

Charter Review Commission

April 29, 2015

**CITY OF CRESTWOOD  
CHARTER REVIEW COMMISSION  
REGULAR MEETING**

**April 29, 2015**

Wednesday

7:00 P.M.

The Charter Review Commission of the City of Crestwood met at the Government Center on Wednesday, April 29, 2015, at 7:00 p.m.

Alderman Wallach led everyone in the pledge of allegiance.

**Roll Call:**

On roll call, the following members were present:

Rich Bland, excused absence

Paula Kapfer

Chris Pickel

Stephen Davis

Jerry Miguel

Harley Hartzog

Steve Ippolitto

Bob Parsons

Darryl Wallach, Elected Official

**Staff Present:**

Sarah Belcher, Administrative Assistant to the City Administrator and Mayor

**Introductions:**

Alderman Wallach began the meeting by thanking the other Commission members for being there and volunteering their time. He introduced staff member, Sarah Belcher to the rest of the Commission members and proceeded to talk about the Commission, how it meets every 10 years to review the Charter and that the Commission last met in 2005.

**Overview of Charter:**

Alderman Wallach gave a brief synopsis of how he believed the meetings would play out for the remainder of the year and asked the Commission if anyone had been on the 2005 Charter Review Commission, to which everyone replied in the negative. It was noted that absent Commission member Rich Bland had been on the previous Charter Review Commission. Alderman Wallach then expressed his thought that there should be a Chairman for the Commission that would be separate from the Aldermanic seat and noted that choosing a Chairman and Secretary would be a point of the agenda for meeting number two. There was discussion about providing a few sample Charters from other Cities in the St. Louis County area. Commission member, Harley Hartzog, responded in the affirmative and mentioned that he had looked at some City Websites and the Charters were easy to download. The Commission agreed that four sample Charters would be sufficient and provided Maplewood, Webster

and Kirkwood as local ones that would be the most useful. Commission member Chris Pickel asked if anyone had been keeping a running list of items in the past ten years that had been noted as items for the future commission to consider when convened. Alderman Wallach responded in the affirmative and said that he had a list of items.

Alderman Wallach engaged the Commission in discussions regarding schedules and suggested the 4<sup>th</sup> Wednesday of every month to meet. Commission member Jerry Miguel suggested meeting twice a month to move it along more quickly and it was decided that for now, meetings would take place on the 4th Wednesday of the month with the possibility of meeting more frequently after the 4th meeting.

Alderman Wallach engaged in a brief discussion about the definition of General Election in regards to when the Commission needs to bring any changes to the voters. It was decided that the meaning refers to the Elections in April and not in November.

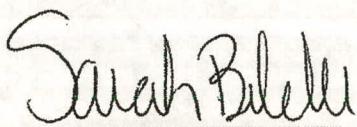
Alderman Wallach asked that staff provide 4 sample Charters to the Commission for review prior to the next meeting. A short discussion ensued about where the next meeting would take place and whether the City Attorney would be involved in the process as far as being able to provide counsel from a legal standpoint. Alderman Wallach questioned whether or not he was a voting member of the body, to which it was discussed and determined that he was, but that it would clarify with the City Attorney. It was reiterated that the next meeting would take place on Wednesday, May 27, 2015, at 7:00 p.m.

**Adjournment:**

There being no further items to discuss, Alderman Wallach asked for a motion to adjourn. Motion to adjourn was made and seconded. On voice vote, motion carried and was declared passed.

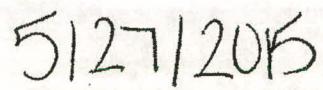
**Meeting adjourned at 7:21 P.M.**

**Respectfully Submitted:**



Sarah Belcher

**Date:**



CITY OF  
**CRESTWOOD**  
MISSOURI  
COMMUNITY FOR A LIFETIME

**CITY OF CRESTWOOD**  
**04/29/2015 CHARTER COMMISSION**  
Crestwood Government Center  
*Wednesday, April 29, 2015 at 07:00 PM*

**AGENDA**

**AGENDA**  
**2015 CHARTER REVIEW COMMISSION**

**CRESTWOOD GOVERNMENT CENTER**

**AGENDA**

**CITY OF CRESTWOOD**  
**CHARTER REVIEW COMMISSION MEETING**  
**BOARD OF ALDERMEN CHAMBERS**  
**ONE DETJEN DRIVE**  
**CRESTWOOD, MO 63126**

1. Introductions
2. Overview of Charter
3. Adjournment

**Posted: Monday, April 27, 2015, at 2:00 PM**

**Due to ongoing City business, all meeting agendas should be considered tentative**

**Anyone with Special Needs wishing to attend, please phone (314)729-4700 so that the City may make appropriate accommodations for you**

**.pdf of Official Posting**  
**Documents: [.pdf of Official Posting](#)**

Charter Review Commission

May 27, 2015

**CITY OF CRESTWOOD  
CHARTER REVIEW COMMISSION  
REGULAR MEETING**

**May 27, 2015**

Wednesday

7:02 P.M.

The Charter Review Commission of the City of Crestwood met at the Government Center on Wednesday, May 27, 2015. The meeting was called to order at 7:02 PM.

Alderman Wallach led everyone in the pledge of allegiance.

**Roll Call:**

On roll call, the following members were present:

Rich Bland,

Paula Kapfer

Chris Pickel

Jerry Miguel

Harley Hartzog

Steve Ippolitto

Bob Parsons

Alderman Darryl Wallach, Elected Official

Stephen Davis, excused absence

**Staff Present:**

Sarah Belcher, Administrative Assistant to the City Administrator and Mayor

Press: Mike Anthony, Call Newspapers

**Approval of Minutes:**

Alderman Wallach requested any corrections or modifications on the Charter Review Commission Meeting Minutes date April, 29, 2015. Commission Member Bob Parsons made a motion to approve the Charter Review Commission Meeting Minutes dated April 29, 2015. Commission Member Chris Pickel seconded the motion. On voice vote, motion passed.

Mr. Pickel asked Alderman Wallach if he had clarified with the City Attorney on whether he was a voting member or not. Alderman Wallach stated that he had clarified with the City Attorney and confirmed that he is able to vote, as long as it's not an issue that would affect a position being a Board of Alderman position.

Alderman Wallach briefly discussed a previous request made to hold the Charter Review Commission Meetings at a table setting instead of the podium setting, and stated that because of audio connection issues involved with a table setting, the Charter Review Commission would continue to hold meetings at the podium.

Alderman Wallach reported that he had consulted with the City Attorney about the Charter's meaning of "General Election" as far as when the Board of Aldermen should introduce any proposed amendments made by the Charter Commission to the voters, and whether that would be at the November elections or April elections. He continued to say that it was the City Attorney's impression that the meaning of "Next General Election" referred to the November elections because the April elections are "General Municipal Elections." A brief discussion ensued about the general election in November versus the general municipal election in April and it was decided that the Commission would continue to consult the City Attorney on this issue.

**Public Comment:**

Alderman Wallach stated that anyone wishing to make public comment would be allowed to do so throughout the meeting as topics were discussed.

**Selection of a Chairperson and Vice President:**

Alderman Wallach opened the floor to nominations for Chairperson. Commission Member Jerry Miguel nominated Commission Member Chris Pickel for Chairperson. Mr. Pickel respectfully declined the nomination and proceeded to nominate Commission Member Stephen Davis, who he noted was absent from that night's meeting. Mr. Pickle continued to state that he had previously told Mr. Davis that he intended to nominate him for the position of Chairperson and Mr. Davis had reciprocated his interest in serving as Chairperson. Alderman Wallach stated that he did not have a problem accepting the nomination even with Mr. Davis' absence and noted that if Mr. Davis wanted to rescind the position of Chairperson at the next meeting, he would be allowed to do so at that time. Mr. Pickel made a motion to nominate Commission Member Stephen Davis for Chairperson and the motion was seconded and accepted by the Board in Mr. Davis' absence. On voice vote, motion passed.

Alderman Wallach opened the floor to nominations for Vice President. Mr. Bob Parsons nominated Commission Member Harley Hartzog for Vice President. Mr. Hartzog accepted the nomination.

Alderman Wallach closed the floor to nominations for Vice President and made a motion nominating Commission Member Harley Hartzog for Vice President and the motion was seconded. On voice vote, motion passed.

**Review and Discuss the Document "Charter Changes for Consideration":**

Alderman Wallach provided the Commission with a copy of the document titled "Charter Changes for Consideration" (Exhibit A-a copy of the document will be filed with these Minutes and is made a part of this journal).

Alderman Wallach noted that the document, "Charter Changes for Consideration," was a list of changes to consider, which he had recorded throughout his tenure on the Board of Aldermen. He continued to state that most of the points have stemmed from various incidents or questions that have arisen during his time on the Board, and mentioned some points for discussion included Section 3.7-Vacancies as they relate to the Board of Aldermen, and Section 5.2 (a) City Clerk Position.

While discussing the City Clerk position, Alderman Wallach passed out a spreadsheet to the Commission (Exhibit B-a copy of the handout will be filed with these Minutes and is made a part of this journal).

The spreadsheet contained a list of twenty (20) cities and indicated whether the City Clerk position in those Cities fell under control of the Board of Aldermen or the City Administrator.

Alderman Wallach continued to note the other points on the list of changes for consideration, which included disciplining the Board of Aldermen and Mayor and Section 6.1 (b) Composition of the City Boards and Commissions. He noted potential housekeeping issues include Section 13.8 Charter Review Committee and Section 2.1 Powers and whether this section clearly defines that ordinances are applicable to provide Home Rule allowance when compared to other Missouri Statutes. Mr. Parsons warned against making the Charter too specific because then it can turn into more of a dictionary and may put unnecessary constraints on the City Administration. He also expressed concerns about the Charter becoming too detailed.

Mr. Miguel inquired about the issue regarding the General Elections held in November and General Municipal Elections held in April. Commission Member Rich Bland noted that in the coming November there will not be a General Election and therefore any changes that the Commission puts forth to the voters would have to be in April, which is considered the General Municipal Elections. The question arose on whether the Commission would be able to do that since the Charter indicates that any changes proposed to the voters needs to go on the ballot at the next General Election, which is held in November. Mr. Bland continued to say that the particular language in the Charter does not accurately distinguish which election or the intent behind using one election over the other. Mr. Pickel noted that most likely, the intent of the original Charter members was that it did not matter what election was used, in reference to April or November, as long as it was not put forth on a Special Election specifically for the proposed changes.

Mr. Miguel inquired about Aldermanic vacancies and a discussion ensued between Mr. Bland and Mr. Miguel regarding the Mayoral appointment of Aldermanic vacancies versus holding a Special Election when a vacancy on the Board occurs. Commission Member Steve Ippolitto inquired about whether these topics were covered under Section 7, which was confirmed. He then suggested moving on to Sections 1-4, as the Commission would discuss the other points during the review of Section 7.

### **Review of the Five Sample City Charters**

Alderman Wallach announced that the next item on the Agenda was the review of the five sample city charters that had been given to the Commission Members prior to the meeting and noted that this item had been added so it could be known that the Commission was given sample charters for reference. The city charters provided included Creve Coeur, Webster Groves, Bridgeton, Clayton and Richmond Heights.

Mr. Miguel noted that in three or four of the sample charters, the City Clerk Position reported to the Board of Aldermen. Mr. Parsons indicated that he had also made a note of that when reviewing the sample charters.

### **Review of Sections 1 through 4**

#### **Article I**

**Section 1.1-**There were no changes initiated.

#### **Article II**

**Section 2.1-** Alderman Wallach questioned whether the home rule allowance was clearly defined. Mr. Hartzog indicated that it seemed consistent to what the other charters had defined and believes the section is clear in stating that it's a home rule charter. Alderman Wallach referred to the City of Bridgeton's charter as an example in how it re-emphasizes that it's a home rule upfront and goes into more detail as to the powers that the City may have when compared to the State of Missouri. Alderman Wallach then reiterated that he would like to see this section more strengthened. Mr. Bland indicated

that the section clearly defines home rule powers, but suggested tightening up the language that Crestwood is a home rule city. Mr. Pickel concurred that this section was consistent with the sample charters, but referred to the City of Clayton's charter as an example of more clearly defining home rule allowance, and Mr. Hartzog suggested adopting the language used in Clayton's charter for this section. Mr. Miguel questioned the intent of changing the language, and Alderman Wallach clarified that the intent would be to make it clearer so it would allow a City ordinance to override state statute when allowed by the state statute. Mr. Parsons noted that a City cannot override state statutes, and home rule can only allow you to rule as far as the state statutes will allow. There was further discussion about clarity of the home rule definition and whether the Crestwood charter clearly defines this. Mr. Bland noted that any changes made by the Commission would still have to go before the voters and packaged in a way where the voters could vote on it. Mr. Parsons referred to the Preamble and how it clearly designates the City of Crestwood a home rule city. Mr. Bland indicated that he would like to see what the previous Charter Review Commission put forth on the ballot in 2005.

**Section 2.2- There were no changes initiated**

### **Article III**

Alderman Wallach noted that Section 3 related to the Board of Aldermen and asked that if anyone in the audience had any questions or comments thus far, they could approach the podium.

Ismaine Ayouaz, 8915 Rusdon Lane, approached the podium and referred to **Section 3.3 Qualifications**, and stated that it would be good if the Commission would change the qualifications in Section 3.3 to match Revised Missouri Statute 79.070. He went on to read the statute which states that in a Fourth Class City, "no person shall be an alderman unless he or she is at least eighteen years of age, a citizen of the United States and an inhabitant and resident of the city for one year next preceding his or her election, and a resident, at the time he or she files and during the time he or she serves, of the ward from which he or she is elected." Mr. Ayouaz noted that in the Missouri Statute these qualifications are needed at the time of filing, which can change a lot of things for a lot of people. He continued by recommending that the Commission discuss changing the language in Section 3.3 to include eighteen years as the age a person must be, and changing the timeframe in which a person must meet the qualifications from the date a person files for election to the year preceding the election. Mr. Hartzog asked what the advantage of changing that would be. Mr. Ayouaz replied that the current language may prevent someone who is a new citizen in the City and who wants to run for office, from being able to do so, but the language in the Revised Missouri Statute could make it easier for someone in that situation to run for office. Mr. Hartzog noted that had been the intent when the charter was written. Mr. Ayouaz responded that the timeframe to meet the qualifications written in the charter had prevented him from running because he was 19 days short. Mr. Hartzog replied that while he understood the circumstance, changing the timeframe to a year before the filing date could still make someone else 19 days short as well, and the possibility would always be there. Mr. Ayouaz finished his comment by stating that the world is changing very rapidly and he hopes the Commission will keep an open mind when discussing potential changes to the charter.

Alderman Wallach noted that Richmond Heights' charter does distinguish that its one year prior to his or her election which is a slight distinction from what Crestwood's charter states. Mr. Bland inquired about the interpretation between the date of filing for election or on the date of appointment to office.

Ismaine Ayouaz, 8915 Rusdon Lane, asked to approach the podium to address Mr. Bland's inquiry. He stated that he spoke to a lawyer and confirmed that it is in regards to a Mayoral appointment to the Board of Aldermen. Commission Member Paula Kapfer asked Mr. Ayouaz his reasoning for wanting the

age qualification changed from 21 to 18 years. Mr. Ayouaz explained his reasoning that there are more young people who want to be involved in their government and that if a person can go to war at age 18 then they should be able to run for office and represent their government at age 18 as well.

Mr. Hartzog stated that he agreed with Mr. Ayouaz on this point and noted that if the Revised Missouri Statute changed the age qualification to 18 years then he would support changing the Crestwood charter to reflect the same. There was a brief discussion regarding the age requirements for holding office at the state and federal level.

**Section 3.1 and 3.2**-There were no changes initiated.

**Section 3.3**- Alderman Wallach stated that **Section 3.3 Qualifications** is an issue the Commission should circle back on as a future discussion point. Mr. Ippolitto inquired about the whether there should be an expansion in the language “No person may be elected or appointed to the Board of Aldermen who is either delinquent in the payment of any Crestwood taxes or fees,” to include taxes in any jurisdiction and not only limited to Crestwood taxes. There was discussion regarding the logistics and feasibility of changing the language to include any and all taxes. Mr. Hartzog indicated that it should be deferred to the voters to decide if they want to elect someone who is delinquent on their taxes. Mr. Ippolitto suggested taking the word “Crestwood” out of the language. Mr. Miguel indicated that he would prefer to leave it as it is. Mr. Bland questioned how someone could just be delinquent on their Crestwood taxes and suggested that if a person is delinquent on their Crestwood taxes then they are also delinquent on other taxes as well. After further discussion, it was decided that the language should remain as is and that it should be deferred to the voters on whether they want to vote for someone who may be delinquent on their taxes in other jurisdictions.

**Section 3.4**- Mr. Parsons inquired about the last sentence in the section regarding term limits. He went on to state that during the original Charter Commission, term limits had been a serious point of contention among the members, and whether the meaning was limited to three (3) terms total or three (3) terms in a row and then run again after taking a break for a year, and it was his understanding that the intent was that once you serve as an Alderman for nine (9) years, than you’re out and could not be allowed to run again. Mr. Miguel indicated that the language was not changed ten (10) years ago, so it is still the language of the original charter. Mr. Bland discussed the pros and cons of term limits. Mr. Miguel noted that the elimination of term limits was turned down by the voters ten (10) years ago during the previous Charter Review Commission, and it was decided that since the issue was touched on ten (10) years ago, it should be skipped over and left as is.

**Section 3.5**- There were no changes initiated.

**Section 3.6**- Mr. Hartzog inquired about **Section 3.6 (c) Interference with Administration** as it related to the earlier discussion about the role of the City Clerk and whether that position should report to the Board of Aldermen or remain under the City Administrator. It was noted that if the language changed in **Section 5.2 (a) City Clerk**, then the Commission would need to revisit **Section 3.6 (c) Interference with Administration** and update that language as well.

**Section 3.7**- The issue regarding the General Election versus the General Municipal Election was made a point of discussion again as it relates to **(c) Filling of Vacancies**. The overall consensus was that the language should reflect either the next “General Election” and or the next “General Municipal Election,” whichever is the closer of the two (2). Alderman Wallach inquired about a question raised in regards to **(b) Censure/Forfeiture of Office**, due to a recent situation where a member of the Board of Aldermen resigned from office because he had moved out of Crestwood and suggested defining the language to make it clearer. Mr. Parsons referred back to **Section 3.3 Qualifications** and indicated that the language

made it clear on what the qualifications to hold office were. Mr. Pickel concurred with Alderman Wallach that there seemed to be a bit of a loophole and that it should be more clearly defined. There was further discussion on **Section 3.3 Qualifications** as it related to **Section 3.7 (b) Censure/Forfeiture of Office**. It was decided that changing the language in **Section 3.3** to read “and maintain office,” would be sufficient for defining the qualifications needed to run and hold office.

Ismaine Ayoub, 8915 Rusdon Lane, approached the podium and stated that he agreed with the suggestion to add the word maintain into Section 3.3. He then suggested making changes to the code to address the more specific situations that occur.

**Section 3.8 and 3.9-** There were no changes initiated.

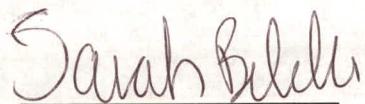
**Section 3.10-** Alderman Wallach inquired about **(c) Rules and Order of Business** and whether the Commission should consider adopting “Robert’s Rules of Order,” or continue to allow the Board to determine their own rules and order of business. After a brief discussion it was decided that the language should remain as is.

Mr. Hartzog made a motion to stop the discussion at Section 3.10 and start addressing the schedule for the upcoming meetings Mr. Pickel seconded the motion. On voice vote, motion passed.

It was decided that the next scheduled meeting would be on Wednesday, June 24, 2015, at 7:00 PM. Hearing no further questions or comments Alderman Wallach made a motion to adjourn the meeting, and Mr. Parsons seconded the motion. On voice vote, motion passed.

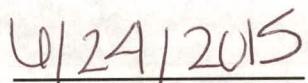
Meeting adjourned at 9:08 PM.

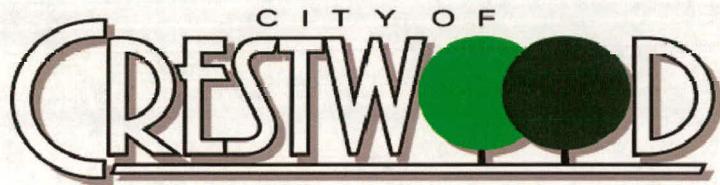
**Respectfully Submitted:**



**Sarah Belcher**

**Date:**





**Darryl Wallach**

**Alderman Ward 1**

May 13, 2015

The purpose of the attached is a short report to reflect questions/inquiries that Board members have noticed during my tenure on the Board of Alderman. This is not meant to be inclusive but are simply suggestions for further consideration...

**CHARTER COMMISSION**

Section 3.7 Vacancies (relating to the Board of Alderman)

Section 5.2 (a) City Clerk position - should the Alderman appoint the city clerk to fall entirely under the selection, control, review and direction of the BOA?

Disciplining BOA/Mayor

Section 6.1 (b) Composition of our Boards/Commission

- Discussions have been raised on the composition, vacancies, removal etc...

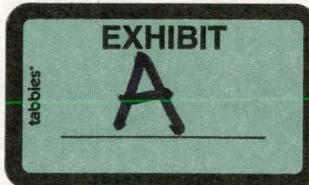
**Potential housekeeping issues....**

Section 13.8 Charter Review Committee

From time to time but not less than every 10 years (this phrase is always confusing...)

Section 2.1 Powers

Clearly define that the ordinances are applicable to provide home rule allowance when applicable compared to MO statutes.



Sincerely,

City	City Adm	City Clerk	Combined	Controls
Brentwood			X	Pleasure of City Council/Also duties by CA
Creve Coeur	X	X	?	Elected by City Council
Sunset Hills		X		Charter/code appointed by council -at will
Kirkwood	X	X		Council shall appoint
Webster	X	X		
Fenton			X	
Wildwood	X	X		Mayor consent of BOA/at will of Mayor/BOA
Eureka	X	X		
Ellisville	X	X		Council per charter shall appoint
Chesterfield	X	X		Pleasure of BOA and CA
Manchester	X	X		BOA elect/ shall also perform duties of CA
				Appoint by Mayor/BOA approved/ at will / shall at all times be subject to the general supervision/direction of CA
Des Peres	X	X	X	
Glendale				Appointed by Mayor - unclassified employee
Florissant				Elected by City council/head of personnel
Overland	X	X		Per charter appointed by Mayor/at-will / other duties by CA
Frontenac	X	X		Elected by City council/General Accountant of the City
Ladue				Elected by City Council/ at-will
Maplewood	X	X		Mayor shall appoint/BOA approve/ also secretary of Mayor
Maryland Heights	X	X	X	
Bridgeton			X	Mayor shall appoint/BOA approve



CITY OF  
**CRESTWOOD**  
MISSOURI  
COMMUNITY FOR A LIFETIME

**CITY OF CRESTWOOD**  
**05/27/2015 CHARTER COMMISSION**  
Crestwood Government Center  
Wednesday, May 27, 2015 at 07:00 PM

**AGENDA**

**AGENDA**  
**2015 CHARTER REVIEW COMMISSION**

**CRESTWOOD GOVERNMENT CENTER**

**AGENDA**

**CITY OF CRESTWOOD**  
**CHARTER REVIEW COMMISSION MEETING**  
**BOARD OF ALDERMEN CHAMBERS**  
**ONE DETJEN DRIVE**  
**CRESTWOOD, MO 63126**

1. Roll Call
2. Approval of Minutes
3. Public Comment
4. Selection of a Chairperson and Vice President
5. Review and discuss the document "Charter Changes for Consideration"
6. Review the five sample city charters produced to the Commission
7. Review Sections 1 through 4 of the Charter to see if there are any areas that need to be discussed in depth and begin discussion of those areas
8. Adjournment

**Posted:**

**Due to ongoing City business, all meeting agendas should be considered tentative**

**Anyone with Special Needs wishing to attend, please phone (314)729-4700 so that the City may make appropriate accommodations for you**

**.pdf of Official Posting**

Charter Review Commission

June 24, 2015

**CITY OF CRESTWOOD  
CHARTER REVIEW COMMISSION  
REGULAR MEETING**

**June 24, 2015**

Wednesday

7:08 P.M.

The Charter Review Commission of the City of Crestwood met at the Government Center on Wednesday, June 24, 2015. The meeting was called to order at 7:08 PM.

Chairman Stephen Davis led everyone in the pledge of allegiance.

**Roll Call:**

On roll call, the following members were present:

Rich Bland, excused absence

Paula Kapfer, excused absence

Chris Pickel, Vice Chairman

Stephen Davis, Chairman

Jerry Miguel

Harley Hartzog

Steve Ippolitto

Bob Parsons, absent

Alderman Darryl Wallach, Elected Official

**Staff Present:**

Mark Sime, City Administrator

Sarah Belcher, Administrative Assistant to the City Administrator and Mayor

Press: Mike Anthony, Call Newspapers

**Approval of Minutes:**

Chairman Davis asked for a motion to approve the Charter Review Commission Meeting Minutes dated May 27, 2015. Commission Member Harley Hartzog made a motion to approve the Charter Review Commission Meeting Minutes dated May 27, 2015. Commission Member Chris Pickel seconded the motion. Commission Member Jerry Miguel noted a few grammatical errors on pages 3, 4 and 5. On voice vote, motion to approve the corrected minutes passed.

**Public Comment:**

Chairman Davis introduced the next item, public comment and noted that public comments were welcome and would be heard at any time throughout the meeting as items were discussed. Hearing no public comments, Chairman Davis moved to the next item on the agenda.

**Old Business:**

Finish Review of Section 4

Chairman Davis introduced the next item, old business and noted that at the last meeting, the commission stopped review at Section 3 and therefore needed to continue with review of Section 4. Before review of Section 4 began, Chairman Davis asked the commission members if there had been any discussion on the number of meetings that would be held or the number of sections that would be reviewed at each meeting. Alderman Wallach responded that there had not been any formal discussion on the number of sections that would be reviewed at each meeting. Alderman Wallach noted that at the previous meeting the Commission was able to get through the end of Section 3 and therefore, it seemed appropriate to finish review of Section 4 and proceed with review of Sections 5 and 6 at that night's meeting.

Alderman Wallach then briefly talked about the document that he had handed out before the meeting, which contained topics the commission had discussed that could be used as a point of reference further down the line (Exhibit A-a copy of this handout will be filed with these minutes and is made a part of this journal).

**Article IV**

**Section 4.1**-There were no changes initiated.

**Section 4.2**-Alderman Wallach pointed out that at the previous meeting, the commission had talked about reviewing the age requirement in **Section 3.3 Qualifications** as it pertains to candidates elected or appointed to the Board of Aldermen and mentioned that it would then be appropriate to consider changing the age requirement for the Mayor position as well. Mr. Miguel mentioned that he had reviewed the five (5) sample city charters that had been provided to the commission, and briefly compared the sections regarding the position of the mayor to that of Crestwood. He concluded by stating that he was comfortable with the age requirements as they stand now. A brief discussion ensued in regards to the age requirement for the Board of Aldermen, and Chairman Davis noted that it seemed the commission was in agreement that everyone was OK with the language regarding the Mayor, but would revisit the Board of Aldermen language at a later date.

**Section 4.3**-Mr. Pickel inquired about the language regarding term limits set forth for the Mayor, and posed the thought that if the Mayor was recalled in the third year of his third term, as the Charter reads now, he could then turn around and run again in the next election. After a very brief discussion, the commission came to the consensus that while the language may be a bit confusing, it is capable of being interpreted and therefore does not need any further review.

**Section 4.4**- Chairman Davis asked for comments or questions relating to **Section 4.4**. Mr. Miguel stated that he had some comments regarding **Section 4.4 (f) Review City Administrator**, and noted that in the past there had been some power struggles between the Board of Aldermen and the Mayor to which the Mayor wanted to act alone in the review of the City Administrator. He went on to suggest that the commission clarify exactly who is allowed to attend the review of the City Administrator. Alderman Wallach noted that during his more recent terms on the Board of Aldermen, a copy of the submission had been provided to the Board Members for review and to comment on if appropriate. Alderman Wallach also noted that there had been a Board Member present, usually the **President of the Board**, during the review of the City Administrator, while the Mayor presided over the review as stated in the Charter. Mr. Hartzog then asked Alderman Wallach if he believed the Board of Aldermen had sufficient input in the review, to which Alderman Wallach replied in the affirmative. Mr. Hartzog then suggested

that the language seemed to be written so that the City Administrator receives a review from the Board of Aldermen and the Mayor. Chairman Davis noted that the section provided some flexibility and went on to state that the system seemed to be working well so he does not see a need at this point to change it. Mr. Pickel concurred and stated that during his time on the Board he remembered providing feedback and seeing the reviews of the City Administrator. After a brief discussion, it was decided that the language in this section should remain as it is.

**Sections 4.5, 4.6**-There were no changes initiated.

Chairman Davis briefly pointed out that when the commission gets to **Section 13.8** as it pertains to amendments submitted by the Charter Review Committee that he would favor clarifying the Charter to say the next "general municipal election."

**Section 4.7**-Mr. Pickel mentioned that at the previous meeting there had been a discussion regarding **Section 3.3 Qualifications**, as it pertained to the Board of Aldermen with the suggestion of adding the word "maintain" as to clarify that an Alderman must maintain residency throughout his or her tenure. Mr. Pickel went on to inquire whether the commission should then be consistent with **Section 4.2 Qualifications** as it pertains to the Mayor and incorporate that same language.

Mr. Pickel made a motion to include language similar to that of **Section 3.3 Qualifications** regarding maintaining the qualifications for the election of the Mayor found in **Section 4.2 Qualifications**. Alderman Wallach seconded the motion. Prior to taking a voice vote, Mr. Miguel mentioned that while he remembers the discussion taking place at the previous meeting, he also remembers that Commission Member Bob Parsons stating that the language had been perfectly clear to him. He went on to state that the language, as it stands now, seemed perfectly clear to him as well. Mr. Pickel acknowledged those points and indicated that his main concern was to keep the language consistent for both sections. The commission came to the conclusion that if at a later date the language in **Section 3.3** is modified to include the word "maintain," then the language in **Section 4.2** should be modified to include that change as well in order to remain consistent.

**Section 4.8**-Mr. Miguel inquired if the term of the City Attorney should be consistent with the term of the Mayor. Alderman Wallach replied that while he understood Mr. Miguel's inquiry, he was comfortable with the current language.

Chairman Davis requested questions or comments at the conclusion of **Article IV**. Seeing none, he moved on to the next item on the agenda.

**Report on Charter Changes for Consideration by City Administrator Mark Sime:**

Chairman Davis asked Mr. Sime to approach the podium for his report to the Commission.

Mark Sime, City Administrator, approached the podium and stated that he had reviewed **Section 5** and **Section 6** in their entirety and he was comfortable with the way **Article V** is laid out. He continued by saying that while there was discussion last year on **Section 5.2 (a)**, he is very comfortable with the way it is laid out as it stands now. Mr. Sime also reiterated that he is comfortable with the way **Article VI** is written as well. He concluded his report by offering to answer any questions that the Commission may have for him. Alderman Wallach noted that when the discussion about **Section 5.2 (a) City Clerk** occurred last year, the Board took a vote and the vote was split 4-4, and at which time the **Mayor** thought it would be more appropriate for the Charter Review Commission to review and make any proposed changes if need be. Alderman Wallach continued to state that he was comfortable with the way it was written citing the reasoning that the City Administrator is at work every day while the Board

Members are not, therefore it seemed better fit that the City Administrator be able to review the City Clerk position as opposed to any of the Board of Aldermen Members.

Hearing no other questions or comments, Chairman Davis thanked Mr. Sime for his comments and went on to the next item on the agenda.

**Review Sections 5 and 6:**

**Article V**

**Section 5.1**-There were no changes initiated.

**Section 5.2: (a) City Clerk**- Alderman Wallach reiterated that he is comfortable with the way it is written and expressed his belief that it made the most sense with the way our City is organized and noted that the City Clerk is a Civil Service Employee and is afforded Civil Service protection as it stands now. Chairman Davis clarified that the Board has no control over the City Clerk as it stands now, to which Alderman Wallach replied in the affirmative. Mr. Hartzog inquired whether this went before the voters in 2006. The Commission referred to the document that had been passed out prior to the start of the meeting titled, "Information on the proposed Charter Amendments to be put before the voters November 2006" (Exhibit B-a copy of this handout will be filed with these minutes and is made a part of this journal).

After a brief discussion, it was unconfirmed whether the items on Exhibit B actually made it on the ballot 2006, but the Commission concluded that there had not been any compelling arguments to change **Section 5.2 (a) City Clerk**, and therefore the language should remain as is.

**Section 5.2: (b) Appointment and Removal of Employees**-Mr. Miguel provided the Commission with a brief story about an experience he once had, which he then tied in to his suggestion that the Finance Officer report to the Board of Aldermen. Mr. Pickel pointed out that the current structure the City has in place is that the Department Heads report to the City Administrator and suggested it would be unfair to put any individual in a position where they have to answer to eight (8) different people that may change every two (2) years. Chairman Davis concurred and stated that he believed the City Administrator needed to have control over the department heads. Mr. Miguel continued by stating that he believed the City Administrator's ability to remove employees without Board approval was too much power for an individual to possess and suggested changing the language to reflect Mayoral and majority Board approval before the suspension or removal of an employee. Chairman Davis responded by stating that through his experience as a former Government Agency Administrator he did not think that suggestion to be a workable or feasible option. Mr. Hartzog inquired if that was the reason the Charter was written the way it was, to which Chairman Davis responded in the affirmative and stated that elected officials should not be involved in the discipline of an employee and that should be the sole responsibility of the Administrator. Mr. Hartzog invited Mr. Sime up to the podium to provide information or input he may have regarding this discussion.

Mark Sime, City Administrator, approached the podium and stated that for good order and discipline, the City Administrator needs to have the capability, ability and responsibility to administer discipline and reward to every employee underneath him, which also includes department heads. He went on to state that if you are unhappy with the portion regarding the removal of department heads and want to stay consistent, then it should be considered to remove the language that reads the appointment of department heads is subject to the approval of the Mayor and majority of Board of Aldermen. Mr. Sime concluded by reiterating that for good order of the City and City Staff, it would become very unworkable if the City Administrator did not have authority over the department heads, which are the next level of

supervision beneath him, in running the staff and operations of the City. Mr. Hartzog thanked Mr. Sime for his input and agreed that it's by design that the City Administrator would have the authority to fire people for the best working staff and best organizational planning for the City, to which Mr. Sime replied in the affirmative.

Mr. Hartzog expressed that this way made the most sense, and it's a powerful position by design. Mr. Miguel mentioned that the City has had a lot of turmoil with City Administrators in the past years and spoke to the difference between the interview process and then actually stepping into the position. Chairman Davis countered that the issue is more related to the City Administrator and not the City Administrator's administration over department heads. Mr. Hartzog concurred and stated that changing the City Administrator's role may not be the best solution. Alderman Wallach inquired if there was a section in the Charter that related to the role of department heads or if that was found in the City Code. Mr. Sime responded that the roles of department heads are defined in Section 18 of the City Code and also in the Civil Service Rules. Seeing no more questions or comments regarding **Section 5.2**, Chairman Davis moved on to the next section.

**Section 5.3**-There were no changes initiated.

**Section 5.3** marked the end of **Article V**, which Chairman Davis suggested would be a good stopping place and the Commission would begin review of **Article VI** at the next meeting. Chairman Davis made a motion to defer discussion of **Section 6** until the next meeting. Alderman Wallach seconded the motion. On voice vote, motion passed.

**Discuss Schedule for Next Meeting:**

Alderman Wallach noted that he had spoken to City Attorney Lisa Stump, and she advised him that she would be able to attend the next meeting to provide verbal advice for any questions or inquiries the Commission may have.

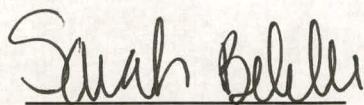
Chairman Davis stated that the next meeting would be scheduled for Wednesday, July 22, 2015, at 7:00 pm. There was a brief discussion regarding meeting more frequently than once a month, and the Commission was reminded that beginning in August, the number of meetings would increase from once a month to twice a month.

**Adjournment:**

Mr. Pickel made a motion to adjourn the meeting, and Mr. Hartzog seconded the motion. On voice vote, motion passed.

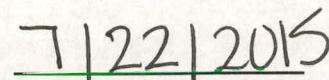
Meeting adjourned at 8:28 PM.

**Respectfully Submitted:**



Sarah Belcher

**Date:**



## CHARTER COMMISSION MEETING 5/27/15

Items of further discussion...

### Section 2.1 Powers

- Should we consider adopting additional language to reinforce the home rule powers to be inclusive of all ordinances when allowable per Statutes?

### Section 3.3 Qualifications (BOA)

- Consider age 18 rather than 21; inhabitant and a qualified voter of the City of Crestwood for at least 1 year at the time of election (rather than at the date of filing for election)...
- Also in this section express that any elected or appointed to the BOA must maintain these qualifications.

### Section 3.7 © Filing of Vacancies

- ...at the next general or next general municipal election, whichever is closer...

In the event that the Commission would like to have the City Clerk an appointed/elected position by the BOA we may need to suggest changes/additions in Section 3.

### Section 13.8 Charter Review Committee

- ...at the next general or next general municipal election, whichever is closer...



# Information on the proposed Charter Amendments to be put before the voters November 2006

## Propositions 4 & 5

**Propositions 4 & 5** propose a change in the number of signatures necessary for petitions for Referendum and Initiative petitions {Sec. 9.3(a)} and Recall petitions {Sec. 10.3(a)}. Section 13.7 Charter Amendment is not proposed to change (that petition percentage remains at ten percent (10%) as set in the original Charter). The proposed changes reduce these percentages.

**Proposition 4: Shall Section 9.3(a) of the City's Charter be amended to reduce the percentage of signatures required for Initiative and Referendum petitions from twelve percent (12%) to eight percent (8%)?**

**Proposition 5: Shall Section 10.3(a) of the City's Charter be amended to reduce the percentage of signatures required for a Recall petition from twenty percent (20%) to fifteen percent (15%)?**

### **SUMMARY OF THE PERCENTAGE CHANGE ISSUE**

The Charter Commission came to a consensus to recommend the percentages for the number of signatures necessary for petitions for Referendum and Initiative petitions {Sec. 9.3(a)} and Recall petitions {Sec. 10.3(a)} be reduced.

The reasons that reductions of the percentages are being recommended are:

- 1) Our current percentages are more restrictive than those in other cities
- 2) The percentages for these two sections seemed significantly higher than those for a petition to amend the Charter itself.
- 3) The percentages are set by "ALL" registered voters. The percentage of those who vote is significantly lower than those registered to vote. Lower percentages of "all" registered voters would more accurately relate to the number of those who regularly participate in political issues and vote.

## Proposition 3

**Proposition 3: Shall sections Section 3.7(b), 3.8 and 4.7(b) of the City's Charter be amended to provide for censure?**

### **SUMMARY OF THE CENSURE ISSUE**

The Charter Commission came 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.

## **Proposition 2**

**Proposition 2: Shall Section 3.4 of the City's Charter be amended by removing the limitation on the number of successive terms to which an Alderman can be elected?**

### **SUMMARY OF THE TERM LIMIT ISSUE**

The Charter Commission came to a consensus to look at term limits for the Board of Aldermen, but not the Mayor. The difference was 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 are being given an opportunity to revisit this issue. The Charter 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:

- 1) The long term effects of term limits were not really known when they were adopted in 1995.
- 2) The effects had not yet impacted Crestwood at the time the Charter Commission recommended the issue be revisited by the voters. (April 2006 was the first election where Aldermen had to leave office due to term limits)
- 3) Crestwood will face a major turn over on the Board of Aldermen in a short period of time and the Board of Aldermen's "institutional memory" will be lost.

## **Proposition 1**

**Proposition 1** is an amendment to several Sections of the City's Charter. This group of proposed changes has been referred to as the housekeeping list. These changes were deemed to be benign language changes, words added for definition, revisions to reflect current practices, or updating.

The ballot language will read:

**Shall the following Sections of the City of Crestwood Charter be amended as proposed by the Charter Review Committee: 3.3, 3.10(a), 3.10(d), 3.10(g), 4.4(a), 4.8, 5.1, 5.2(a), 5.2(f), 7.1, 7.2(b), 9.3(b), 10.3(b), 13.8, 15.1, 15.2, 15.3, and 15.4?**

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

**Sec.3.3 QUALIFICATIONS: add the sentence, "For purposes of this Section, both seats within a given Ward, constitute the same office."** Clarification to declare a specific

aldermanic position (seat held) – an Alderman can not run again for the same Ward by declaring the other Aldermen's seat in that Ward another seat.

**Sec 3.10 LEGISLATIVE PROCEEDINGS: (a) MEETINGS:** ~~delete the sentence, “In no event shall any meeting of the Board of Aldermen be held outside the city limits.”~~ Under the new sunshine law meetings may be held via the internet and telephone conferencing. This eliminates the requirement that no meetings be held outside the city limits. This Update desirable due to advances in technology.

**Sec 3.10 (g) PROCEDURE:** ~~adds the words, “and approval by the Mayor in accordance with Section 4.4(b)”~~ 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:** Delete the phrase “with no right of appeal”, as it is unnecessary.

#### **Article V CITY ADMINISTRATOR**

**Sec. 5.1 CITY ADMINISTRATOR:** ~~Update language: Change words from “paid a salary in an amount” to “compensation and other terms and conditions of employment”~~  
“Compensation would be a more comprehensive term. ~~Remove the words, “with no right of appeal”~~ as it is unnecessary.

**Sec 5.2 (a) CITY CLERK:** ~~Delete the phrase, “and who shall be a civil service employee”.~~ This will remove the City Clerk 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.”~~ This should provide for more accurate financial projections.

#### **Article VII FINANCIAL PROCEDURES**

**Section 7.1 FISCAL YEAR:** ~~Change “July” to “January” and “June” to “December”.~~ This updates the Charter to the current practice.

**Section 7.2 BUDGET(b) capital program** ~~Change “five year period” to “three year period.”~~ This should provide for more accurate financial projections.

#### **ARTICLE IX INITIATIVE AND REFERENDUM**

**Sec. 9.3 PETITIONS (b)** ~~Add the words, “as provided by the City Clerk” following “approximate cost of the election.”~~ {same as in update of Sec. 10.3(b)} This clarifies the source responsible for providing approximate cost.

## ARTICLE X RECALL

**Section 10.3 PETITION (b): Add the words, “as provided by the City Clerk” following “approximate cost of the election.” {same as in update of Sec. 9.3(b)}** This clarifies the source responsible for providing approximate cost.

## Article XIII GENERAL PROVISIONS

**Sec. 13.8 CHARTER REVIEW COMMITTEE: Change “but not less than every ten (10) year period.” to “and at least once during each ten (10) year period.”** This provides clarification that the Charter is to be reviewed approximately every ten(10) years.

**Article XV TRANSITIONAL SCHEDULE** Revisions to reflect 2006 update is taking place.

**Sec. 15.1 PURPOSE OF SCHEDULE: Revise to read:** The purpose of the following provisions is to promote the orderly transition from the ~~present~~ current provisions to the amended provisions of the Charter. ~~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

**Sec. 15.2 ELECTION TO ADOPT CHARTER: Revise to read:** Any elections pertaining to amendments to this Charter shall be ~~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.~~

**Sec. 15.3 TIME OF TAKING EFFECT Revise to read:** 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 ~~this Charter~~ the said amendments.

**Sec. 15.4 FIRST GENERAL MUNICIPAL ELECTION – Delete in its entirety.** It was only relevant to the initial draft of the charter and should be eliminated.

CITY OF  
**CRESTWOOD**  
MISSOURI  
COMMUNITY FOR A LIFETIME

**CITY OF CRESTWOOD**

**6/24/15 CHARTER COMMISSION**

**Crestwood Government Center**

**Wednesday, June 24, 2015 at 07:00 PM**

**AGENDA**

**AGENDA**

**2015 CHARTER REVIEW COMMISSION**

**CRESTWOOD GOVERNMENT CENTER**

**AGENDA**

**CITY OF CRESTWOOD**

**CHARTER REVIEW COMMISSION MEETING**

**BOARD OF ALDERMEN CHAMBERS**

**ONE DETJEN DRIVE**

**CRESTWOOD, MO 63126**

1. Roll Call
2. Approval of Minutes
  - a. May 27, 2015 Meeting Minutes
3. Public Comment
4. Old Business
  - a. Finish Review of Section 4
5. Report on Charter Changes for Consideration by City Administrator Mark Sime
6. Review Sections 5 and 6
7. Discuss Schedule for Next Meeting
8. Adjournment

**Posted: Thursday, June 11, 2015, at 2:45 PM.**

**Due to ongoing City business, all meeting agendas should be considered tentative**

**Anyone with Special Needs wishing to attend, please phone (314)729-4700 so that the City may make appropriate accommodations for you**

Charter Review Commission  
July 22, 2015

**CITY OF CRESTWOOD  
CHARTER REVIEW COMMISSION  
REGULAR MEETING**

**July 22, 2015**

Wednesday 7:00 P.M.

The Charter Review Commission of the City of Crestwood met at the Government Center on Wednesday, July 22, 2015. The meeting was called to order at 7:00 PM.

Chairman Stephen Davis led everyone in the pledge of allegiance.

**Roll Call:**

On roll call, the following members were present:

Rich Bland  
Paula Kapfer  
Chris Pickel, Vice Chairman, excused absence  
Stephen Davis, Chairman  
Jerry Miguel, excused absence  
Harley Hartzog, absent  
Steve Ippolitto  
Bob Parsons  
Alderman Darryl Wallach, Elected Official

**Staff Present:**

Lisa Stump, City Attorney  
Sarah Belcher, Administrative Assistant to the City Administrator and Mayor

**Approval of Minutes:**

Chairman Davis asked for a motion to approve the Charter Review Commission Meeting Minutes dated June 24, 2015. Alderman Wallach made a motion to approve the Charter Review Commission Meeting Minutes dated June 24, 2015. Commission Member Steve Ippolitto seconded the motion. On voice vote, motion passed.

**Old Business:**

Chairman Davis introduced the next item on the agenda, Old Business, and asked the Commission if anyone had any questions or comments before they began discussion on **Section 6** of the Charter. Alderman Wallach noted that City Attorney Lisa Stump was present at the meeting that night to provide any comments or insight she may have, given that she had been the City Attorney for about two and a half years, and asked her to provide the Commission any issues that she sees within the Charter from a legal standpoint. City Attorney Stump noted that prior to the assembly of the Charter Review Commission, she had provided Alderman Wallach with a list of issues that she had observed come up and offered to go over that list with the Commission. First, City Attorney Stump pointed out **Section 5.2** regarding the City Clerk position and noted that had been an issue that has come up in the past, and if it

was still the City's desire to change the City Clerk position, then it would need to be changed in the Charter. The second issue City Attorney Stump pointed out was the timing of the Charter Review Commission, which is found in **Section 13.8**. She noted that there had been much discussion over the past year in regards to the wording "not less than every ten years," and what that means. She continued to say that she believed it would be good to consider clarifying that language. Her reasoning was that the discussion had been does that mean the Board must provide for a Charter Review Committee before 10 years is up from the last formation, or does it mean that the Board must wait at least 10 years from the last formation. City Attorney Stump noted she had advised the Board that she interpreted it to be the second way; however, she still believed it would be worth clarifying. Chairman Davis concurred that the second way seems to be what it means. City Attorney Stump agreed but noted that it had still been debated a lot and was also discussed during the previous Charter Review Commission. Before moving on to next one, City Attorney Stump briefly noted that she is just pointing out issues that have arisen about the Charter that the Commission may or may not want to consider reviewing. She went on and stated that there had been some debate in the last year or so, specifically about the Planning and Zoning Commission and whether the Statutes governing Planning and Zoning apply to the City of Crestwood as a Charter City and how they apply. She explained the Statutes state that the Statutes apply except in a Charter City where the provisions in the Charter shall govern and noted that there really isn't anything in the Charter specifically on that, which is something the Commission may want to consider. Another issue City Attorney Stump addressed was the timing of the election in that the amendments be submitted to the voters at the next General Election, and stated that while it's arguable the original framers of the Charter intended to include General Municipal Election in the meaning, the wording General Election under the law would mean the November Election. She said if the Commission would want to allow the option of using the General Municipal Election as well, then it would be good to clarify that in the Charter itself. The final issue City Attorney Stump addressed was the use of the term "authorized members" or "authorized membership" throughout the Charter. She stated that it would be great if that could be clarified a little bit and explained that while presumably it meant the entire Board of Aldermen, confusion sometimes arises when there's an absence or vacancy on the Board as to what authorized membership means. She continued to say that if it means 8 members, then it would be good to clarify that in the Charter itself. Chairman Davis thanked City Attorney Stump for the information and noted that since the last two issues didn't sound like controversial issues, asked City Attorney Stump if she would be willing to draft some clarifying language, to which City Attorney Stump replied in the affirmative.

Alderman Wallach briefly mentioned the election issue again and clarified with City Attorney Stump that any amendments the Commission brought forth to the voters would have to be submitted at the next November General Election, which for this Commission would be November of 2016. City Attorney Stump replied in the affirmative and stated that was the way it is defined under Statute and while she doesn't believe that was the intention, there could be a risk involved if taken to the General Municipal Election in April. She also noted that during the last Charter Review Commission in 2005, the Commission had finished well before April and was ready to go but waited until the following November to submit the amendments to the voters. Chairman Davis stated that he wouldn't mind allowing the City more flexibility when it comes to which Election the amendments can be submitted on but deferred any discussion to when the Commission reviews **Section 13**. Commission Member Bob Parsons stated his belief that the language "authorized membership" refers to a Board of 8 people, and he doesn't know how it could get much clearer than that. Chairman Davis inquired where that was found in the Charter, to which City Attorney Stump replied that it could be found in several different places and specifically in **Sections 3.10, 10 (d), 3.11, 4.4 (b)**. She went on to note that while she had been interpreting it to mean a Board of 8 people that is not to say that it doesn't continuously get questioned, debated and argued

upon. Chairman Davis agreed that if it's being questioned, debated and argued than it's something worth to consider clarifying. Chairman Davis again thanked City Attorney Stump and seeing no other comments or questions, moved on to discussion of **Section 6**.

#### **Review Section 6**

Chairman Davis noted that he had been under the impression that the City Administrator, Mark Sime, was going to be present for the discussion. Alderman Wallach replied that Mr. Sime had planned on attending that night, but something had come up so he was unable to make it.

#### **Article VI**

**Section 6.1-** Mr. Parsons noted **Section 6.1 (b) Boards, Commissions** that all of the City Boards and Commissions already have their own set of guidelines and therefore wouldn't advocate for any changes in there. Alderman Wallach asked Mr. Parsons for clarification on the intent of the original Charter Members in regards to the language in **Section 6** and when allowable, if the Home Rule applies to the formation of the Boards. Mr. Parsons replied that if there was a problem with the Home Rule guidelines with our Commissions then we would have to bend to that, but if there is nothing that says we have to do something other than what we were doing than its fine the way it is. Alderman Wallach agreed and noted that was one of the initial home rule advantages that Charter Communities had.

**Section 6.2-** No changes initiated.

#### **Review Sections 7 and 8**

#### **Article VII**

**Section 7.1-** No changes initiated.

**Section 7.2-** Alderman Wallach noted that he had received an email from City Administrator Mark Sime regarding **Section 7.2**. Administrative Assistant Sarah Belcher replied in the affirmative and noted that Mr. Sime did have some points specifically in regards to **Section 7.2** that he wanted to discuss with the Commission. Administrative Assistant Belcher stated that since Mr. Sime was prevented from attending the meeting that night, he had hoped that he could present his report on **Section 7.2** at the following meeting scheduled for Wednesday, August 12, 2015. Chairman Davis replied in the affirmative and decided to defer discussion of **Section 7.2** until the next meeting when Mr. Sime would be able to present his discussion points.

**Section 7.3 and 7.4-** No changes initiated.

#### **Article VIII**

**Section 8.1-** Chairman Davis introduced **Section 8.1 City Elections** and noted that the more simple the language the better given that there are plenty of State Statutes regarding elections. Alderman Wallach noted the relationship between a discussion point regarding **Section 4.7 (c) Filling of Vacancy** at the previous meeting and **Section 8.1 (b) Special Elections** as it pertains to filling a mayoral vacancy. Commission Member Rich Bland stated his interpretation was that a mayoral vacancy would allow for that Special Election in August and not just at the next General or General Municipal Elections. Mr. Bland briefly noted that **Section 8.1** defined General Municipal Elections and Special Election but not General Elections. Mr. Parsons inquired if the General Election was defined by State Statute as being the November Elections, to which City Attorney Stump replied in the affirmative. Mr. Parsons noted that at the May 27 Charter Review Meeting, there was discussion on **Section 4.2 Qualifications** and expressed his belief that the wording "or on the date of appointment to office" was out of place as it pertained to

the Mayor. Mr. Bland stated that he did not think the wording was out of place. Mr. Parsons replied that the Mayor is never appointed and only elected. There was a brief discussion about the meaning and interpretation of the word "appointment" as it pertained to **Section 4.2**. City Attorney Stump stated that her interpretation was that it meant the taking or swearing in of office; however, she noted that if there is a debate then perhaps the Commission should decide what they want it to be and then clarify it. Mr. Parsons suggested changing the language from "appointment to office" to "the taking or swearing in of office." Chairman Davis inquired if **Section 4.2** was already on the list for final review, to which Administrative Assistant Belcher replied in the affirmative. Chairman Davis requested that further discussion of **Section 4.2** be held for the final review and asked Administrative Assistant Belcher to add it to the list of changes for consideration.

**Section 8.2 and 8.3**-No changes initiated.

**Section 8.4**-Chairman Davis asked if the City had redistricted recently. Alderman Wallach replied in the affirmative and stated that it was done 2 years after the census was completed in either the year 2012 or 2013. Chairman Davis asked if anyone wanted to speak to that process and inquired if the Redistricting Committee worked well, to which Mr. Parsons replied in the affirmative.

**Public Comment:** None

**Discuss Schedule for Next Meeting:**

Alderman Wallach stated that he believed the Commission would go over the remaining five Sections of the Charter fairly quickly and asked that Review of **Sections 9-15** be on the next meeting's agenda along with refining what the Commission thinks is important and or could be possibly be voted on. Chairman Davis agreed and asked that the next meeting's agenda include review of **Section 7.2** with City Administrator Mark Sime's report, review of **Sections 9-15**, and review of the items that the Commission wants to revisit for possible changes to submit to the voters. After a brief discussion over possible meeting dates for August and September, it was decided that the next two meetings would be scheduled for Wednesday, August 12, 2015, and Wednesday, September 9, 2015.

**Adjournment:**

Alderman Wallach made a motion to adjourn the meeting, and Mr. Parsons seconded the motion. On voice vote, motion passed.

Meeting adjourned at 7:37 PM.

**Respectfully Submitted:**

Sarah Belcher

Sarah Belcher

**Date:**

8/13/2015



Gregg Roby, Mayor

Office of the City Administrator

**AGENDA  
2015 CHARTER COMMISSION**

Meeting 4

July 22, 2015

7:00 p.m.

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

- 1) Roll Call**
- 2) Approval of Minutes**
  - a) June 24, 2015, Meeting Minutes
- 3) Old Business**
  - a) Review Section 6
- 4) Review Sections 7 and 8**
- 5) Public Comment**
- 6) Discuss Schedule for Next Meeting**
- 7) Adjournment**

Anyone with Special Needs wishing to attend, please phone (314)729-4700 so that the City may make appropriate accommodations for you.

Due to ongoing City business, all meeting agendas should be considered tentative.

Posted: Thursday, July 16, 2015, at 4:15 PM

Charter Review Commission

August 12, 2015

**CITY OF CRESTWOOD  
CHARTER REVIEW COMMISSION  
REGULAR MEETING**

**August 12, 2015**

Wednesday

7:00 P.M.

The Charter Review Commission of the City of Crestwood met at the Government Center on Wednesday, August 12, 2015. The meeting was called to order at 7:00 PM.

**Roll Call:**

On roll call, the following members were present:

Rich Bland

Paula Kapfer, excused absence

Chris Pickel

Stephen Davis, Chairman, excused absence

Jerry Miguel, excused absence

Harley Hartzog, Vice Chairman

Steve Ippolitto

Bob Parsons

Alderman Darryl Wallach, Elected Official

**Staff Present:**

Mark Sime, City Administrator

Sarah Belcher, Administrative Assistant to the City Administrator and Mayor

Press: Mike Anthony, Call Newspapers

**Approval of Minutes:**

Vice Chairman Hartzog asked for a motion to approve the Charter Review Commission Meeting Minutes dated July 22, 2015. Commission Member Rich Bland made a motion to approve the Charter Review Commission Meeting Minutes dated July 22, 2015. Commission Member Bob Parsons seconded the motion. On voice vote, motion passed.

Vice Chairman Hartzog led everyone in the pledge of allegiance.

Mr. Parsons requested that the members of the Commission speak clearly into the microphones when taking part in the discussion.

**Old Business:**

**Report on Section 7.2 by City Administrator Mark Sime:**

Vice Chairman Hartzog introduced the next item on the Agenda and asked Mr. Sime to approach the podium to present his report on **Section 7.2 Budget**.

Mark Sime, City Administrator, approached the podium and provided the Commission with a handout regarding his proposed changes for **Section 7.2 (f) Budgeted Items Appropriated** and **7.2 (i) Transfers After Adoption** (Exhibit A- a copy of this handout will be filed with these minutes and is made a part of this journal).

Mr. Sime introduced himself and thanked the Commission for allowing him to speak about **Section 7.2** in the Charter. He noted that it's been his experience in the last 2.5 years that the City Staff struggles when it comes time to do Budget Items and the Budget as it was appropriated. Mr. Sime referred back to **Section 5.1 City Administrator** and **Section 5.2 Powers and Duties** and noted at the time these sections were discussed, the Commission was comfortable with the language as it reads. He then went on to emphasize **Section 5.2 (f) Budget and Capital Program**, **5.2 (g) Finance and Administrative Record** and **5.2 (h) Report of Financial Condition of the City**, in that it's clear that the City Administrator is responsible for the oversight of City Staff and the administration of the City, which also includes the finances for the City. Mr. Sime then retreated back to **Section 7.2 Budget** focusing in on **7.2 (f) Budgeted Items Appropriated** and **7.2 (i) Transfers after Adoptions**. He provided a brief summary of the various funds in the Budget, and the various line items within the Budget for any given year. He expressed that he would like to look at it as the appropriation of the bottom line item and not the appropriation of each separate line item, as that method is extremely inefficient. He expressed his wish that Department Heads could be given some authority to make transfers between line items within their Department's Budget while never exceeding that bottom line. Mr. Sime proposed modifying the language in **7.2 (f) Budgeted Items Appropriated** from "Adoption of the budget shall constitute an appropriation of the amounts specified therein as expenditures" to "Adoption of the budget shall constitute an appropriation of the amount as total expenditures for the fund and department." He indicated that this modification would allow Department Heads to watch the operations in their Department and make any adjustments necessary throughout the year in order to keep the Department running smoothly and efficiently, keeping in mind that they cannot exceed the bottom line. Commission Member Chris Pickel inquired if the City would still submit a line item budget during the annual budgeting process to which Mr. Sime replied in the affirmative. Vice Chairman Hartzog inquired why the City was bound by line item estimates and asked if it was because of the way the Charter is written. Mr. Sime replied that that's what they are trying to change in **7.2 (i) Transfers after Adoption**, by bringing the Department Head into it, because right now the Charter does not allow the Department Heads any flexibility on moving money to cover the items within their budget. Mr. Sime confirmed that they are currently bound by the line items. Mr. Pickel inquired if the Department Heads are given the flexibility to make transfers within their Department's budget, what is the policing that would take place and or would anyone be overseeing the different Department budgets. Mr. Sime replied that every month he gets a report for every Department and every Division within the City, and he can see if there are any changes in the appropriated amounts for each line item.

Mr. Sime presented the next item that he would like to see changed, which was to give the City Administrator the authority to transfer money between Department Funds without seeking Board approval. Mr. Sime noted that last year they went to the Board approximately 8 times for approval to transfer money from one Department to another within the same Fund. Mr. Sime explained that with the proposed change, he would still notify the Board of any transfers made and would still provide that monthly report, but would no longer need to generate an Ordinance to be passed by the Board when a transfer between Departments occurs. Mr. Bland indicated that his concern with the proposed change is the decrease in checks and balances that would occur. Mr. Parsons agreed that the proposed changes seemed a little too detailed for the Charter and would be better fit for a change in Department Policy Procedures. Mr. Sime clarified that the two changes are simply proposing two shifts be made. In the first one, the authority to transfer money within a fund within a Department would go from the City

Administrator to the Department Head, and in the second one, the authority to transfer money within a fund between Departments would go from the Board of Aldermen to the City Administrator. The authority to transfer money between funds would remain with the Board of Aldermen.

After a brief discussion, there was an overall consensus among the Commission that the overall procedure for intradepartmental transfers from one line item to another could become more efficient; however, the Commission believed this could be done through a change in Department Policy Procedures and or a Process Improvement, because it's their interpretation that the Charter does not preclude the City Administrator from transferring the responsibility to the Department Heads to make their own transfers between line items in their budget, but if there was a question whether the Charter allows for that, they would consider adding that "designee" language to allow for some flexibility. It was also the overall consensus that the proposed change to eliminate Board of Aldermen approval for the transfer of money between Departments in the same fund would not be a good idea as it would eliminate those checks and balances that were put in place for good and sound reasons, and the need for Board approval should remain in the Charter.

Vice Chairman Hartzog thanked Mr. Sime for his presentation and introduced the next item on the Agenda.

**Review Sections 9-15:**

**Article IX**

**Sections 9.1-9.8-** No changes initiated.

**Article X**

**Sections 10.1, 10.2-** No changes initiated.

**Section 10.3-** Mr. Parsons mentioned **10.3 (a) Number of Signatures** in regards to the number of voters needed (20%) to sign a petition for a recall of the Mayor and noted that number seemed a high. Other members of the Commission indicated that the number (20%) seemed standard and is designed to be more difficult as to avoid frivolous recalls. Mr. Parsons agreed that it shouldn't be a low number; however, changing the language from "at least twenty percent (20%) of the total number of voters register to vote at the last general election," to " twenty percent (20%) of the number of voters who voted in the last general election." Ultimately it was decided that there was not a good enough reason or need to change the language.

**Sections 10.4, 10.5, 10.6, 10.7-** No changes initiated.

**Article XI**

Commission Member Steve Ippolitto asked Mr. Sime if he had any problems with **Sections 11 and 12** in operating the City, to which Mr. Sime replied that he had not had any problems with **Sections 11 or 12**.

**Sections 11.1-11.4-** No changes initiated.

**Article XII**

**Section 12.1-** No changes initiated.

**Article XIII**

**Sections 13.1-13.7-** No changes initiated.

**Section 13.8-** Vice Chairman Hartzog noted that **Section 13.8** is already included in the Charter Changes for Consideration. There was a brief discussion about whether the language should allow the flexibility to use the General Municipal Election or the General Election, or if it should only include the General Municipal Election. Vice Chairman Hartzog inquired about the interpretation of the language "but not less than every ten (10) years," to which Mr. Bland replied he took that to mean within the ten (10) years but not to exceed and Vice Chairman Hartzog agreed.

**Article XIV**

**Sections 14.1-14.5-** No changes initiated.

**Article XV**

**Sections 15.1-15.4-** No changes initiated

**Revisit Items Discussed for Possible Changes:**

Vice Chairman Hartzog announced the conclusion of review of the Charter and noted that at the next meeting the Commission would really be hashing out the items that are on the final list of Charter Changes for Consideration. He asked the Commission if anyone wanted to revisit the items discussed for possible changes. Hearing none, he moved on to the next Agenda item.

**Refine Final List of Charter Changes for Consideration:**

Vice Chairman Hartzog noted that the Commission finished the review of the Charter at that night's meeting, and taking that he didn't hear any motions to add something to the final list, there is no need to make any changes or modifications as it currently reads (Exhibit B- a copy of this handout will be filed with these minutes and is made a part of this journal).

**Public Comment:** None

**Discuss Schedule for Next Meeting:**

Mr. Parsons noted that he had provided the Commission (via email) with a document outlining possible language that could be added in **Section 4.2**, and Administrative Assistant Belcher indicated that she would provide the Commission with paper copies of that document at the next meeting scheduled for Wednesday, September 9, 2015, at 7:00 PM.

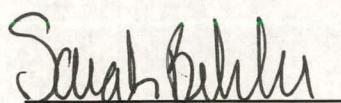
**Adjournment:**

Mr. Pickel made a motion to adjourn the meeting, and Alderman Wallach seconded the motion. On voice vote, motion passed.

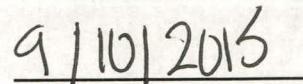
Meeting adjourned at 8:48 PM.

**Respectfully Submitted:**

**Date:**



Sarah Belcher



## Section 7.2 Budget

### (f) BUDGETED ITEMS APPROPRIATED

Adoption of the budget shall constitute an appropriation of the amounts specified therein as expenditures.

### (f) BUDGETED ITEMS APPROPRIATED

Adoption of the budget shall constitute an appropriation of the amount as total expenditures for the fund and department.

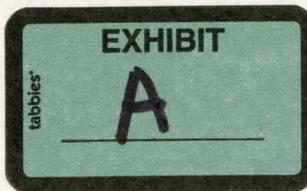
## Section 7.2 Budget

### (i) TRANSFERS AFTER ADOPTION

The City Administrator may transfer all or any part of any unencumbered appropriation balance among accounts within a department. The Board of Aldermen may by motion of the Board transfer part or all of an unencumbered appropriation balance from one department to another. Monies held in reserve, contingency or undesignated funds shall be transferred or encumbered by motion of the Board of Aldermen.

### (i) TRANSFER AFTER ADOPTION

The Board of Aldermen may, by motion of the Board, transfer part or all of an unencumbered appropriation balance from one fund to another. The City Administrator may transfer, by Budget Adjusting Journal Entry, all or any part, of any unencumbered appropriation balance from one department to another department within a fund. The Department Head has authority and may incur obligations against any unencumbered balance within a department, without a Budget Adjusting Journal Entry. Monies held in reserve, contingency, or undesignated funds, shall only be transferred or encumbered by motion of the Board of Aldermen.



## CHARTER REVIEW COMMISSION: Possible Changes as of July 22, 2015

Items of further discussion...

### Section 2.1 Powers

- Should we consider adopting additional language to reinforce the home rule powers to be inclusive of all ordinances when allowable per Statutes?

### Section 3.3 Qualifications (BOA)

- Consider age 18 rather than 21; inhabitant and a qualified voter of the City of Crestwood for at least 1 year at the time of election (rather than at the date of filing for election)...
- Also in this section express that any elected or appointed to the BOA must maintain these qualifications.

### Section 3.7 (c) Filling of Vacancies

- ...at the next general or next general municipal election, whichever is closer...

### Sections 3.10, 3.11, 4.4(b) and 10(d)

- Clarify the meaning of the language "authorized membership."

### Section 4.2 Qualifications (Mayor)

- To keep any proposed changes consistent between the BOA and Mayor

### Section 13.8 Charter Review Committee

- ...at the next general or next general municipal election, whichever is closer...
- Clarifying the language "not less than every ten years."

Add language regarding the Crestwood Planning and Zoning Commission and whether the Statutes governing Planning and Zoning apply to the City of Crestwood as a Charter City and how they apply. \*Current Statutes state that the Statutes apply except in a Charter City where the provisions in the Charter shall govern (Crestwood Charter does not contain anything specifically relating to this).



CITY OF  
**CRESTWOOD**  
MISSOURI  
COMMUNITY FOR A LIFETIME

**CITY OF CRESTWOOD**  
**8/12/15 CHARTER REVIEW COMMISSION AGENDA**  
**Crestwood Government Center**  
*Wednesday, August 12, 2015 at 07:00 PM*

**AGENDA**

**AGENDA**  
**2015 CHARTER REVIEW COMMISSION**

**CRESTWOOD GOVERNMENT CENTER**

**AGENDA**

**CITY OF CRESTWOOD**  
**CHARTER REVIEW COMMISSION MEETING**  
**BOARD OF ALDERMEN CHAMBERS**  
**ONE DETJEN DRIVE**  
**CRESTWOOD, MO 63126**

1. Roll Call
2. Approval of Minutes
  - a. July 22, 2015, Meeting Minutes
3. Old Business
  - a. Report on Section 7.2 by City Administrator Mark Sime
4. Review Sections 9-15
5. Revisit Items Discussed for Possible Changes
6. Refine Final List of Charter Changes for Consideration
7. Public Comment
8. Discuss Schedule for Next Meeting
9. Adjournment

**Posted: Thursday, August 6, 2015, at 11:30 AM.**

**Due to ongoing City business, all meeting agendas should be considered tentative**

**Anyone with Special Needs wishing to attend, please phone (314)729-4700 so that the City may make appropriate accommodations for you**



Gregg Roby, Mayor

Office of the City Administrator

## AGENDA 2015 CHARTER COMMISSION

Meeting 6

September 9, 2015

7:00 p.m.

Crestwood Government Center  
One Detjen Drive  
Crestwood, MO 63126

- 1) Roll Call
- 2) Approval of Minutes
  - a) August 12, 2015, Meeting Minutes
- 3) Commission Review and Selection of the Final List of Charter Changes.
- 4) Review and Draft Language for Proposed Amendments
- 5) Public Comment
- 6) Discuss Schedule for Next Meeting if needed
- 7) Adjournment

Anyone with Special Needs wishing to attend, please phone (314)729-4700 so that the City may make appropriate accommodations for you.

Due to ongoing City business, all meeting agendas should be considered tentative.

Posted: Friday, September 4, 2015, at 9:15 AM