**

The language of this **section lacks definition**. The Commission asked the city administrator for some suggestion as to the improvement in this section. The City Administrator said it imperative that the Board of Aldermen has access to the financial record. It is important that the language is clear for protection of future generations of Aldermen and administration.

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**Article VII FINANCIAL PROCEDURES**

**Section 7.1 FISCAL YEAR**

**The fiscal year of the city shall be the calendar year, unless changed by ordinance.**

**Sec. 7.1 has been changed by ordinance and needs to be updated.** The Fiscal year is now the calendar year. The new text should reflect what the current ordinance dictates and allow for change by ordinance.

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**Article XIII GENERAL PROVISIONS**

Dr. Brophy suggested the addition of the word "frequently" to Section 13.8 in the first sentence after the word "less".

**Section 13.8 CHARTER REVIEW COMMITTEE**

**From time to time, but not less frequently than every ten (10) year, the Mayor and Board of Aldermen shall provide for a Charter Review Committee to consider whether any amendments to this Charter are appropriate.**

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**March 15, 2005**

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**Article XV TRANSITIONAL SCHEDULE**

**Sec.15.1 should be revised to reflect this revision will have taken place.** The references to inaugurating a new form of government will be eliminated and it will reflect the revision. The suggested new text reads:

**Section 15.1 PURPOSE OF SCHEDULE**

**The purpose of the following provisions is to promote the orderly transition from the current provisions to the revised provisions of the Charter. The provisions of this Article shall constitute a part of this Charter only to the extent and the time required to accomplish that aim.**

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**Section 15.2 ELECTION TO ADOPT CHARTER**

**Sec. 15.2** would require similar **updating if an election** is necessary. None is known to be necessary at this time. The cost of an election may be less if it was held on an existing election day.

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**Section 15.4 FIRST GENERAL MUNICIPAL ELECTION**

**Section 15.4 should be deleted.**



**March 29, 2005**

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**Article V CITY ADMINISTRATOR**

**Sec. 5.1 CITY ADMINISTRATOR** Dr. Brophy brought up the implications of **use of the language "salary" vs. "compensation package**. The Commission will examine language in other charters that accurately reflects common practices and discuss this again. Compensation and severance packages have become a growing practice in public and private sectors.

**Sec. 5.2 POWERS AND DUTIES**

**Sec. 5.2 (a) CITY CLERK** The question of **exempt and non exempt employees needs clarification. A section that addresses that topic could be added**. This would eliminate the need to specify in individual sections. A model from another charter (Santa Clara, California) was circulated for examination. The Santa Clara Charter contains a section that clarifies exempt and non-exempt employees.

The phrase "**and who shall be a civil service employee**" will be **deleted**. It will allow the Board flexibility in the future. The question was raised to whether there were state laws specifying whether or not the City Clerk position was to be a civil service position. The City Attorney will be contacted about this question.

**Sec. 5.2 (f) BUDGET & CAPITAL IMPROVEMENTS** The decision was made at the last meeting to **Change "five year plans to three year plans."**

**Sec. 5.2 (g) FINANCE AND ADMINISTRATIVE RECORD**

There was discussion as to how the language in this section can be improved. There was discussion whether the addition of a **timeframe** in which to request the report would be beneficial.

**Sec. 5.2 (h) REPORT OF FINANCIAL CONDITION OF CITY**

The question was raised whether sections **(g)** and **(h)** should be reversed in the order they appear. An examination of the original minutes of the Charter Commission might shed some light as to what the intentions of these sections were. The Code also spells out practices that relate to this section. Commissioner Alexander expressed that the Charter language is sufficient and that the City Code holds adequate specifics. Alderman Duwe concurred. **The question still remains whether (g) and (h) should be reversed in order.**

**ARTICLE VI ADMINISTRATIVE ORGANIZATION AND PERSONNEL SYSTEM**

**Sec. 6.1 & Sec 6.2** This is where a **clarification of exempt and non-exempt may be added**.

**ARTICLE VII FINANCIAL PROCEDURES**

**Sec. 7.1** The change shall read: **The fiscal year of the city shall be the calendar year, unless changed by ordinance.**

**Sec. 7.2 (b) –CAPITAL PROGRAM - Update to three year period vs. five.**

**Sec. 7.4 SALE OF BONDS** The City Attorney will be contacted to **see if any other debt instruments besides Bonds should be included in this section.**

Sections 7.3 and 7.4 are tightly regulated by state ordinance.



March 29, 2005

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#### ARTICLE IX INITIATIVE AND REFERENDUM

**Sec 9.3** - Dr. Brophy prepared a handout on the number of voters required for an initiative or referendum. **This matter will be examined to see how our charter varies from the current norm.** The Commission will return to this subject for further discussion at the next meeting. Sec 9.3 (b) indicates that the petitioner shall provide the approximate cost of the election. Dr. Brophy requests that it made clear how that approximate cost could be accessed by the petitioner. **The suggestion was made to add the text, "...as provided by the City Clerk" after the words "approximate cost" in sec. 9.3 (c).** Dr. Brophy added that initiatives and referendums are the opportunity for our citizens to take active involvement in our government.

**Sec 9.3** - Dr. Brophy prepared a handout on the number of voters required for an initiative or referendum. **This matter will be examined to see how our charter varies from the current norm.** The Commission will return to this subject for further discussion at the next meeting. Sec 9.3 (b) indicates that the petitioner shall provide the approximate cost of the election. Dr. Brophy requests that it made clear how that approximate cost could be accessed by the petitioner. **The suggestion was made to add the text, "...as provided by the City Clerk" after the words "approximate cost" in sec. 9.3 (c).** Dr. Brophy added that initiatives and referendums are the opportunity for our citizens to take active involvement in our government.

#### **TERM LIMITS (Re: Sec 3.4 BOA election and term & Sec. 4.3 Mayor election and term)**

Commissioner John Bell shared his research on censure provisions.

Dr. Brophy presented the following comments concerning term limits from Jerry Bratsch. Jerry was a member of the original 1995 Charter Commission and unfortunately needed to resign from the present Charter review commission. Dr. Brophy stated that these comments have a historical perspective and a current perspective and provide an additional view and important information about term limits.

*Term limits was a major issue with the public during the development of the Charter in 95. They were tired of "no change" in representation and frustrated with lack of challengers to aldermanic and mayoral positions. So much so that when the Charter was placed on the ballot in 1995 there were two issues. One on the Charter itself (yes or no) and second, a separate vote "shall there be term limits" yes or no. There should be minutes on file at the City Clerk's office with detail of the discussion leading to the final wording on the ballot.*

*It was recognized that the initial implementation "could" lead to the loss of a number of experienced aldermen at one time; one of the trade offs of term limits. As time passes, the chance of major across the board changes in aldermanic seats is minimal.*

*Unless the public feels they aren't doing their jobs, in which case they should be removed en masse. That's why we vote!!*

*Three year terms were established to allow any alderman to run for the mayor's office while sitting as an alderman. With two year terms, some aldermanic terms expired with the mayor while some alternated with the mayor race. Those aldermen expiring with the mayor were forced to choose between running for alderman or mayor while the alternate alderman could run for mayor while sitting in the aldermanic chair and if he lost he was still an alderman.*

*Three 3-year terms for mayor and aldermen were selected by the Charter Commission members as the limits, feeling that 6 years wasted experience and 9 years was time for change, regardless.*

*Mayoral term limits were driven by the extended period of many, many years of no change in executive leadership brought on by public complacency and lack of competitors. In terms of fairness, all terms for alderman and mayor were extended from two to three years and staggered to provide fair opportunity for any alderman to oppose the mayor during a mayoral race.*



**March 29, 2005**

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Alderman Duwe commented that there is the possibility we will have 4 new board members in 2006. It is possible that by 2007 will have completely new board. The question of term limits was decided by the voters in 1995. Chairman Brasfield raised the question whether the removal of term limits would apply to just the Board of Aldermen and not the Mayor. The difference is recognized between term limits for executive positions and term limits for legislative branches. Term limits are coming into effect in 2006, when the first Aldermen are ineligible to seek re-election. The Commission would like to hear public input on this topic. The City Attorney will be contacted to illustrate what changes would need to be made if a decision is made to get rid of term limits. An election to eliminate term limits would have take place by November in order for the Aldermen who term out to run for re-election in April 2006.



April 19, 2005

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The legal issues discussed last time were addressed by the City Attorney. I

In **Sec. 5.1 CITY ADMINISTRATOR** The question had been raised as to whether the word "salary" was descriptive enough. The City Attorney recommended that the words, "**The City Administrator's compensation and other terms and conditions of employment shall be established by the Mayor, with the approval of...**" Compensation would be a better term.

In **Sec. 5.2 POWERS AND DUTIES** The question had been raised whether the City Clerk needed to be a civil service employee as the Charter now provides. The City Attorney stated that the answer to that question was no. There is no reason that the City Clerk can not be removed from civil service and the employee rank could be treated as other department heads. There is no state or municipal law requiring the City Clerk to be a civil service employee. Eliminating this requirement from the Charter would give flexibility to the Board of Aldermen on this issue.

In **Sec 7.4 SALE OF BONDS**. The City Attorney stated that the current language is appropriate.

**The City Attorney stated that any proposal to eliminate term limits would require that the proposition include specific language referring to current office holders.**

Dr. Brophy asked the City Attorney to clarify the amendment process as referred to in Sec 13.8. The City Attorney stated that all of the amendments could be submitted as an amended Charter. Should there be a specific item that is significant the voters could vote on that item separately.

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#### **ARTICLE X RECALL**

**Section 10.3 PETITION (a) NUMBER OF SIGNATURES** The question was raised whether the number of votes required was reasonable. The current language ties the percentage of signatures to the number of registered voters. Some possible revisions discussed were a percentage tied to the actual number of votes cast in the last election, lowering the percentage to 10%, and lowering the percentage to 15%. In a related issue, **ARTICLE IX INITIATIVE AND REFERENDUM: Sec. 9.3 PETITIONS** (a) the percentage of 12% should perhaps be reduced also to 5% or 6%. **The numbers of 12% for recall and 6% for referendum were proposed.** It was decided to review these numbers again next month before the public hearing, May 17<sup>th</sup>.

**Section 10.3 PETITION (b)** The addition of the words, "as provided by the City Clerk" following "approximate cost" as in Sec. 9.3 PETITIONS (b) was noted.

**ARTICLE XI** –no change

**ARTICLE XII** – no change

**ARTICLE XIII** – no change noted, except for the addition of the word "frequently" in Sec 13.8 as discussed at the March 15<sup>th</sup> meeting.

**Sec.13.1** This is place where censure text could be added. Sec 13.7 It was noted that the charter may be amended with a lower percentage than it takes for initiative, referendum or recall.

**ARTICLE XIV** The question was asked about term limits and if it would effect any language in this Sec 14.2.



**April 19, 2005**

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**ARTICLE XV – Strike out Sec.15.4 and update language in Sec 15.1, Sec 15.2 and Sec 15.3**

The Charter Commission reviewed the Censure Language materials submitted by John Bell. John Bell pointed out that there should be a process of censure where a violation was of a degree not to warrant forfeiture of office. The question was raised as to the definition of the majority of the Board of Aldermen when calling for a vote for forfeiture or censure, as in Sec 3.7. The question was raised whether the majority is defined by the members of the Board of Aldermen elected or the majority of a quorum present at a meeting.

It was generally agreed that the minimum standard for forfeiture or censure should be the same as the standard for passing an ordinance. This standard should reflect that such a measure could not take place on a single legislative day, and that it requires a majority vote of the members of the Board of Aldermen. This should be spelled out in these sections in addition to the censure wording that is proposed to be added. The intent of these additions is not to create something that will be used very often, but to create a deterrent to misconduct. The following is a copy of the text submitted by John Bell

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Here are the affected **sections 3.7, 3.8**, and with deleted text in red and crossed out and new text in red and underlined.

**(c) INTERFERENCE WITH ADMINISTRATION** - Except for the purpose of inquiries and investigations under Section 3.11 of this Charter, the Board of Aldermen or its members shall deal with city officers and employees who are subject to the direction and supervision of the City Administrator solely through the City Administrator, and neither the Board of Aldermen nor its members shall give orders to any such officer or employee, either publicly or privately.

**Section 3.7 VACANCIES; CENSURE/FORFEITURE OF OFFICE; FILLING OF VACANCIES**

**(a) VACANCIES** - The office of a member of the Board of Aldermen shall become vacant upon the member's death, resignation, removal from office in any manner authorized by law, or forfeiture of the member's office.

**(b) CENSURE/FORFEITURE OF OFFICE** - A member of the Board of Aldermen shall forfeit the office if such member lacks at any time during the term of such office any qualification for the office prescribed by this Charter (except as provided in Section 8.4 (c) of this Charter) or required by law. A member of the Board of Aldermen shall be subject to either censure or forfeiture of office for violating any prohibition of this Charter.

**(c) FILLING OF VACANCIES** - A vacancy in the Board of Aldermen shall be filled for the remainder of the unexpired term, if any, at the next general municipal election. Until the person elected to serve the remainder of the unexpired term takes office, the Mayor, with the approval of a majority of the remaining members of the Board of Aldermen, shall appoint a qualified person to serve in such position. If the person nominated by the Mayor is not selected, the Board of Aldermen shall nominate and by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy.

**Section 3.8 JUDGE OF QUALIFICATIONS.**

The Board of Aldermen shall be the judge of the election and qualifications of the Mayor and members of the Board of Aldermen and of the grounds for either censure or forfeiture of their office and for such purposes shall have power to subpoena witnesses, administer oaths and require the production of evidence. Any person charged with conduct constituting grounds for either censure or forfeiture of office shall be entitled to a public hearing on written request. Decisions made by the Board of Aldermen under this section shall be subject to review by the courts.



**April 19, 2005**

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(John Bell Censure research cont.)

**Section 4.7 VACANCY; CENSURE/FORFEITURE OF OFFICE; FILLING OF VACANCIES.**

**(a) VACANCY** - The office of Mayor shall become vacant upon the Mayor's death, resignation, removal from office in any manner authorized by law, or forfeiture.

**(b) CENSURE/FORFEITURE OF OFFICE** - The Mayor shall forfeit such office if at any time during the term of office the Mayor lacks any qualifications prescribed by this Charter or by law. The Mayor shall be subject to censure or forfeiture of office for violating any prohibition of this Charter.

**(c) FILLING OF VACANCY** - If a vacancy occurs in the office of Mayor, the President of the Board of Aldermen shall have all the powers and perform all the duties of the office until a special municipal election is held for the purpose of electing a Mayor for the remainder of the unexpired term. Said election shall be called for the next legally available election day, except that when the vacancy occurs within twelve (12) months immediately preceding the expiration of the Mayor's term, the President of the Board of Aldermen shall continue to act as Mayor until a Mayor is elected at the general municipal election. As Acting Mayor, the President of the Board of Aldermen shall continue to have a vote in the Board, but shall not have the veto power

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**The committee agreed that some language regarding censure and the process will be added.** The City attorney will be asked to survey all sections where such additions would be relevant. The Charter Commission will take up this issue in further detail at the next meeting. The Charter Commission thanked John Bell for his work and research on this topic.

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**TERM LIMITS (Re: Sec 3.4 BOA election and term & Sec. 4.3 Mayor election and term)**

The Charter Commission has come to a consensus to look at term limits for the Board of Aldermen, but not the Mayor. The difference is recognized between term limits for executive positions and term limits for legislative branches. It is believed that most other cities in St. Louis County do not have term limits for their Aldermen. Chairman Brasfield will check with the St. Louis County Municipal league to see how many cities have any sort of term limits. Institutional memory is put at risk when term limits kick in and empty a legislative body. The voters should be given the opportunity to revisit this issue. The Commission does not need to decide whether to be for or against term limits, but to ask is it time for the voters to revisit the issue. The commission is considering bringing this issue back to the voters.



**May 3, 2005**

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**TERM LIMITS (Re: Sec 3.4 BOA election and term & Sec. 4.3 Mayor election and term)**

Dr. Brophy presented information on the issue of term limits. Dr. Brophy suggests that there are both sides of the issue that need to be weighed and that it is a valid issue for discussion and consideration. The question was raised as to whether we were going to present any of the pros & cons on the issue. Chairman Brasfield stated that the main purpose of the public hearing is to hear from the public. Members of the Commission indicated that the impact of term limits has not yet taken place and the public needs to be made aware of the issue.

**CENSURE {Re: Sections relating to conduct of elected officials - Articles III & IV}**

Commissioner Kapsar raised the question of whether or not censure belongs in the charter. Chairman Brasfield answered that the Charter provides for dismissal and censure is seen as a lesser discipline or expression of displeasure. Commissioner Kapsar asked how the measure would be carried out operationally. Chairman Brasfield answered that it would be a motion brought to the floor. It would still be a drastic step to take, but less drastic than a dismissal. It creates a public record of misconduct. Currently there is no authorization for such an act.

**ARTICLE IX INITIATIVE AND REFERENDUM**

Percentages for initiative and referendum are also major issues. The percentage change to propose has not been decided. A hand out was reviewed that compared other percentages. Our current percentages are more restrictive than those in other cities. The question was raised whether the percentage to change the charter should be higher than that for initiative and referendum. Two choices are to have the percentage of signatures based on total registered voters or as a percent of voters in the last election. The Commission will further consider take this issue after the public hearing.



## May 17, 2005 PUBLIC HEARING

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### Public Comments from the Public Hearing on May 17, 2005.

Jim Wolfe, 9165 General Grant Lane, stated that he doesn't see any reason to remove term limits. He stated that there have been many changes in the Board and he believes term limits might get more people involved in running for office. Regarding censure, Mr. Wolfe stated that he does not see a reason why it would be needed. He stated that if there is a flagrant violation of the Charter, the elected official should be dispersed with.

Jim Wolfe, stated that he still did not understand the need for censure. He stated he hoped that other aldermen would step up and discipline an alderman who is not following the rules. Commissioner Bland gave an example likening censure to the criminal justice system and stated that it would bring items to light by allowing a two-prong approach. He stressed that when and how many times censure would be used would be up to the Board of Aldermen; however, it would give them a more thorough way to police themselves.

Robert Duetschmann, 9700 Twincrest, stated he believes term limits should be deleted. He stated that if an elected official is doing a good job, he should be allowed to continue to run and if he is not doing a good job, the people have the choice not to re-elect him.

Denise Mernan, 834 South Sappington, stated that she is opposed to a censure option. She stated that elected officials should be well aware of the provisions of the Charter and if he or she violates the Charter it is a serious matter that requires serious consequences. She asked how many times censure would be used before an official would be dismissed. She stated that she is in favor of keeping term limits and that since term limits are used in all levels of government up to the President of the United States, she sees no reason Crestwood should not have them, too. She stated that she is opposed to reducing the number of signatures required for petition action because they are serious matters and should not be attained easily.

Denise Mernan, stated that she shares the Mayor's concern regarding the Police Chief being allowed to hold another position. She stated that, as a matter of principal, she believes there should be a separation of power.

Mary Lou Parsons, 9872 Amberley, stated that the term limits haven't been tested yet and they should be given a chance. She stated that, as they are now, terms are staggered and that is good. She stated she believes that after a while, elected officials can become complacent and only listen to a small group.

Tom Tench, 9017 Laurelcrest, stated that he is in favor of leaving the term limits as they are for several reasons. He believes that some change on the Board is a good thing and, though he understands that there will be some loss of experience, most of the knowledge remains due to the staggered terms. He stated that he is in favor of leaving the percentage of signatures needed for petitions as they are in the current Charter and does not believe that any petitions have failed due to lack of currently needed signatures.

Faye Clark, 1341 Trelane, asked if there was a high enough percentage of petition signatures which would override the necessity of taking a referendum to the aldermen or to election; a percentage which would simply trigger the matter to take effect. Commissioner Brophy stated that a problem with that would be that if a group gathered enough signatures and simply overturned something by referendum without an election, another group could simply do the same with an initiative and put the matter back into effect. Chairman Brasfield gave a brief history of referendum and initiative in government. He stated that he is not aware of any time in which a referendum or initiative could be completed simply by signatures.



## May 17, 2005 PUBLIC HEARING

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Martha Duchild, 9158 General Grant Lane, asked a question regarding Section 13.8 of the Charter. She stated that the Charter Review Commission is to meet in no less than 10 years, then asked 10 years from what date. Commissioner Brophy ventured that it might be from the date of the Charter's approval and stated that clarifying that language is something that the Commission has discussed as a topic under their "housekeeping" items. Mrs. Duchild asked that the language be clarified in the Charter revision and give a specific date from which that 10 year period began. Commissioner Bland stated that the Commission had consulted the City Attorney at their first meeting to be sure that they were meeting at the proper time in regards to that provision. He stated that the City Attorney believed they were and that the Commission agreed that the language in that section should be clearer.

Ms. Duchild also stated that she is opposed to removing term limits. She stated that no change should be made in something so consequential unless a problem has been proved. Ms. Duchild further stated that she does not believe the number of petition signatures required for action should be lowered because such actions are serious matters and should not be attained easily.

Ms. Duchild asked who would determine what offenses would be disciplined by censure and what offenses would result in removal from elected office. Commissioner Bland, Chairman Brasfield clarified that censure would give the option of a different remedy without establishing a separate set of grounds for disciplinary action. Commissioners Bell and Brophy stated that censure would allow for a warning for lesser offenses and gave examples. Commissioner Brophy stated that the Commission did not consider that censure would be used frequently. Ms. Duchild recommended that if censure is added, that the Charter state the number of censures that would be allowed before the official would be removed from office.

Martha Duchild, stated that she does not agree with the Board of Aldermen members policing themselves. She stated that in order to avoid the appearance of subjectivity, if censure was added, it should have stated offenses, like forfeiture of office does. Commissioner Bland stated that the Commission had discussed ways to keep censure from being overused or as a weapon against a certain alderman. Chairman Brasfield stated that there currently only seems to be one punishment, forfeiture of office, even if the violation is a minor offense. He stated that other Charters the Commission had reviewed offered another punishment for lesser offenses. Ms. Duchild stated that she understood the reason for wanting another remedy, but believed that specific grounds for censure and the number of times censure could be used should be stated. Chairman Brasfield stated that the Commission understood her concerns and thanked her for bringing them up.

Don Maddox, Alderman, 9301 Lavant Drive, suggested that in Section 3.5 of the Charter, the word "diminished" be removed, thereby eliminating the prohibition against lowering elected officials' salaries while they were in office. Regarding Section 5.2(b), he asked if there was an appeals process for dismissed employees who might wish to appeal the decision to someone above the City Administrator. He stated that he was not sure if the Civil Service Board handled such matters but that if there is not a process provided by the Charter, he believes the matter should be considered and possibly added.

Vicki Cross, 1244 Capri, stated that she believes term limits should be removed. She stated that if voters believe a person should not be reelected, they have the chance to vote for any other candidate in that election and do not have to wait for term limits. Regarding censure, she stated that at this time, she does not think it is needed; elected officials should know the rules and abide by them or face the consequence. She further stated that she believes the percentages of signatures needed for petition actions should stay as the currently are.



## May 17, 2005 PUBLIC HEARING

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Don Ulmer, 9141 Desmond Drive, suggested that a public comment time be added at the end of this meeting; Chairman Brasfield agreed to that suggestion. Mr. Ulmer suggested that a recall be extended as an option in regards to City staff, not just elected officials.

Jerry Miguel, Alderman, 1249 Camelot Lane, said that he believes there may be a loophole in Section 3.4 as it is currently written. He stated that the current language leaves open the possibility that an elected official could resign before the end of his or her ninth year of service and still run in the next election because he or she would not have served three successive, "full" three year terms. He further stated that he believes a term limit of two terms, or six years, might be enough and that term limits encourage others to serve.

Regarding censure and a previous example of an elected official speaking directly to a employee without going through the City Administrator for such communications, Alderman Miguel stated that he was under the impression that the City Administrator had given Aldermen permission to speak directly to Department Heads. Commissioner Bland stated that the City Administrator had told the Commission that he had done so, but that the Commission was thinking of future City Administrators and future elected officials over the 10 years until the meeting of the next Charter Review Commission.

Roy Robinson, Mayor, 9165 Cordoba Lane, stated that he believes the Charter should include a provision that no Department Head, including the City Administrator, should hold more than one Department Head position. He stated that if it is necessary for a Department Head to hold more than one such position on a temporary, interim basis while a search is being conducted for a qualified candidate, that provision could be made, but that it should only be allowed on a temporary basis. Commissioner Brasfield asked if Mayor Robinson envisioned this type of provision applying only to Department Heads or if he thought it should also apply to other employees; specifically, would this Charter amendment still allow the Board of Aldermen to combine and streamline departments and positions if they chose. Mayor Robinson replied that he envisioned it only applying to the City Administrator and Department Heads, in order to keep divisions of power; that department and position streamlining in other levels could still be allowed. Commissioner Brophy pointed out that other cities also currently allow Department Heads, such as the Police Chief, to hold the position of City Administrator. Mayor Robinson stated that he disagreed with such a practice.



## **May 17, 2005 PUBLIC HEARING**

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### **Comments from the Charter Commission members at the Public Hearing on May 17, 2005.**

#### **Opening remarks:**

Chairman Brasfield gave a brief summary of the history of this Charter Review Commission. He stated that they began meeting in February and that their process has been to review the current Charter line by line and evaluate if each part is working or they believe changes may need to be made. He stated that their discussions may or may not be the basis for recommending changes to the Charter. He stated the reason for the existence of this commission and the Charter review process as provided for by the Charter.

Chairman Brasfield identified two categories of issues which the Commission had been reviewing. The first category is "housekeeping issues": minor language corrections or clarifications, items included to allow for the transition to becoming a charter city which are no longer relevant, and other items that are not perceived to be controversial. The second category is "major issues": term limits, adding a disciplinary option for elected officials other than dismissal, and reducing the percentage of signatures necessary to begin an initiative, referendum or recall action. He stated that these issues had been discussed but the Commission had not yet decided whether or not to recommend changes in these items to the Board of Aldermen. He stated that the Commission was anxious to hear the thoughts of the public on these or other items regarding the Charter. He stated that the public hearing would be held this evening and that the public was welcome at this and any other meeting of the Charter Review Commission.

Commissioner Bell stated that part of the reason for discussing a change in the required number of petition signatures was due to the fact that fewer signatures were needed to submit a Charter amendment than for any of the other petitionable actions. He also stated that, though term limits exist in the Charter, Crestwood has not yet had any elected officials reach the end of their term limitations.

Commissioner Brophy stated that currently no punishment other than removal from office is available when an Alderman violates the charter. He stated that censure might be an option as an alternative in cases when removal might be too strong a punishment.

#### **Commission Review and Discussion of Public Comments:**

Chairman Brasfield stated that the Commission would now take time to review the comments just made by the public. He said that the Mayor had just raised a major issue in regards to whether or not an appointed official should be allowed to hold a second position with the City. He suggested that the Commission take that issue under consideration.

Commissioner Bell stated in regards to the number of signatures required on petitions, the Commission is considering a suggestion to lower the required number in order to close a loophole which would allow a Charter amendment action with fewer petition signatures than for a referendum or initiative.

Commissioner Brophy said it should be noted that even if the signature requirement was reduced, it would still be far more stringent than any of the other governments of which the Commission is aware. He stated that it should be a goal to encourage citizen participation in their government, not discourage it, and that even at the lower requirement it would still be a fairly significant and difficult hurdle to overcome in order to pursue a referendum, initiative or recall.



## May 17, 2005 PUBLIC HEARING

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Chairman Brasfield stated that there has not been a successful referendum, initiative or recall petition action in the last 10 years. He stated that that could be a result either of the requirements being too high or that there hasn't been an interest in pursuing those options.

Commissioner Brophy commented that there have been one or two instances in which people have expressed to him an interest in pursuing a referendum action, but have been discouraged from doing so either by the inordinate number of signatures required or by the stringent restrictions on which items qualify for referendum action. He quoted the Charter restrictions on which items were protected from referendum action and gave examples.

Commissioner Alexander reiterated that the Charter Review Commission is not making policy; it is simply considering suggestions and possible revisions which might be made. She stated that when she was an Alderman, she could not have imagined revoking the vote of the people by removing an elected official from office. She stated that that was her reasoning behind considering censure as a warning for less egregious offenses.

Commissioner Bell agreed, stating that the current provisions of the Charter appear only to allow for a "firing squad" or nothing in regards to punishing officials for Charter violations.

Commissioner Brophy stated that he was thankful for the public who took the time to come to this meeting and that he will take their comments into consideration. He stated that he notices the lack of unanimity among the public and that there are strong and constructive points of view on both sides of these major issues. He pointed out that that is the reason these types of matters should go to a vote of the full electorate of the city.

Commissioner Kapsar stated that she agrees; this Commission is not making policy. That will be done by the voters, as it should be. She stated that it is the job of this Commission to put forth ideas and that the voters will have the final say on anything that this Commission comes up with.

### **Discussion of Major Issues By Charter Commission:**

Chairman Brasfield asked if the Commissioners had thoughts at this time regarding the major issues; specifically, did anyone care to remark on the Mayor's comments about restricting the City Administrator from holding another office. He asked whether the Commissioners thought such a thing should be included in the Charter or whether that would be a matter to be dealt with by ordinance.

Commissioner Brophy asked if there should be a blanket statement in the Charter that no employee in the City of Crestwood be allowed to hold more than one office or position. Chairman Brasfield stated that it is important to remember that there may be times during which a Department Head may need to hold more than one position during a time of transition. He also stated that the City needed to be careful about putting such a blanket statement in the Charter as it might tie the hands of future Boards who may wish to merge departments or combine positions in ways which might not now be fully anticipated.

Chairman Brasfield stated that, as someone who teaches governmental structure in the abstract, he would tend to be cautionary regarding a City Administrator or Department Head holding more than one position on more than a temporary basis; however, he was not certain if such a prohibition should be made in the governing Charter or by ordinance. Regarding that matter, as well as protection of employees and an appeal process, he stated that philosophically the Charter is to be a broad governing document, while Ordinances and policies are to be used to deal with more detailed needs of the City, such as employee protections, etc.

Commissioner Brophy stated in response to Alderman Maddox's earlier comment regarding removing the prohibition against diminishing elected officials' compensation, he believes that the phrase exists to protect the officials' against coercion.



**June 07, 2005**

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Public comments:

Jim Wolfe, 9165 General Grant Lane. He does not want term limits eliminated. He stated that it is difficult to beat an incumbent and that term limits will allow fresh faces to step forward. He believes that would be good for the Board.

**A motion was made for the Commission to adjourn to a Committee as a Whole**

Chairman Brasfield proposed a two fold procedure on refining the amendments presented. Preliminary votes will be taken as amendments are developed if necessary (Nothing done as the Commission is acting as a Committee as a Whole would be a final determination of the Commission), then at a subsequent meeting, a vote of the Charter Commission will be taken in a formal way before recommending the proposed amendments. This process would allow the Charter Commission to act as a Committee as a Whole to consider proposed legislation informally. A motion was made for the Commission to adjourn to a Committee as a Whole by Alderman Duwe and seconded by Commissioner Wagner. The motion passed.

Legal updating (cover & credit updating) does not have to be the part of the ballot.

It was agreed that Sections 15.1, 15.2, and 15.3 will be updated.

In section 15.3 there should be a reference to when the amendments will take effect. The City Attorney suggested the addition of the following text: "any amendments to this charter shall be in full effect for all purposes on and after the date and time of the certification of the results of the election on the adoption of the said amendments."

Section 15.4 FIRST GENERAL MUNICIPAL ELECTION will be deleted.  
(The City Attorney noted that the original Charter will be retained as part of the official record of the City, as the copies of the original charter will be archived. That will serve as adequate record of the official date of the election concerning the original Charter.)

Sec 4.8 CITY ATTORNEY Remove that phrase "with no right of appeal".

Sec. 5.2 (h) REPORT OF FINANCIAL CONDITION OF CITY The question was raised whether sections (g) and (h) should be reversed in the order they appear and it was decided not to bother changing such a minor detail.

Sec. 9.3 PETITIONS (b) & Section 10.3 PETITION (b) The addition of the words, "as provided by the City Clerk" following "approximate cost".

Section 13.8 CHARTER REVIEW COMMITTEE The addition of the words "but at least once during every ten year period" after the words "time to time".

Sec 3.10 LEGISLATIVE PROCEEDINGS (a) MEETINGS: Delete the last sentence of this section. (Technological changes have occurred and new developments may occur that make the restriction of always meeting within the city limits physically an unreasonable restriction.)

Sec. 5.1 CITY ADMINISTRATOR Remove "with no right of appeal" in the first paragraph & Update language: "The City Administrator's compensation and other terms and conditions of employment shall be established by the Mayor, with the approval..." in the second paragraph.



**June 07, 2005**

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Sec 5.2 (a) CITY CLERK Delete the phrase, "...and who shall be a civil service employee".

Sec. 5.2 (f) BUDGET AND CAPITAL PROGRAM Change "five year plans to three year plans."

Section 7.1 FISCAL YEAR Update: The change shall read: The fiscal year of the city shall be the calendar year, unless changed by ordinance.

Sec.3.3 QUALIFICATIONS Clarification will be added to recognize the office is declared by the ward. (For example a recalled alderman or one that has already served 3 terms can't come back and run for the seat held by the other alderman of the same ward) The City Attorney will prepare language for this clarification.

Sec. 3.4 The City Attorney will provide language to provide clarification on 3 consecutive "elected" terms, unless term limits are eliminated.

Sec 3.10 (f) PROCEDURE An addition of the words "in accordance of Section 4.4(b) should be added to the end of this section.

The following other possible additions from the Housekeeping list were deemed not significant enough to require an amendment:{Sections relating to Sec 3.10 (f)} – no amendment proposed  
Sec. 5.2 (g) FINANCE AND ADMINISTRATIVE RECORD – no amendment proposed  
Sec. 6.1 & Sec 6.2 clarification of exempt and non-exempt. – no amendment proposed.

Term limit amendment- This would be a separate item if proposed. The effective date would be noted in the proposed language. The second paragraph of 3.4 would be eliminated and the City Attorney would provide new language. Chairman Brasfield stated that although the commission may not vote to put this on the ballot, the proposed language should be prepared.

Censure amendment – There was discussion about the suggestions made about censure in the public forum. John Bell recalled from his research on censure that most Charters that included it left it open how it was used. Censure would be included in the Charter as a method of reprimand. The Board of Aldermen can then adopt a Code of Conduct that addresses the specifics of how/when they might use the method of reprimand.

Citizen petition signature requirements – Chairman Brasfield suggested that the formula be developed. First, the Commission decided that the number should remain based on the number of registered voters. Secondly, the Commission decided to use the numbers that they had discussed at the April 19, 2005 meeting to plug into the formula and draft the language, but to think about those numbers before coming back to it next time for a vote.

Chairman Brasfield asked whether the three topics above: Term Limits, Censure, & Signature requirements will be separate issues on the ballot. It was proposed to keep Censure & term limits separate, but possibly include Citizen Petition signature numbers in the housekeeping list. The total number of proposed amendments to put forth on a ballot has yet to be determined. The combinations and number of amendments will be decided next time.

The issue raised by the Mayor about department heads. The question was raised whether or not that was addressed by ordinance and the City Attorney said that yes it was regulated by ordinance currently and allowed with the approval of the Board of Aldermen. The Commission said that this issue should continue to be regulated by ordinance. It was pointed out that budget cuts in small City governments have necessitated that city governments have individuals hold multiple positions. The Commission agreed not to propose an amendment.



June 21, 2005

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**MOTIONS TO APPROVE CHANGES AND CREATE AMENDMENTS TO GO BEFORE THE VOTERS OF CRESTWOOD, MO.**

{ All motions to approve a change are a motion to create an amendment and/or amendments to put before the voters of the City of Crestwood, MO. The number of amendments and which changes are to be bundled together in amendments will then be determined after the approval of the changes proposed – See: NUMBER OF AMENDMENTS section below }

**Section 3.3 - QUALIFICATIONS** ADD - "For purposes of this Section, both seats within a given Ward, constitute the same office."

Commissioner Brophy moved to approve that change and Commissioner Kapsar seconded the motion. Motion passed.

**Section 3.4 – ELECTION AND TERMS** Chairman Brasfield pointed out that there is two different sets of proposed language set forth. City Attorney, Rob Golterman explained that if the proposed change in the first paragraph eliminating term limits was approved by the voters, then the ballot language would specify the exclusion the proposed language of the proposed change in the second paragraph as it would no longer be relevant if term limits were eliminated.

[If recommendation is to eliminate term limits -- language added to end of first paragraph. Delete second paragraph.]

Aldermen shall be elected to terms of three (3) years in duration. The terms of the two (2) Aldermen representing each ward shall be staggered. ADD- "There shall be no limit to the number of terms to which an alderman, including current aldermen can be elected."

~~ELIMINATE — An alderman shall be limited to three (3) successive, full three (3) year terms, not including time served to complete an unexpired term. Such person cannot serve again as alderman in that ward for three (3) years.~~

[Proposed section if term limits retained. First paragraph remains the same. Revise second paragraph.]

Aldermen shall be elected to terms of three (3) years in duration. The terms of the two (2) Aldermen representing each ward shall be staggered.

REVISE Second paragraph to READ: "An alderman cannot be elected to the same office for more than three (3) consecutive full terms. Such person cannot serve again as alderman in that ward for three (3) years."

Chairman Brasfield summarized that if the voters approved the first one (proposed change - elimination of term limits) that the second one (proposed change - control of consecutive terms) would be null and void. However, if term limits are retained by the voters, the desired control would be there and the loop hole of surrendering your seat in an effort to run again in the next election would be eliminated. Commissioner Brophy moved that the changes as indicated to Section 3.4 be approved. Alderman Duwe seconded the motion. The vote was 6-1. Commissioner Pat Kapsar voted to oppose the change. All other Commissioners voted to approve. Motion Passed.



**June 21, 2005**

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**Section 3.7 (b) ADD - CENSURE/FORFEITURE OF OFFICE** A member of the Board of Aldermen shall forfeit the office if such member (1) lacks at any time during the term of such office any qualification for the office prescribed by this Charter (except as provided in Section 8.4 (c) of this Charter) or required by law. ADD - "A member of the Board of Aldermen shall be subject to either censure or forfeiture of office for violating", AND ELIMINATE "-or-(2)-violates" any prohibition of this Charter.

Commissioner Wagner moved that the changes to add censure as indicated to Section 3.7 (b) be approved. Commissioner Bland seconded the motion. Pat Kapsar expressed her opposition to censure. The Commission discussed the pros and cons. The vote was 5-2. Motion Passed.

### **Section 3.8 JUDGE OF QUALIFICATIONS**

The Board of Aldermen shall be the judge of the election and qualifications of the Mayor and members of the Board of Aldermen and of the grounds for ADD - "either censure or" forfeiture of their office and for such purposes shall have power to subpoena witnesses, administer oaths and require the production of evidence. Any person charged with conduct constituting grounds for ADD - "either censure or" forfeiture of office shall be entitled to a public hearing on written request. Decisions made by the Board of Aldermen under this section shall be subject to review by the courts.

Commissioner Brophy moved that the changes to add censure as indicated to Section 3.8 be approved. Commissioner Braun seconded the motion. The vote was 5-2. Motion Passed.

### **Section 3.10 (a) -LEGISLATIVE PROCEEDINGS - MEETINGS**

SECOND PARAGRAPH: All meetings of the Board of Aldermen shall be public meetings, at which the Board of Aldermen shall provide for public comments, unless public access has been restricted pursuant to law. ELIMINATE - ~~In no event shall any meeting of the Board of Aldermen be held outside the city limits.~~

Alderman Duwe moved that the changes as indicated to Section 3.10 (a) be approved. Commissioner Alexander seconded the motion. Motion Passed.

### **Section 3.10 (g) -LEGISLATIVE PROCEEDINGS - EFFECTIVE DATE**

Every ordinance shall become effective upon its adoption ADD - "and approved by the Mayor in accordance with Section 4.4(b)" or at any later date specified therein.

Commissioner Kapsar moved that the changes as indicated to Section 3.10 (g) be approved. Alderman Duwe seconded the motion. Motion Passed.

### **Section 4.7 (b) -VACANCY; ADD - CENSURE/FOREFEITURE OF OFFICE;FILLING VACANCIES (b) CENSURE/FOREFEITURE OF OFFICE**

The Mayor shall forfeit such office if: (1) at any time during the term of office the Mayor lacks any qualifications prescribed by this Charter or by law. ADD - "The" ELIMINATE ~~;-or-(2)-the Mayor~~ ADD - "shall be subject to censure or forfeiture of office for violating" ELIMINATE ~~es~~ any prohibition of this Charter. ( NEW TEXT READS = The Mayor shall be subject to censure or forfeiture of office for violating any prohibition of the Charter.)

Commissioner Braun moved that the changes as indicated to Section 4.7 (b) be approved. Commissioner Brophy seconded the motion. The vote was 5-2. Motion Passed.



**June 21, 2005**

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#### **Section 4.8 CITY ATTORNEY**

THIRD PARAGRAPH: The City Attorney shall receive compensation as determined by ordinance. The City Attorney may be removed on recommendation of the Mayor with the advice and consent of the majority of the Board of Aldermen or by a three-fourths ( $\frac{3}{4}$ ) vote of the authorized membership of the Board of Aldermen on its own initiative, ELIMINATE —with no right of appeal.

Alderman Duwe moved that the changes as indicated to Section 4.8 be approved. Commissioner Wagner seconded the motion. Motion Passed.

#### **Section 5.1 CITY ADMINISTRATOR**

FIRST PARAGRAPH: There shall be a City Administrator nominated by the Mayor and appointed with the advice and consent of a majority of the authorized membership of the Board of Aldermen. The person appointed shall serve for an indefinite term. The City Administrator may be removed on recommendation of the Mayor with the consent of a majority of the authorized membership of the Board of Aldermen, or by a three-fourths ( $\frac{3}{4}$ ) vote of the authorized membership of the Board of Aldermen on its own initiative, -ELIMINATE —with no right of appeal.

Commissioner Brophy moved that "with no right of appeal" be struck from Section 5.1, first paragraph. Commissioner Wagner seconded the motion. Motion Passed.

SECOND PARAGRAPH: The City Administrator ADD —“ 's compensation and other terms and conditions of employment” shall be ELIMINATE - ~~paid a salary in an amount~~ established by the Mayor, with the approval of a majority of the authorized membership of the Board of Aldermen or by a three-fourths ( $\frac{3}{4}$ ) vote of the authorized membership of the Board of Aldermen on its own initiative. The person appointed to the office of City Administrator shall possess such qualifications as provided by ordinance. If the City Administrator becomes incapacitated, a temporary city administrator shall be appointed

Commissioner Alexander moved that the changes as indicated to Section 5.1, second paragraph be approved. Alderman Duwe seconded the motion. Motion Passed.

#### **Section 5.2 (a) CITY CLERK**

The City Administrator shall appoint an officer who shall have the title of City Clerk and ~~who shall be a civil service employee~~. The City Clerk shall keep the record of proceedings of the Board of Aldermen, authenticate by the City Clerk's signature all ordinances and resolutions and record them in full as a permanent record. The City Clerk shall perform such other duties as may be required by law, this Charter, ordinance or the City Administrator.

Commissioner Wagner moved to strike the phrase “ and who shall be a city clerk” from Section 5.2, end of first sentence. Commissioner Alexander seconded the motion. Motion Passed.

**Section 5.2 (f)** The City Administrator shall submit annually a recommended budget and a projected ELIMINATE - ~~five (5)~~ ADD - “three (3)” year capital improvement, replacement, and personnel needs program to the Mayor and Board of Aldermen.

Commissioner Bland moved to change the language to reflect a projected three year capital improvement instead of five. Alderman Duwe seconded the motion. Motion passed.



**June 21, 2005**

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**Section 7.1 FISCAL YEAR**

The fiscal year of the city shall begin on the first day of ADD - "January" ELIMINATE - July and end on the last day of ADD - "December" ELIMINATE - June, unless otherwise set by ordinance.

Commissioner Alexander moved to change the language as indicated to reflect the current practice. Alderman Duwe seconded the motion. Motion passed.

**Section 7.2 BUDGET (b) CAPITAL PROGRAM**

At least forty-five (45) days prior to the beginning of each fiscal year, the City Administrator shall submit to the Board of Aldermen a capital and personnel needs program for at least a ADD - "three (3)" ELIMINATE - ~~five (5)~~ year period, including a list of all proposed capital improvements, replacement and personnel needs with appropriate supporting information, cost estimates, methods of financing, time schedules and the estimated annual cost of operating and maintaining the proposed facilities. The program shall be reviewed and extended each year.

Commissioner Wagner moved to change the language to reflect three years instead of five in Section 7.2 (b). Commissioner Kapsar seconded the motion. Motion passed.

The Charter Commission discussed the proposed number for petition. The consensus was that 8% is a desirable change.

**Section 9.3 PETITIONS (a) NUMBER OF SIGNATURES**

Initiative and referendum petitions shall be signed by qualified voters of the city equal in number to at least ELIMINATE - ~~twelve percent (12%)~~ ADD - "eight percent (8%)" of the total number of voters registered to vote at the last general municipal election.

Alderman Duwe moved to change the required percentage from 12% to 8 % in Section 9.3 (a). Commissioner Brophy seconded the motion. Motion passed.

**Section 9.3 PETITIONS (b) FORM AND CONSENT**

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the printed name and address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered and shall also state the approximate cost of the election, ADD - "as provided by the City Clerk."

Commissioner Alexander moved add the words "as provided by the city clerk" to the end of the last sentence in Section 9.3 (b). Commissioner Wagner seconded the motion. Motion passed.

The Charter Commission discussed the proposed number for recall. The consensus was that 15% is a desirable change.



**June 21, 2005**

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**ARTICLE X RECALL Section 10.3 PETITION (a) NUMBER OF SIGNATURES**

A petition for recall of the Mayor shall be signed by that number of qualified voters of the city equal to at least ELIMINATE - ~~twenty percent (20%)~~ ADD - "fifteen percent (15%)" of the total number of voters registered to vote at the last general city election. A petition for recall of a member of the Board of Aldermen shall be signed by that number of qualified voters eligible to vote at the recall election equal to at least ELIMINATE - ~~twenty percent (20%)~~ ADD - "fifteen percent (15%)" of the total number of voters registered to vote at the last general city election in that member's ward.

Alderman Duwe moved to change the required percentages for recall from 20% to 15 % in Section 10.3 (a). Commissioner Wagner seconded the motion. Motion passed.

**ARTICLE X RECALL Section 10.3 PETITION (b) FORM AND CONSENT**

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the printed name and address of the person signing. Recall petitions shall state the name and office of the elected official sought to be recalled and shall also state the approximate cost of the election, ADD - "as provided by the City Clerk." No petition shall seek the recall of more than one officer.

Commissioner Alexander moved add the words "as provided by the city clerk" to Section 10.3 (b). Commissioner Kapsar seconded the motion. Motion passed.

The Charter Commission discussed **Section 13.1 PERSONAL FINANCIAL INTEREST** in terms of whether or not censure should be included. No motion was made to make any change to this section.

**Section 13.8 CHARTER REVIEW COMMITTEE** From time to time, ADD- "and at least once during each" ELIMINATE - ~~but not less than every ten (10) years period,~~ the Mayor and Board of Aldermen shall provide for a Charter Review Committee to consider whether any amendments to this Charter are appropriate. The members of the Charter Review Committee shall be appointed by the Mayor with the advice and consent of the Board of Aldermen.

Commissioner Bland moved that the changes as indicated to Section 13.8 be approved. Alderman Duwe seconded the motion. Motion passed.

**Section 15.1, 15.2, 15.3, and 15.4** The sections under Article XV, Transitional Schedule are to be revised as follows:

**SECTION 15.1 –PURPOSE OF SCHEDULE** [Revise to read as follows]

The purpose of the following provisions is to promote the orderly transition from the ELIMINATE - ~~present~~ ADD - "current provisions to the amended provisions of the Charter." ELIMINATE - ~~government of the City of Crestwood, Missouri, to the new government provided for in this Charter and to inaugurate the new government under the provisions of this Charter.~~ The provisions of this Article shall constitute a part of this Charter only to the extent and for the time required to accomplish that aim.



**June 21, 2005**

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**SECTION 15.2 –ELECTION TO ADOPT CHARTER** [Revise to read as follows]

ADD - "Any elections pertaining to amendments to" this Charter shall be ELIMINATE - submitted to a vote of the electors of the City of Crestwood at an election to be held on the 7th day of November, 1995. The election shall be administered by the officials charged with the responsibility for the conduct of city elections.

**SECTION 15.3 –TIME OF TAKING EFFECT** [Revise to read as follows]

ADD - "Unless otherwise specified, any amendments to" this Charter shall be in full effect for all purposes on and after the date and time of the certification of the results of the election on the adoption of ELIMINATE - this Charter ADD - "the said amendments."

**SECTION 15.4 –FIRST GENERAL MUNICIPAL ELECTION** [Delete in its entirety.]

———— The first general municipal election shall be held on the 2nd day of April, 1996.

———— One Alderman shall be elected from each ward to the seat expiring in 1996 for a term of two (2) years. This two-year term shall not be subject to the limitations imposed by Section 3.4 of this Charter. Subsequent elections for all aldermanic seats shall be for three (3) year terms, in accordance with Section 3.4 and 3.7 of this Charter.

———— The Mayor shall be elected at large in 1996 with mayoral elections each three (3) years thereafter.

Commissioner Wagner moved that the changes as indicated to ARTICLE XV be approved. Alderman Duwe seconded the motion. Motion passed.

**NUMBER OF AMENDMENTS**

The Charter Commission discussed which of these amendments should be bundled together. The Consensus was that a Term limit amendment should be a separate issue to be brought to the issue. The Censure amendment was discussed as to whether it was controversial enough to warrant its own place on the ballot.

Commissioner Brophy moved that Charter Commission propose three amendments: one for Censure, one for Term Limits, and one general (omnibus) that includes all other proposed changes. Commissioner Braun seconded the motion. Motion passed.



# **Proposed Changes With Minutes**

## **CHARTER REVIEW COMMISSION 2005 CITY OF CRESTWOOD**

### **Log by Section Copies of minutes by subject of Section**

(This version of the Log contains copies of the minutes from discussion by Charter Commission members only – it does not contain any Public comments or the Charter Commission's discussion from the Public Hearing May 17, 2005 – to read the Public comments and discussions of May 17, 2005, please see the version of the Charter Commission minutes titled LOG of POSSIBLE AMMENDMENTS to CHARTER - CHARTER REVIEW COMMISSION 2005 CITY OF CRESTWOOD Log by Meeting Date /Section discussed/Copies of minutes by subject of Section)



## **COVER PAGE & CREDIT'S PAGE**

Commissioner John Bell led a discussion on the report he submitted on transitional issues to the Charter Commission. **The Cover Page will reflect either the date of adoption or election of the Amended Charter.** The **Credit's Page** reflecting the names and photos of the **original** Charter Commission will be **retained** and an **additional credit's page will be added** with names ( and possibly photos) of this Commission. **(3/15/05)**

Legal updating (cover & credit updating) does not have to be the part of the ballot. **(6/7/05)**

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## **ARTICLE I INCORPORATION, NAME AND BOUNDARIES - No Change**

## **ARTICLE II POWERS - No Change**

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### **Article III BOARD OF ALDERMEN**

#### **Sec.3.3 QUALIFICATIONS** (reference-recall)

Mr. Golterman expressed that current language is subject to interpretation as to whether each aldermanic seat is a separate office or that the two aldermanic seats from each ward represent a single office. Mr. Golterman expressed that in his view each ward represented a single office. The Charter commission should consider whether to clarify whether the office is declared by the ward or a specific aldermanic position (seat held). **(3/15/05)**

**Sec.3.3 QUALIFICATIONS** Clarification will be added to recognize the office is declared by the ward. (For example a recalled alderman or one that has already served 3 terms can't come back and run for the seat held by the other alderman of the same ward) The City Attorney will prepare language for this clarification. **(6/7/05)**

**Section 3.3 - QUALIFICATIONS** ADD - "For purposes of this Section, both seats within a given Ward, constitute the same office."

Commissioner Brophy moved to approve that change and Commissioner Kapsar seconded the motion. Motion passed. **(6/21/05)**

### **Section 3.4 ELECTION AND TERMS**

#### **Topic: TERM LIMITS**

**Sec 3.4.** Dr. Brophy stated that he thinks this will have to be discussed more than any other issue that is going to be before the commission and will probably need to be discussed several times at length with the public present for some of these discussions as well. That is the issue of **term limits**, particularly with respect to aldermen. The executive branch is commonly term limited. It becomes questionable whether term limits are applied to the legislative branch. When the charter was drawn he was in favor of term limits. It was politically popular to be in favor of term limits at that time. The long-term effects were not really known. Because it was so controversial ten years ago, it was put on the ballot as a separate issue. He believes approximately 75% of voters supported the issue at that time. We can now see the way the term limits are. Currently Crestwood has eight aldermen serving potentially three terms each, a total of nine years. The City stands a risk of periodically losing the majority of the experience on the



Board of Aldermen with the term limits as they are currently structured. Some would say there is a need for institution memory. Dr. Brophy stated that he thinks there is a need for an institutional ability to get things done and that the commission needs to examine this issue. The change of the majority of the members of the Board of Aldermen at any one particular time creates a very unstable situation. Dr. Brophy stated that he thinks most people would acknowledge and accept that it takes a year to 18 months to gain the knowledge, confidence and abilities to function properly as an Alderman. He further stated that this is a critical area. Alderman Duwe was asked how many aldermanic terms will expire under the term limit of three terms in the next 24 months. Alderman Duwe answered that four aldermen will have reached their limits. Chairman Brasfield pointed out that term limits are just now starting to create an effect. Dr. Brophy reiterated the importance of discussing the issue. Alderman Duwe added that April 2006 is when the first aldermen will have to leave office due to term limits. Chairman Brasfield initiated putting the issue on the agenda for our next meeting. (3/01/05)

#### **TERM LIMITS (Re: Sec 3.4 BOA election and term & Sec. 4.3 Mayor election and term)**

Dr. Brophy presented the following comments concerning term limits from Jerry Bratsch. Jerry was a member of the original 1995 Charter Commission and unfortunately needed to resign from the present Charter review commission. Dr. Brophy stated that these comments have a historical perspective and a current perspective and provide an additional view and important information about term limits.

*Term limits was a major issue with the public during the development of the Charter in 95. They were tired of "no change" in representation and frustrated with lack of challengers to aldermanic and mayoral positions. So much so that when the Charter was placed on the ballot in 1995 there were two issues. One on the Charter itself (yes or no) and second, a separate vote "shall there be term limits" yes or no. There should be minutes on file at the City Clerk's office with detail of the discussion leading to the final wording on the ballot.*

*It was recognized that the initial implementation "could" lead to the loss of a number of experienced aldermen at one time; one of the trade offs of term limits. As time passes, the chance of major across the board changes in aldermanic seats is minimal.*

*Unless the public feels they aren't doing their jobs, in which case they should be removed en masse. That's why we vote!!*

*Three year terms were established to allow any alderman to run for the mayor's office while sitting as an alderman. With two year terms, some aldermanic terms expired with the mayor while some alternated with the mayor race. Those aldermen expiring with the mayor were forced to choose between running for alderman or mayor while the alternate alderman could run for mayor while sitting in the aldermanic chair and if he lost he was still an alderman.*

*Three 3-year terms for mayor and aldermen were selected by the Charter Commission members as the limits, feeling that 6 years wasted experience and 9 years was time for change, regardless.*

*Mayoral term limits were driven by the extended period of many, many years of no change in executive leadership brought on by public complacency and lack of competitors. In terms of fairness, all terms for alderman and mayor were extended from two to three years and staggered to provide fair opportunity for any alderman to oppose the mayor during a mayoral race.*

Alderman Duwe commented that there is the possibility we will have 4 new board members in 2006. It is possible that by 2007 will have completely new board. The question of term limits was decided by the voters in 1995. Chairman Brasfield raised the question whether the removal of term limits would apply to just the Board of Aldermen and not the Mayor. The difference is recognized between term limits for executive positions and term limits for legislative branches. Term limits are coming into effect in 2006, when the first Aldermen are ineligible to seek re-election. The Commission would like to hear public input on this topic. The City Attorney will be contacted to illustrate what changes would need to be made if a decision is made to get rid of



term limits. An election to eliminate term limits would have take place by November in order for the Aldermen who term out to run for re-election in April 2006. (3/29/05)

The City Attorney stated that **any proposal to eliminate term limits would require that the proposition include specific language referring to current office holders.** (4/19/05)

The Charter Commission has come to a consensus to look at term limits for the Board of Aldermen, but not the Mayor. The difference is recognized between term limits for executive positions and term limits for legislative branches. It is believed that most other cities in St. Louis County do not have term limits for their Aldermen. Chairman Brasfield will check with the St. Louis County Municipal league to see how many cities have any sort of term limits. The voters should be given the opportunity to revisit this issue. The Commission does not need to decide whether to be for or against term limits, but to ask is it time for the voters to revisit the issue. **The commission is considering bringing this issue back to the voters.** (4/19/05)

Chairman Brasfield presented his research on term limits in other cities. The Municipal League did a survey and provided the following information about cities with term limits for their council members:

Clayton: 3 – 3 year terms  
Ellisville: 2 – 3 year terms  
Ferguson: 4 -2 year terms  
Kirkwood: 2- 4 year terms  
Richmond Heights: 3 – 4 year terms  
St. Johns: 4 – 3 year terms  
Wildwood: 4 – 2 year terms

Dr. Brophy commented that there are over 90 cities in the St. Louis County area and of those cities he believes that 17 in the county have charters. Chairman Brasfield concurred and added that only a Charter city can set term limits by the voters. Cities that are not Charter Cities are limited by what State laws provide in accordance to what "Class" city they are. Third and fourth class cities do not have term limits.

Dr. Brophy presented information on the issue of term limits. Dr. Brophy suggests that there are both sides of the issue that need to be weighed and that it is a valid issue for discussion and consideration. The question was raised as to whether we were going to present any of the pros & cons on the issue. Chairman Brasfield stated that the main purpose of the public hearing is to hear from the public. Members of the Commission indicated that the impact of term limits has not yet taken place and the public needs to be made aware of the issue.  
(5/03/05)

**Sec. 3.4** The City Attorney will provide language to provide clarification on 3 consecutive "elected" terms, unless term limits are eliminated. (6/7/05) --- in response to Question asked by Alderman Miguel at May 17, 2005 public hearing.

**Term limit amendment-** This would be a separate item if proposed. The effective date would be noted in the proposed language. The second paragraph of 3.4 would be eliminated and the City Attorney would provide new language. Chairman Brasfield stated that although the commission may not vote to put this on the ballot, the proposed language should be prepared. (6/7/05)

**Section 3.4 – ELECTION AND TERMS** Chairman Brasfield pointed out that there is two different sets of proposed language set forth. City Attorney, Rob Golterman explained that if the proposed change in the first paragraph eliminating term limits was approved by the voters, then the ballot language would specify the exclusion the proposed language of the proposed change in the second paragraph as it would no longer be relevant if term limits were eliminated.



[If recommendation is to eliminate term limits -- language added to end of first paragraph. Delete second paragraph.]

Aldermen shall be elected to terms of three (3) years in duration. The terms of the two (2) Aldermen representing each ward shall be staggered. ADD- "There shall be no limit to the number of terms to which an alderman, including current aldermen can be elected."

ELIMINATE — ~~An alderman shall be limited to three (3) successive, full three (3) year terms, not including time served to complete an unexpired term. Such person cannot serve again as alderman in that ward for three (3) years.~~

[Proposed section if term limits retained. First paragraph remains the same. Revise second paragraph.]

Aldermen shall be elected to terms of three (3) years in duration. The terms of the two (2) Aldermen representing each ward shall be staggered.

REVISE Second paragraph to READ: "An alderman cannot be elected to the same office for more than three (3) consecutive full terms. Such person cannot serve again as alderman in that ward for three (3) years."

Chairman Brasfield summarized that if the voters approved the first one (proposed change - elimination of term limits) that the second one (proposed change - control of consecutive terms) would be null and void. However, if term limits are retained by the voters, the desired control would be there and the loop hole of surrendering your seat in an effort to run again in the next election would be eliminated. Commissioner Brophy moved that the changes as indicated to Section 3.4 be approved. Alderman Duwe seconded the motion. The vote was 6-1. Commissioner Pat Kapsar voted to oppose the change. All other Commissioners voted to approve. Motion Passed. (6/21/05)

### **Sec 3.10 LEGISLATIVE PROCEEDINGS (a) MEETINGS**

Under the new sunshine law meetings may be held via the internet and telephone conferencing. Consideration should be given to eliminating the requirement that no meetings be held outside the city limits (3/01/05)

**Sec 3.10 LEGISLATIVE PROCEEDINGS (a) MEETINGS:** Delete the last sentence of this section. (Technological changes have occurred and new developments may occur that make the restriction of always meeting within the city limits physically an unreasonable restriction.) (6/7/05)

### **Section 3.10 (a) –LEGISLATIVE PROCEEDINGS – MEETINGS**

SECOND PARAGRAPH: All meetings of the Board of Aldermen shall be public meetings, at which the Board of Aldermen shall provide for public comments, unless public access has been restricted pursuant to law. ELIMINATE - ~~In no event shall any meeting of the Board of Aldermen be held outside the city limits.~~

Alderman Duwe moved that the changes as indicated to Section 3.10 (a) be approved. Commissioner Alexander seconded the motion. Motion Passed. (6/21/05)

**Sec 3.10 (f) PROCEDURE** The commission determined that it needs to contact the City Attorney to make sure that this section is clear and in compliance with current state law. **Clarification of how a Bill becomes an ordinance could be outlined in this section.** (3/01/05)

### **Sec 3.10 LEGISLATIVE PROCEEDINGS (f) PROCEDURE**



Mr. Golterman stated that the current manner is in compliance. Commissioner John Bell asked whether it would be appropriate to **reference to the aldermanic section to clarify the process for how a bill is adopted** in this section. Chairman Brasfield added that it would be helpful not to have to look in two different places to find out how the process works and noted that a reference might be added here. (3/15/05)

**Sec 3.10 (f) PROCEDURE** An addition of the words "in accordance of Section 4.4(b) should be added to the end of this section. (6/7/05)

### **Section 3.10 (g) –LEGISLATIVE PROCEEDINGS – EFFECTIVE DATE**

Every ordinance shall become effective upon its adoption ADD - "and approved by the Mayor in accordance with Section 4.4(b)" or at any later date specified therein.

Commissioner Kapsar moved that the changes as indicated to Section 3.10 (g) be approved. Alderman Duwe seconded the motion. Motion Passed. (6/21/05)

### **Topic: EMERGENCY LEGISLATION**

The City Attorney also recommends discussing whether a provision should be made for the adoption of **emergency legislation**. This sort of thing is being included in other City Charters. The purpose is to allow emergency legislation in extraordinary circumstances. Commissioner Alexander asked if this is the sort of thing used during a national emergency and is there code already in place to provide for those circumstances. It was confirmed that there was and this would be for a different type of emergency. The Commission did not see a great need to create this type of provision. The City Attorney will provide neighboring cities text that refers to this for further examination. (3/15/05)

**Relating to Sec 3.10 (f)} – no amendment proposed ( emergency prep) (6/7/05)**

### **Topic: CENSURE**

City Administrator Don Greer brought up the need for clarification in the Charter for interference with the employees. Our current code warns about interference, but no recourse is provided. The current Charter is clear in its intent. The elected official should have open channels of communications with department heads. Employees should be protected from intimidation by elected officials. The Charter of Clayton has nearly the same language as ours in intent, but includes serious repercussions (removal of office) consequences for non compliance. Some sort of recourse spelled out in the Charter would help address the issue when violations occur.

Dr. Brophy suggested a two level recourse, where the first level would provide censure and the second level comes when the violation is serious enough or the violations are repeated.

City Attorney Rob Golterman added that the Charter does not clearly spell out the process for removal from office of an elected official, regardless of the violation of the Charter. Removal from office is not something that would happen very often. It was asked whether the City Code addressed this. There is not currently such language spelled out in the code.

There are sections of the code that need updating. Chairman Brasfield agreed with Dr. Brophy that censure would be a deterrent.

The Commission will review other charters and how they address this issue. **Topics of censure and impeachment should address a variety of violations.** Discussion of this issue will continue next month after more data has been gathered. (3/15/05)



The Charter Commission reviewed the Censure Language materials submitted by John Bell. John Bell pointed out that there should be a process of censure where a violation was of a degree not to warrant forfeiture of office. The question was raised as to the definition of the majority of the Board of Aldermen when calling for a vote for forfeiture or censure, as in Sec 3.7. The question was raised whether the majority is defined by the members of the Board of Aldermen elected or the majority of a quorum present at a meeting.

It was generally agreed that the minimum standard for forfeiture or censure should be the same as the standard for passing an ordinance. This standard should reflect that such a measure could not take place on a single legislative day, and that it requires a majority vote of the members of the Board of Aldermen. This should be spelled out in these sections in addition to the censure wording that is proposed to be added. The intent of these additions is not to create something that will be used very often, but to create a deterrent to misconduct. The committee agreed that some language regarding censure and the process will be proposed as an amendment. The City attorney will be asked to survey all sections where such additions would be relevant. The Charter Commission will take up this issue in further detail at the next meeting. The Charter Commission thanked John Bell for his work and research on this topic. (4/19/05)

Commissioner Kapsar raised the question of whether or not censure belongs in the charter. Chairman Brasfield answered that the Charter provides for dismissal and censure is seen as a lesser discipline or expression of displeasure. Commissioner Kapsar asked how the measure would be carried out operationally. Chairman Brasfield answered that it would be a motion brought to the floor. It would still be a drastic step to take, but less drastic than a dismissal. It creates a public record of misconduct. Currently there is no authorization for such an act. (5/03/05)

**Censure amendment** – There was discussion about the suggestions made about censure in the public forum. John Bell recalled from his research on censure that most Charters that included it left it open how it was used. Censure would be included in the Charter as a method of reprimand. The Board of Aldermen can then adopt a Code of Conduct that addresses the specifics of how/when they might use the method of reprimand. (6/7/05)

**Section 3.7 (b) ADD - CENSURE/FORFEITURE OF OFFICE** A member of the Board of Aldermen shall forfeit the office if such member (1) lacks at any time during the term of such office any qualification for the office prescribed by this Charter (except as provided in Section 8.4 (c) of this Charter) or required by law. ADD - "A member of the Board of Aldermen shall be subject to either censure or forfeiture of office for violating", AND ELIMINATE "-or (2)-violates" any prohibition of this Charter.

Commissioner Wagner moved that the changes to add censure as indicated to Section 3.7 (b) be approved. Commissioner Bland seconded the motion. Pat Kapsar expressed her opposition to censure. The Commission discussed the pros and cons. The vote was 5-2. Motion Passed. (6/21/05)

### **Section 3.8 JUDGE OF QUALIFICATIONS**

The Board of Aldermen shall be the judge of the election and qualifications of the Mayor and members of the Board of Aldermen and of the grounds for ADD - "either censure or" forfeiture of their office and for such purposes shall have power to subpoena witnesses, administer oaths and require the production of evidence. Any person charged with conduct constituting grounds for ADD - "either censure or" forfeiture of office shall be entitled to a public hearing on written request. Decisions made by the Board of Aldermen under this section shall be subject to review by the courts.



Commissioner Brophy moved that the changes to add censure as indicated to Section 3.8 be approved. Commissioner Braun seconded the motion. The vote was 5-2. Motion Passed. (6/21/05)

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#### **Article IV MAYOR**

##### **Section 4.3 ELECTION AND TERM**

Term limits for the Mayor will also be examined. (3/01/05)

##### **Section 4.7 (b) –VACANCY; ADD - CENSURE/FOREFEITURE OF OFFICE; FILLING VACANCIES (b) CENSURE/FOREFEITURE OF OFFICE**

The Mayor shall forfeit such office if: (1) at any time during the term of office the Mayor lacks any qualifications prescribed by this Charter or by law. ADD - "The" ELIMINATE ; or (2) the Mayor ADD - "shall be subject to censure or forfeiture of office for violating" ELIMINATE es any prohibition of this Charter. ( NEW TEXT READS = The Mayor shall be subject to censure or forfeiture of office for violating any prohibition of the Charter.)

Commissioner Braun moved that the changes as indicated to Section 4.7 (b) be approved. Commissioner Brophy seconded the motion. The vote was 5-2. Motion Passed. (6/21/05)

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##### **Sec 4.8 CITY ATTORNEY**

The question had been asked what, "with no right of appeal" refers to. It refers to the right of appeal that is the right of city employees that terminated etc. **The recommendation is to remove that phrase as it is unnecessary.** (3/15/05)

**Sec 4.8 CITY ATTORNEY** Remove that phrase "with no right of appeal". (6/7/05)

##### **Section 4.8 CITY ATTORNEY**

THIRD PARAGRAPH: The City Attorney shall receive compensation as determined by ordinance. The City Attorney may be removed on recommendation of the Mayor with the advice and consent of the majority of the Board of Aldermen or by a three-fourths (¾) vote of the authorized membership of the Board of Aldermen on its own initiative, ELIMINATE —with no right of appeal.

Alderman Duwe moved that the changes as indicated to Section 4.8 be approved. Commissioner Wagner seconded the motion. Motion Passed. (6/21/05)

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#### **Article V CITY ADMINISTRATOR**

##### **Sec. 5.1 CITY ADMINISTRATOR**

Remove "with no right of appeal". (3/15/05)

**Sec. 5.1 CITY ADMINISTRATOR** Dr. Brophy brought up the implications of **use of the language "salary" vs. "compensation package"**. The Commission will examine language in other charters that accurately reflects common practices and discuss this again. Compensation and severance packages have become a growing practice in public and private sectors. (3/29/05)



**Sec. 5.1 CITY ADMINISTRATOR** The question had been raised as to whether the word "salary" was descriptive enough. The City Attorney recommended that the words, "**The City Administrator's compensation and other terms and conditions of employment shall be established by the Mayor, with the approval of...**" Compensation would be a better term. (City Attorney recommendation 4/19/05)

**Sec. 5.1 CITY ADMINISTRATOR** Remove "with no right of appeal" in the first paragraph & Update language: "The City Administrator's compensation and other terms and conditions of employment shall be established by the Mayor, with the approval..." in the second paragraph. (6/7/05)

## **Section 5.1 CITY ADMINISTRATOR**

**FIRST PARAGRAPH:** There shall be a City Administrator nominated by the Mayor and appointed with the advice and consent of a majority of the authorized membership of the Board of Aldermen. The person appointed shall serve for an indefinite term. The City Administrator may be removed on recommendation of the Mayor with the consent of a majority of the authorized membership of the Board of Aldermen, or by a three-fourths ( $\frac{3}{4}$ ) vote of the authorized membership of the Board of Aldermen on its own initiative, ~~ELIMINATE —with no right of appeal.~~

Commissioner Brophy moved that "with no right of appeal" be struck from Section 5.1, first paragraph. Commissioner Wagner seconded the motion. Motion Passed. (6/21/05)

**SECOND PARAGRAPH:** The City Administrator ADD —" 's compensation and other terms and conditions of employment" shall be ~~ELIMINATE - paid a salary in an amount~~ established by the Mayor, with the approval of a majority of the authorized membership of the Board of Aldermen or by a three-fourths ( $\frac{3}{4}$ ) vote of the authorized membership of the Board of Aldermen on its own initiative. The person appointed to the office of City Administrator shall possess such qualifications as provided by ordinance. If the City Administrator becomes incapacitated, a temporary city administrator shall be appointed

Commissioner Alexander moved that the changes as indicated to Section 5.1, second paragraph be approved. Alderman Duwe seconded the motion. Motion Passed. (6/21/05)

## **Topic: Department Heads holding more than one office**

**The issue raised by the Mayor about department heads. (at Public Hearing, May 17, 2005)**  
The question was raised whether or not that was addressed by ordinance and the City Attorney said that yes it was regulated by ordinance currently and allowed with the approval of the Board of Aldermen. The Commission said that this issue should continue to be regulated by ordinance. It was pointed out that budget cuts in small City governments have necessitated that city governments have individuals hold multiple positions. The Commission agreed not to propose an amendment. (6/7/05)

## **Sec 5.2 POWERS and DUTIES**

### **Sec 5.2 (a) CITY CLERK**

The text reads, "... **and who shall be a civil service employee**".

The suggestion was made to **delete the phrase above**. The Charter could authorize the City to adopt classification for the employees to meet the City's needs and provide consistency and clarity. The difference between exempt and non-exempt employees should be clear. (3/15/05)



**Sec. 5.2 (a) CITY CLERK** The question of exempt and non exempt employees needs clarification. A section that addresses that topic could be added. This would eliminate the need to specify in individual sections. A model from another charter (Santa Clara, California) was circulated for examination. The Santa Clara Charter contains a section that clarifies exempt and non-exempt employees.

The phrase " **and who shall be a civil service employee**" will be **deleted**. It will allow the Board flexibility in the future. The question was raised to whether there were state laws specifying whether or not the City Clerk position was to be a civil service position. The City Attorney will be contacted about this question. (3/29/05)

**Sec. 5.2 POWERS AND DUTIES** The question had been raised whether the City Clerk needed to be a civil service employee as the Charter now provides. The City Attorney stated that the answer to that question was no. **There is no reason that the City Clerk can not be removed from civil service and the employee rank could be treated as other department heads.** There is no state or municipal law requiring the City Clerk to be a civil service employee. Eliminating this requirement from the Charter would give flexibility to the Board of Aldermen on this issue. (4/19/05)

**Sec 5.2 (a) CITY CLERK** Delete the phrase, "...and who shall be a civil service employee". (6/7/05)

#### **Section 5.2 (a) CITY CLERK**

The City Administrator shall appoint an officer who shall have the title of City Clerk ~~and who shall be a civil service employee~~. The City Clerk shall keep the record of proceedings of the Board of Aldermen, authenticate by the City Clerk's signature all ordinances and resolutions and record them in full as a permanent record. The City Clerk shall perform such other duties as may be required by law, this Charter, ordinance or the City Administrator.

Commissioner Wagner moved to strike the phrase " and who shall be a city clerk" from Section 5.2, end of first sentence. Commissioner Alexander seconded the motion. Motion Passed. (6/21/05)

#### **Sec. 5.2 (f) BUDGET AND CAPITAL PROGRAM**

Administrator Greer stated that **three year plans were more realistic than five year plans**. (3/15/05)

**Sec. 5.2 (f) BUDGET & CAPITAL IMPROVEMENTS** The decision was made at the last meeting to **Change "five year plans to three year plans."** (3/29/05)

**Sec. 5.2 (f) BUDGET AND CAPITAL PROGRAM** Change "five year plans to three year plans." (6/7/05)

**Section 5.2 (f)** The City Administrator shall submit annually a recommended budget and a projected ~~ELIMINATE - five (5)~~ **ADD - "three (3)"** year capital improvement, replacement, and personnel needs program to the Mayor and Board of Aldermen.

Commissioner Bland moved to change the language to reflect a projected three year capital improvement instead of five. Alderman Duwe seconded the motion. Motion passed. (6/21/05)



## **Sec. 5.2 (g) FINANCE AND ADMINISTRATIVE RECORD**

The language of this **section lacks definition**. The Commission asked the city administrator for some suggestion as to the improvement in this section. The City Administrator said it imperative that the Board of Aldermen has access to the financial record. It is important that the language is clear for protection of future generations of Aldermen and administration. **(3/15/05)**

## **Sec. 5.2 (g) FINANCE AND ADMINISTRATIVE RECORD**

There was discussion as to how the language in this section can be improved. There was discussion whether the addition of a **timeframe** in which to request the report would be beneficial. **(3/29/05)**

**Sec. 5.2 (g) FINANCE AND ADMINISTRATIVE RECORD** – no amendment proposed **(6/7/05)**

## **Sec. 5.2 (h) REPORT OF FINANCIAL CONDITION OF CITY**

The question was raised whether sections **(g)** and **(h)** should be reversed in the order they appear. An examination of the original minutes of the Charter Commission might shed some light as to what the intentions of these sections were. The Code also spells out practices that relate to this section. Commissioner Alexander expressed that the Charter language is sufficient and that the City Code holds adequate specifics. Alderman Duwe concurred. **The question still remains whether (g) and (h) should be reversed in order. (3/29/05)**

**Sec. 5.2 (h) REPORT OF FINANCIAL CONDITION OF CITY** The question was raised whether sections (g) and (h) should be reversed in the order they appear and it was decided not to bother changing such a minor detail. **(6/7/05)**

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## **ARTICLE VI ADMINISTRATIVE ORGANIZATION AND PERSONNEL SYSTEM**

**Sec. 6.1 & Sec 6.2** This is where a **clarification of exempt and non-exempt may be added**. **(3/29/05)**

**Sec. 6.1 & Sec 6.2** clarification of exempt and non-exempt. – no amendment proposed. **(6/7/05)**

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## **Article VII FINANCIAL PROCEDURES**

### **Section 7.1 FISCAL YEAR**

**The fiscal year of the city shall be the calendar year, unless changed by ordinance.**

**Sec. 7.1 has been changed by ordinance and needs to be updated.** The Fiscal year is now the calendar year. The new text should reflect what the current ordinance dictates and allow for change by ordinance. **(3/15/05)**

**Sec. 7.1** The change shall read: **The fiscal year of the city shall be the calendar year, unless changed by ordinance. (3/29/05)**

**Section 7.1 FISCAL YEAR** Update: The change shall read: The fiscal year of the city shall be the calendar year, unless changed by ordinance. **(6/7/05)**



## **Section 7.1 FISCAL YEAR**

The fiscal year of the city shall begin on the first day of ADD - "January" ELIMINATE - July and end on the last day of ADD - "December" ELIMINATE - June, unless otherwise set by ordinance.

Commissioner Alexander moved to change the language as indicated to reflect the current practice. Alderman Duwe seconded the motion. Motion passed. (6/21/05)

## **Sec. 7.2 (b) –CAPITAL PROGRAM - Update to three year period vs. five. (3/29/05)**

### **Section 7.2 BUDGET (b) CAPITAL PROGRAM**

At least forty-five (45) days prior to the beginning of each fiscal year, the City Administrator shall submit to the Board of Aldermen a capital and personnel needs program for at least a ADD - "three (3)" ELIMINATE - five (5) year period, including a list of all proposed capital improvements, replacement and personnel needs with appropriate supporting information, cost estimates, methods of financing, time schedules and the estimated annual cost of operating and maintaining the proposed facilities. The program shall be reviewed and extended each year.

Commissioner Wagner moved to change the language to reflect three years instead of five in Section 7.2 (b). Commissioner Kapsar seconded the motion. Motion passed. (6/21/05)

**Sec. 7.4 SALE OF BONDS** The City Attorney will be contacted to **see if any other debt instruments besides Bonds should be included in this section.**

Sections 7.3 and 7.4 are tightly regulated by state ordinance. (3/29/05)

**Sec 7.4 SALE OF BONDS.** The City Attorney stated that the **current language is appropriate** and has a broad legal meaning that would include other types of debt instruments (4/19/05)

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## **ARTICLE IX INITIATIVE AND REFERENDUM**

**Sec 9.3 -** Dr. Brophy prepared a handout on the number of voters required for an initiative or referendum. **This matter will be examined to see how our charter varies from the current norm.** The Commission will return to this subject for further discussion at the next meeting. Sec 9.3 (b) indicates that the petitioner shall provide the approximate cost of the election. Dr. Brophy requests that it made clear how that approximate cost could be accessed by the petitioner. **The suggestion was made to add the text, "...as provided by the City Clerk" after the words "approximate cost" in sec. 9.3 (c).** Dr. Brophy added that initiatives and referendums are the opportunity for our citizens to take active involvement in our government. (3/29/05)

**Sec. 9.3 PETITIONS (b) & Section 10.3 PETITION (b)** The addition of the words, "as provided by the City Clerk" following "approximate cost". (6/7/05)

The Charter Commission discussed the proposed number for petition. The consensus was that 8% is a desirable change.



### **Section 9.3 PETITIONS (a) NUMBER OF SIGNATURES**

Initiative and referendum petitions shall be signed by qualified voters of the city equal in number to at least ELIMINATE - ~~twelve percent (12%)~~ ADD - "eight percent (8%)" of the total number of voters registered to vote at the last general municipal election.

Alderman Duwe moved to change the required percentage from 12% to 8 % in Section 9.3 (a). Commissioner Brophy seconded the motion. Motion passed. (6/21/05)

### **Section 9.3 PETITIONS (b) FORM AND CONSENT**

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the printed name and address of the person signing. Petitions shall contain or have attached thereto throughout their circulation the full text of the ordinance proposed or sought to be reconsidered and shall also state the approximate cost of the election, ADD - "as provided by the City Clerk."

Commissioner Alexander moved add the words "as provided by the city clerk" to the end of the last sentence in Section 9.3 (b). Commissioner Wagner seconded the motion. Motion passed. (6/21/05)

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## **ARTICLE X RECALL**

**Section 10.3 PETITION (a) NUMBER OF SIGNATURES** The question was raised whether the number of votes required was reasonable. The current language ties the percentage of signatures to the number of registered voters. Some possible revisions discussed were a percentage tied to the actual number of votes cast in the last election, lowering the percentage to 10%, and lowering the percentage to 15%. In a related issue, ARTICLE IX INITIATIVE AND REFERENDUM: Sec. 9.3 PETITIONS (a) the percentage of 12% should perhaps be reduced to 5% or 6%. **The numbers of 12% for recall and 6% for referendum were proposed. It was decided to review these numbers again next month before the public hearing, May 17<sup>th</sup>.**

**Section 10.3 PETITION (b)** The addition of the words, "as provided by the City Clerk" following "approximate cost" as in Sec. 9.3 PETITIONS (b) was noted. (4/19/05)

Percentages for initiative and referendum are also major issues. The percentage change to propose has not been decided. A hand out was reviewed that compared other percentages. Our current percentages are more restrictive than those in other cities. The question was raised whether the percentage to change the charter should be higher than that for initiative and referendum. Two choices are to have the percentage of signatures based on total registered voters or as a percent of voters in the last election. The Commission will further consider take this issue after the public hearing.

(5/03/05)

**Sec. 9.3 PETITIONS (b) & Section 10.3 PETITION (b)** The addition of the words, "as provided by the City Clerk" following "approximate cost". (6/7/05)

**Citizen petition signature requirements** – Chairman Brasfield suggested that the formula be developed. First, the Commission decided that the number should remain based on the number of registered voters. Secondly, the Commission decided to use the numbers that they had discussed at the April 19, 2005 meeting to plug into the formula and draft the language, but to think about those numbers before coming back to it next time for a vote. (6/7/05)



The Charter Commission discussed the proposed number for recall. The consensus was that 15% is a desirable change.

#### **ARTICLE X RECALL Section 10.3 PETITION (a) NUMBER OF SIGNATURES**

A petition for recall of the Mayor shall be signed by that number of qualified voters of the city equal to at least ELIMINATE - ~~twenty percent (20%)~~ ADD - "fifteen percent (15%)" of the total number of voters registered to vote at the last general city election. A petition for recall of a member of the Board of Aldermen shall be signed by that number of qualified voters eligible to vote at the recall election equal to at least ELIMINATE - ~~twenty percent (20%)~~ ADD - "fifteen percent (15%)" of the total number of voters registered to vote at the last general city election in that member's ward.

Alderman Duwe moved to change the required percentages for recall from 20% to 15 % in Section 10.3 (a). Commissioner Wagner seconded the motion. Motion passed. (6/21/05)

#### **ARTICLE X RECALL Section 10.3 PETITION (b) FORM AND CONSENT**

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument for filing. Each signature shall be executed in ink or indelible pencil and shall be followed by the printed name and address of the person signing. Recall petitions shall state the name and office of the elected official sought to be recalled and shall also state the approximate cost of the election, ADD - "as provided by the City Clerk." No petition shall seek the recall of more than one officer.

Commissioner Alexander moved add the words "as provided by the city clerk" to Section 10.3 (b). Commissioner Kapsar seconded the motion. Motion passed. (6/21/05)

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#### **ARTICLE XI FRANCHISES – no change**

#### **ARTICLE XII LICENSING, TAXATION AND REG. OF BUSINESSES etc. – no change**

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#### **Article XIII GENERAL PROVISIONS**

No change noted, except for the addition of the word "frequently" in Sec 13.8 as discussed at the March 15<sup>th</sup> meeting. . (4/19/05)

**Sec.13.1 PERSONAL FINANCIAL INTEREST** This is place where censure text could be added. (4/19/05)

The Charter Commission discussed **Section 13.1 PERSONAL FINANCIAL INTEREST** in terms of whether or not censure should be included. No motion was made to make any change to this section. (6/21/05)

#### **Section 13.8 CHARTER REVIEW COMMITTEE**

Dr. Brophy suggested the addition of the word "frequently" to Section 13.8 in the first sentence after the word "less". (3/15/05)



### **Section 13.8 CHARTER REVIEW COMMITTEE**

**From time to time, but not less frequently than every ten (10) year, the Mayor and Board of Aldermen shall provide for a Charter Review Committee to consider whether any amendments to this Charter are appropriate. (3/15/05)**

Section 13.8 CHARTER REVIEW COMMITTEE The addition of the words "but at least once during every ten year period" after the words "time to time". (6/7/05)

**Section 13.8 CHARTER REVIEW COMMITTEE** From time to time, ADD- "and at least once during each" ELIMINATE - ~~but not less than every ten (10) years period~~, the Mayor and Board of Aldermen shall provide for a Charter Review Committee to consider whether any amendments to this Charter are appropriate. The members of the Charter Review Committee shall be appointed by the Mayor with the advice and consent of the Board of Aldermen.

Commissioner Bland moved that the changes as indicated to Section 13.8 be approved. Alderman Duwe seconded the motion. Motion passed. (6/21/05)

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### **ARTICLE XIV TRANSITIONAL PROVISIONS**

The question was asked about term limits and if it would affect any language in this Sec 14.2. (4/19/05)

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### **Article XV TRANSITIONAL SCHEDULE**

**Sec.15.1 should be revised to reflect this revision will have taken place.** The references to inaugurating a new form of government will be eliminated and it will reflect the revision. The suggested new text reads: (3/15/05)

#### **Section 15.1 PURPOSE OF SCHEDULE**

**The purpose of the following provisions is to promote the orderly transition from the current provisions to the revised provisions of the Charter. The provisions of this Article shall constitute a part of this Charter only to the extent and the time required to accomplish that aim. (3/15/05)**

#### **Section 15.2 ELECTION TO ADOPT CHARTER**

**Sec. 15.2** would require similar **updating if an election** is necessary. None is known to be necessary at this time. The cost of an election may be less if it was held on an existing election day. (3/15/05)

#### **Section 15.3 TIME OF TAKING EFFECT**

In **Section 15.3** there should be a reference to when the amendments will take effect. The City Attorney suggested the addition of the following text: "any amendments to this charter shall be in full effect for all purposes on and after the date and time of the certification of the results of the election on the adoption of the said amendments." (6/7/05)



## **Section 15.4 FIRST GENERAL MUNICIPAL ELECTION**

**Section 15.4 should be deleted. (3/15/05)**

**ARTICLE XV – Strike out Sec.15.4 and update language in Sec 15.1, Sec 15.2 and Sec 15.3 (4/19/05)**

**Section 15.4 FIRST GENERAL MUNICIPAL ELECTION** will be deleted. (The City Attorney noted that the original Charter will be retained as part of the official record of the City, as the copies of the original charter will be archived. That will serve as adequate record of the official date of the election concerning the original Charter.) **(6/7/05)**

It was agreed that Sections 15.1, 15.2, and 15.3 will be updated. **(6/7/05)**

**Section 15.1, 15.2, 15.3, and 15.4**The sections under Article XV, Transitional Schedule are to be revised as follows:

### **SECTION 15.1 –PURPOSE OF SCHEDULE [Revise to read as follows]**

The purpose of the following provisions is to promote the orderly transition from the  
ELIMINATE - present ADD - “current provisions to the amended provisions of the Charter.”  
ELIMINATE - government of the City of Crestwood, Missouri, to the new government provided  
for in this Charter and to inaugurate the new government under the provisions of this Charter.  
The provisions of this Article shall constitute a part of this Charter only to the extent and for the  
time required to accomplish that aim.

### **SECTION 15.2 –ELECTION TO ADOPT CHARTER [Revise to read as follows]**

ADD - “Any elections pertaining to amendments to” this Charter shall be ELIMINATE -  
submitted to a vote of the electors of the City of Crestwood at an election to be held on the 7th  
day of November, 1995. The election shall be administered by the officials charged with the  
responsibility for the conduct of city elections.

### **SECTION 15.3 –TIME OF TAKING EFFECT [Revise to read as follows]**

ADD - “Unless otherwise specified, any amendments to” this Charter shall be in full  
effect for all purposes on and after the date and time of the certification of the results of the  
election on the adoption of ELIMINATE - this Charter ADD - “the said amendments.”

### **SECTION 15.4 –FIRST GENERAL MUNICIPAL ELECTION [Delete in its entirety.]**

~~\_\_\_\_\_The first general municipal election shall be held on the 2nd day of April, 1996.~~

~~\_\_\_\_\_One Alderman shall be elected from each ward to the seat expiring in 1996 for a term of two (2) years. This two-year term shall not be subject to the limitations imposed by Section 3.4 of this Charter. Subsequent elections for all aldermanic seats shall be for three (3) year terms, in accordance with Section 3.4 and 3.7 of this Charter.~~

~~\_\_\_\_\_The Mayor shall be elected at large in 1996 with mayoral elections each three (3) years thereafter.~~

Commissioner Wagner moved that the changes as indicated to ARTICLE XV be approved.  
Alderman Duwe seconded the motion. Motion passed. **(6/21/05)**

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## **NUMBER OF AMENDMENTS**

The Charter Commission discussed which of these amendments should be bundled together. The Consensus was that a Term limit amendment should be a separate issue to be brought to the issue. The Censure amendment was discussed as to whether it was controversial enough to warrant its own place on the ballot.

Commissioner Brophy moved that Charter Commission propose three amendments: one for Censure, one for Term Limits, and one general (omnibus) that includes all other proposed changes. Commissioner Braun seconded the motion. Motion passed.



## **SUMMARY OF THE CENSURE ISSUE**

The Charter Commission has come to a consensus to recommend Censure to be added to the Charter as a disciplinary tool.

The reasons that a measure of censure is being recommended are:

- 1) Censure be provided as a warning for less egregious offenses
- 2) Add another tool of discipline other than forfeiture of office
- 3) Most Charters include censure as a method of reprimand

The Charter Commission is recommending that Censure be included in the Charter as a method of reprimand. The Board of Aldermen can then adopt a Code of Conduct that addresses the specifics of how/when they might use the method of reprimand. The Charter Commission felt that although Censure should and would be rarely used; the method should exist for conditions that warrant it. It was generally agreed that the minimum standard for forfeiture or censure should be the same as the standard for passing an ordinance. This standard should reflect that such a measure could not take place on a single legislative day, and that it requires a majority vote of the members of the Board of Aldermen. This standard should be spelled out in Code as agreed upon by the Board of Aldermen.

Please see the Document:

**CENSURE ISSUE LOG of Minutes**

**Re: ARTICLES III BOARD OF ALDERMEN & IV MAYOR**

**Sec.'s 3.7(b), 3.8, & 4.7(b)**

**Minutes concerning Censure by Date**

For a complete list of minutes and comments on Censure



## **SUMMARY OF THE TERM LIMIT ISSUE**

The Charter Commission has come to a consensus to look at term limits for the Board of Aldermen, but not the Mayor. The difference is recognized between term limits for executive positions and term limits for legislative branches. Most other cities in St. Louis County do not have term limits for their Aldermen. The voters should be given the opportunity to revisit this issue. The Commission did not need to decide whether to be for or against term limits, but decided it was time to let the voters revisit the issue.

The reasons that term limits might be eliminated are:

The long term effects of term limits were not really known when they were adopted in 1995. The effects have not yet impacted Crestwood. (April 2006 is when Aldermen will first have to leave office due to term limits)

An election to eliminate term limits would have to take place by November in order for the Aldermen who are about to "term out" to run for re-election in April 2006.

Crestwood will face a major turn over on the BOA in a short period of time and the BOA's "institutional memory" will be lost.

Please see the Document:

**TERM LIMIT ISSUE LOG of Minutes**

**Section 3.4 ELECTION AND TERMS**

**Minutes concerning Term Limits by Date:**

For a complete list of minutes and comments on Term Limits



## TERM LIMIT ISSUE

### Section 3.4 ELECTION AND TERMS

#### Minutes concerning Term Limits by Date:

**Sec 3.4.** Dr. Brophy stated that he thinks this will have to be discussed more than any other issue that is going to be before the commission and will probably need to be discussed several times at length with the public present for some of these discussions as well. That is the issue of **term limits**, particularly with respect to aldermen. The executive branch is commonly term limited. It becomes questionable whether term limits are applied to the legislative branch. When the charter was drawn he was in favor of term limits. It was politically popular to be in favor of term limits at that time. The long-term effects were not really known. Because it was so controversial ten years ago, it was put on the ballot as a separate issue. He believes approximately 75% of voters supported the issue at that time. We can now see the way the term limits are. Currently Crestwood has eight aldermen serving potentially three terms each, a total of nine years. The City stands a risk of periodically losing the majority of the experience on the Board of Aldermen with the term limits as they are currently structured. Some would say there is a need for institution memory. Dr. Brophy stated that he thinks there is a need for an institutional ability to get things done and that the commission needs to examine this issue. The change of the majority of the members of the Board of Aldermen at any one particular time creates a very unstable situation. Dr. Brophy stated that he thinks most people would acknowledge and accept that it takes a year to 18 months to gain the knowledge, confidence and abilities to function properly as an Alderman. He further stated that this is a critical area. Alderman Duwe was asked how many aldermanic terms will expire under the term limit of three terms in the next 24 months. Alderman Duwe answered that four aldermen will have reached their limits. Chairman Brasfield pointed out that term limits are just now starting to create an effect. Dr. Brophy reiterated the importance of discussing the issue. Alderman Duwe added that April 2006 is when the first aldermen will have to leave office due to term limits. Chairman Brasfield initiated putting the issue on the agenda for our next meeting. (3/01/05)

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#### TERM LIMITS (Re: Sec 3.4 BOA election and term & Sec. 4.3 Mayor election and term)

Dr. Brophy presented the following comments concerning term limits from Jerry Bratsch. Jerry was a member of the original 1995 Charter Commission and unfortunately needed to resign from the present Charter review commission. Dr. Brophy stated that these comments have a historical perspective and a current perspective and provide an additional view and important information about term limits.

*Term limits was a major issue with the public during the development of the Charter in 95. They were tired of "no change" in representation and frustrated with lack of challengers to aldermanic and mayoral positions. So much so that when the Charter was placed on the ballot in 1995 there were two issues. One on the Charter itself (yes or no) and second, a separate vote "shall there be term limits" yes or no. There should be minutes on file at the City Clerk's office with detail of the discussion leading to the final wording on the ballot.*

*It was recognized that the initial implementation "could" lead to the loss of a number of experienced aldermen at one time; one of the trade offs of term limits. As time passes, the chance of major across the board changes in aldermanic seats is minimal.*

*Unless the public feels they aren't doing their jobs, in which case they should be removed en masse. That's why we vote!!*

*Three year terms were established to allow any alderman to run for the mayor's office while sitting as an alderman. With two year terms, some aldermanic terms expired with the mayor while some alternated with the mayor race. Those aldermen expiring with the mayor were forced*



*to choose between running for alderman or mayor while the alternate alderman could run for mayor while sitting in the aldermanic chair and if he lost he was still an alderman.*

*Three 3-year terms for mayor and aldermen were selected by the Charter Commission members as the limits, feeling that 6 years wasted experience and 9 years was time for change, regardless.*

*Mayoral term limits were driven by the extended period of many, many years of no change in executive leadership brought on by public complacency and lack of competitors. In terms of fairness, all terms for alderman and mayor were extended from two to three years and staggered to provide fair opportunity for any alderman to oppose the mayor during a mayoral race.*

Alderman Duwe commented that there is the possibility we will have 4 new board members in 2006. It is possible that by 2007 will have completely new board. The question of term limits was decided by the voters in 1995. Chairman Brasfield raised the question whether the removal of term limits would apply to just the Board of Aldermen and not the Mayor. The difference is recognized between term limits for executive positions and term limits for legislative branches. Term limits are coming into effect in 2006, when the first Aldermen are ineligible to seek re-election. The Commission would like to hear public input on this topic. The City Attorney will be contacted to illustrate what changes would need to be made if a decision is made to get rid of term limits. An election to eliminate term limits would have take place by November in order for the Aldermen who term out to run for re-election in April 2006. (3/29/05)

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The City Attorney stated that **any proposal to eliminate term limits would require that the proposition include specific language referring to current office holders.** (4/19/05)

The Charter Commission has come to a consensus to look at term limits for the Board of Aldermen, but not the Mayor. The difference is recognized between term limits for executive positions and term limits for legislative branches. It is believed that most other cities in St. Louis County do not have term limits for their Aldermen. Chairman Brasfield will check with the St. Louis County Municipal league to see how many cities have any sort of term limits. The voters should be given the opportunity to revisit this issue. The Commission does not need to decide whether to be for or against term limits, but to ask is it time for the voters to revisit the issue. **The commission is considering bringing this issue back to the voters.** (4/19/05)

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Chairman Brasfield presented his research on term limits in other cities. The Municipal League did a survey and provided the following information about cities with term limits for their council members:

Clayton: 3 – 3 year terms  
Ellisville: 2 – 3 year terms  
Ferguson: 4 -2 year terms  
Kirkwood: 2- 4 year terms  
Richmond Heights: 3 – 4 year terms  
St. Johns: 4 – 3 year terms  
Wildwood: 4 – 2 year terms

Dr. Brophy commented that there are over 90 cities in the St. Louis County area and of those cities he believes that 17 in the county have charters. Chairman Brasfield concurred and added that only a Charter city can set term limits by the voters. Cities that are not Charter Cities are limited by what State laws provide in accordance to what "Class" city they are. Third and fourth class cities do not have term limits.

Ms. Cindy Tench, 9017 Laurel Crest Drive stated that she is in favor of term limits for Alderman. She pointed out the value of new ideas that new leaders bring. She added that Aldermen make



sacrifices to serve and should step down and enjoy the other parts of their lives. She opposes getting rid of term limits.

Dr. Brophy presented information on the issue of term limits. Dr. Brophy suggests that there are both sides of the issue that need to be weighed and that it is a valid issue for discussion and consideration. The question was raised as to whether we were going to present any of the pros & cons on the issue. Chairman Brasfield stated that the main purpose of the public hearing is to hear from the public. Members of the Commission indicated that the impact of term limits has not yet taken place and the public needs to be made aware of the issue.

(5/03/05)

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#### **Comments from the public hearing about Term Limits May 17,2005.**

Jim Wolfe, 9165 General Grant Lane, stated that he doesn't see any reason to remove term limits. He stated that there have been many changes in the Board and he believes term limits might get more people involved in running for office.

Robert Duetschmann, 9700 Twincrest, stated he believes term limits should be deleted. He stated that if an elected official is doing a good job, he should be allowed to continue to run and if he is not doing a good job, the people have the choice not to re-elect him.

Denise Mernan, 834 South Sappington, stated that she is in favor of keeping term limits and that since term limits are used in all levels of government up to the President of the United States, she sees no reason Crestwood should not have them, too.

Mary Lou Parsons, 9872 Amberley, stated that the term limits haven't been tested yet and they should be given a chance. She stated that, as they are now, terms are staggered and that is good. She stated she believes that after a while, elected officials can become complacent and only listen to a small group.

Tom Tench, 9017 Laurelcrest, stated that he is in favor of leaving the term limits as they are for several reasons. He believes that some change on the Board is a good thing and, though he understands that there will be some loss of experience, most of the knowledge remains due to the staggered terms.

Martha Duchild, 9158 General Grant Lane, stated that she is opposed to removing term limits. She stated that no change should be made in something so consequential unless a problem has been proved

Vicki Cross, 1244 Capri, stated that she believes term limits should be removed. She stated that if voters believe a person should not be reelected, they have the chance to vote for any other candidate in that election and do not have to wait for term limits.

Jerry Miguel, Alderman, 1249 Camelot Lane, said that he believes there may be a loophole in Section 3.4 as it is currently written. He stated that the current language leaves open the possibility that an elected official could resign before the end of his or her ninth year of service and still run in the next election because he or she would not have served three successive, "full" three year terms. He further stated that he believes a term limit of two terms, or six years, might be enough and that term limits encourage others to serve.

#### **End Public Hearing comments on Censure (5/17/05)**

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Jim Wolfe, 9165 General Grant Lane. He does not want term limits eliminated. He stated that it is difficult to beat an incumbent and that term limits will allow fresh faces to step forward. He believes that would be good for the Board. (6/07/05)

Sec. 3.4 The City Attorney will provide language to provide clarification on 3 consecutive "elected" terms, unless term limits are eliminated. (6/07/05)

Term limit amendment- This would be a separate item if proposed. The effective date would be noted in the proposed language. The second paragraph of 3.4 would be eliminated and the City Attorney would provide new language. Chairman Brasfield stated that although the commission may not vote to put this on the ballot, the proposed language should be prepared. (6/07/05)

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**Section 3.4 – ELECTION AND TERMS** Chairman Brasfield pointed out that there is two different sets of proposed language set forth. City Attorney, Rob Golterman explained that if the proposed change in the first paragraph eliminating term limits was approved by the voters, then the ballot language would specify the exclusion the proposed language of the proposed change in the second paragraph as it would no longer be relevant if term limits were eliminated.

[If recommendation is to eliminate term limits -- language added to end of first paragraph. Delete second paragraph.]

Aldermen shall be elected to terms of three (3) years in duration. The terms of the two (2) Aldermen representing each ward shall be staggered. ADD- "There shall be no limit to the number of terms to which an alderman, including current aldermen can be elected."

ELIMINATE ~~An alderman shall be limited to three (3) successive, full three (3) year terms, not including time served to complete an unexpired term. Such person cannot serve again as alderman in that ward for three (3) years.~~

[Proposed section if term limits retained. First paragraph remains the same. Revise second paragraph.]

Aldermen shall be elected to terms of three (3) years in duration. The terms of the two (2) Aldermen representing each ward shall be staggered.

REVISE Second paragraph to READ: "An alderman cannot be elected to the same office for more than three (3) consecutive full terms. Such person cannot serve again as alderman in that ward for three (3) years."

Chairman Brasfield summarized that if the voters approved the first one (proposed change - elimination of term limits) that the second one (proposed change - control of consecutive terms) would be null and void. However, if term limits are retained by the voters, the desired control would be there and the loop hole of surrendering your seat in an effort to run again in the next election would be eliminated. Commissioner Brophy moved that the changes as indicated to Section 3.4 be approved. Alderman Duwe seconded the motion. The vote was 6-1. Commissioner Pat Kapsar voted to oppose the change. All other Commissioners voted to approve. Motion Passed. (6/21/05)