

CITY OF CRESTWOOD
CHARTER COMMISSION
SCHEDULE

revised - 2/24/94 (see Article VIII moved to 3/8/95

Article VII moved to 4/5/95

Wednesdays 1 & 3 in the Aldermanic conference room or Fire Dept. Training room

Wednesdays 2 & 4 in the Aldermanic chambers

12/5/94	Swearing in / organization
12/14	General
12/21	Markinson
12/28	Christmas Holiday
1/4/95	Leichliter and Articles I & II - incorporation and powers
1/11	
1/18	Article IV - city manager/administrator/mayor
1/25	
2/1	Article III - the council
2/8	
2/15	Article V - administrative org/personnel system
2/22	
3/1	Article VI - financial procedures
3/8	Article VIII - initiative/referendum/recall
3/15	discussion/resolution of terms and term limits
3/22	
3/29	catch - up time if needed OPEN FORUM??
4/5	Article VII - nominations/elections
4/12	
4/19	Article IX - franchises
4/26	
5/3	Article X - licensing/taxation/regulation of bus. et al
5/10	
5/17	Article XI - general provisions
5/24	
6/7	Article XII - transitional provisions
6/14	
6/21	Article XIII - schedule
6/28	Aldermanic review ???

7/5
7/12
7/19
7/26

8/2
8/9
8/16
8/23
8/30

FINAL DRAFT COMPLETE ready for printing and collating
(absolute latest)

9/6 FILED WITH ELECTION COMMISSION

9/13 CAMPAIGN PROGRAM KICK OFF - MAILING(?)
BUILD UP ACITIVITY - PUBLIC DISCUSSIONS(?)
NOVEMBER 1 -6 PEAK ACTIVITY

10/17
to *publish notice of election twice*
10/31
to *publish final election notice*

November 7 1995 CITIZENS VOTE ON THE CHARTER



NATIONAL
LEAGUE
OF
CITIES

CITY OF
CRESTWOOD

PATRICIA A. KILLOREN, Mayor

OFFICE OF THE MAYOR

June 1, 1994

MEMO TO: HOME RULE/CHARTER STUDY COMMITTEE

Mary Abeln	Robert Golterman
Betty Amelotti	Tracy Huston
Jane Armbruster	Steve Ippolito
James Brasfield	Ed Lang
Laverne Cannon	Debbie Murray
Wayne Crull	Robert Parsons
George Dooling	Zola Shouley
Burt Droste	Robert Theiss
Pat Duwe	Jóann Vollet

FROM: Thomas K. Holland, Chairman

SUBJECT: As Noted

The simple, single goal and responsibility of our committee is to inform and educate the citizens of Crestwood about what a charter city is, as compared to a 4th class city, which we now are; and to the end that the voters are able to make a fully informed and intelligent judgment in their vote, should the City proceed to that point. We are to do this, in the main, by communicating through the Crestwood Newsletter.

The enclosed material was sent to us by Gary Markenson, Executive Director of the Missouri Municipal League in Jefferson City. It is a wealth of information and will help "jump start" us.

Additionally, Gary Markenson joins us at our meeting on the 8th at 7:30 P.M. and will give us a "Charter vs. Non Charter" presentation followed by a Q and A period.

By copy of this letter, we are extending a special invitation to the remaining members of the Board of Aldermen to join us at 7:30 and hear what Mr. Markenson has to say as well as take part in the Q and A period should they feel the need or desire.

Of the 90 cities in St. Louis County, the following fifteen are presently charter cities:

HOME RULE/CHARTER STUDY COMMITTEE

June 1, 1994

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Berkeley
Bridgeton
Clayton
Creve Coeur
Ellisville

Ferguson
Florissant
Hazelwood
Kirkwood
Maplewood

Olivette
Richmond Heights
St. John
University City
Webster Groves

Bob Theiss has agreed to be Vice Chairman of our committee and is fully informed and capable of chairing the committee should the need arise. Sandy Grave is the committee's secretary.

Linda Gelner, who is now responsible for the Crestwood Newsletter, will join us as an observer as she is able. In this regard, the July/August newsletter will be out July 15 with a "closing date for copy" some time early in July. We want our first communication to be in that issue.

There is a possibility that the question about electing a commission to draft a charter will be on the November 8th ballot. That gives us the July/August, September, October newsletters to do our work.

Well, now you know everything I know, so I will close.

TKH:sg

w/encls.

CC: Mayor Patricia A. Killoren
Ald. Richard LaBore
Ald. Tim Trueblood
Ald. Paul Paradise
Ald. Tom Fagan
D. Kent Leichter, City Adm.
Carol Schneiderhahn, City Clerk

BILL NO. 94-7

ORDINANCE NO. 3310

INTRODUCED BY ALDERMAN Huston

AN ORDINANCE PROVIDING FOR AN ELECTION ON THE PROPOSITION WHETHER THE CITY OF CRESTWOOD SHALL SELECT A COMMISSION TO FRAME A CHARTER FOR THE CITY, PROVIDING FOR THE NOMINATION OF CANDIDATES FOR THE CHARTER COMMISSION, PROVIDING FOR THE FORM OF THE BALLOT AND PROVIDING FOR THE CONDUCT OF SAID ELECTION.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CRESTWOOD, MISSOURI, as follows:

SECTION 1: An election is hereby called on the proposition as to whether a commission shall be chosen to frame a charter for the City of Crestwood, pursuant to the provisions of Article VI, Sections 19 and 19(a), Missouri Constitution.

SECTION 2: Candidates for the Commission shall be nominated by petition signed by not less than two percent of the registered voters of the City voting at the next preceding City election. Each such petition shall be filed with the City Clerk not earlier than 8:00 a.m., August 9, 1994 and not later than 5:00 p.m. September 6, 1994. Said petitions shall be verified by the Board of Election Commissioners of St. Louis County to ascertain that each petition has been signed by the necessary number of registered voters.

SECTION 3: The said election shall be held on November 8, 1994. Notice of the election shall be published at least once a week for three weeks, the last publication to be within two weeks

prior to said election. Said election shall be conducted in the manner provided by law.

SECTION 4: The ballot shall submit to the voters the question:

"Shall a Commission be chosen to frame a charter?"

Said ballot shall also contain the names of all persons nominated as candidates for the commission. The names of such candidates shall be listed in the order of the filing of the nominating petitions. Appropriate instructions shall be contained on the ballot form designating the method for voting in favor of the proposition or against same and further designating the method of voting for the candidates for the commission.

SECTION 5: If a majority of the electors voting on the question vote in the affirmative, the thirteen candidates receiving the highest number of votes shall constitute the commission.

SECTION 6: This ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor.

PASSED AND SIGNED this 28th day of June, 1994.

/s/ Patricia A. Killoren
Mayor

ATTEST:

/s/ Carol A. Schneiderhahn
City Clerk

APPROVED this 28th day of June, 1994.

/s/ Patricia A. Killoren
Mayor

GENERAL ELECTION
ST. LOUIS COUNTY, MISSOURI
TUESDAY, NOVEMBER 8, 1994

***** CITY OF BRIDGETON (13 POLLING PLACES) *****			***** CITY OF CRESTWOOD (9 POLLING PLACES) *****		
	Total	Pct		Total	Pct
Precincts Counted - BRIDGETON	13	100.00	Precincts Counted - CRESTWOOD	9	100.00
Registered Voters - BRIDGETON	10,015		Registered Voters - CRESTWOOD	8,085	
Ballots Cast - BRIDGETON	6,887	68.77	Ballots Cast - CRESTWOOD	5,806	71.81
PROP NO. 1 - ANNEXATION- SIMPLE			PROP 1 - FRAME CHARTER COMMISSION- SIMPLE		
FOR THE PROPOSITION YES	5,467	84.52	YES	4,220	77.57
FOR THE PROPOSITION NO	1,001	15.48	NO	1,220	22.43
PROP NO. 2 - HOUSING BOARD FILING FEE- SIMPLE			CHARTER COMMISSION		
FOR THE PROPOSITION YES	2,466	42.63	13 TO BE ELECTED		
FOR THE PROPOSITION NO	3,319	57.37	LAVERNE C. CANNON	2,388	5.67
*** BRIDGETON AREA TO BE ANNEXED (6 POLLING PLACES) ***			PATRICIA DUWE	2,478	5.88
Precincts Counted - BRIDGETON ANNEX			H. TRACY HUSTON	2,375	5.64
Registered Voters - BRIDGETON ANNEX	6	100.00	PAT KAPSAR	2,124	5.04
Ballots Cast - BRIDGETON ANNEX	2,605		TOM KILLOREN	2,501	5.94
	1,732	66.49	ROBERT "BOB" THEISS	2,577	6.12
PROP NO. 1 - ANNEXATION- SIMPLE			TOM K. HOLLAND	2,177	5.17
FOR THE PROPOSITION YES	483	29.98	JOHN R. MCGOWAN	2,776	6.59
FOR THE PROPOSITION NO	1,128	70.02	GERALD L. BRATTSCH	2,492	5.91
***** CITY OF CHESTERFIELD (27 POLLING PLACES) *****			JANE ARBERUSTER	2,786	6.61
Precincts Counted - CHESTERFIELD	27	100.00	XANTHULA "XAN" TRIPOLITIS	1,974	4.68
Registered Voters - CHESTERFIELD	26,996		BETTY AMELOTTI	2,089	4.96
Ballots Cast - CHESTERFIELD	18,895	69.99	DEBORAH MURRAY	2,444	5.80
PROP P - BONDS/PARKS & RECREATION- 57.14% MAJORITY			ED LANG	2,186	5.19
YES	12,144	67.68	BOB PARSONS	2,230	5.29
NO	5,798	32.32	BURT DROSTE	2,190	5.20
***** CITY OF COOL VALLEY (2 POLLING PLACES) *****			RICHARD S. BLAND	2,070	4.91
Precincts Counted - COOL VALLEY	2	100.00	MADONNA J. LAWS	2,281	5.41
Registered Voters - COOL VALLEY	730		PROP 2 - ANNEXATION- SIMPLE		
Ballots Cast - COOL VALLEY	414	56.71	GRAVOIS CORRIDOR		
PROP NO. 1 - ANNEXATION- SIMPLE			YES	2,965	53.75
YES	243	66.76	NO	2,551	46.25
NO	121	33.24	PROP 3 - ANNEXATION- SIMPLE		
*** COOL VALLEY AREA TO BE ANNEXED (2 POLLING PLACES) **			WATSON/GRANT ROAD AREA		
Precincts Counted - COOL VALLEY ANNEX	2	100.00	YES	3,127	56.88
Registered Voters - COOL VALLEY ANNEX	553		NO	2,371	43.12
Ballots Cast - COOL VALLEY ANNEX	309	55.88	*** CRESTWOOD AREA TO BE ANNEXED (2 POLLING PLACES) ***		
PROP NO. 1 - ANNEXATION- SIMPLE			Precincts Counted - GRAVOIS CORRIDOR	2	100.00
YES	32	11.47	Registered Voters - GRAVOIS CORRIDOR	1,339	
NO	247	88.53	Ballots Cast - GRAVOIS CORRIDOR	1,008	75.28

BACKGROUND SHEET ON HOME RULE CHARTERS

City of Crestwood

June 28 , 1994

Today, 32 cities in Missouri -- 15 in St. Louis County -- have selected and established **Home Rule** Charters to govern themselves, as opposed to being under the direct jurisdiction of the Missouri General Assembly, among them: Berkeley, Blue Springs, Bridgeton, Cape Girardeau, Clayton, Creve Coeur, Ellisville, Ferguson, Florissant, Fulton, Hazelwood, Kirkwood, Maplewood, Olivette, Richmond Heights, Springfield, St. John, University City, and Webster Groves.

In the 1870s, states adopted restricting legislation against towns and cities. This was because some cities were using poor judgement to raise capital to bring the railroads to their doorstep. City fathers believed that the railroads were the best way to bring prosperity to their communities. Perhaps they were right. However, a popular notion, called Dillon's rule (after an Iowa legislator), swept through most state capitols, limiting the powers of cities.

In 1875, Missouri became the first state in the nation to ease up on Dillon's rule by granting **Home Rule** Charters to cities with populations of 100,000 or more. St. Louis always enjoyed a separate status under Missouri Constitution, so Kansas City was the first to jump aboard the bandwagon, in the new classification. In 1945, a Constitutional provision reduced the required population from 100,000 to 10,000. Sixteen more municipalities adopted **Home Rule**. In 1971, a Constitutional amendment again lowered the requirement to a minimum population of 5,000. The number of **Home Rule** cities has subsequently doubled.

In the places where **Home Rule** has been adopted, some of the following advantages have been cited, as to why citizens relinquished Third or Fourth Class City classification:

- 1) **Home Rule** government is as close to the citizenry as possible, offering greater control over laws and purse strings alike.
- 2) **Home Rule** does not necessarily change the form of government the city uses, but it does provide options, should the citizens wish to reconsider the number or terms of elected officials, whether or not to have wards, combination of city officials, elected versus appointed positions, duties and responsibilities of elected officials, consolidations or expansions of government to fit city needs and conditions. Cities grow - or sometimes diminish -- in size. **Home Rule** allows flexibility to re-evaluate and address those changes, based on realistic perspectives at the time.
- 3) **Home Rule** can be considered a buffer between the city and the state capitol. Even Jefferson City adopted a home rule charter. Citizens in **Home Rule** cities decided that "people" in "...of the people, by the people, for the people..." referred to themselves -- without risk of review, refutation, or revocation by state legislators. Of course, **Home Rule** Charter cities must abide by the Missouri Constitution and the state statutes comprising state law. But they are not subject to the laws intended for municipalities of the Third or Fourth Class. In one legislative session alone, the General Assembly considered over 200 pieces of legislation that affected how Cities of the Third and Fourth Class operate.
- 4) Municipal officials in **Home Rule** Charter cities feel freer to act on citizen interests, without waiting for specific authorization or enabling legislation from state government.

Recommendation

From the City of Crestwood Home Rule Study Committee
To the City of Crestwood Mayor and Board of Aldermen
June 28, 1994

Members of the committee: Tom Holland, chairman, Mary Abeln, Betty Amelotti, Jane Armbruster, James Brasfield, LaVerne Cannon, Wayne Crull, George Dooling, Burt Droste, Pat Duwe, Robert Golterman, Tracy Huston, Steve Ippolito, Pat Kapsar, Ed Lang, Debbie Murray, Robert Parsons, Zola Shouley, Robert Theiss, and Joann Vollet

Madam Mayor and Gentlemen:

As citizens of Crestwood, representing a wide range of interests and concerns, we have been charged with the responsibility of educating and informing ourselves and our fellow citizens on the potential advantages and disadvantages of adopting a **Home Rule** Charter in the City of Crestwood, in lieu of continuing as a city of the Fourth Class, under the Missouri Revised Statutes.

To this end, our 20-member committee has done the following:

- 1) participated in a very productive discussion defining **Home Rule**, led by Gary Markenson, executive director of the Missouri Municipal League
- 2) contacted other municipalities in St. Louis County to investigate why the citizens of their communities voted to establish **Home Rule** and what options it represents for them that they did not have as cities of the 3rd or 4th class
- 3) talked to the organizers, commissions establishing **Home Rule** Charters elsewhere to determine the scope of undertaking a new charter
- 4) researched documents and articles produced by government representatives, publications, and unbiased observers on **Home Rule** to gain a broad range of perspectives on the subject.

Our deliberations, questions, fact-finding, and learning are still in progress. However, we feel that we have studied the issue enough to determine there is much to be gained and virtually no detriment to be risked. Therefore, we strongly recommend the following by unanimous vote:

The City of Crestwood **Home Rule** Charter Study Committee requests that the mayor and the board of aldermen give our citizens the opportunity to vote on the establishment of a city charter form of government, in accordance with Missouri law, by placing on the November 8, 1994, ballot, a proposition on the question, similar to the following: "Shall a commission be chosen to frame a **Home Rule** Charter for the City of Crestwood?"*

The mayor and aldermen's action will enable the election to take place and the people to speak. The **Home Rule** Charter Study Committee came to this recommendation for the following reasons:

- 1) **Home Rule** will create a city government that more directly reflects our local environment and needs, without waiting for authority or enabling action from the Missouri General Assembly
- 2) **Home Rule** will give our citizens options for change in government to match change in growth or economic conditions
- 3) **Home Rule** could protect and provide a buffer between the city and the state capitol, when needed.

It is our sincere hope that you, madam mayor, and gentlemen of the board, will accept our recommendation and proceed to adopt the enabling ordinance immediately.

*The charter proposition would need a simple (50 percent plus one) vote for passage.

On the same ballot, voters would be required to select 13 citizens to form a Charter Commission, who would be responsible for writing a framework for **Home Rule** government within one year of the election date. Candidates for the Charter Commission may be any registered voter of Crestwood, who collects at least 98 names of registered Crestwood voters on a petition, to be furnished by the City Clerk. The field of candidates on the ballot would not be limited; the top 13 vote-getters would be elected.

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

MONDAY

DECEMBER 5, 1994

7:30 P.M.

The Charter Commission Meeting of December 5, 1995, was called to order and the pledge of allegiance recited at 7:35 p.m.

On roll call, the following candidates-elect were present:

Jane Armbruster	Gerald Bratsch	LaVerne Cannon
Burt Droste	Patricia Duwe	Tracy Huston
Tom Killoren	Ed Lang	Madonna Laws
John McGowan	Deborah Murray	Bob Parsons
Bob Theiss		

Others present:

Patricia Killoren, Mayor
Carol Schneiderhahn, City Clerk
Margie Theiss
Dan Ladd, St. Louis County Journal

Welcome

Mayor Killoren welcomed all candidates-elect to the first meeting of the Crestwood Charter Commission. She indicated that she was pleased the citizens had approved the establishment of the charter commission and congratulated all who had been elected.

Mayor Killoren stated that she, Kent Leichliter, the City Administrator, and Carol Schneiderhahn, the City Clerk would be happy to be available to the Commission for whatever information they may require. Mayor Killoren explained that the City would provide the expenses to enable the commission to do its work and that the City Clerk would act as liason to the group from the City. She also stated that Sandy Grave, Executive Secretary, would act as the normal secretary/recorder for the commission when they established their regular meetings.

Oath of Office

The City Clerk administered the oath of office to each candidate-elect and congratulated all commission members.

Election of Officers

Nominations for the office of Chairman were taken:

- Tom Killoren nominated **Bob Theiss** as Chairman.
Debbie Murray seconded the nomination.
- Bob Parsons nominated **Tracy Huston** as Chairman.
Tracy Huston declined the nomination and it was withdrawn.
- Madonna Laws nominated **Jane Armbruster** as Chairman.
Gerry Bratsch seconded the motion. Jane Armbruster declined the nomination and it was withdrawn.
- Ed Lang nominated **Gerry Bratsch** as Chairman.
Tracy Huston seconded the motion.
- Burt Droste nominated **Debbie Murray** as Chairman.
Bob Parsons seconded the motion. Debbie Murray declined the nomination.

John McGovern moved that the nominations be closed.
Tracy Huston seconded the motion. Motion carried.

Bob Theiss and Gerry Bratsch each gave background information about themselves to the members.
Ballots were distributed and vote for Chairman was taken with the following results:

Gerry Bratsch	7 votes
Bob Theiss	6 votes

Gerry Bratsch was elected Chairman.

Nominations for the office of Vice Chairman were taken.

- Tracy Huston nominated **Bob Theiss** as Vice Chairman. Pat Duwe seconded this motion.

Burt Droste moved that the nominations be closed. Bob Parsons seconded the motion. Tracy Huston moved that the commission accept Bob Theiss as Vice Chairman by acclamation. Debbie Murray seconded this motion. Motion carried.

Bob Theiss was elected Vice Chairman.

Nominations for the office of Secretary/Treasurer were taken:

- Tom Killoren nominated **Jane Armbruster** as Secretary/Treasurer. Burt Droste seconded the motion.
- Jane Armbruster nominated **Debbie Murray** for the office of Secretary/Treasurer. Burt Droste seconded the motion.

Pat Duwe moved that the nominations be closed. John McGowan seconded this motion. Motion carried.

Ballots were distributed and vote was taken for Secretary/Treasurer with the following results:

Debbie Murray	9 votes
Jane Armbruster	4 votes

Debbie Murray was elected Secretary/Treasurer.

Discussion on Organization

Mayor Killoren distributed a Missouri Municipal League Technical Bulletin entitled "A Model Charter for Missouri Cities" to each Commission member.

Chairman Bratsch led discussion regarding the scope and organization of the work of the commission. It was determined that Gary Markenson of the Missouri Municipal League would be a good speaker for the group at one of the first meetings.

Debbie Murray asked if copies of the Missouri Constitution could be distributed to them. Tracy Huston also suggested that copies of the sections of Missouri Revised Statutes regarding Charter cities and cities in general be distributed to members. Ms. Schneiderhahn indicated she would prepare the copies for distribution at the next meeting. Mayor Killoren also stated she would make available copies of the charters of various other cities.

Selection of Meeting Day and Time

Discussion ensued regarding the scheduling of regular meetings. There was consensus among the Commission to meet weekly until it was determined that would not be necessary. Madonna Laws moved that the Commission meet weekly on Wednesday evenings from 7:00 p.m. to 9:00 p.m. Jane Armbruster seconded the motion. Motion carried. The Commission agreed not to meet on Wednesday, December 28, 1994.

Other Discussion

Discussion ensued regarding the importance of attendance at the weekly meetings and procedures to be followed if a member could no longer serve. It was pointed out by Mayor Killoren that the Commission had the power to appoint a successor member if one could not serve. While the commission did not have the power to make someone leave because of a lack of attendance, the commission agreed that anyone elected knew the importance of regular attendance and if it became a problem the officers could take appropriate steps to encourage attendance or approach them about stepping down.

Discussion ensued regarding the possibility of any of the

five candidates for the commission who were not elected being an alternate. Mayor Killoren indicated that the law did not provide for alternates. The commission agreed that these five citizens, if they stayed involved in the process, would be appropriate candidates to replace a member if that became necessary. Ed Lang then moved that the Chairman write a letter to the five candidates for the commission who were not elected, inviting them to attend the weekly meetings as interested citizens. Bob Parsons seconded the motion. Motion carried.

Also through discussion it was pointed out:

- 1) An Attorney would work with the Commission.
- 2) The Commission did not work as a recommending body to the Board of Aldermen; their proposed Charter would be put before the Crestwood voters for approval.
- 3) The Crestwood Municipal Code would be made available at the commission meetings, but it would not be necessary to know each of the laws presently in effect to write the charter.
- 4) While only certain of the commission's meetings would be set as Public Hearings, specifically for gathering input from citizens, all meetings would be open to the public. The Commission felt it important to organize the regular meetings so that discussion of agenda items would be held among the commission only with a segment at the end of the meeting for any public comments.

Adjournment

With no further business to come before the commission, Tracy Huston moved to adjourn. Bob Parsons seconded the motion. Motion carried. 8:45 p.m.

Carol Schneiderhahn
City Clerk

HOME RULE CHARTER COMMISSION MEETING

Wednesday, December 14, 1994

The first meeting of the newly-elected Charter Commission of the City of Crestwood was held at 7 P.M. on Wednesday, December 14, 1994 in the Aldermanic Chambers at the Crestwood Government Center, Chairman Jerry Bratsch presiding.

MEMBERS PRESENT:

Jane Armbruster	Ed Lang
Jerry Bratsch	Madonna Laws
LaVerne Cannon	John McGowan
Burt Droste	Debbie Murray
Pat Duwe	Robert Parsons
Tracy Huston	Robert Theiss

MEMBERS EXCUSED:

Tom Killoren

ALSO PRESENT:

Carol Schneiderhahn, City Clerk
Sandra L. Grave, Secretary
Dan Ladd, Reporter - Journal Newspapers

After Chairman Bratsch opened the meeting, Carol Schneiderhahn, City Clerk gave a brief explanation of the correspondence and data given to each commission member.

Chairman Bratsch asked for input from the members regarding the setup of a standard agenda and a proposed outline to follow for future meetings. After brief discussion, it was moved by Ed Lang and seconded by Tracy Huston that the commission accept the proposed agenda drafted by Chairman Bratsch as an initial starting agenda for our weekly meetings. Motion carried unanimously.

General discussion ensued regarding the possibly of having some data placed in the Crestwood Newsletter each month so residents can be kept informed of the commission's progress.

Bob Theiss stated that perhaps publishing a calendar in the newsletter designating the dates of our upcoming meetings would be helpful to residents.

HOME RULE CHARTER COMMISSION MEETING

Wednesday, December 14, 1994

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Carol then explained how all meetings open to the public are handled and that they must be published 24 hours in advance. Also, in order to be more helpful and informative, the City always posts the whole agenda for all interested parties. Carol further stated that formal public hearings are required in the charter process and we will need to discuss and consider when we want these to be set up. There is a specific procedure followed for these hearings including the scheduling of dates and "notice of public hearing" published in the newspaper.

Chairman Bratsch stated that he would like to publish something similar to what the City of Ellisville sent to their residents and also make the residents aware of where the commission meetings will be held since some will be held in the conference room and others in the aldermanic chambers. Carol then explained how the newsletter publications are handled and that the deadline for information is the 15th of the month prior to the date of publication. It is delivered with the South County Times on the first Friday of every month.

LaVerne Cannon feels that each newsletter should have something in it about the charter, either a small bulletin or paragraph so the residents are aware that work has begun on the charter and they are being kept informed.

Discussion followed regarding the proposed schedule. Chairman Bratsch suggested that the commission be broken down into groups of three or four. He explained that if you follow the schedule, there are about 9 articles that will require some degree of work on the part of the members. His suggestion was to break the commission down into sub-committees of 4 persons. The members then chose 4 articles from the list that are of interest to them and Chairman Bratsch will bring the results back to us at the next meeting. The members will then do their research and come forward with the results by the date shown on the schedule using the model charter and those of other cities as a guide, in order to come up with a proposal for Crestwood. Using the model charter as a guide would assure us that the wording is acceptable and it would be a good place to start. The proposals from each group would be discussed by the commission as a whole and everyone would have a chance to express their opinions.

The members continued trying to establish how this could be accomplished, discussing various options as far as sub-committee meeting times, the proper time frame, how much information should be delivered to the public, and the margin for misinterpretation of information by the public. It was also mentioned that our legal counsel would need to become involved. Shu Simon, our City Attorney, is going to try to keep Wednesday nights available and she would oversee the wording and the structure of the articles.

Tracy Huston stated that he feels the sub-committees should come up with the

HOME RULE CHARTER COMMISSION MEETING

Wednesday, December 14, 1994

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principles in their research that they feel should be included in the charter provisions and draft it. He also feels that there should be one draft person who is the lawyer.

The members then chose which articles they would like to be assigned and gave them to Chairman Bratsch who will put them together. Regarding the assignment of sub-committees, Carol stated that the City of Ellisville used sub-committees and used the model charter which was very helpful. She stated that after the sub-committees are designated, she would be happy to copy those sections of the code needed for the commission's assistance.

Bob Theiss stated that he feels we need to start our first few meetings with speakers who are familiar with charters and then go into our sub-committees and study of the articles. Also we need to remember that we do not have to change what we present have on the books.

Discussion followed relative to having Gary Markenson, Executive Director of the Missouri Municipal League be our kick-off speaker. Some of the members of the committee were interested in getting a clearer understanding of the various forms of government, and the advantages and disadvantages of each. The commission also mentioned the need to understand the roles of city management, how they interplay in the system and what the options are. It was felt that by having Mr. Markenson speak to our newly-formed commission at the December 21st meeting, he could bring to us a better understanding of all of the above, plus he is in a better position to tell us how and when to get the public involved, and give us direction and focus in order that we can proceed with the our work in an orderly fashion.

Madonna Laws then moved that we contact Gary Markenson to be our guest speaker as soon as possible. Although this motion was not seconded and carried, the members agreed. Therefore, Chairman Bratsch is going to try to contact him for our meeting either on January 4th or, if possible, December 21st. Also noted was that there will be no meeting held between Christmas and New Year's.

The committee members then discussed the City of Ellisville's questionnaire. It was moved by Bob Parsons, seconded by Pat Duwe that we use this questionnaire as our guide and present it to our residents as soon as possible. Nine were in favor of this and three opposed. Madonna Laws stated that she is not opposed to the idea of a questionnaire - only that before we do this we should hear what Gary Markenson says because there may be new questions we would like to ask the residents that may come forth from his presentation, and at this point she feels a questionnaire is too premature.

HOME RULE CHARTER COMMISSION MEETING

Wednesday, December 14, 1994

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Bob Parsons stated that he felt it expedient to send out the questionnaire because it is his concern that if we wait until January, we will have had several meetings that the residents haven't been involved in, and he feels that it is extremely important to get their input from the beginning. He explained that somewhere between December 21st and January 4th, residents should be invited.

After brief comments from other members, all agreed to let Bob Parsons and Ed Lang put together a questionnaire similar to that of the City of Ellisville's with some minor changes for the members to discuss at next Wednesday's meeting.

Madonna Laws asked a question regarding the time limit to speak for persons attending the meetings. Carol stated that at the onset of the meetings, usually the Chair instructs the audience that there will be a certain time limit for public comments. Madonna Laws stated that public comments, if lengthy, can be presented in writing as an option. LaVerne Cannon stated that after the important topics are presented at the meeting, we can allow the last 15 minutes to be geared toward comments from the audience. At the suggestion of Chairman Bratsch to allow public comments as an agenda item, Madonna Laws stated that Old Business should be listed and then Public Comments, thus we can get all of our business done prior to any comments from the public. The commission all agreed to this idea.

Tracy Huston pointed out the importance of making sure that the public that attends the meetings have copies of whatever we are working on, and before we take a final vote on adopting or approving any articles, the public should have the right to comment on that specific article since it may have an effect on what we decide to do, rather than making them wait until the end of the meeting and speak about something that has already been concluded.

Chairman Bratsch stated he has not sent letters to the five persons who did not get elected to the commission as discussed at the last meeting. This idea was initially mentioned regarding using those candidates as a backup for a member(s) who could no longer serve. Tracy Huston feels that we could appoint someone at any point in time when needed, as it would not take someone very long to catch up, read what we have done and attend a couple of meetings. Therefore, Tracy Huston, moved that the letters not be sent, seconded by LaVerne Cannon and carried unanimously.

The next meeting of the commission will be held on Wednesday, December 21, 1994 at 7 P.M. Meeting adjourned at 8:56 P.M.

Respectfully submitted,

Sandra L. Grave



ATTENDANCE SHEET
HOME RULE CHARTER COMMISSION MEETING

DECEMBER 14, 1994

Please sign the attendance sheet below and forward to next person:

NAME	ADDRESS	COMM. MBR./GUEST?
John Bruton	8945 Red Oak Dr	CM.
Robert Cohen	115 Chatham Ter.	CM.
John Dummer	9073 Maple Grove	comm. mbr.
Therese L. Lohr	9054 Morning Star	Comm.
John R. McElwain	9140 Pardee Spur	Comm.
Burt Droste	1467 TRELAWAY	Comm.
BOB PARSONS	9872 AMBERLEY	COMM. MBR.
Art Deuve	9014 Laurel Crest Dr.	" "
Ed Jany	9640 YORKSHIRE EST-DR.	" "
Lee Murray	739 Leggett	" "
Madonna J. Laws	9250 Vauk Dr	Comm.
Carol Schneiderhake	City Clerk	
LaVerne C. Cannon		
Sandra Greve	Secretary	
Don Ladd	Reporter Journal	

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

December 14, 1994

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Roll Call - secretary
- III. General Business
 - A. handouts appropriate to all cities and charter cities from:
 - 1 Mo. Constitutional sections
 - 2 Mo Statutes
 - 3 Crestwood Ordinances availability
 - 4 Commissioner addresses
 - B. review proposed agenda outline
 - C. city charters and MML model charter
 - D. establish preliminary calendar outline thru November 7, 1995
 - E. speakers
 - F. possible committee requirements
 - G. general
- IV. Public Input/Comments
- V. Adjournment (9pm?)

CHARTER COMMISSION

Jane Armbruster 9073 Maple Grove	Jane	(Mark)	849-5783
Gerald L. Bratsch 8945 Red Oak Dr.	Jerry	(Barb)	843-0150
Laverne C. Cannon 1650 Ligget Ct.	Laverne		962-8754
Burt Droste 1467 Trelane	Burt	(Mary)	962-5851
Patricia Duwe 9014 Laurel Crest Dr.	Pat	(Bill)	842-1009
H. Tracy Huston 9059 Morningstar Trail	Tracy	(Gretchen)	843-0851
Thomas Killoren 907 Volz	Tom	(Pat)	961-2766
Edward M. Lang 9640 Yorkshire Estates Dr	Ed	(Judy)	842-2721
Madonna J. Laws 9250 Vauk Ln	Madonna	(Lin)	849-7282
John R. McGowan 9140 Pardee Spur	John	(Nancy)	849-8620
Deborah Murray 939 Liggett Dr	Debbie		968-8069
Robert Parsons 9872 Amberly Dr.	Bob	(Mary Lou)	849-1203
Robert Theiss 115 Chatwood Terrace	Bob	(Margie)	822-8638

Approved
1.11.95

VOL. II

HOME RULE CHARTER COMMISSION MEETING

Wednesday, December 21, 1994

The second meeting of the Charter Commission of the City of Crestwood was held at 7:00 P.M. on Wednesday, December 21, 1994 in the Conference Room at the Crestwood Government Center, Chairman Jerry Bratsch presiding.

MEMBERS PRESENT:

Jane Armbruster
Jerry Bratsch
LaVerne Cannon
Burt Droste
Pat Duwe

Tracy Huston
Tom Killoren
Ed Lang
Madonna Laws
John McGowan

Debbie Murray
Robert Parsons
Bob Theiss

SPECIAL GUEST:

Gary Markensen, Executive Director
Missouri Municipal League

ALSO PRESENT:

Shu Simon, City Attorney
Carol Schneiderhahn, City Clerk
Sandra L. Grave, Secretary
David Roither, Resident/Observer
Jerry Thomas, Resident/Observer
Paul Paradise, Alderman/Observer
Dan Ladd, Journal Newspapers

Bob Theiss started the meeting by introducing the guest speaker, Mr. Gary Markensen, Executive Director of the Missouri Municipal League. Mr. Markensen was invited to this meeting by the commission to give input on and the benefit of his expertise on charter commissions, based on his experience and knowledge.

He first explained the difference between a statutory city and a charter city. He stated that Missouri is composed of many 3rd and 4th class statutory cities. Charter cities are also sometimes called constitutional charter cities or home-rule cities. Crestwood is a fourth-class city which means it is governed by State statutes or laws, and it only has the powers and forms of government that are specifically granted by State statutes. Under the State statutes for a fourth-class city like Crestwood, it is stated that we have a mayor elected at large, aldermen elected from at least two wards, and two aldermen from each ward. Also, Crestwood has the option of a City Administrator

HOME RULE CHARTER COMMISSION MEETING

Wednesday, December 21, 1994

Page Two

and the statutes specify the structure of government. Fourth-class cities have no authority for Referendum or Initiative. People can petition the Board of Aldermen but only in an advisory capacity. Anything that is not specifically authorized by State law is prohibited in a statutory city and until the General Assembly specifically grants the authority for any issue, it is prohibited. For instance, Crestwood could not control weeds on property or dangerous buildings until it was passed by the legislature in 1970.

Gary stressed an important point in the affirmation of changing Crestwood to a charter city - that being, as a city of the fourth class, what the legislature gives us, they can also take away at any time. If they chose to repeal weed control, statutory cities like Crestwood would loose their local control over weeds. Therefore, we are totally reliant on State law in our present fourth-class city status. We are subject to any future changes in the statutes for cities of the fourth class and it may or may not be in Crestwood's best interest.

Missouri was one of the leading States in the Country granting home-rule authority to municipalities. In 1875, a new Constitution was adopted in Missouri and the first constitutional provision was to grant home-rule authority to the largest cities in the State of Missouri. This provision was unchanged until 1946 when we amended the Constitution to lower the population requirement for home-rule status to 10,000 people. In 1971, the Constitution was again amended, and at that time we had 16 home-rule cities. The 1971 amendment is very important because it was two-fold: first, it lowered the population to 5,000, and secondly, it changed the nature of home rule to give cities much more flexibility and authority to solve their own problems. Previous to the 1971 amendment, charters were grants of power and a city had to find the power in their charter to do something. In the 1971 amendment, charters became limitations on powers, and a home-rule city assumed all powers not specifically prohibited by the Missouri Constitution, State law or their charter.

Gary explained that prior to 1971, charters were very lengthy, and in looking at model charters, anything prior to 1971 should not be used as a guide. Charters today are much shorter and to the point, and are geared to structure of government, limitation on powers and the governing body can flush it out with ordinances which then gives much more flexibility. Prior to 1971, for example, if you wanted to control weeds, you had to amend the charter. Charter cities today, just amend their ordinances.

There are 32 home-rule cities in Missouri and they have adopted a wide variety of structures of government - i.e., Council/Management, full-time Mayor without a City Manager or City Administrator like Florissant, but a vast majority have a City Administrator form of government like Crestwood. Some people feel that the concept

HOME RULE CHARTER COMMISSION MEETING

Wednesday, December 21, 1994

Page Three

of a home-rule charter assumes a certain type of government, which it does not. It is completely neutral, and the structure of government will be what is adopted in the charter with total flexibility to its input. You can retain what you have with few modifications or leave it as is. In summation, a home-rule charter commission is, by definition, a group of persons who have been elected to draft a constitution that fits the needs of their city - in this case, Crestwood's.

John McGowan asked Gary to elaborate on the different types of government. Gary explained that traditionally Council/Manager government will consist of a small council, often elected at large, city-wide and not from wards, with a great deal of administrative power lodged in the city manager. In some cases, members of the governing body are prohibited from discussing issues with city employees except through the city manager. The mayor often has very minimal powers - presiding at council meetings; often they do not have veto power, and appointment power is delegated to the city manager. The city manager works for the mayor and council and he or she can be fired without cause if they do not like their performance. University City and Webster Groves are two cities with this type of government.

In a strong Mayor form of government, there usually isn't a city manager; and the mayor is usually full-time, with strong executive powers, who appoints all department heads, and employees, and has veto power - like the City of Florissant.

The City Administrator form of government, as in Crestwood, is comprised of a Mayor, Board of Aldermen and City Administrator. Our proposed charter would spell out the duties of the city administrator rather than by ordinance. The Board of Aldermen can add duties by ordinance, but the basic duties would be in the charter itself. Gary explained to the commission members that with our present City Administrator form of government and fourth-class-city status, it is conceivable that a mayor could come in and sabotage this structure, whereas under a city charter, that can't happen.

LaVerne Cannon mentioned that in studying the charters of several cities, she noticed the flexibility of the terms of office and inquired why the State hasn't kept the terms of office the same for everyone. Gary explained that the State has done just the opposite. Third-class cities have four-year mayoral terms except in a third-class council/manager city, where the council elects the mayor and they all serve three-year terms. Historically, in fourth-class cities, the mayor serves a two-year term. Several years ago, Senator Dirk introduced a bill extending the mayoral term to four years. At that same time, Gary, in his capacity with the MML, asked the Senator to consider making this four-year term bill optional rather than mandatory, which he did; thus, in a fourth-class city today, the mayor serves a two-year term, but the board of aldermen may, by ordinance, provide that the mayor has a four-year term. If Crestwood were

HOME RULE CHARTER COMMISSION MEETING

Wednesday, December 21, 1994

Page Four

to become a charter city, the term limits would be included as a item for discussion and approval, to either leave it as is, or change it.

Gary stated as far as term limitations are concerned, there are some charter cities that do not want city officials to be entrenched in office. Some cities feel that offices should be rotated and everyone should serve. There is a 25% mayoral turnover every year in local government and it is one of the biggest problems. Gary states it is his experience that when you are elected to office, you become extremely familiar with the problems of the people. The arguments for term limitations, he feels, make more sense on the congressional level where persons go to congress and get out of touch with the local people; but on the city level, your constituency keeps you very informed on what they want and what they need.

Gary then explained what the Constitution gives us as guidance. If there are any vacancies on the charter commission, the commission fills them. All of the necessary expenses are paid by the city. You have one year to draft the charter - therefore, in November of 1995, the people in Crestwood will vote on a charter. It takes a full year, thus, as a practical matter, our work must be done in about eight months, in order that it be reviewed by legal counsel and time is allowed for educating the people.

If there is a real controversial stumbling block where the commission is split on an issue(s), the Constitution states that the issue can be separated out on the ballot for a separate vote, but ideally, there should be no separate issues. However, if this does occur, the voters would vote first on the charter, and then on the separate issue. Therefore, the charter issue is protected and the people get to decide how they feel about that specific, split issue.

The charter needs a 50% plus 1 vote to pass. Charters can be amended in three ways - one, elect a whole new charter commission to suggest amendments, - two, the most common approach is for the city council to propose amendments and those are then submitted to the vote of the people, or - three, by a petition signed by 10% of the registered voters based on those voting in the last election.

Gary stated that in electing officers for the commission, generally they are composed of: Chairman, Vice-Chairman, Secretary, and Finance Officer. The Vice-Chairman serves in the absence of the Chairman and the Secretary should not be the person taking the minutes. As an elected commission member, that person should be participating in drafting a charter, not wasting valuable time taking notes. The Secretary should be the person who communicates to the public, inviting speakers, thanking speakers, sending notices to the news media, and sending notices to the commission members. A budget should be prepared and the biggest expense will be printing copies of the charter. An arrangement should be worked out with the appropriate City

HOME RULE CHARTER COMMISSION MEETING

Wednesday, December 21, 1994

Page Five

Finance Officer to pay the bills and give the City an estimated budget of expenditures. Also arrangements should be made with the Finance Officer regarding what documentation the City will require for accounts payable, etc.

The meetings should be open for public comments with firm time limits set, and public comments should be solicited. A list of key "opinion" leaders in the City of Crestwood should be made. They should be invited and encouraged to come to the meetings, and asked for their input - i.e., persons from the Chamber of Commerce, Lions Club, Rotary Club, ministers, developers and business people who live and work in Crestwood. The commission should also get speakers such as the City Administrator to come to the meetings and speak on the operations of the City, and possibly someone from another recent charter city to give us an overview of their experiences in drafting their charter.

Gary stated that the commission should not wait until the charter is almost drafted to get these key people involved - it has to be done at the very beginning so that it doesn't impose obstacles that would interfere with the steady progress that has been made. Gary also stressed the importance of encouraging the news media to come to the meetings, commenting that the St. Louis Post Dispatch has always been a strong supporter of home-rule charters. He stressed that we should go out of our way to get all the news media involved, briefing them on what is going on.

Some type of operating rules should formally be adopted. Gary suggested Roberts Rules of Order. He then explained and briefly spoke about the filing of Personal Financial Disclosure Statements due by May 15th. The City Clerk has the forms available for commission members, if needed.

After the charter is drafted, it should be reviewed by the City Attorney and another attorney who has worked with other charter cities, and a summary will need to be sent to every home in Crestwood. Most persons in Crestwood are not going to take the time to read a 30-page draft of a charter, but they will read a two-page summary which explains to them what is in the charter. Copies of the whole charter can be made available for those who want a copy through City Hall; however, copies could also be made available through libraries, the community center, senior citizen centers, etc. The biggest item in the budget will be printing costs.

Discussion followed regarding Initiative and Referendum. The Model Charter has a number of things that are exempt from Initiative and Referendum. Gary explained that you can run into problems by allowing anything and everything to be petitioned by the people. Some things that are exempt from Initiative and Referendum are the salary of city officers and employees, important budget decisions, capital programs, ordinances relating to the appropriation of money, levy of taxes, and zoning.

HOME RULE CHARTER COMMISSION MEETING

Wednesday, December 21, 1994

Page Six

The commission thanked Gary Markensen for sharing his knowledge with them.

Approval of Minutes - John McGowan stated that regarding the minutes of the 12/14/94 commission meeting - on page four, second paragraph - Burt Droste's name was omitted regarding putting together the questionnaire. Therefore the paragraph should read: ***"After brief comments from other members, all agreed to let Bob Parsons, Ed Lang and Burt Droste put together a questionnaire similar to that of the City of Ellisville's with some minor changes for the members to discuss at next Wednesday's meeting."*** Minutes were approved as amended and carried unanimously".

Approval of Minutes - Chairman Bratsch asked for approval of minutes of the 12/5/94 commission meeting. It was moved by Ed Lang, seconded by Tracy Huston that the minutes of the 12/5/94 meeting be approved. Motion carried unanimously.

General discussion commenced regarding the proposed questionnaire that is going to the residents. The members were particularly concerned with making sure that it was easy to read and understand so that it wouldn't be misinterpreted by the voters. The City Clerk stated that she discussed some of the wording with the City Administrator for accuracy. Several items and the wording of these items for the questionnaire were discussed and the possible inclusion of an in-depth definition of Initiative and Referendum.

After perusal by the commission, all agreed on the final draft of the questionnaire to be sent to each Crestwood residence. Said copy is attached hereto marked Exhibit "A" and made a part of this Journal.

Bob Theiss suggested getting additional speakers and inviting them to speak at the upcoming commission meetings.

Tracy Huston stated it would be a good idea to see if the City Administrator were available to speak at one of our meetings. Madonna Laws agreed because of the importance in our understanding of the structure of the City. Burt Droste agreed stating that it should be done as soon as possible. Therefore, after short deliberation by the commission it was moved by Burt Droste, seconded by Debbie Murray that Kent Leichliter, City Administrator be requested to come to the next meeting on January 4th and speak to the commission. Motion carried unanimously.

Chairman Bratsch mentioned that we should keep at least two months ahead of schedule in the newsletter, and perhaps in the March or April issue we can insert a broader definition and description of Initiative, Referendum and Recall so that when it

HOME RULE CHARTER COMMISSION MEETING

Wednesday, December 21, 1994

Page Seven

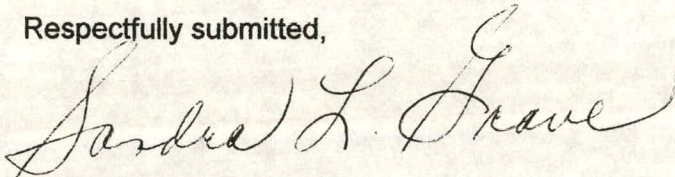
is time for the public to become involved, we will have educated them along the way so that their input becomes more significant.

Bob Parsons suggested that perhaps a page should be inserted into every newsletter that can let the public know and make them aware of what we have accomplished thus far and what we will be working on next.

Chairman Bratsch stated that the commission has to formally adopt operating rules such as Roberts Rules of Order as mentioned by Gary Markensen earlier in this meeting. It was then moved by Madonna Laws and seconded by Tracy Huston that the City of Crestwood Charter Commission officially adopt Roberts Rules of Order for their meetings. Motion carried unanimously.

Meeting adjourned at 9:04 P.M.

Respectfully submitted,

A handwritten signature in cursive script, reading "Sandra L. Grave". The signature is written in dark ink and is positioned above the printed name of the signatory.

Sandra L. Grave, Recorder

12-21

ATTENDANCE SHEET
HOME RULE CHARTER COMMISSION MEETING

PLEASE SIGN THE ATTENDANCE SHEET BELOW AND FORWARD TO NEXT PERSON:

NAME	ADDRESS	COMM. MEMBER/GUEST
Sandy Gray	1333 Salerust	Secretary
Bob PARSONS	9872 AMBERLEY	MEMBER
Pat Duwe	9014 Laurel Crest	Member
B. Dvorak	1467 Trelane	"
Lakem Carmichael	1650 Liggett Ct.	"
Madonna Law	9250 Vauk	"
Thomas C. Kellum	907 Volz Dr	"
Therese Dush	9059 morning gls	"
D. Roither	9035 Cordoba	Guest
JERRY THOMAS	9146 CORDOBA LN	GUEST
JOHN MCGOWAN	9140 PARADE SPUR.	Member.
DEB. MURRAY	939 LIGGETT	"
Jane Armstrong	9073 Maple Grove	member
Robert V. Thain	115 Chatswood Dr.	member
Robert	8945 Red Oak	Member
Paul Paradise		
Shirley Simon		
Ed Long		

Don Ladd - Newspaper
Carmel Schneiderman, City Clerk

Continued on
next sheet

Carol S.

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

12/21/94

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Roll Call - secretary
- III. Minutes, previous meeting
- IV. General Business
 - A. speaker - Gary Markenson
 - B. committee reports
 - 1. questionnaire
 - 2. newsletter
 - C "article" committees
 - D. schedule revisions
 - E. general discussion
- V. Old business
- VI. Public Input/Comments
- VII. Review meeting and assignments
- VIII. Adjournment

Roberts Rules of Order prevail



CITY OF CRESTWOOD CHARTER COMMISSION QUESTIONNAIRE

1. At present, the Mayor is the official representative of the City & is elected at large by the citizens. An alternative is to have the Mayor selected by the Board of Aldermen (BOA) from among its members; the Mayor position would then rotate yearly, based on a system established by BOA. Should the Mayor continue to be elected at large by citizens? Yes___No___
 2. The Mayor now has power to veto ordinances which the Board of Aldermen may override with a 2/3 majority vote. Should this be retained? Yes___No___
 3. The Crestwood City Administrator is now responsible to both the Mayor and the Board of Aldermen for his administrative actions. Should this position only be responsible to the Mayor? Yes___No___
 4. Aldermen are elected by Wards. They could be elected city wide. Should the present Ward system be retained? Yes___No___
 5. Aldermen are now elected for two year terms. Should this term be lengthened? Yes___No___
 6. The Aldermen can now serve as long as the citizens re-elect them. Should term limitations be established for Aldermen? Yes___No___
 7. The Mayor is now elected for a two year term. Should this term be lengthened? Yes___No___
 8. The Mayor can now serve as long as the citizens re-elect him or her. Should term limitations be established for the Mayor? Yes___No___
 9. Under our present form of government citizens do not have power to propose an ordinance for vote by the people (initiative). Should citizens have this right? Yes___No___
 10. Under our present form of government, citizens do not have power to have an existing ordinance reconsidered by a vote of the people (referendum). Should citizens have this right? Yes___No___
 11. Under our present form of government, citizens do not have power to remove an elected official from office (recall). Should citizens have this right? Yes___No___
-

Postage

EXHIBIT "A"

CHARTER COMMISSION
City of Crestwood
One Detjen Drive
Crestwood, MO 63126

December 29, 1994

Dear Crestwood Resident,

The Missouri Constitution permits cities with populations of 5,000 or more to prepare and adopt their own charter. In the November 1994 election, the citizens of Crestwood overwhelmingly voted to take advantage of this Home Rule provision and to review our present form of government.

What is a Home Rule Charter and how does it compare with our current form of government?

A Home Rule Charter is the basic legal document of a city. Under our present form of government, the City of Crestwood has only those powers expressly granted under the Missouri Constitution and Statutes. This imposes very restrictive and inflexible limitations on a progressive city. Under a Home Rule Charter, Crestwood would have the flexibility to deal with issues affecting the City. Further, it offers significant safeguards to protect residents against abuses of power.

The principle of Home Rule is that residents should be granted the maximum flexibility to resolve issues. To accomplish this task, a thirteen member Charter Commission was elected to draft a charter designed specifically for Crestwood. As a resident, your views are important and the Charter Commission needs to know your opinion on a number of issues. Your answers to the questionnaire on the reverse side of this letter will be of great assistance to us. Please take a few minutes to answer the questions. If you have additional comments, you may include them in the space below.

Please fold the questionnaire so that the return address is visible, include postage, and return by January 16, 1995. Thanks so much for your cooperation.

The Charter Commission

CHARTER COMMISSION
City of Crestwood
One Detjen Drive
Crestwood, MO 63126

Address Label

Approved
1-18-95

VOL. III

HOME RULE CHARTER COMMISSION MEETING

Wednesday, January 4, 1995

The third meeting of the Charter Commission of the City of Crestwood was held at 7 P.M. on Wednesday, January 4, 1995 in the Aldermanic Chambers at the Crestwood Government Center, Chairman Jerry Bratsch presiding.

MEMBERS PRESENT:

Jane Armbruster	Madonna Laws
Jerry Bratsch	John McGowan
LaVerne Cannon	Debbie Murray
Burt Droste	Robert Parsons
Pat Duwe	Bob Theiss

ALSO PRESENT:

Shu Simon, City Attorney
Carol Schneiderhahn, City Clerk
Sandra L. Grave, Recorder
D. Kent Leichter, Guest Speaker
Dan Ladd, Reporter/Journal Newspapers

MEMBERS ABSENT:

Tracy Huston-Excused
Tom Killoren-Excused
Ed Lang-Excused

Chairman Bratsch opened the meeting by introducing Mr. Kent Leichter, Crestwood's City Administrator, who was here this evening to explain his role, the role of the department heads and to assist us in understanding the structure and overall operations of the City.

Kent started by explaining the organizational chart that he passed out to the members. Said chart is attached hereto marked Exhibit A and made a part of this Journal.

Office of the City Clerk. Kent stated that the City Clerk keeps the official records of the City, coordinates all elections with the County Board of Election Commissioners, and handles the day-to-day questions and complaints of residents by phone or in person. She conducts research on various issues and is a special projects assistant to the City Administrator when needed - the most recent being the Cable Television franchise. With the exception of the City Clerk and Municipal Court Clerk, all other persons who work in the City Clerk's Office are part-time.

HOME RULE CHARTER COMMISSION MEETING

Wednesday, January 4, 1995

Page two

Police Department. Kent explained that the police department dispatches all police personnel; the police have their own dispatchers, they investigate crimes and provide crime prevention information, traffic enforcement and community service programs such as Crestwood's Neighborhood Watch Program. They conduct crime seminars wherein business persons in the community are briefed on how to spot shoplifters and potential robbers. They also speak on crime, crime prevention and drug abuse at meetings with local civic, community and school organizations. The school safety program and the D.A.R.E. programs are two that are very popular and helpful, and are used by the Lindbergh School District.

Fire Department. The two obvious functions and operations of the Fire Department are fire prevention and suppression. Fire prevention also includes code enforcement. Every commercial building plan must be approved by the Fire Department to make sure it is in conformance with the fire code, prior to approval of the St. Louis County Building Code. Crestwood contracts with St. Louis County to do building inspections, but the fire code conformance is done by our Fire Department.

The Fire Department also works with local schools and commercial establishments in the distribution of fire prevention information as well as the distribution of information to local residents through the Crestwood Newsletter.

The emergency medical technicians are also part of our Department of Fire Services, and have the highest certification given by the State of Missouri. Mr. Lechlitter clarified the propaganda which the City dealt with during the annexation period last year, which was that if the annexations were successful and became part of Crestwood, the paramedics that would respond to emergencies would be under contract which was definitely untrue.

The job of the paramedics is to stabilize patients before they are transported to a hospital; however, the transportation is done by Abbott Ambulance with whom we contract for their services. The rescue truck then accompanies the ambulance to the hospital. We have two crews on duty - one rescue truck and one back-up truck which is also equipped. When a 911 call is dispatched, an ambulance is usually dispatched at the same time. The patient is always stabilized prior to transport - the theory being that you cannot stabilize someone in a moving vehicle. Per contract, their ambulance is stationed within the city limits at all times, 24 hours per day, and if they have to transport someone to the hospital, they have to dispatch another ambulance to take their place in the City. There is always at least one paramedic in the ambulance. We have the opportunity to reopen negotiations for ambulance service every December and the contract runs from March to February 28th. We have been very happy with Abbott Ambulance and have not reopened the contract.

HOME RULE CHARTER COMMISSION MEETING

Wednesday, January 4, 1995

Page three

The fire truck will often accompany the rescue vehicle even though there is no fire emergency. This is because rescue personnel are also stationed on the truck, and because Crestwood is not a large populous, we are in a better position to have more qualified personnel on the site of accidents to assist in the care of the victim/patients.

Department of Public Works . The Department of Public Works is in charge of planning and zoning administration, code enforcement and blight control (exterior inspections). The City of Crestwood does not have an occupancy permit for residential homes.

Snow removal, health inspections, inspections of restaurants and school cafeterias are done by personnel in Public Works. St. Louis County is really in charge of restaurant inspection, but Crestwood has always inspected their own restaurants and we have continued to do that, although we cannot give ratings. However, if it is below standard, we use the same criteria as the County and we will call them to come out and do a joint inspection. Most restaurants in St. Louis County are only inspected once a year since they do not have the personnel to do more. Crestwood's restaurants are done a minimum of once a year. The City Sanitarian has been trained by the County, and works out the Public Works Department, but the ratings all come from St. Louis County.

Burt Droste inquired about snow removal on County roads such as Sappington Road once we become a charter city. It was explained that if we change status from statutory city to charter city, the County will still be responsible for their roads which are located within the city limits and we will still be responsible for all city streets.

Mr. Leichter explained the occupancy permit issue to the commission stating that we have no interior residential inspections. Some cities like Webster Groves or Kirkwood have an occupancy permit requirement on residential and rental properties, which states that in order to buy, sell or rent a home in their area, it has to pass interior and exterior inspection standards. Crestwood, at the present time, only has a blight control ordinance for residential property which means that the exterior of homes must meet the standard codes. The code enforcement officer is in charge of blight inspections and only inspects when notified of a problem. He does not go out on a daily basis to check homes specifically. Many times these blight issues are reported to him by department heads, aldermen, or persons living in the questioned area.

Debbie Murray asked if this occupancy permit for residential homes could be included in the charter by the commission. Shu Simon affirmed this and stated that it would be done by ordinance.

HOME RULE CHARTER COMMISSION MEETING

Wednesday, January 4, 1995

Page four

Kent stated that the reason why some cities have the occupancy permit ordinance is to guard against deterioration of properties in neighborhoods, such as certain sections of a city which may have rental properties and absentee owners/landlords. Twenty years ago, Crestwood did not have the rental properties that now exist. Therefore, it is possible that the commission would want to consider this issue some time in the future, because most occupancy permit cities have included them in their charters as a protection in order to keep up property values. For instance, a home that is poorly maintained that was lived in by the owner, who either moved away or is deceased. If the home is in poor condition, the market value may not be substantial. Therefore, the owner may decide to rent it rather than place it on the market for sale. If the landlord/owner is not compelled by law to bring it up to standard, it then becomes a problem for the other homes in the area which could lead to further deterioration.

Public Works also does vehicle maintenance for the public works vehicles, police vehicles and administrative vehicles. They also do street maintenance and repair and building maintenance for the government center.

Parks and Recreation Department. The Parks and Recreation Department maintains 7 City parks, the Community Center, Sappington House, and cuts the grass in 33 cul-de-sac islands, and 2-1/2 miles of right-of-ways. They also maintain the city-owned Sappington Cemetery, operate and maintain the Sappington House Complex and grounds. The Sappington House and the tours are run by volunteers from the Sappington House Foundation. The Foundation has also in the past assisted the City financially in the care and restoration of the Sappington House Complex. The Barn Center Tea Room is operated under contract by the City. The tea room is now being operated under new contract with a new operator who is trying to attract a broader clientele with new exciting things on its menu. The new operation starts the second week in January.

The swimming pool at Whitecliff is operated under contract by a pool company. We have found that by operating it with private contractors is more cost effective than operating it in-house. The contractor hires enough full-time people to service all of their pool contracts, and although most of their people stay in the same area, when it is time for vacations or vacancies, they have enough staff to switch personnel around in order to accomodate these problems.

Parks and Recreation do their own vehicle maintenance on site, maintain street trees mostly by contract, and only on an as-needed basis - i.e., a tree that is diseased or is creating a danger, or needs special care. They also assist public works with snow

HOME RULE CHARTER COMMISSION MEETING

Wednesday, January 4, 1995

Page five

plowing - three persons from Parks and Recreation are used and they are automatically moved over to do snow plowing when necessary. The Animal Control facility is also under the supervision and management of P&R, as well as the animal control officer. The park ranger sometimes substitutes for the animal control officer when he is not on duty. Animal Control has been in Crestwood for 17 years.

Bob Theiss stated that the animal control facility has a policy of always trying to find the owner of a lost animal, and if they can't find the owner, they then try to place the animal with a home rather than send them to the Humane Society. Bob stated that our facility is unique in this regard, and Crestwood should be very proud of our operation in that we are more conscientious than many cities when it comes to the protection and care of animals.

Finance. Finance maintains and administers the accounting system of the City. He oversees purchasing and provides assistance to the City Administrator in administering the personnel system including payroll, and prepares and administers the annual budget.

The Civil Service Plan for the City employees has various steps levels and grade levels. The merit increases are ultimately approved by the City Administrator, but it is channeled in the system. An evaluation is given by the supervisor in a department, who then has it approved by the department head,

City Administrator. The city administrator basically makes sure that all of the above-mentioned persons are doing their jobs. Kent stated that the hiring of the department heads is a three-part process; first the person is recommended by the City Administrator to the Mayor, the Mayor recommends approval to the Board of Aldermen and then the Board of Aldermen gives their approval. The two exceptions would be the City Clerk and Finance/Personnel Officer who are governed by the Civil Service System although they are still considered department heads.

Neither the Mayor nor Board of Aldermen can initiate the hiring of the department heads - only the City Administrator. The department heads are completely in charge of hiring and firing their own employees with approval of the City Administrator. They do their own testing, interviewing, and selection, etc.

Boards and Commissions all have a staff person assigned to them as well as an aldermanic representative to each board. These board and commission members are not paid. There are some statutory boards in the City such as the Board of Adjustment and Planning and Zoning Commission required by State statutes which

HOME RULE CHARTER COMMISSION MEETING

Wednesday, January 4, 1995

Page six

define what their role is, and they also are not paid. Other boards chosen by the City are all advisory boards, with the exception of the Sign Commission, which the City feels is necessary to control sign pollution in our commercial areas. This Sign Commission has been given a more than advisory role in dealing with signs, sign variances, size, etc., however, it is not a statutory board. All Board and Commission persons are appointed by the Mayor and approved by the Board of Aldermen. The Mayor may request assistance from the Board of Aldermen members in suggesting someone that would be a good candidate for a certain board. Perhaps they have constituents who would work well on a particular board due to their expertise or their knowledge, however, the final nomination is done by the Mayor with board approval.

Mr. Leichliter stated that at the present time he has asked all department heads to look at their operations to see if there is something that they specifically wanted to change. When asked if he had any changes he wanted to implement, Mr. Leichliter stated that he is satisfied with the basic structure and policies that Crestwood now has - although there may be some fine-tuning or specific areas down the line that he might want changed. He further stated that he feels the City has been running very well and if at some point in time there is something specific he feels needs to be considered, he would advise the commission at that point in time. The City Clerk has become a liaison in this regard and keeps him informed of the commission's progress.

Madonna Laws inquired as to the salaries of the Mayor and Board of Aldermen members. ***(At the time of this meeting, there was some confusion regarding the Mayor's salary and it was quoted incorrectly as being \$12,000 per year. The correct amount is \$500 per month (\$6000 per year). The \$12,000 figure was also incorrectly mentioned in the Journal newspaper. The newspaper is suppose to print a correction and this correction was clarified at the January 11th meeting.)*** The salary for aldermen is \$225 per month.

LaVerne Cannon inquired about department heads and the City Administrator being required to live in the City. Kent stated that the department heads do not have to live in the City but the City Administrator is required to in a fourth-class city. If we become a home-rule city, the commission should consider including Crestwood residency in our charter for the City Administrator. Most of the department heads live in the City, but it is his policy that when hiring department heads, if they are moving from out of State, they should move into Crestwood. If they are within a reasonable commuting distance, Kent leaves it up to them, however, if a department head decides to move and sell their home, he feels they should be required to move into Crestwood.

Kent stated that his salary is determined by the Mayor and Board of Aldermen on a yearly basis. The salary increases for department heads are done in September

HOME RULE CHARTER COMMISSION MEETING

Wednesday, January 4, 1995

Page seven

by Kent, and around August he submits in writing a recommendation to the Board of Aldermen for the department heads using a formula based on the across-the-board increase given to the employees plus a merit increase of up to 4% with a maximum cap of 5%.

Kent thanked the commission for inviting him to the meeting and stated that he would be happy to answer any more questions or come to any future commission meetings.

Chairman Bratsch asked the commission to look over Article 1 and 2 which he copied as per the model charter. Shu Simon, the City Attorney stated she feels that the language is adequate and doesn't create the possibility of a problem.

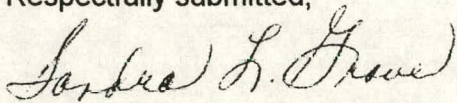
After further discussion regarding the preamble and changes in the wording of these two articles, Burt Droste stated that we can always review and go back to change any of the articles if we feel it is necessary to do so, but we should keep the charter as simple and unencumbered as possible. If the wording takes care of what we want to accomplish - less is more. Bob Theiss also reminded the commission that Gary Markensen stated to keep the charter simple and let the ordinances take care of the details.

Chairman Bratsch stated in reviewing the calendar, Article 4 is due on January 18th - therefore, if at all possible, we should have the write-up available by January 16th. Article 3 will be on February 1st and Article 5 on February 15th. If we continue on this schedule we will have some time saved around July to catch our breath. In the next issue of the newsletter that comes out on the first Friday in February, we can show the February and March calendar so that the public is aware ahead of time what is going on.

General discussion commenced regarding the handling of the questionnaires. Madonna Laws suggested that we divide the returned questionnaires amongst the commission members and compose a tally sheet wherein all of them could be tabulated. Everyone seemed to be in agreement with this.

There being no further business, it was moved by Bob Parsons and seconded by Burt Droste that the meeting be adjourned. Motion carried unanimously. Meeting adjourned at 8:50 P.M.

Respectfully submitted,



Sandra L. Grave

ATTENDANCE SHEET
HOME RULE CHARTER COMMISSION MEETING

PLEASE SIGN THE ATTENDANCE SHEET BELOW AND FORWARD TO NEXT PERSON:

NAME	ADDRESS	COMM. MEMBER/GUEST
Robert [unclear]	115 [unclear] Dr	member
Alb. Murray	939 Leggett	member
LaVene Cannon	1650 Lippett	member
Bob Parsons	9872 AMBERLEY	member
B. Drost	1467 TREVANNE	"
Glenn [unclear]	9073 Maple Grove	member
J. McGowan	9140 PARDEE SPUR	member
Madeline [unclear]	9250 Vauk	Member
Pat Duwe	9014 Laurel Crest Dr	"
Shir [unclear]		City Atty
C. Schneider		City Clerk
J. Bratton	8945 Red Oak Dr	member
Larby		
Karl		
Larry - absent		
Tracy - absent		
Tom - absent		
Don Ladd		

CHARTER COMMISSION

In the November, 1994 election, Crestwood voters elected to look at the advantages of the Missouri constitutional amendment permitting Home Rule. This allows cities such as Crestwood to review our present form of government and consider a charter for home rule. At that same election the voters selected thirteen citizens to serve as commissioners to draft a charter for ultimate review and vote of the citizens.

A home rule charter is the basic legal document of a city. Under our present form of government as a fourth class city, Crestwood may exercise only those powers expressly granted to it by the Constitution and Statutes of the State of Missouri. With a home rule charter, Crestwood would have flexibility to operate more efficiently. It also offers significant safeguards to protect residents against abuses of power.

Your Charter Commission is in place and meeting every Wednesday on a regular basis. The meetings are held in the Aldermanic Conference Room on the first and third Wednesdays, and in the Aldermanic Chambers on all other Wednesdays. All meetings are open to the public although the small size of the aldermanic conference room on the first and third Wednesdays tends to limit the number of people that could attend.

The Commissioners welcome your input. A questionnaire has been mailed to every Crestwood residence. Please take the time to fill it out and return it. Also, there will be scheduled public meetings to give you additional opportunities for input of your thoughts and ideas if you so desire.

Each issue of the Crestwood Newsletter during 1995 will contain a report from the Charter Commission including a schedule of the next two months indicating meetings, dates and topics of discussion. The Commission schedule of discussion topics through the end of February is:

January 4 & 11	city incorporation and powers
January 18 & 25	mayoral/city manager/administrator forms of government
February 1 & 8	aldermanic council organizations
February 15 & 22	administrative and personnel organizations/systems

Distribution Jan 6



CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

January 4, 1995

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Roll Call - secretary
- III. Minutes of meeting - December 21, 1994
- IV. General Business
 - A. Kent Leichliter
 - B. Articles I & II
 1. discussion
 2. action
 - C. general discussion
 - D. review of calendar
- V. Old business
- VI. Public Input/Comments
- VII. Review meeting and assignments
- VIII. Adjournment

Roberts Rules of Order prevail

CITY OF CHESTWOOD Organization Chart

Mayor and Board of Aldermen

Boards and Committees

Board of Adjustment
Animal Control Board
Civil Service Board
Disabled Citizens Advisory Committee
Fire Board
Park Board
Planning and Zoning Commission
Police Board
Public Works Board
Sign Commission
Storm & Sanitary Sewer Committee
Ways and Means Committee

City Attorney

Municipal Court

City Administrator

Executive Secretary

Office of City Clerk

City Clerk

Court Clerk
Part-time Clerks (3)

Police Department

Chief

Major
Lieutenant (3)
Sergeant (7)
Corporal (2)
Patrolpersons (15)
Admin Secretary
Support Services
Coordinator
Dispatcher (4)
Clerk

Department of Fire Services

Chief

Asst Fire Chief
Firefighter Supervisor (6)
MEMT Firefighter (9)
Senior Firefighter (3)
Firefighter (9)
Admin Secretary

Public Works Department

Director

Asst. Director
Admin Secretary
Code Enforcement Officer
Health Inspector
Custodian
St. Maint. Supervisor
Vehicle Maint. Supervisor

St. Maint. Foreman
Mechanic
Crew Leader
Maintenance Wkr I (5)

Parks and Recreation Department

Director

Park Supervisor
Maint. & Repair Worker
Leadman Operator
Park Maint. Worker (3)
Grounds Keeper
Park Ranger
Animal Control Officer

Recreation Supervisor
Program Supervisor (2)
Admin Secretary
Recreation Secretary
Custodian (2)

Finance and Personnel Office

Finance & Personnel Officer

Payroll Clerk
Accounts Payable Clerk

CHARTER OF THE CITY OF CRESTWOOD, MISSOURI

PREAMBLE

In order to provide for the government of the City of Crestwood, and secure the benefits and advantages of constitutional Home Rule under the Constitution of the State of Missouri, the people of Crestwood adopt the following Charter:

ARTICLE I

INCORPORATION, NAME AND BOUNDARIES

Section 1.1. Incorporation, Name and Boundaries

The inhabitants of the City of Crestwood, within the corporate limits as now established or as hereafter established in the manner then provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the City of Crestwood.

ARTICLE II

POWERS

Section 2.1. Powers

The City shall have all powers the General Assembly of the State of Missouri has authority to confer upon any city, provided such powers are consistent with the Constitution of this State and are not limited or denied either by this charter or by statute. The City shall, in addition to its home rule powers, have all powers conferred by law.

Section 2.2. Construction

The powers of the City shall be liberally construed. The specific mention of a particular power in this charter shall not be construed as limiting the powers of the City.

Approved
1.25-93

VOL. IV

HOME RULE CHARTER COMMISSION MEETING

Wednesday, January 11, 1995

The fourth meeting of the Charter Commission of the City of Crestwood was held at 7 P.M. on Wednesday, January 11, 1995 in the Aldermanic Chambers at the Crestwood Government Center, Chairman Jerry Bratsch presiding.

MEMBERS PRESENT:

Jerry Bratsch	Madonna Laws
LaVerne Cannon	John McGowan
Pat Duwe	Debbie Murray
Tracy Huston	Bob Parsons
Tom Killoren	Bob Theiss
Ed Lang	

ALSO PRESENT:

Carol Schneiderhahn, City Clerk
Sandra L. Grave, Recorder

MEMBERS EXCUSED

Jane Armbruster
Burt Droste

Chairman Bratsch called the meeting to order, and asked for additions or corrections to the minutes of the December 21, 1994 meeting. Madonna Laws moved that the minutes be approved. Motion seconded by Pat Duwe and carried unanimously.

Chairman Bratsch stated that before we commence the meeting this evening, he would like to make the following clarification from last week's meeting regarding the compensation for the Mayor and Board of Aldermen members which is:

1972 - 1985 Aldermen (\$125.00/month) Mayor (\$300/month)
1986 - Pres. Aldermen (\$225.00/month) Mayor (\$500/month)

Chairman Bratsch stated that Articles 1 and 2 have been written exactly as it is worded in the model charter. Since there were no questions from the commission regarding the text of these two articles, Madonna Laws moved that Articles 1 and 2 be tentatively approved as presented, seconded by John McGowan. Chairman Bratsch mentioned his desire that the same wording be used when approving all of the articles for the sake of uniformity and continuity. Madonna Laws wanted her motion to reflect the option of being able to go back to any of the articles if a problem area would arise. After a brief discussion, Tracy Huston suggested saying "tentative approval" in the motion which would give us this option. Motion carried unanimously.

Home Rule Charter Commission Meeting

Wednesday, January 11, 1995

Page Two

Madonna Laws then requested that when the articles are approved at a meeting, those articles be presented at the following meeting in their final form to make sure that it is exactly what we want. The City Clerk mentioned that Shu Simon would also get a copy of these articles, and their text and content would need her approval from a legal standpoint.

The issue of tabulating the questionnaires was then discussed. Chairman Bratsch suggested since we have a small agenda this evening, that we reserve some time tonight at the end of this meeting to tally the questionnaires, so that at our next meeting we will have the tabulations on each question. He explained that if we could have these tabulations ready by the next meeting, the numbers could be given to the Journal reporter and Crestwood residents could read the results of our survey in the news.

Carol then explained the election process when holding a general election and she will check with the County Board of Election Commissioners to make sure that the procedure set forth by the State Statutes when holding a general election would be the same for our charter election.

Chairman Bratsch asked if someone would like to volunteer to put something together for the March Newsletter which would need to be prepared by February 15th. Bob Parsons stated that he would put something together to be included in the March issue, and suggested perhaps a summary of everything we have covered thus far.

Carol stated she and Linda Gelner, the Editor of the Crestwood Newsletter, discussed the feasibility and cost of putting a single page insert in the newsletter. This will be expensive. Linda also suggested to Carol, that for the months when more space is available and information can be covered in a couple of paragraphs, we could, with the remainder of the space, include some graphics or some other visual aid. As an example, perhaps a chart illustrating survey results.

Discussion followed regarding printing and publications. Debbie Murray feels that we need to be concise, factual and to the point with our information because people are not going to want to take time out to read articles that become too long. Therefore, the least amount of space with the most amount of information should be the goal. If there is an insert - that becomes just one more piece of paper to look at. They may set it aside with good intentions, but there is a good chance it won't get read at all.

Tentative Budget. Chairman Bratsch stated that the figures are preliminary at the present time but the budget is approaching \$30,000 based on everything but a contingency. Also printing and postage needs to be considered. Bulk mailings are

Home Rule Charter Commission Meeting

Wednesday, January 11, 1995

Page Three

cheaper but are not dependable.

Debbie Murray asked if we could compare our budgets with those of other cities that are of comparable size as Crestwood. Tom Killoren stated that he would get information on this for our next meeting on January 18th.

Discussion followed regarding using a delivery service for our mailings or possibly the boy scouts. Bob Parsons will check with the scouts to see if they would be available to do this as a civic project or for a nominal fee. He stated that there are at least 6 troops which operate in this area and it is his guess that there would be interest expressed by several troops. Ed Lang said that possibly two troops could split the distribution if it becomes too difficult for one to handle.

The members of the commission then discussed the amount that is budgeted for the City Attorney and the rate that she would be paid. Carol will check on this and come back to the commission with these figures. Carol stated that there was money allocated for charter expenses and additional monies allocated for legal expenses at the beginning of the year knowing it was very possible that we would be going through this process.

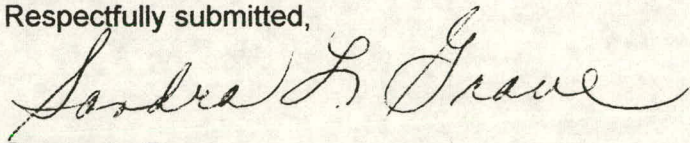
Carol explained the ballot process and that it is conceivable that the Crestwood charter will not be the only issue on the ballot and, therefore, Crestwood would not be responsible for funding County issues. Printing of the actual ballot gets divided among the entities presenting something on the ballot. Chairman Bratsch stated that in all of the city charters that we have, included in their petition for Initiative, Referendum and Recall, was the cost of the election.

After a short discussion by the commission regarding budget costs and the tentative budget figures, it was moved by Ed Lang that the tentative budget be approved with the addition of a 10% contingency and that it be subject to future revisions as needed. Motion seconded by Debbie Murray and carried unanimously.

Chairman Bratsch stated that at next week's meeting Article 4 will be discussed.

There being no further business, it was moved by Pat Duwe and seconded by LaVerne Cannon that the meeting be adjourned and carried unanimously.

Respectfully submitted,

A handwritten signature in cursive script, reading "Sandra L. Grave". The signature is written in dark ink and is positioned above the printed name.

Sandra L. Grave

HOME RULE CHARTER COMMISSION MEETING
WEDNESDAY, JANUARY 11, 1995

**COMMISSION
 MEMBER OR
 GUEST**

NAME

ADDRESS

- Robert W. Hume	115 Chetwood Ter.	member - Co-Chair
- Madonna J. Laws	9250 Vank. Dr.	member
- D. Bratton	2945 Red Oak	member - Chair
- John McGowan	9140 PARADE SPUR	member
- Whitney Smith	9059 MORNING STAR	member
- L. Cannon	1650 Liggett	member
B. PARSONS	9872 AMBERLEY	"
- Thomas C. Killam	907 Volz Dr.	Member
- Pat Duve	9014 Laurel Crest	"
- Ed Lang	9640 YORKSHIRE EST. DR	"
- Deb Murray	939 Liggett	member
Carol Schneider		
- Gordie Hume	1333 Dalquest	Secretary

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

January 11, 1995

Meeting Number 4

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Roll Call - secretary
- III. Minutes, December 21, 1994,
- IV. General Business
 - A. Articles I & II
 - B. Questionnaire
 - C review of calendar
 - D. newsletter
 - E. preliminary budget
- V. Old business
- VI. Public Input/Comments
- VII. Review meeting and assignments
- VIII. Adjournment

Roberts Rules of Order prevail

Approved

VOL. V

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, January 18, 1995

The fifth meeting of the Charter Commission of the City of Crestwood was held on Wednesday, January 18th at 7 P.M. in the Conference Room at the Crestwood Government Center, Chairman Jerry Bratsch presiding.

MEMBERS PRESENT:

Jane Armbruster
Jerry Bratsch
Pat Duwe
Tracy Huston
Tom Killoren
Ed Lang

Madonna Laws
John McGowan
Debbie Murray
Robert Parsons
Bob Theiss

MEMBERS ABSENT:

LaVerne Cannon
Burt Droste

ALSO PRESENT:

Shu Simon, City Attorney
Carol Schneiderhahn, City Clerk
Sandra L. Grave, Recorder
Dan Ladd, Reporter/Journal Newspapers

Chairman Bratsch opened the meeting and asked for any corrections or additions to the minutes of the January 4th meeting. There being none, it was moved by Tom Killoren, seconded by John McGowan that the minutes be approved as printed. Motion carried unanimously.

ARTICLE IV - MAYOR

John McGowan stated that regarding this Article, the City of Blue Springs Charter was used as a reference with some modifications. Blue Springs has a Council/City Administrator form of government, whereas some of the other charters are Council/City Manager. Bob Parsons stated that parts of each were used. The sub-committee was also guided by the questionnaire and the present Crestwood code.

CITY OF CRESTWOOD
HOME RULE CHARTER COMMISSION MEETING
Wednesday, January 18, 1995
Page Two

Bob Theiss asked if we need to be concerned about the statutes of a fourth-class city when reviewing these Articles. John McGowan stated that the sub-committee did not feel that they were bound by the statutes of a fourth-class city when doing their review. The statutes were read and the City ordinances were compared. Said draft of Article IV is attached hereto marked Exhibit A and made part of this Journal.

SECTION 4.1 MAYOR - OK

SECTION 4.2 QUALIFICATIONS

Some discussion was held by the commission members regarding the second paragraph of this section. Shu Simon stated that in the fourth line, the word **registered** should be deleted and also commented that as a qualification, nobody can be a candidate for the position who is delinquent in paying any Crestwood taxes, etc. as so stated in this paragraph. Bob Parsons said that although remote, there is the potential to write-in and make somebody who never was a candidate, the mayor. The second paragraph was then changed to read ***"No person shall be elected to the Office of Mayor who is delinquent in paying any Crestwood taxes or fees..."***.

Discussion ensued relative to the issue of delinquency of just Crestwood taxes and if we should take this further, using a broader definition so that all delinquent taxes are mentioned. Tracy Huston mentioned the fact that this would first have to be proven.

Shu stated that as a policy decision, we may want to consider whether a person that has been recalled from office should be allowed to run for that office again or any other office. We have to consider, if the concept of Recall is allowed, if that person should or should not be disqualified from serving in that position at any other time.

Tracy Huston stated that it should not disqualify anyone from holding office in the future. Recall does not necessarily occur because the person has done anything wrong or because they are in any way disqualified from the office because of illegal activity. Recall is normally a very intensive, political situation. The question after a Recall is, can such a person be elected to another office and Tracy feels that it has to be left up to the voters. But he feels that we should not have to disqualify someone from serving again or wanting to serve again because they were recalled. Ultimately, the voters take care of it at the polls.

SECTION 4.3 ELECTION AND TERM

Shu Simon suggested deleting the word **registered** in the first sentence.

A very lengthy discussion then commenced regarding the two-year term of office as it now exists for the mayor. The questionnaire indicates that the people do not want the

CITY OF CRESTWOOD
HOME RULE CHARTER COMMISSION MEETING
Wednesday, January 18, 1995
Page Three

mayor's term of office lengthened. Some members contribute this reasoning to the fact that the majority of the voters do not realize that it costs between \$10,000 and \$15,000 to run a campaign. Every second year, you have to raise this amount of money, which most persons in Crestwood would consider very substantial.

Discussion followed wherein there were mixed feelings regarding the two-year term of office for the mayor. Some members felt strongly that we should listen to the results that the voters gave us in the questionnaire, wherein they did not want the term for mayor to be changed. Others felt that maybe we should compromise with a three-year term. It was also mentioned that we should not confuse **term of office** with **term limits**. Although not being discussed at length at this time, Chairman Bratsch was able to determine by a show of hands that 9 commission members were opposed to term limits.

John McGowan stated he is concerned that if we do not listen to what the people want, they may vote negatively when the charter is on the ballot. Perhaps offering them an option would be a good idea, and, in the meantime, educating the public giving them more information on this issue may be a reasonable approach.

Bob Theiss stated he feels that the average citizen doesn't realize the time and money that is involved in running for the office of mayor or an aldermanic seat. The two-year term is so close and comes around so fast that a portion of the second year has to be focused on the next campaign.

Tom Killoren stated that because of the two-year term and term limits involved, there will be fewer good, reliable candidates running for office in the future.

Tracy Huston stated that he is definitely in favor of more than a two-year term, possibly a three or four-year term for all the above-mentioned reasons. He also feels that it is important that we review some of the campaign financial disclosure forms from the County for the last two elections so that we see what was spent. Tracy very carefully explained that if because of the high cost of running a campaign, an opposition candidate receives \$1000, for example, from a business developer in the City of Crestwood, we could very easily begin to see the kinds of things in this office that we do not want to see.

Regarding the survey/questionnaire - Tracy stated that we have to remember that it is just a survey and not a Referendum. The Referendum will come later. He feels that we can be guided by the survey, but this commission does not need to make it our Bible. We should step out in leadership, just like all good elected candidates should do on the State and Federal level, rather than going with a public opinion poll.

CITY OF CRESTWOOD
HOME RULE CHARTER COMMISSION MEETING
Wednesday, January 18, 1995
Page Four

The people in the City of Crestwood can be educated and normally react to good sense and, once they are educated and see the numbers, they will agree that a three or four-year term is best. Tracy also mentioned that if the mayor is elected to a three-year term, and the Board of Aldermen have a two-year term, the aldermen who are in the odd-year seat have a distinctive advantage over the aldermen in the even-year seat as far as running for mayor since, they will not lose their seat if they lose in the election. Chairman Bratsch asked for a vote on term of office for mayor by a show of hands stating that you could vote twice. The vote was:

No Change - 2
3 years versus 2 years - 5
4 years - 7

Chairman Bratsch stated that even though the survey seems to show 2-1/2 to 1 in retaining the two-year term, this group appears to feel that a three or four-year term would be more beneficial. This can also be put on the ballot as a separate issue.

Ed Lang stated he feels there is an implied contradiction in the questionnaire regarding term of office for mayor because it indicates the public wants the term of office to stay the same, yet they are in favor of Recall. He agrees with Tracy - if the two-year term is kept, Recall is not necessary. The people elected the commission to make some intelligent decisions for them, and this would make the commission look foolish. Bob Parsons stated that this topic might be something we can put in the next available newsletter. Tom Killoren agreed and stated he will submit some campaign finance disclosure forms at our next meeting for the commission's perusal.

Madonna Laws stated she feels that going from a two-year term to a four-year term is too big a step to make.

Tracy Huston stated that something to keep in mind when talking with the public is to mention that the Board of Aldermen today has the ability to change the term of office to four years by State law. However, this is our chance to change the term of office to something more appropriate and fitting to our City, allowing the people to decide. Tracy said that once the financial disclosure forms are presented, and the commission sees what is spent on campaigns, we will then recognize the problem. A person running for Mayor has to raise more than \$10,000 and, for the majority, it has to be raised by going out and asking the people for it.

Tom Killoren stated that it is going to become even more difficult to raise money if the new law is passed (now in litigation) wherein the maximum allowable contribution will be \$100 per person. Some businesses that have made larger contributions will no

CITY OF CRESTWOOD
HOME RULE CHARTER COMMISSION MEETING
Wednesday, January 18, 1995
Page Five

longer be able to do that. Therefore, in essence, in order to reach your financial goal, it will require asking more people for contributions. This is extremely difficult and poses a serious problem, especially every two years.

Madonna then moved that the term of office for the mayor be changed from a two-year term to a three-year term, seconded by Tracy Huston. Motion carried.

Chairman Bratsch stated that Linda Gelner is holding the newsletter article until tomorrow (1/19) and possibly we can put something in it regarding this discussion. Bob Parsons then read a draft wherein he explains the term of office issue and asks the voters to come to the next commission meeting with their input.

The suggestion was then made and affirmed by Shu Simon that regarding this charter, to whatever extent possible, it should be written in a gender-neutral fashion. Possibly the noun should be used wherever possible.

SECTION 4.4 POWERS AND DUTIES

(a) Tracy Huston stated that the last sentence in 4.4(a) - ***The mayor may call meetings of the Board of Aldermen as provided in Section 3.12(a).*** After "Section 3.12(a) add the word ***hereof***. ***Interested party*** as mentioned in the fourth and fifth line will be explained in more detail at the next meeting by Shu Simon. The second sentence was deleted from this section and included as the first sentence in 4.4(c).

(b) Discussion commenced regarding veto power for the mayor and Tracy Huston moved that the second last sentence in the draft be changed from -- ***Ordinances or resolutions vetoed by the Mayor shall be considered at the next regular meeting of the Board of Aldermen, and the Board of Aldermen may pass the ordinance over the veto by an affirmative vote of two-third's of its members,*** to ***three-fourths of its full, authorized membership.*** Motion seconded by Tom Killoren and carried unanimously.

Delete the last sentence - ***The effective date of an ordinance passed over the mayor's veto shall be not less than 30 days after the date of final passage.***

(c) First sentence should read ***The mayor shall exercise a general supervision over all the officers and affairs of the city, and shall take care that the ordinances of the city and the state laws relating to such city, are complied with.***

(d) OK

(e) Delete

CITY OF CRESTWOOD
HOME RULE CHARTER COMMISSION MEETING
Wednesday, January 18, 1995
Page Six

(g) Administrative Policy Matters. Ed Lang feels that there is ambiguity in this section. The duties and responsibilities should be more defined than they are. Tracy stated that there are many instances where situations can arise in the future wherein this provision can become very important. After a brief discussion it was moved and seconded that this section be left in as is. Motion failed.

Madonna Laws then moved to amend it by taking out the first sentence and saying - ***The Mayor shall not interfere with day-to-day City administration.*** Motion seconded by Bob Parsons. Chairman Bratsch stated that much of the definition of City administration is included in Article V. Motion carried. Bob Theiss stated that he voted against this because it seems that this is putting limitations on the mayor's ability to see that things are done the way they should be done. Madonna Laws stated that she does not feel that we are putting limitations on the mayor by wording it as mentioned above. The commission feels that this issue is probably covered in another section but until we reach that point in time, it should be left as amended.

(h) Delete

(i) Add the word "hereof" after **Section 5.3**

(j) OK

SECTION 4.5 - OK

SECTION 4.6 PROHIBITIONS

Change wording in the first part of the sentence to read:

Except where authorized by law,etc.

SECTION 4.7 VACANCY

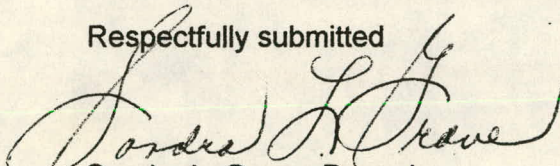
(a) same as draft. Then add (b) which should read:

(b) After a brief discussion, the commission recommended that Tracy Huston draft the wording for this sub-section.

SECTION 4.8 - OK

After a brief discussion, it was decided by the commission members to adjourn rather than start Article V, since they had already exceeded the 2 hour-hour time limit. Therefore, it was moved and seconded that the meeting be adjourned. Motion carried unanimously. The meeting adjourned at 9:07 P.M.

Respectfully submitted



Sandra L. Grave, Recorder

HOME RULE CHARTER COMMISSION MEETING
WEDNESDAY, JANUARY 18, 1995

COMMISSION
MEMBER OR
GUEST

NAME

ADDRESS

John McGowan

member

ED LANG.

"

Pat Dume

"

MADONNA J. LAWS

"

H. Harry Smith

"

Bob Tarrow

"

Thomas C. Kiloreen

"

Joe Donahue

"

Robert S. O'Neil

Carol Schneiderbauer

City Clerk

Jerry Brato

member

Lee Morgan

"

Gordy Moore

Shu Simon

Don Ladd, Journal

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

January 18, 1995

Meeting Number 5

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Roll Call - secretary
- III. Minutes - January 4, 1995 & January 11, 1995
- IV. General Business
 - A. Article IV introduction & discussion
- V. Old business
 - A. Budgets - other cities - Tom K
 - B. Lawyer fees
 - C. Crestwood News - alternate delivery - Bob P
- VI. Public Input/Comments
- VII. Review meeting and assignments
- VIII. Adjournment

Roberts Rules of Order prevail

Home Rule Charter Commission
City of Crestwood

Minutes of Meeting - Executive Session
Wednesday 1/25/95 9:00 P.M.

Members Present

Jane Armbruster
Jerry Bratsch
Laverne Cannon
Tracy Huston
Tom Killoren
Ed Lang

Madonna Laws
John McGowan
Debbie Murray
Robert Parsons
Robert Theiss

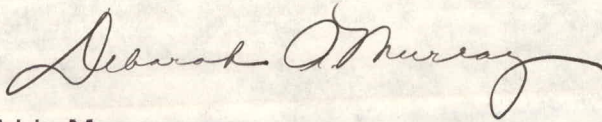
Members Absent

Pat Duwe
Burt Droste

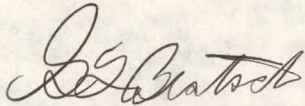
An executive session was called to discuss a personnel issue of retention and rates for legal counsel for the Charter Commission.

Following discussion the Commission unanimously approved a motion to retain the City Attorney as the Commission's counsel at the rate of \$250 per Commission meeting attended and \$175 per hour for research and review performed in the City Attorney's office.

Respectfully submitted,



Debbie Murray
Secretary-Treasurer



Gerald L. Bratsch
Chairman

Home Rule Charter Commission
City of Crestwood

Minutes of Meeting - Executive Session
Wednesday 1/25/95 9:00 P.M.

Members Present

Jane Armbruster
Jerry Bratsch
Laverne Cannon
Tracy Huston
Tom Killoren
Ed Lang

Madonna Laws
John McGowan
Debbie Murray
Robert Parsons
Robert Theiss

Members Absent

Pat Duwe
Burt Droste

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Respectfully submitted,

Debbie Murray
Secretary-Treasurer

Gerald L. Bratsch
Chairman

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, January 25, 1995

The sixth meeting of the Charter Commission of the City of Crestwood was held on Wednesday, January 25, 1995 at 7:00 P.M. in the Aldermanic Chambers at the Crestwood Government Center, Chairman Bratsch presiding.

MEMBERS PRESENT:

Jane Armbruster	Madonna Laws
Jerry Bratsch	John McGowan
LaVerne Cannon	Debbie Murray
Tracy Huston	Bob Parsons
Tom Killoren	Bob Theiss
Ed Lang	

MEMBERS ABSENT:

Burt Droste
Pat Duwe

ALSO PRESENT:

Carol Schneiderhahn, City Clerk
Sandra L. Grave, Recorder
Dan Ladd, Reporter/Journal Newspaper

Chairman Bratsch opened the meeting and asked for any corrections or additions to the minutes of the January 11, 1995 meeting. There being none, it was moved by Madonna Laws and seconded by John McGowan that the minutes be approved as written. Motion carried unanimously.

Article IV - Mayor

Chairman Bratsch stated that at a recent subcommittee meeting, the subject of term limits had been brought up in conjunction with length of term. John McGowan wanted to get a formal count on record as to who was for or against term limits.

A motion was then made by Madonna Laws and seconded by Tom Killoren that we do not limit the number of terms for mayor and aldermen.

It was noted by Chairman Bratsch that in the minutes of the January 18th meeting, the last line of the second paragraph, 9 persons were opposed to term limits by a show of hands. However, the issue of term limits for both mayor and aldermen are in Article 3 which will be discussed next week and he suggested waiting until then to bring this up.

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Page Two

Discussion followed wherein John McGowan stated that in many of the other charters, there is a limit on consecutive terms that an individual can serve. He feels that this point should be made regarding the turnover in aldermanic and mayoral positions.

Madonna Laws then amended the motion, and moved that the commission members wait until Article 3 is brought up to discuss term limits. Motion seconded by John McGowan and carried unanimously.

Tracy Huston stated that in **Article 4.4(a) Board of Aldermen Meetings** -rather than using the words *interested party*, he would suggest that it read: *.....in cases where his interest in the issue conflicts with the interest of the city.* To say *interested party* is vague. After a brief discussion, Chairman Bratsch requested, and the commission agreed, to tentatively approve Tracy's change reiterating that all changes will be perused by the City Attorney before their final approval by this membership.

Tracy Huston then mentioned **Article 4.4(e) Administrative Policy Matters**. Madonna referenced **Article 3.6(c)** and **Page 16** in the Model, which deals with the council and with interference in administration. She feels that the language throughout this entire charter should be consistent. Chairman Bratsch then stated that the administrative policy matters in both Article 3 and Article 4 should be consistent with each other and not in conflict with one another.

Section 4.7 - Vacancy. Carol Schneiderhahn was asked to explain elections held for the purpose of filling a vacancy which is mentioned in **Section 4.7(b)**. She explained that the wording of this section was acceptable. There are certain election days set up by the Election Board - February, April, June, August and November. The statutes call out that the municipal election day will be in April, but for purposes of filling a vacancy, you are allowed to add on to any of the other ballots. It was then moved by Tom Killoren, seconded by Madonna Laws that this section be approved as written. Motion carried unanimously.

Article V - City Administrator

Section 5.1 - City Administrator. Tracy started the discussion by stating that at the present time in the city administrator ordinance and also the way this section is worded, the city administrator can be removed at will and without cause. The employees are subject to Civil Service and have an appeal procedure. We will have to make the decision as to whether or not the redress issue should be included in this section.

Tom Killoren asked if this is covered by ordinance, and this was affirmed by Tracy. Tom then stated that he would prefer to see this handled by ordinance rather than

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD
Page Three

charter. Madonna interjected that this specific issue of redress seemed to be covered in many of the other charters, which is why the subcommittee is asking the question regarding its inclusion or omission. There seemed to be a process of notification, appeal and the opportunity to come before the board of aldermen for the city administrator of many charter cities.

Tracy then read the city administrator ordinance. John McGowan stated that it seems somewhat illogical for a city administrator to have the right to a public hearing when, in fact, he wasn't elected by the people in the first place.

Chairman Bratsch then asked the commission the question - if it is in the ordinance and clearly defined, do we need to put it in the charter. Tom Killoren moved that the city administrator redress opportunity be addressed by ordinance. Madonna Laws seconded the motion.

Tracy stressed that if this commission really wants "redress" - it should be included in the charter because if the board of aldermen repeal the city administrator ordinance and remove the language where redress is provided, it then becomes a dead issue. Despite the fact that redress is mentioned in many city charters, doesn't mean that it is right for Crestwood. We need to remember that at the County and State level, people in administrative, appointed positions are removed at will and do not have any right to appeal to anybody. The removal of a city administrator could very well become a very messy political situation, but if we are going to have an appeal procedure, we need to put it in the charter. Tracy suggested the inclusion of **...subject to right of appeal provided by ordinance.** Madonna questioned does this necessarily mean that the ordinance will remain the way it is. Chairman Bratsch answered in the negative.

Chairman Bratsch then asked that the motion on the floor be tabled while the commission members took a "straw vote" by a show of hands, who would like to see redress opportunity included in the charter by reference to the ordinance. If we leave Section 5.1 as it is in the draft, there is no redress. If the motion on the floor by Tom Killoren which has been seconded is affirmed by this commission, the right of redress opportunity will be provided by ordinance wherein it can be amended and changed by the board of aldermen members at any time. All those in favor of redress included in the charter (1). All those opposed to including redress in the charter (9). Motion by Tom Killoren, seconded by Madonna Laws was then withdrawn.

Carol then had one small change in 5.1. - in the last sentence the word **recommended** should be deleted and replaced with the word **appointed**.

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Page Four

Section 5.2 - Powers and Duties - OK

Section 5.2(a) - Appointment and Removal of Department Directors. Tracy Huston stated that in this section we give the city administrator the authority to dismiss department heads and city employees. He then moved that we add at the end of the first sentence ...***subject to appeal proceedings as provided by ordinance.*** Motion seconded by Tom Killoren and carried unanimously.

Section 5.2(b) - Administration of Departments - OK

Section 5.2(c) - Attend City Council Meetings - Madonna Laws moved to delete the second sentence - ***When the board of aldermen considers personnel matters relating to the city administrator, they may excuse the city administrator from attendance.*** Motion seconded by Tracy Huston and carried unanimously.

Section 5.2(d) - Enforcement of Laws - OK Bob Parsons moved that this section be approved as stated, seconded by LaVerne Cannon and carried unanimously.

At this point in the meeting, Tracy requested that the commission members turn back to **Section 4.4 Powers and Duties of the Mayor (Subsection c) Execution of Laws, Ordinances, Rules and Regulations.** He suggested that perhaps the wording in **Section 4.4(c) and 5.2(d) Enforcement of Laws** can be referred to the City Attorney in order to come up with the proper language, as he feels that the wording in these two sections need to be consistent. The commission members agreed.

Section 5.2(e) Budget and Capital Program - Commission members questioned the five-year projection issue included in this section. After brief discussion, Tracy Huston moved to change the wording in this section as follows: ***The city administrator shall annually submit a recommended budget and a prospective capital replacement and improvement program to the Mayor and Board of Aldermen.*** Motion seconded by Tom Killoren and carried unanimously.

Section 5.2(f) Finance and Administrative Record. - OK

Section 5.2(g) Other Reports and Section 5.2(h) Report of Financial Condition of the City were switched and **Section 5.2(g) is now Section 5.2(h) and Section 5.2(h) is now Section 5.2(g).**

Section 5.2(g) Report of Financial Condition of the City - OK

Section 5.2(h) Other Reports - OK

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Page Five

Section 5.2(l) Other Duties - OK

Madonna Laws stated that Pat Duwe has requested her to ask a question this evening in her absence. Many of the charters have a requirement that the city administrator has to live within the city and we did not include that in the charter. This was discussed by the subcommittee as to whether it should or should not be included. Most of the charters require that they move within the city limits.

Bob Parsons stated that this issue is handled in several different ways - some say that if a city administrator does move, it has to be within the city limits and others will give you a certain length of time to move within the city.

The question then is should we include in the charter that department heads and the city administrator live within the city limits. Madonna suggested possibly including this in Section 5.1; however, she personally does not feel that it should be a requirement. There are good reasons for both sides, however, certain situations do arise wherein it is not feasible for someone to uproot his whole family to be able to satisfy this requirement. If we have it in the ordinance - it can be changed; if it is put into the charter - it cannot be changed.

Bob Parsons then moved that we not address the issue of residency in the charter, seconded by Madonna Laws. Ayes - (9) Nays (l) Motion carried.

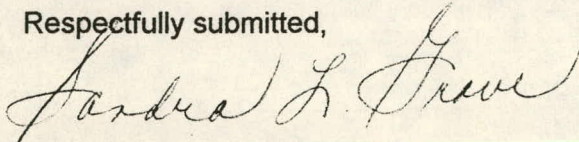
Section 5.3 Performance Review - OK

General discussion followed regarding the cost of distribution of charter data and information. Tom Killoren will be submitting data regarding cost figures relative to costs involved in past campaign distribution.

Carol Schneiderhahn stated that approximately 1240 questionnaire have been received. She will have a comment sheet and the tallies available for our next meeting.

There being no further business, it was moved by Bob Parsons, seconded by Tom Killoren that the meeting be adjourned. Motion carried unanimously.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sandra L. Grave".

Sandra L. Grave, Recorder

COMMISSION
MEMBER OR
GUEST

ADDRESS

GUEST

GUEST
Recorder

Comm

number

14

24



member

Member

City Clerk

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

January 25, 1995

Meeting Number 6

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Roll Call - secretary
- III. Approval of minutes of previous meetings - January 11, 1995
(received at January 18 meeting)
- IV. General Business
 - A. continue Article IV discussion from January 18
- V. Old business
 - A. Budgets - other cities - Tom K (copies delivered Jan. 17)
 - B. Crestwood News - alternate delivery - Bob P
- VI. Public Input/Comments
- VII. Review meeting and assignments
- VIII. Adjournment

Roberts Rules of Order prevail

ARTICLE IV MAYOR

Section 4.1 Mayor.

The executive power in the City shall be vested in a Mayor who shall be recognized as the head of the City for all legal and ceremonial purposes and by the Governor of Missouri for all purposes of military law.

Section 4.2 Qualifications.

No person shall be elected to the office of Mayor who is not at least twenty-five years of age prior to the election, a citizen of the United States, an inhabitant and a qualified voter of the City for at least two years next preceding the Mayor's election.

No person shall be elected to the office of Mayor who is delinquent in paying any Crestwood taxes or fees, nor be a convicted felon, nor have been removed from an elected public office, except that a person recalled from office may again run for the office from which recalled following the expiration of the term from which he was recalled, or may at any time run for a different office.

Section 4.3 Election and Term.

The Mayor shall be elected by the qualified voters of the City at large at the regular municipal election. The Mayor shall hold office for a term of three years.

Section 4.4 Powers and Duties.

(a) Board of Aldermen Meetings. The Mayor shall preside at meetings of the Board of Aldermen, but shall not vote on any question except in case of a tie, nor shall the Mayor preside or vote in cases when he is an (interested party?). The Mayor may call meetings of the Board of Aldermen as provided in Section 3.12(a) *** (Check Section No.) hereof.

(b) Approval of Legislation. An ordinance or resolution adopted by the Board of Aldermen shall be presented to the Mayor for his approval. The Mayor shall either sign the same, or within seven days of receipt of the ordinance or resolution, return it with a written statement of his reasons for disapproval. Ordinances or resolutions vetoed by the Mayor shall be considered at the next regular meeting of the Board of Aldermen, and the Board of Aldermen may pass the ordinance over the veto by an affirmative vote of three-fourths of the authorized membership.

(c) Execution of Laws, Ordinances, Rules and Regulations. The Mayor shall exercise a general supervision over all the officers and affairs of the city, and shall take care that the ordinances of the city and

the state laws relating to such city, are complied with. The Mayor shall take care that the laws, ordinances, resolutions, rules and regulations of the City be faithfully executed. The Mayor may require oral or written reports and opinions from the directors of all executive departments of the City or from the heads of other departments, boards, and commissions of the City, except the Judge of the municipal court.

(d) Appointments. The Mayor with the advice and consent of a majority of the Board of Aldermen, shall appoint all members of committees, boards and commissions.

(e) Administrative Policy Matters. The Mayor shall not interfere with day-to-day City administration.

(Suggestion by Tracy Huston for this section...

The Mayor shall have no authority to intervene or otherwise interfere with the exercise by the City Administrator of the powers and duties provided by Section 5.2 (check section #) hereof.)

(f) Review City Administrator. The Mayor shall preside as chairman of the Board of Aldermen's review of the City Administrator's performance as provided in Section 5.3 hereof.

(g) Other Duties. The Mayor shall exercise such other powers and perform such other duties as may be prescribed by this Charter, by ordinance, or by law.

Section 4.5 Compensation, Allowances and Expenses.
The salary of the Mayor shall be fixed by ordinance, and shall not be increased or diminished during the Mayor's term of office. The Mayor may receive reasonable reimbursement for actual and necessary expenses as approved by the Board of Aldermen.

Section 4.6 Prohibitions.

(a) Holding Other Office. Except where authorized by law, no Mayor shall hold any other City office, City employment, or other elected public office during the term for which the Mayor was elected to the office of Mayor. No former Mayor shall hold any compensated appointed City office or City employment until two years after the expiration of the term for which he was elected to the office of Mayor.

Section 4.7 Vacancy.

(a) The office of Mayor shall become vacant upon his death, resignation, forfeiture or removal from office in any manner authorized by law.

(b) If a vacancy occurs in the office of Mayor, the

Acting 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 called for the purpose of electing a Mayor for the remainder of the term. Said election shall be called within 120 days of the occurrence of the vacancy, except when the vacancy occurs within six months immediately preceding the expiration of the Mayor's term, the Acting President of the Board of Aldermen shall continue to act as Mayor until a Mayor is elected at the regular election. As Acting Mayor, the Acting President of the Board of Aldermen shall continue to have a vote in the Board, but shall not have the veto power.

Section 4.8 Forfeiture of Office.

The office of Mayor shall be forfeit if:

- (1) at any time during the term of office, the Mayor lacks any qualifications prescribed by this Charter or by law; or
- (2) the Mayor violates any prohibition of this Charter.

ARTICLE V
CITY ADMINISTRATOR

Section 5.1 City Administrator.

There shall be a city administrator nominated by the mayor and appointed by the mayor with the advice and consent of a majority 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 council, or by a two-thirds vote of the council on its own initiative. The city administrator shall be paid a salary of an amount established by the Mayor, with the approval of a majority of the Board of Aldermen. The person appointed to the office of city administrator shall possess qualifications provided by ordinance. If the City Administrator becomes incapacitated, a temporary city administrator should be recommended by Mayor/Board of Aldermen.
*** (Does the Administrator have to have redress?)

Section 5.2 Powers and Duties.

The City administrator shall be responsible to the mayor and the Board of Aldermen for the administration of all city affairs placed in his charge by or under this charter. He shall have the following powers and duties:

(a) Appointment and Removal of Department Directors. The City Administrator shall appoint and, when the City Administrator deems it necessary for the good of the City, suspend or remove all City employees including appointed department heads. Appointment or removal of department heads is subject to the approval by the Mayor and the Board of Aldermen. The City administrator may authorize any administrative officer who is subject to the City Administrator's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency.

(b) Administration of Departments. The City Administrator shall direct and supervise the administration of all departments, offices and agencies of the City, except as otherwise provided by this Charter or by law.

(c) Attend City Council Meetings. The City Administrator shall attend all meetings of the Board of Aldermen unless excused by the Board of Aldermen. When the Board of Aldermen considers personnel matters relating to the City Administrator, they may excuse the City Administrator from attendance. The City Administrator shall have the right to take part in discussions at meetings of the City Board of Aldermen, but shall have no

power to vote. The City Administrator shall receive notice of all meetings.

(d) Enforcement of Laws. The City Administrator shall see that all laws, provisions of this Charter and acts of the Board of Aldermen, subject to enforcement by the City Administrator or by officers subject to the City Administrator's direction and supervision, are faithfully enforced.

(e) Budget and Capital Program. The City Administrator shall prepare and submit a recommended annual budget and a Capital Improvement Program of not less than five years to the Mayor and Board of Aldermen.

(f) Finance and Administrative Record. The City Administrator shall submit to the Mayor and Board of Aldermen and make available to the public, a complete report on the finances and administrative activities of the City as of the end of each fiscal year.

(g) Other Reports. The City Administrator shall make such other reports as the Mayor and Board of Aldermen may require concerning the operations of City departments, offices and agencies subject to the City Administrator's direction and supervision.

(h) Report of Financial Condition of City. The City administrator shall keep the Mayor and Board of Aldermen fully apprised as to the financial condition and future needs of the City and make recommendations to the Mayor and City Council concerning the affairs of the City as the City Administrator deems desirable.

(i) Other Duties. The City Administrator shall perform such other duties as are specified in this Charter or may be required by the Board of Aldermen.

Section 5.3 Performance Review. The City Administrator shall receive a performance review from the Mayor and Board of Aldermen at least once a year. Each performance review shall be made a part of the confidential personnel file of the City Administrator.

*Approved
2/8/95*

**CITY OF CRESTWOOD
CHARTER COMMISSION**

BUDGET

1/26/95

assumptions:

- charter development will be "complete" by July 1 (26 weeks)
- two major mailings to the citizens
- charter will be approximately 50 pages in length
- major selling campaign begins in October and runs 5 weeks
- election notice will be run in the South County Journal
- copies of agendas, drafts, etc. to commission (13), Shu, Carol and Sandy = 16

PERSONNEL

City employee support

Carol Schneiderhahn	2hrs 26 mtgs.	\$ 1,500
Sandy Grave	2hrs 26 mtgs.	1,100
clerks	mailings etc. 90 hrs.	1,100

Legal Counsel

Shulameth Simon	12,000
Outside counsel review	<u>800</u>

total personnel

\$16,500

PRINTING

General in-house

agendas - 26 weeks

ave. 6 pages per agenda

16 copies or 2496 pages use 3,000

charter rough drafts during development

50 pages three times

16 copies 2,400

charter summaries mailed to residences

4 pages 4500 copies 18,000

misc. 1,000

total prints 24,400 @\$.02 = \$488

questionnaire - special in-house

4637 copies double sided @\$.031 143

total printing in-house \$631

Special - out of house

charter final copy 50 pages 150 copies \$750

total printing \$ 1381 use **\$1,500**

POSTAGE

questionnaire mailing	4637 x \$.29	\$1351	
charter summary	4637 x \$32	1484	
misc.		<u>100</u>	
	total	\$2935	use \$3,000

PUBLICITY CAMPAIGN

newspaper articles			
printing flyers	anybody's best guess		\$2,000
banners/posters/etc.			

ELECTION

election notices (three) SoCoJ	\$ 300	
St. Louis County Board of Election costs	\$ 3,000	
	total election day	\$3,300

subt - total	\$26,300
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CONTINGENCY	10%	2,630
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TOTAL BUDGET FOR CHARTER COMMISSION	\$28,930
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1995 CHARTER COMMISSION SURVEY RESULTS

1/30/95

4637 Mailed
<u>105</u> Returned marked Vacant or NSN
4532 Assumed Delivered

As of 1/30/95, 1233 Surveys returned...27% return

Question 1. Should the Mayor continue to be elected at large by citizens?

YES	1098
NO	68

- Yes. Thank God for this.
- Yes. A thousand times yes. We don't need a "good ole boy" deal.
- Yes. This needs much thought.
- Yes. With changes...With a hired professional to run the daily needs of our city we really do not need a mayor. The functions of ribbon cutting and as a representative at other official functions are the only official duties. It would allow political cronyism to disappear from our boards and commissions. The board of aldermen could elect a president to handle these functions. The present system of appointments could continue by allowing the board president to appoint people to the vacancies as they occur. The board should be empowered to elect their president for one year or longer, can be rotated or not the board can decide. Signed: Paul Paradise, 9337 Cherry Brook.

Question 2. Should Mayor retain power to veto ordinances which the Board can then override with a 2/3 vote?

YES	1132
NO	88

- Yes. An alternative should be explained.
- Yes. Give me an example.
- No. Because the Board is representing the people.
- No. 51% override.
- No. Under the above system there would be no need to have veto provisions. If the above not adopted the mayor should not have veto power. Signed: Paul Paradise, 9337 Cherry Brook Drive.

Question 3. Should the City Administrator position be responsible only to the Mayor?

YES 151
NO 1059

- Yes. I feel with an administrative chart flow it is hard for the city administrator to answer to more than one person. Hence the administrator should answer to the Mayor only...seems more efficient.
- Yes. Why did he report to both? Yes, as long as there is a good check & balance.
- No. This position should also be responsible to residents.
- No. Do we need a City Administrator? I called three months regarding an abandoned house. Excuses. Excuses, but no answers. Is there anyway we can impeach him! Please refer this matter to the Mayor for her attention. An answer would be appreciated. (return address: Mr. Bernard Brinkmann, 9243 Silvercrest Drive)
- No. Why does Crestwood need to continue having a "city Administrator"?
- No. Presently the city administrator works for, and is in private communications with the mayor only, regardless what the present code says. This closed door backroom policy should change regardless of the type of government we adopt. Signed: Paul Paradise, 9337 Cherry Brook Drive.
- Get rid of position. Full time Mayor.
- I don't know what the administrator does so I can't answer this question.

Question 4. Should alderman be elected by wards?

YES 1089
NO 132

- Yes. Or add 2 to 4 at-large alderman, but do not replace present system.
- Yes. Very important.
- Yes. More local representation
- Yes. Present system should be retained. Signed: Paul Paradise, 9337 Cherry Brook Drive.
- No. A very bad idea!
- No. I have never seen anything good come out of the ward system.

Question 5. Should aldermanic terms be lengthened?

YES 188
NO 1047

- Yes. 3 years for aldermen for two terms
- Yes. 3 Year term.
- Yes. At least to 3 years.
- Yes. 3 years
- Yes. 3 years. I think the name should be Councilperson.
- Yes. I recommend changing the name to councilman (councilperson) and the terms changed to 3 years.
Signed: Paul Paradise, 9337 Cherry Brook Drive.
- Yes. 3 or 4 years.
- Yes. 3 or 4 years.
- Yes. To 4 years.
- Yes. If lengthened, to 4 years. Half of alderman terms up in 94, 98, etc. Other half in 96, 00.
- Yes. To 4 years.
- Yes. Possible 4 year term. I feel a two year or a four year term could work. There are positives and negatives on a 4 year term, but as with #7, a lot of time is spent campaigning rather than dealing with civic issues.
- Yes. 4 Year term
- Yes. To 4 year terms.
- Yes. If we have recall, we can lengthen term and still have a solution for a problem.
- Yes. 4 year terms.
- Yes. 4 years.
- Yes. 4 years, "staggered".
- No. They can be re-elected.

Question 6. Should aldermanic term limitations be set?

YES 643
NO 589

- Yes. 1 term.
- Yes. If they sit out for a term, they could run again.
- Yes. With the option to run again for election after sitting out at least one 2 year term. The term limitation should apply to consecutive terms, not to total years in office.
- Yes. 2 terms.
- Yes. 2 terms.
- Yes. 2 terms only

- Yes. We should have term limitations of two or three terms. (6 years) We need new people, new ideas, more citizen participation in our city government. With present two year terms and no limits, many decisions, comments, and ideas are not brought forward by the aldermen because of thoughts of not wanting to offend any voters. Re-election is always on their minds. It really takes a year to become acquainted with the duties of the job. My feeling is that both the Mayor and the Aldermen should have 3 year terms, and a limit of 2 terms 6 years and you are out. Signed: Paul Paradise, 9337 Cherry Brook Drive.
- Yes. 3 terms max.
- Yes. 6 years.
- Yes. 2 terms, each 3 years, for total of 6 years.
- Yes. 3 terms, each 2 years, for total of 6 years.
- Yes. Suggest 6 years consecutively; 8 years maximum total.
- Yes. If over 8 years.
- Yes. 8 years maximum.
- Yes. 2 terms, each 4 years, for total of 8 years.
- Yes. A minimum term limit should be 12 years.
- Yes. Limit to 12 years.
- Yes. 12 years maximum.
- Yes. Needs roundtable discussion.
- Yes. This is the most important issue to be included in the new Charter!
- No. Both should recognize that long terms breed a kind of separation from reality and a subtle arrogance. Witness the drive-in fiasco. Extended terms also mean that potential new leadership is not nourished.

Question 7. Should the term of the Mayor lengthened?

YES	361
NO	872

- Yes. With term limits.
- Yes. If we have recall, we can lengthen term and still have a solution for a problem.
- Yes. 3 years with two term maximum.
- Yes. 3 years.
- Yes. 3 years.
- Yes. 3 years.
- Yes. 4 years.
- Yes. 4 years.
- Yes. 4 years.
- Yes. 4 years.
- Yes. 4 years. I feel with a two year term, the mayor has to spend too much productive time campaigning.

- Yes. 4 years.
- Yes. 4 year term.
- Yes. 4 years.
- Yes. 4 years with 3 term limit.
- Yes. 4 years
- Yes. Present Mayor should be limited to one 4 year term.
- Yes. 4 years.
- Yes. 4 years.
- Yes. 4 years.
- Yes. 4 years.
- Yes. 4 years.
- Yes. 4 years.
- Yes. 4 years.
- Yes. 4 years.
- Yes. 4 years.
- Yes. 4 - 6 years.
- No. Mayor position should be rotated by members of Board of Aldermen.
- No. Definitely not.

Question 8. Should term limitations be established for the Mayor?

YES	646
NO	584

- Yes. Should recognize that long terms breed a kind of separation from reality and a subtle arrogance. Witness the drive-in fiasco. Extended terms also mean that potential new leadership is not nourished. Who will replace the current Mayor, for instance?
- Yes. Needs roundtable discussion.
- Yes. Absolutely.
- Yes. If the person sits out a term, they could run again.
- Yes. If mayor is not rotated by members of board.
- Yes. 2 terms, 3 years each, total 6 years.
- Yes. 3 terms, two years each, maximum 6 years.
- Yes. 3 terms, 2 years each, 6 years maximum.
- Yes. 3 terms.
- Yes. 3 terms maximum.
- Yes. 2 or 3 term maximum.
- Yes. 2-3 terms.
- Yes. 1 term, 4 years.
- Yes. But only if it is 4 year term.
- Yes. Suggest 8 years consecutively, but no maximum.
- Yes. 8 years.
- Yes. 2 terms, 4 years each, total 8 years.
- Yes. 2 terms, 4 years each, maximum 8 years.
- Yes. 8 years maximum.
- Yes. 8 years maximum.
- Yes. 8 years maximum.

CHARTER COMMISSION SURVEY RESULTS 1/30/95

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- Yes. A minimum term limit should be 12 years.
- Yes. 12 years.
- Yes. 2 terms, 4-6 years each, maximum 12 years
- Yes. 12 years maximum.
- Yes. 12 years maximum.
- Yes. 16 years is much too much.

Question 9. Should citizens have right of initiative?

YES	1070
NO	147

- Yes. Why not, this system is for the people.
- Yes. With limitations.
- Yes. With restrictions - % of voters on request.
- Yes. At there cost.
- Yes. Big Yes!
- Yes. With reasonable concurrence.
- Yes. With a petition signed by 100 residents.
- Yes. But only through the Board of Aldermen.
- Yes. Shouldn't be easy! Lots of signatures. Don't want to vote on everything, that's why Mayor and Aldermen are there.
- No. Unless they have at least a small (3 - 10%) percentage of citizens signatures. I don't want to have to vote on one person's view.
- No. As long as there remains public access to the Board of Aldermen for recommending initiatives.
- No. Citizens can make proposals to their aldermen for consideration.
- No. We have right to give request to BOA.
- Only should be done through their aldermen.

Question 10. Should citizens have referendum power?

YES	1140
NO	79

- Yes. Shouldn't be easy! Lots of signatures. Don't want to vote on everything, that's why Mayor and aldermen are there.
- Yes. With a petition signed by 100 residents.
- Yes. With reasonable concurrence.
- Yes. Only when it concerns all, not just a few, or one certain area.
- Yes. Big Yes!
- Yes. Why not, this system is for the people.
- No. As long as there remains public access to the Board of Aldermen for recommending reconsiderations.
- No. Unless they have at least a small (3 - 10%) percentage of citizens signatures. I don't want to have to vote on one persons view.
- No. Voted down once!

Question 11. Should citizens have right of recall?

YES	1156
NO	70

- Yes. Only under certain severe guidelines and approved by vote.
- Yes. If they misrepresent us.
- Yes. With reasonable concurrence.
- Yes. But this shouldn't be easy to have recall election over every decision.
- Yes. 60% majority vote.
- Yes. With 60% vote.
- No. Unless they have 10% or more of the signatures of the citizens that elected the official.
- No. BOA system should have adequate recall systems in place and access from the citizens concerns.
- No. Can the BOA do this?
- No. Not without vote.

GENERAL COMMENTS:

- 1) Thank you for this opportunity.
- 2) I want to commend you and other members of the Charter Commission for the great sacrifice of your time to serve on this commission. Lets hope that the mayor's idea can result in an up-to-date city constitution that will keep Crestwood one of the finest small towns in the country. Signed: Paul Paradise, 9337 Cherry Brook Lane.
- 3) The Commission members must realize and pledge to represent the desires of all citizens, not what effects their own interest, that of special friends or that of their own area of the City. All must work for the betterment of the City as a whole. The same applies to elected officials.
- 4) It's our city! The Board does not always express the views of the public. People should have a say in the way the city of Crestwood runs. More power to people. There is no reason why we should be denied the rights to recall or have initiative power.
- 5) Please note: While I realize it might have been more difficult and more expensive, I nonetheless think this questionnaire should have been sent out to both heads of households. This one was answered by husband only, but some of my wife's ideas are different than mine. Some spouses are feeling miffed. Could make a difference at election time. To Tracy Huston - Glad you made it onto the commission. We'll surely need especially good men like yourself to do this thing right. Signed: Thomas J. Schuette, 9616 Yorkshire Estates.

CHARTER COMMISSION SURVEY RESULTS 1/30/95
PAGE 8

- 6) Cost of City government < $.29 \times 2 = .58$
Package cost all citizens this survey.
- 7) I think this form should be sent to every citizen, not just a household, as the response is one-sided.
- 8) Why didn't you send one questionnaire to each registered voter rather than one to each household.
We all don't think alike you know!
- 9) Pay attention to voters!
- 10) All officials and employees should work for the citizens of their city.
- 11) Don't fix what's not broken. City government works well and is responsive. Leave pretty well alone.
(What abuses are you referring to in your letter?)
- 12) We are pretty much satisfied with the way our city government now runs.
- 13) The basic principle to be served by the Charter should be to make the City government more flexible, representative and responsive to the citizens.
Signed: Jim Cassidy, 8725 Kathy Court.
- 14) I do not feel that someone wanting to run for office needs to have 20 people say he is fit to run for office!
- 15) I feel a public meeting should be held once a month on a certain issues for public to comment on. Ideas could come from people by survey in Newsletter.
Signed: Margaret L. Bandy, 567 Apex.
- 16) Lets get rid of RV's and boats parked in driveways that don't belong to owners, but relatives who don't use RV's and boats except for one or two times yearly.
- 17) We would like to see an ordinance prohibiting utility sheds, campers and large boats parked for a length of time on streets and driveways, dogs running loose and large satelitte dishes. Also everyone should be given a list of restrictions.
- 18) The County Journal had an article saying most of our aldermen are against abortions. Do they have proof that this agrees with the majority of the citizens of Crestwood? Do our Aldermen know, years ago, there was a doctor, whose office was in our City limits, who was an officer at R.H.S. & did perform abortions? I don't believe Crestwood is a "better place" to live just because he moved his office. I resent any government interfering in my personal life, that is not what we vote on. Let them take care of themselves but don't dictate what I can and cannot do in my life.

- 19) Since Crestwood is finally getting some recognition... keep religion out of our politics. Do not divide Crestwood over the abortion issue. After all, we may not agree, but we don't want it crammed down our throat either!
- 20) I am concerned about the recent negative articles in the paper concerning action by the Board in buying into the abortion issue. Don't we have sufficient problems without seeking new ones?
- 21) We don't need religious fanatics trying to keep abortions out of Crestwood. Let's follow the Federal laws.
- 22) I feel property taxes should also be lowered due to the increase in businesses on Watson Road!
- 23) We would not have voted for a sales tax increase had we known the county would take it over! Perhaps we need a little more clarification of these uses of our money.
- 24) Recently sales taxes were raised in response to a county-wide tax re-distribution. I feel it would be prudent to consider a roll-back to the former rate to encourage shoppers to keep coming to our currently popular shopping areas. Signed: David Mosblech, 517 Apex Drive.
- 25) We voted for taxes to fix roads in Crestwood. The state won't allow it. Where is democracy?
Signed: Maurice Gannen, 1327 Dallwood.
- 26) I've lived here 39 years and I can't believe the problems in the last five or six years. Who is in charge? Signed: Thomas J. Masterson, 8926 Glenwood.
- 27) As it once was, the Mayor should be the administrator. In 1960 we had only the Mayor and one clerk. She did everything. Now we have a clerk, clerks and a computer, and lots of city engineers. How much has the population increased? The cost of government has gone up for no reason.
- 28) Attached letter signed by G. Stroh, 8875 Manda Lane.
- 29) Attached letter signed by Maxine Gates, 8910 Westhaven Court.

It is my understanding that 'Big' Westfall ram-riddled the bill through the Missouri Legislature to require St Louis County communities, such as Crestwood, to share their tax revenues from commerce with their county community 'cousins' who have little or no commercial tax base.

This is not equitable for communities, like Crestwood, that compromise a 'suburban bedroom' status and tolerate the down-side of commercial development, such as impact of crowded thoroughfares, trucks, attraction of certain elements to the area, police protection, fire fighting apparatus, etc.

Will the Charter concept reverse the skin-off of revenues? Can legal 'big-guns'?

go after this stupid situation and reverse it to restore tax funds from whence they came?

It is ludicrous to allow this decision by the state and Mr. Westfall to continue unchallenged. Relentless, vigorous action to reverse this should be of highest priority at City Hall.

Restoration of ^{sales} tax funds to their rightful sources would negate the need for the controversial new 'stop-gap' sales tax for street repairs

Cities that cannot pull their own weight without being bailed-out by taxes from other cities should dissolve and become part of unincorporated county territory, which should suit Westfall just fine! This issue should not be allowed to die on the vine, ever!

Sincerely
J. Strub

#29

8910 Westhaven Ct.
St. Louis, MO 63126
January 14, 1995

CHARTER COMMISSION
City of Crestwood
One Detjen Drive
Crestwood, MO 63126

Dear Friends:

The use of the word, "Progressive" on the reverse side of the QUESTIONNAIRE prompted me to consult Mr. Webster's famous assemblage of words. My dictionary defines the word, "progressive" as, "moving forward or onward; making or favoring advancement or improvement; one who believes and works for, changes and reforms, especially in political matters."

In spite of the recent establishment of a City Charter Commission, I seriously doubt that significant progress will result. Minds, such as those of some of the elected representatives, appear to be chiseled in stone.

What, pray tell, is "progressive" about a tiny community that burdens its 11,229 citizens with a City Administrator whose reputed salary is more than that of the Governors of 25% of the states in this nation? What is "progressive" about a continuous chain of garish fast food establishments, an endless strip of tasteless shopping malls, horrendous traffic jams with accompanying pollutants into the adjoining neighborhoods? What is "progressive" about dangerously uneven sidewalks, streets with potholes and stop signs at every major and minor intersection along the principle thoroughfare? What is "progressive" about a city whose governing body's major focus concerns the correct side of the street on which automobiles may be parked or the proper times at which trash may be placed at the curb or the greatest insult of all; namely, the blatant attempt to regulate "outpatient surgical procedures" in an attempt to thwart a Supreme Court Decision? This is progress? To those who would deny and suppress the freedom of "choice" to women, I would like to offer the following quote from CICERO: "Freedom suppressed and again regained bites with keener fangs than freedom never endangered."

I sincerely hope the Charter Commission will keep in mind that more government, restrictions and regulations is NOT necessarily better government.

Very truly yours,



Maxine B. Gates

Approved
2/8/95

VOL. VII

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, February 1, 1995

The seventh meeting of the Charter Commission of the City of Crestwood was held on Wednesday, February 1, 1995 at the Crestwood Government Center in the Fire Department Training Room, Chairman Jerry Bratsch presiding.

MEMBERS PRESENT:

Jerry Bratsch	Ed Lang
LaVerne Cannon	Madonna Laws
Burt Droste	John McGowan
Pat Duwe (left early)	Debbie Murray
Tracy Huston	Bob Parsons
Tom Killoren	Bob Theiss

MEMBERS ABSENT:

Jane Armbruster (Note: Carol Schneiderhahn, City Clerk also absent)

ALSO PRESENT:

Shu Simon, City Attorney
Sandra L. Grave, Recorder
Dan Ladd, Reporter - Journal Newspaper

Chairman Bratsch opened the meeting and asked for any corrections or additions to the minutes of the January 18, 1995 meeting. There being none, it was moved by Madonna Laws and seconded by Debbie Murray that the minutes of the January 18, 1995 meeting be approved as recorded. Motion carried unanimously.

Chairman Bratsch then asked for any corrections or additions to the minutes of the January 25, 1995 meeting. There being none, it was moved by Bob Theiss and seconded by Tom Killoren that the minutes of the January 25, 1995 meeting be approved as recorded. Motion carried unanimously.

Article III - The Council

Chairman Bratsch stated that in this article, the basis for development was the Missouri Municipal League model. There is one item that needs discussion from the commission this evening. Should we continue to call the governing body of the city the **board of aldermen** or should we reference them as the **city council**?

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CITY OF CRESTWOOD

February 1, 1995

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Bob Parsons suggested taking a straw vote on this issue. The straw vote was then taken with the following results: Those in favor of keeping the name **Board of Aldermen** rather than City Council in the new charter - (8); those in favor of changing the name to **City Council** - (3).

After a short discussion wherein some members felt that using "city council" rather than "board of aldermen" might be better, less confusing to the voters, more up-to-date and modernized, Bob Parsons made a motion to retain the wording of "**Board of Aldermen**" throughout this charter draft rather than "**City Council**". Motion seconded by LaVerne Cannon and carried unanimously. It was then noted that the heading on this article should be "**Article III, 'BOARD OF ALDERMEN'**". Also mentioned was that all references made in this specific article this evening, wherein the words "city council" or "council" are used, should be deleted and in its place the words "board of aldermen" should be inserted. Any reference made to city council or council in the drafted nomenclature of any future charter articles should also be changed and kept consistent throughout.

Shu Simon interjected an explanation to the commission members for future understanding. She noted that the mayor is not a part of the board of aldermen. The mayor can only vote in case of a tie or to veto. Therefore, in **Section 3.1 Where Powers Vested** - the first sentence should read: ***Except as this charter provides otherwise, all powers of the city shall be vested in the board of aldermen.*** We have already designated what the powers of the mayor are in Article 4.

Section 3.2 - Composition and Representation - The commission decided to combine subsections (a) and (b). Also noted was that the word "**ward**" be used rather than "**district**". ***The Board of Aldermen shall consist of two aldermen from each ward. Board of Aldermen members shall be nominated and elected by the qualified voters of their respective wards as provided in Article VII.***

Section 3.3 - Eligibility - Shu suggested adding at the end of the sentence...."90 days" ***prior to the election.*** In this way, the wording is more definitive and concise - otherwise it would remain too vague. Bob Parsons stated that he is not comfortable with the 90-day length of time given to a person running for office in a ward. He feels that we should require at least six months to one year for a person to be eligible to run for office in any particular ward. After a short discussion, Madonna Laws moved that we accept this section as written, with the City Attorney's change at the end of the sentence. Motion seconded by Debbie Murray. Tracy Huston made a suggestion with respect to this paragraph. Since it is the same as the second paragraph of **Section 4.2** for the Mayor, we should use the same terminology.

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February 1, 1995

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Madonna Laws then amended the motion to make the language in **Section 3.3** correspond with **4.2** under **Article 4 The Mayor**, but to leave the one-year residency, the 21-year age qualification and the insert of ".....90 days **prior to the election**" included. Seconded by Debbie Murray. Motion carried unanimously.

Section 3.4 - Terms - Madonna stated that at the subcommittee meeting, the terms were discussed and it was decided to stay with two-year terms for the aldermen. Bob Parsons suggested an option to consider; if we made the Mayor and Board of Aldermen terms three years, all elections would be separate and every year some part of the city government would be elected. Three years for mayor and three years for board members would mean that we would never have a double election of ward and mayor at the same time, and then all aldermen could run for mayor without losing their seat. We would have a municipal election every year, which is what we have now.

Debbie Murray stated that she agrees with Bob Parsons in that she likes the idea of having the mayor and aldermen run every three years rather than two years for aldermen and three for mayor. It gets too confusing and whatever we decide, she would hope that we keep them the same.

Bob Parsons stated that assuming you have an alderman who would like to run for mayor, he or she can still maintain their term of office, but try to advance to the next step to be mayor - if unsuccessful - he or she does not lose their aldermanic seat.

Tracy Huston explained with the present status quo - half of the aldermen can run for mayor and still maintain their seat; however, this seems unfair to the other half. During his tenure as alderman, none of the odd-year aldermen have wanted to run for mayor. Nevertheless, he does feel that what is fair for one should be fair for all, and he would not have a problem with a three-year seat for aldermen. However, if this is going to work, some terms may have to be extended in order to set up the proper formula, but he feels it can be worked out.

The members discussed the pros and cons regarding what the people stated in the questionnaire and how many of them like the terms the way they are presently set up. Some members feel it is only a matter of educating the public as to the costs involved in running a campaign and explaining to them why we feel it needs to be changed. Tom Killoren expressed the opinion that, with his background and experience in dealing with campaigns, having three-year terms would make it easier for candidates to run for office. Also as a charter city, with longer terms of office for mayor and aldermen, the residents can become more involved with their government, and with the option of Recall, the city government will truly be the voice of the people.

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Ed Lang then moved that the term of office for aldermen be changed from 2 years to three years. Motion seconded by Debbie Murray. All members were in favor of the motion with the exception of Tracy Huston who was opposed.

Section 3.5 Limitations on Terms - Shu suggested that we look at Article 4 and address this issue in **Section 4.3**. Madonna Laws stated that she is opposed to term limits, assuming that we will adopt Recall. Tracy Huston agreed and feels they are not necessary. He further stated that he has researched the experience of the city by going back into the records gathering data. He then gave the commission members a recap of approximately the last 20 years. Judging from the record of city officials, and their terms of office, it tends to show that term limits are not necessary. After this thorough review by Tracy Huston, the members had to agree that the people's voice will be heard at election time and that term limits should not be imposed.

Madonna Laws then moved that we do not limit the number of terms for the board of aldermen and that **Section 3.5** be approved as written but removing the mayor out of that section. Motion seconded by Burt Droste and carried unanimously.

Madonna Laws then moved that we do not limit the number of terms for the mayor to serve in office. Motion seconded by Bob Theiss. Bob Parsons then suggested that this be added to **Section 4.3**. Motion carried unanimously.

Section 3.6 Compensation and Expenses - Tracy Huston suggested that we use the same language in this section as in 4.5 and so moved, however, with the addition of the following wording as suggested by Shu Simon - **provided that such expenses are supported with appropriate documentation**. Motion seconded by Bob Theiss and carried unanimously.

Section 3.7 - Prohibitions(a) - Shu stated that this section makes reference to the possibility of cooperative agreements between cities and other political bodies.

Bob Parsons moved that we approve this section stipulating that there has to be a two-year period after the expiration of a term of office before a board of aldermen member can hold any compensated, appointed city office or city employment using the language in **Article 4, Section 4.6**. This was seconded by John McGowan. Motion carried unanimously.

Tracy stated that he was very much opposed to allowing persons to hold an elected office in Crestwood, and also allowing that same person to run for a seat on the

HOME RULE CHARTER COMMISSION MEETING
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February 1, 1995

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Lindbergh School District Board, for example. If a person is elected to a seat on the board of aldermen, that should be their total focus of attention and public service. If someone gets elected as alderman and wants to serve the people and do their homework, it takes time, effort and exclusive commitment. In light of his strong feelings regarding this issue, he so moved, seconded by Bob Theiss. Discussion followed regarding the definition of political subdivision and its interpretation. Tracy then amended his motion to include the wording of **Article 4.6(a) (first sentence)** using it under **Article 3.7(a)** with the addition (in both sections) of the words **elected office of the State or its political subdivision**. Motion carried unanimously.

Section 3.7 (b) Appointments, Hiring and Removals - Bob Parsons moved that we tentatively approve this section as written, seconded by Tracy Huston. Shu Simon stated that this section refers to anybody who is below the level of department head. Bob Parsons stated that we have addressed in the city administrator section that the board of aldermen will approve the administrators and not the subordinates and also the hiring and firing. He then made a suggestion and amended his motion that this section read as follows: **Neither the Board of Aldermen nor any of its members shall in any manner dictate the appointment or removal of any city employees whom the administrator or any of his/her subordinates are empowered to appoint**. Motion seconded by Ed Lang and carried unanimously.

Section 3.7 (c) Interference with Administration - Shu said that the section reference should be **Section 3.13**. It was moved by John McGowan and seconded by LaVerne Cannon that this section be accepted as drafted and carried unanimously.

Budget - Chairman Bratsch stated that the total budget for the charter commission is \$28,930. Bob Parsons then moved that tentative approval be given to the budget, seconded by Debbie Murray and carried unanimously.

Questionnaire - Chairman Bratsch stated that we had a 27% return on the questionnaires that were sent out to the residents. Under question 2 - there is one error - the total for YES - should have been 1132.

Chairman Bratsch mentioned that Linda Gelner would like to write something in the March newsletter regarding our questionnaire. Bob Parsons suggested that we write a short synopsis for the newsletter, but suggests that all of our space not be taken up by just this one issue. LaVerne Cannon stated that whatever is written in the newsletter should be first looked over by the commission as it is very important that the proper information is given to the residents. Tracy feels that we should provide the results in the newsletter - not in our article - and without comment. It should be

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

February 1, 1995

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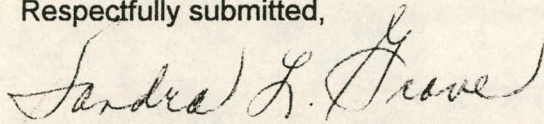
separate from our article with no editorializing. When the charter is complete and the people understand our reasoning for what we have done, they will be able to tell us if they approve or disapprove. We will have public hearings on the charter and in the meantime, we should not be commenting on the subject of the questionnaire in detail, and he feels it would not be a wise decision at this point in time. Bob Parsons suggested just giving Linda the questions and the numbers with no comments. Chairman Bratsch stated that we will give Linda the exact copy of the questionnaire that was mailed out with the total numbers filled in, and put our article in another separate section. The members agreed.

Delivery Costs - Bob Theiss stated that the delivery cost from one supplier is approximately \$400, compared to mailings which would cost \$1300 or \$1400 - a tremendous difference. If the mailings are put in a plastic bag and hung on doors, it will reach more persons since many other materials such as magazines, etc. are distributed the same way. Bob Parsons stated he spoke to one scout master who said that his troop would be interested in a money-making project of this sort, however, no commitment was made.

Public Comments - Mrs. Jacque Stock stated that she worked for the Public Works Department from 1971 - 1981 and is a long-time Crestwood resident. She addressed the subject brought up at the meeting this evening regarding being a qualified candidate for office and finding qualified persons to run for office. Many people cannot get away from their jobs, and don't have the time. She feels that there are a many people who would like to get involved, but their jobs do not allow them that courtesy.

There being no further business, it was moved and seconded that the meeting be adjourned. Motion carried unanimously. Adjournment time - 8:51 P.M.

Respectfully submitted,

A handwritten signature in cursive script, reading "Sandra L. Grave". The signature is written in dark ink and is positioned above the printed name and title.

Sandra L. Grave
Recorder

HOME RULE CHARTER COMMISSION MEETING
WEDNESDAY, JANUARY 25
FEBRUARY 1, 1995

NAME	ADDRESS	COMMISSION MEMBER OR GUEST
Jerry Butler	8945 Red Oak	Commissioner
Robert Steis	115 Chateaufort Tr.	"
Mr. Simon		Attorney
Pat Duwe	9014 Laurel Crest	Commissioner
Burt Dierke	1467 Trilane	"
BOB PARSONS		"
TRACY HUSTON		"
Madonna J. Laws		"
Thomas C. Killaren		"
Lathene Cannon		"
Dea Murray		"
Sandra Grove		Recorder
Ed Long		Comm.
John Mc Towan		
Jerry Ward		Guest
Betty Ward		"
Jacqueline Stock		

QUESTIONNAIRE RESULTS

1/31/95

1233 Questionnaires Returned = 27.2% of 4532 Delivered

	TOTAL	YES	NO	RATIO
1. ELECT MAYOR AT LARGE	1166	1098	68	16.15
2. RETAIN VETO OVERRIDE	1220	1132	88	12.86
3. CITY ADMSTR. REPORTS TO MAYOR & ALDERMEN	1210	1059	151	7.01
4. ELECT ALDERMEN BY WARD	1221	1089	132	8.25
5. RETAIN TWO YEAR ALDERMAN TERM	1235	1047	188	5.57
6. LIMIT TERMS OF ALDERMAN	1232	643	589	1.09
7. RETAIN TWO YEAR MAYORAL TERM	1233	872	361	2.42
8. LIMIT TERMS OF MAYOR	1230	646	584	1.11
9. INCLUDE RIGHT OF INITIATIVE	1217	1070	147	7.28
10. INCLUDE RIGHT OF REFERENDUM	1219	1140	79	14.43
11. INCLUDE RIGHT OF RECALL	1226	1156	70	16.51

questionnaires

4637 mailed

105 returned NSN/vacant

4532 delivered

citizens seem to be saying:

retain basic city operations

retain current mayoral and aldermanic basis of election

definitely add initiative referendum and recall

standoff on term limits

DRAFT
2/3/95

DRAFT

DRAFT
2/3/95

DRAFT

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

February 1, 1995

Meeting Number 7

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Roll Call - secretary
- III. Approval of minutes of previous meetings - 1/18 & 1/25
- IV. General Business
 - A. introduce Article III - Council
- V. Old business
 - A. Budget
 - B. Questionnaire
 - C. alternate news campaign delivery costs Tom K
- VI. Public Input/Comments
- VII. Review meeting and assignments
- VIII. Adjournment

Roberts Rules of Order prevail

Approved
2/15/95

VOL. VIII

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, February 8, 1995

The eighth meeting of the Home Rule Charter Commission was held on Wednesday, February 8, 1995 at 7 P.M. in the aldermanic chambers at the Crestwood Government Center, Chairman Jerry Bratsch presiding.

Members Present:

Jane Armbruster	Ed Lang
Jerry Bratsch	Madonna Laws
LaVerne Cannon	John McGowan
Durt Droste	Debbie Murray
Pat Duwe	Bob Parsons
Tracy Huston	Bob Theiss

Members Absent:

Tom Killoren

Also Present:

Carol Schneiderhahn, City Clerk
Sandra L. Grave, Recorder

Chairman Bratsch started the meeting by asking for any corrections or additions to the minutes of the February 1st meeting. Two corrections were noted. (1) A typographical error on the last page - the time of adjournment should be **8:51 P.M.** rather than **9:51 P.M.** (2) on Page 4, Section 3.7 Prohibitions - second paragraph, 3rd line should read: "**no member shall hold any compensated, appointed city office or city employment**", etc.

There being no further changes, it was moved by John McGowan and seconded by Pat Duwe that the minutes of the February 1, 1995 meeting be approved as amended, and carried unanimously.

Article 3 - The Board of Aldermen

Section 3.3 - Eligibility - Carol Schneiderhahn mentioned that in this section, there was some wording left out that needs to be incorporated into this whole paragraph regarding residency of a candidate in their respective ward for at least 90 days. Thus, the first paragraph should read: ***No person shall be elected to the Board of***

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, February 8, 1995

Page Two

Aldermen who is not at least twenty-one (21) years of age prior to the election, a citizen of the United States, an inhabitant and a qualified voter of the City for at least one year and a resident of his/her respective ward for at least ninety (90) days next preceding the alderman's election.

Madonna Laws made reference to **Section 4-A-I City Administrator**, questioning whether or not the wording **subject to the right of appeal provided by ordinance** should be retained in this paragraph. Tracy Huston stated that he would suggest discussing this with the City Attorney and feels this is an open question; however, he is also of the opinion that it should be deleted.

Section - 3.8 Vacancies, Forfeiture of Office, Filling of Vacancies

(a) Vacancies - OK using the same language in **Section 4.7 Vacancies**.

(b) Forfeiture of Office - Discussion ensued regarding the definition of "moral turpitude" and its use in this section. Tracy gave an example of income tax evasion which is a knowing, willing act with intent; however, failure to file income tax is not considered moral turpitude because there was no act on the part of the person. He advised that perhaps we should discuss this with Shu Simon.

After brief comments from the members, Tracy Huston moved that **Section 3.8(b) Forfeiture of Office** be rewritten so that the language mirrors the language in **Section Article 4 - Section 4.8**. Motion seconded and carried unanimously. Further discussion was held on this section regarding the text that states **failure to attend two, three or four consecutive, regular meetings by board members**. After a brief discussion, it was moved by Madonna that we delete #5 **(...or (5) fails to attend (two, three, four) consecutive (regular) meetings of the Board of Aldermen without being excused by the Board of Aldermen)**, and finish this section after **...(4) is in default to the city**. Motion seconded by Bob Parsons and carried unanimously.

Carol Schneiderhahn then asked the commission if she could interjected some information regarding **Article 4, Section 4.7(b)** in the mayor's article. Carol explained that in reviewing the commission's suggested procedure for filling a vacancy, there could be an occasion, although remote, when it would be impossible to fill it within 120 days. She further explained at which elections we could fill a vacancy. Since the school district holds elections in October, it would go from June to August to November. Therefore, if a vacancy occurred right after the June election and after the certification papers for the **August election** were already closed, we would have to wait until November and we would miss that 120 days. Discussion commenced

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, February 8, 1995

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wherein Carol suggested a change in the wording, and a deletion of a part of the sixth sentence under (b) to read after the word "called"***on the next prescribed election day as set by the Board of Election Commissioners of St. Louis County.*** Carol will check with Shu Simon regarding making this change.

(c) - Filling of Vacancies - Chairman Bratsch stated that there are two separate paragraphs in the draft because there were two persons on the subcommittee who wanted Option A and two who wanted Option B. After reviewing the two options, it was moved by John McGowan and seconded by Jane Armbruster that we approve Option A as follows: ***A vacancy in the Board of Aldermen shall be filled for the remainder of the unexpired term, if any, at the next regular municipal election, but the Board of Aldermen by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office.***

Section 3.9 - Judge of Qualifications - John McGowan read the model charter in this section. Ed moved that this be tentatively approved with the condition that it is first reviewed and approved by the City Attorney. Motion seconded and carried unanimously.

Section 3.10 - City Clerk - Carol stated the city clerk is hired just as any other employee and is guided by civil service rules and regulations. Tracy stated that because the city clerk is considered under civil service, he feels that she should be appointed by the city administrator with consent of the board of aldermen and also included in this section it should so state that she is guided by civil service in her position as city clerk.

Discussion commenced regarding the handling and keeping of permanent records by the city clerk. It was the feeling of the members that since the person holding this post would be under the direct supervision of the city administrator, that it would be more applicable to eliminate the Board of Aldermen from most of the context of this section, especially the last sentence. Burt Droste then moved and Bob Parsons seconded the following wording:

The city administrator, with advice and consent of the Board of Aldermen, shall appoint an officer who shall have the title of City Clerk and shall be a civil service employee. The City Clerk shall keep the journal of proceedings of the Board of Aldermen, authenticate by the City Clerk's signature all ordinances and

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, February 8, 1995

Page Four

resolutions, and record them in full as a permanent record. The City Clerk shall perform such other duties as may be required by law, by this charter, ordinance or the city administrator. Motion carried unanimously.

Section 3.11 - City Attorney - Madonna Laws moved that the sentence *(the person appointed shall serve for an indefinite term)* be deleted and in the last sentence we take out *(and)* and in its place add *(with the consent of)* the board of aldermen if deemed necessary. Motion seconded by John McGowan and carried unanimously.

Section 3.12 - Legislative Proceedings -

(a) - Meetings - This section was discussed at length by the members and after careful consideration Bob Theiss moved that this section be approved with the first and second sentences reading as follows: *The Board of Aldermen shall hold a regular meeting at least once each month at such times and places as they may prescribe. Regular meetings shall start no earlier than 7:00 P.M.* Motion seconded by Pat Duwe and carried unanimously.

(b) - Quorum - Bob Parsons moved that we approve the first two sentences of this section and delete the remainder of the draft - to read as follows: *A quorum shall constitute one (1) more than half of the total number of authorized members of the board of aldermen. If a quorum fails to attend any meeting, it shall stand adjourned until the next regular or special meeting.* Motion seconded by Bob Theiss and carried unanimously.

(c) - Rules and Order of Business - Pat Duwe moved that we accept this section as written, seconded by Burt Droste and carried unanimously.

(d) - Voting - Tracy stated that in this section and in this whole charter, we need to consult with the city attorney in order to establish a word besides the word **entire** that will signify, within its contents, all eight members of the board of aldermen. As a substitute at this point in time, it was agreed that the word **authorized** would be used. Thus, with this change in mind, it was moved by Pat Duwe, seconded by Debbie Murray that this section be approved using the word **authorized** rather than **entire** in the last sentence of the text. Motion carried unanimously.

(e) - Form of Ordinances - Bob Parsons moved and John McGowan seconded that this section be approved as written. Motion carried unanimously.

(f) - Procedure - Discussion followed regarding the procedure used by the Board of

HOMF RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, February 8, 1995

Page Five

Aldermen in passing ordinances. It was the concern of some members that after a bill is read, a board member could be allowed to amend it and make substantive changes, passing said bill at the same meeting. Bob Parsons stated that there has to be some way of disallowing an amendment to a bill from being passed that has a major negative impact to it. The bill should be held until all members have discussed it thoroughly as a measure to safeguard it from being "railroaded" through on the same evening it was introduced. Ed Lang agreed. Tracy suggested that we could make a change that states "in the event an amendment is adopted after the second reading, the bill must be held until the next meeting". Bob Parsons agreed stating that this would require all board members to put in their amendments prior to the second reading.

Ed Lang stated that if there is an amendment made to a bill, people should have at least a week to look it over before it becomes a law, otherwise the eight members of the board could amend a bill on the second reading with dramatic changes and pass it through. This may not be in the best interest of the people. The time factor and expedience in getting a particular bill passed could be done so quickly by the board, that it would seem better logic to stretch the time frame and allow discussion - especially in those cases where a bill could have an adverse effect on the public. This may not happen, however, it has occurred in other communities; therefore, this charter could spell out this issue as a safeguard to the citizens.

As discussion ended, it was moved by John McGowan and seconded by Bob Theiss that we approve the following wording for this section:

(f) - Procedure - Every proposed ordinance shall be read by title in an open Board of Aldermen meeting two times before final passage, and at least one week shall elapse between introduction and final passage unless an immediate second reading is approved by unanimous vote of the board of aldermen. A copy of each proposed ordinance shall be provided for each member of the board of aldermen at the time of its introduction, and at least three copies shall be provided for public inspections in the office of the city clerk until it is finally adopted or fails adoption. Persons interested in a proposed ordinance shall be given an opportunity to be heard before the board of aldermen in accordance with such rules and regulations as the board of aldermen may adopt. If the board of aldermen adopts an amendment to a proposed ordinance on a second reading that constitutes a change in substance, the proposed ordinance as amended shall be placed on file for public inspection in the office of the city clerk for an additional one week before the next consideration.

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, February 8, 1995

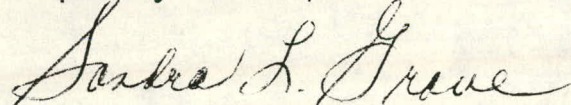
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Motion carried unanimously.

Chairman Bratsch stated that before closing this meeting, we need to pass the budget. At the last meeting this budget was only tentatively approved since there was one page omitted. It was then moved by Bob Theiss, and seconded by Madonna Laws that the budget dated 1/26/95 be approved. Motion carried unanimously.

There being no further business, it was moved by Tracy Huston and seconded by Bob Parsons that the meeting be adjourned. Motion carried unanimously.

Respectfully submitted,



Sandra L. Grave, Recorder

COMMISSION
MEMBER OR
GUEST

ADDRESS

COMMISSION
MEMBER OR
GUEST

Agar mela -

14

11

22

18

12

24

1

11

City Clerk

Edm. Kern

✓ ✓

Orig

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

February 8, 1995

Meeting Number 8

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Roll Call - secretary
- III. Approval of minutes of previous meetings - 2/1/95
- IV. General Business
 - A. continue Article III - Council
- V. Old business
 - A. Budget
- VI. Public Input/Comments
- VII. Review meeting and assignments
- VIII. Adjournment

Roberts Rules of Order prevail

Corrected
approved
3/1/95
ces

VOL. IX

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, February 15, 1995

The ninth meeting of the Home Rule Charter Commission was held on Wednesday, February 15, 1995 at 7 P.M. in the Fire Department Training Room at the Crestwood Government Center, Chairman Jerry Bratsch presiding.

Members Present:

Jane Armbruster	Tom Killoren
Jerry Bratsch	Madonna Laws
LaVerne Cannon	John McGowan
Burt Droste	Debbie Murray
Pat Duwe	Bob Theiss
Tracy Huston	

Members Absent:

Ed Lang	(Note: Sandra Grave, Recorder - also absent)
Bob Parsons	

Others Present:

Shu Simon, City Attorney
Carol Schneiderhahn, City Clerk

Chairman Bratsch asked for any corrections or additions to the minutes of the February 8, 1995 meeting. There being none, it was then moved by Madonna Laws that the minutes be approved as printed. Motion seconded by LaVerne Cannon and carried unanimously.

The first item of business was a clarification of **Section 3.8(b) Forfeiture of Office** under the Board of Aldermen in Article 3. Because this section does not mirror the same language as the Mayor's **Section 4.8**, the commission agreed that **(3)** and **(4)** under **Section 3.8(b)** be deleted, thus mirroring the same language as **Section 4.8**.

Chairman Bratsch then asked for a clarification from Shu Simon of the second paragraph of **Section 3.3 Eligibility** regarding being recalled from office or being removed from office. Shu stated Recall may not involve litigation and that removal from office could conceivably involve some type of lawsuit - for example - if a person no longer has the qualifications or has violated a provision of the charter; however, they are not necessarily synonymous. Discussion followed among the members

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, February 15, 1995

Page Two

relative to what specific language they could use in this particular section. Tracy stated that you could have someone removed from office because he/she were not qualified - for instance, if he/she were not 21 years of age. However, this should not disqualify that person from serving in Crestwood at some future time. On the other hand, someone could be removed from office for embezzlement, for example, although there would be no prosecution or conviction. But you would not want that person to be allowed to run for an office in Crestwood. Tracy feels that this issue covers such a broad spectrum, and that perhaps it would be good to change this section.

After further discussion, it was moved by Madonna Laws and seconded by John McGowan that this section be changed for tentative approval as follows: The first sentence of the second paragraph should end with a period after the word **(felon)** - deleting the words ***nor have been removed from an elected public office except that.*** The next sentence should read: ***A person recalled from office may again run for the office from which recalled following the expiration of the term from which he was recalled, or may at any time run for a different office.*** Motion carried - 10 Ayes - 1 Nay (Chairman Bratsch).

In order to keep the language consistency throughout the charter, it was then moved and seconded that we use the same language in the Mayor's section of the proposed charter under Article 4 dealing with the Mayor's eligibility. Motion carried - 10 Ayes - 1 Nay (Chairman Bratsch).

Section 3.7 - Prohibitions. Tracy Huston stated that he would like to see the wording in the first sentence of this section rewritten as he considers it unclear and awkward. He then moved to change this first sentence to read: ***Except where authorized by law, or pursuant to an agreement between the City and another entity of government, no member of the Board of Aldermen shall hold any other elected office of the City, State or its political subdivisions or be employed by the City during the term for which he/she was elected to the Board of Aldermen.*** Also included in this motion was changing the first sentence in **Section 4.6(a)** of the Mayor's article to read exactly the same. Motion seconded by Madonna Laws and carried unanimously.

Section 3.12 - Legislative Proceedings. Madonna Laws stated that regarding **3.12(f) Procedure** - she is still uncomfortable with being allowed to introduce and pass a bill after one board of aldermen meeting in some instances, especially with regard to controversial issues. Tracy stated that he feels politics takes care of those kinds of things. He feels if there is an issue that is a problem, usually it is discussed

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, February 15, 1995

Page Three

at several meetings before it is ever drafted into bill form. Then after a bill is read, everyone has the opportunity to discuss it openly, and many are tabled pending more discussion and investigation specifically because everyone on the board is not in agreement.

Because Section (g) Emergency Ordinances is already covered under (f) Procedure, Tracy Huston moved that we leave (f) as drafted and delete (g) Emergency Ordinances, seconded by John McGowan. Motion carried by the following vote: 9 Ayes - 2 Nays (Madonna Laws and Debbie Murray)

(h) Effective Date. - After general discussion, it was moved by Burt Droste and seconded by Pat Duwe that the following text be approved for this section: ***Every ordinance shall become effective upon its adoption or at any later date specified therein.*** Motion carried unanimously.

(I) Authentication and Recording. Tracy Huston stated this issue is taken care of in Section 3.10 City Clerk, and moved that this section be deleted, seconded by Debbie Murray and carried unanimously.

(j) Revision of Ordinances. Since codification already exists in the City, it was moved by Tracy Huston, seconded by Pat Duwe that this section be deleted. Motion carried unanimously.

Section 3.13 Investigations. The possible deletion of this section was discussed among the members. When asked by Chairman Bratsch by a show of hands, how many members feel that the Board of Aldermen has the right to make investigations into the affairs and conduct of a city department, with the knowledge that Section 3.7 prevents them from interfering in the day-to-day operations of the City departments, the vote was 10 to 3 in favor. After several views and interpretations from the commission were heard, it was moved by Burt Droste, seconded by John McGowan that this section be tentatively approved as follows:

Upon approval by three-quarters of its authorized membership, the Board of Aldermen may make investigations into the affairs of the City and the conduct of any City department, office or agency and for the purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a subpoena issued in the exercise of these powers by the Board of Aldermen shall be subject to such penalties as provided by ordinance. Motion carried unanimously.

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, February 15, 1995

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Section 3.14 Independent Audit. Discussion followed regarding a requirement to change audit firms periodically. John McGowan stated that perhaps a five-year requirement might be considered. It was then moved by Tracy Huston, seconded by Burt Droste that this section be approved as follows:

The Board of Aldermen shall provide for an independent audit of all City accounts at least once a year. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. A copy of the audit shall be kept in the city clerk's office and shall be open to public inspection. No certified public accountant or firm shall conduct the audit for more than five consecutive years. Motion carried unanimously.

Section 3.1 Municipal Judge and Prosecuting Attorney. Chairman Bratsch asked of these two sections were considered necessary. Shu Simon stated that these two sections were not necessary for inclusion.

ARTICLE V

Section 5.1 Administrative Organization. (a) Departments, Etc. (b) Boards, Commissions. It was moved by Tom Killoren, seconded by Tracy Huston that these two sections be approved, with the deletion in (a) of the words, agencies, authorities.

Motion carried unanimously.

Section 5.2 Personnel System. Carol stated that we need to add in this section after the word "religion" or disability in light of the American Disabilities Act. After brief discussion it was moved by John McGowan and seconded by Debbie Murray that this section be approved as follows:

The personnel code shall provide that all appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence without regard to race, color, creed, national origin, age, sex, religion or disability. The current personnel code shall remain in effect as set forth in Chapter 18 of the municipal code of the City of Crestwood, Missouri as it may be amended by ordinance from time to time. Motion carried unanimously.

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, February 15, 1995

Page Five

Chairman Bratsch stated that because we have an extra week in March, Bob Parsons will have more time to write the newsletter article for the March deadline.

Madonna Laws stated that in speaking with one Crestwood resident, she would like to pass on to the commission his disappointment that we did not stick to the survey results in making some of our decisions, especially regarding term limits. John McGowan stated he also had a similar situation wherein strong dissatisfaction was relayed.

LaVerne Cannon stated that she received good feedback regarding the questionnaire and still feels that once the commission explains to the people the reasoning behind some of our decisions regarding term of office, the cost, the time, etc., they will understand and accept our explanations.

Burt stated that citizens need to know we have discussed this issue and have spent many hours debating it. However, we also need to consider if the people feel that strongly about term limits and/or term of office, we may need to segregate that on the ballot rather than have it sabotage the whole charter. Debbie Murray and Pat Duwe agreed.

Chairman Bratsch stated that he has put together some informational data for the members to read and for possible distribution to the voters. It is only a draft but perhaps we can review this at the next meeting to see if it would be in our best interest to distribute it to citizens, so they may better understand how we have reached our determinations on term limits, terms of office, what Initiative and Referendum are, and how they fit into the whole equation.

Mr. Bob Deutschman was present this evening as an observer. He has been a Crestwood resident for 36 years and he feels that the length of the term of office should be kept to 2 years. He feels that people do not use their right to vote often enough. By lengthening the term of office, he feels less people would be coming to the polls to vote and by not adhering to the voice of the people in our survey, will create bad rapport with some of the citizens.

Chairman Bratsch suggested that this issue be discussed further at next week's meeting.

There being no further business, the meeting was adjourned at 9:05 P.M.

Respectfully submitted,

Sandra L. Grave, Recorder

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

February 15, 1995

Meeting Number 9

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Roll Call - secretary
- III. Approval of minutes of previous meetings - 2/8/95
- IV. General Business
 - A. finish Article III - Council
 - B. start Article V - Administrative Org./ Personnel System
- V. Old business
 - A. March issue Crestwood News article
- VI. Public Input/Comments
- VII. Review meeting and assignments
- VIII. Adjournment

Robert's Rules of Order prevail

Approved
3/1/95

VOL. X

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, February 22, 1995

The tenth meeting of the Home Rule Charter Commission was held on Wednesday, February 22, 1995 at 7 P.M. in the aldermanic chambers at the Crestwood Government Center, Chairman Bratsch presiding.

Members Present:

Jane Armbruster	Ed Lang
Jerry Bratsch	Madonna Laws
LaVerne Cannon	John McGowan
Burt Droste	Debbie Murray
Pat Duwe	Bob Parsons
Tom Killoren	Bob Theiss

Members Absent:

Tracy Huston

Others Present:

Carol Schneiderhahn, City Clerk
Sandra L. Grave, Recorder

Because the minutes of the February 15, 1995 meeting were distributed this evening, Madonna Laws moved that their approval be held until next week so that everyone will have the opportunity to review them. Motion seconded by LaVerne Cannon and carried unanimously.

The meeting commenced with a question from Tom Killoren regarding **Section 3.13 Investigations**, which was discussed and voted on at the February 15th meeting. There is no punitive clause or provision in this section relegated for a person on the Board of Aldermen who does not gain the appropriate three-quarters approval from the members, but still takes it upon himself or herself to conduct an investigation. Would **Section 3.8(b) Forfeiture of Office** then become applicable in this case? Bob Parsons stated in reading the wording of this section, his interpretation would be, if a board of aldermen member would conduct his/her own investigation into city affairs, without the proper three-quarters approval, that it would be a direct violation of the charter.

After lengthy discussion, Chairman Bratsch took a "straw vote" regarding this section, asking the members how many are specifically **against** awarding the powers of investigation to the board of aldermen, whereby it requires three-fourth's of the official membership of the board to conduct such an investigation. Since no one raised their

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, February 22, 1995

Page Two

hands, it is concluded that all members agree the board of aldermen should have the power to conduct investigations with the three-fourth's approval. Bob Parson then moved to leave **Section 3.13** as written without the addition of any provision or clause for board members, who may at some point in time violate this section. Motion seconded by Madonna Laws and carried unanimously.

Chairman Bratsch then introduced two persons at the meeting this evening - Carol Schulz, a Crestwood resident and Bob Wilkison, also a Crestwood resident and former alderman in Ward 3.

Chairman Bratsch stated that he has drafted a response to the questionnaire for consideration by the membership. A copy of this draft is included in the agenda packets for discussion purposes this evening for possible mailing to citizens. He explained the reason for the draft was because there has been some controversy regarding our decision on a couple of issues for tentative inclusion in the charter. These decisions, in some instances, have been contrary to the wishes and desires expressed by 27% of the citizenry, who took the time to return the questionnaires.

Madonna Laws stated that she feels a general mailing at this time is somewhat premature, especially since included in the draft are Initiative, Referendum and Recall, which, as yet, have not been discussed by the commission. It is her feeling that we should first address the two issues - term limits and length of term, permanently and not tentatively, making sure that everyone is in agreement and fully understand our reasoning. Then we can move on.

John McGowan moved that we wait before sending out this mailing so as not to risk alienating the citizens. Motion seconded by Burt Droste.

Lengthy discussion followed wherein the membership as a whole expressed their concerns especially on these two important issues - term limits and length of term. Their ultimate goal became obvious and unanimous - to not let the people down that elected them, and opinions became very thought-provoking. Everyone on the commission listened to each other's comments, united in their quest to do the right thing for the city as a whole, and not just to those citizens who had time to answer the questionnaires.

Debbie Murray stated that the reasoning behind our desire to respond to the people was to try to make them understanding why we have made some of our decisions. However, those decisions, no matter how logical and sensible we feel they are, still

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Wednesday, February 22, 1995

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do not reflect the wishes of some citizens who answered the questionnaire, and those persons feel we are not listening to them.

Burt Droste stated when reading the results of the questionnaire, his conclusion was that the citizens wanted to keep the terms of office short and by going from two to three years would allow all of the aldermen the freedom to run for mayor if desired. He explained that going back in time, all mayors have had previous aldermanic experience, and it is his opinion that a three-year term is still relatively short. When taking into consideration the pros and cons, he feels it would be worthwhile to make this change.

Chairman Bratsch stated that there is still a motion on the floor to delay the mailing of the prepared draft regarding the questionnaire response moved by John McGowan and seconded by Burt Droste. A straw vote showed - 12 - Yes and 1 - No (Chairman Bratsch)

Madonna Laws reiterated the fact that we need to get these issues settled before we can move on, and she feels that Initiative, Referendum and Recall are also involved. They are all interrelated with each other. All three issues, including term of office and term limits need to be described, discussed and addressed as soon as possible and absolutely before being brought forth to the public.

Discussion followed relative to amending the schedule so we could discuss Referendum, Initiative and Recall at an earlier date. It was then moved by Bob Theiss and seconded by Jane Armbruster that we amend the schedule for discussion on Referendum and Recall, moving it up to March 15th. Motion carried by the following vote: Ayes 12, Nays 1 (John McGowan).

More discussion ensued, and the members then decided that the article for the newsletter as drafted by Bob Parsons could be integrated with part of the draft of the questionnaire response which speaks of Initiative, Referendum and Recall for incorporation in the newsletter article. John McGowan and Bob Parsons will work together on this.

Bob Parsons then moved that we adjourn the meeting in order to allow for comments and input from the audience. Motion seconded and carried unanimously.

Carol Schulz identified herself and stated that she was very upset with the commission for not listening to what the people were saying in the questionnaire. The residents took the time to fill it out, and the commission chose to ignore it. She is in favor of term limits and feels that incumbents have all the advantages in an election.

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Wednesday, February 22, 1995

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She feels it is wrong to allow people to run as long as they wish. Every time there is an election, the same people run all the time and they have an unfair advantage. There are others that would like to also take part in the political process of city government, but they get discouraged because they feel they don't have a chance against the people who have been running for many years.

Bob Wilkison came forward stating that he feels just the opposite. He feels that things should stay as they are - two year terms and no term limits. The public is outraged at the National and State officials that have made this their profession. They get the pensions and the "perks". But officials on the local level don't get these big salaries and it isn't their main occupation in life. People that are upset about term limits are comparing Crestwood with the State and National officials (professional politicians). The people that serve all of us in Crestwood are people from our own neighborhoods.

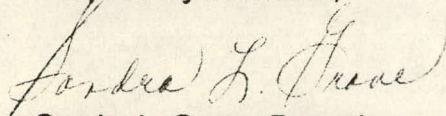
He further commented - why should people like Mayor Killoren, Alderman Huston, Alderman Brasfield (Just to Name-Names) be kept from running as long as they want? Every two years, the people in Crestwood have an opportunity to file against these office holders. You put up some signs, put out some brochures and get to work - and if people are not happy with the way the incumbents have performed, they will let you know about it on election day.

He feels it would be a disservice to the people of Crestwood to change things. He feels that term limits are not needed on the local level and recommends that things be left as they are.

Chairman Bratsch thanked both of these individuals for coming to the meeting this evening.

There being no further business, the meeting was then adjourned. (8:50 P.M.)

Respectfully submitted,



Sandra L. Grave, Recorder

HOME RULE CHARTER COMMISSION MEETING
WEDNESDAY, FEBRUARY 22, 1995

**COMMISSION
MEMBER OR
GUEST**

NAME

ADDRESS

Jerry Bratton	8745 Red Oak	Member
Madonna J. Law	9250 Hawk	Member
Ed Lang	9640 YORKSHIRE ^{EST} DR.	✓
John McGinn	9140 Paderborn	✓
Pat Duwe	9014 Laurel Court	"
BOB PARSONS		✓
B. Proste		✓
Laverne Cannon		✓
Thomas C. Kilsen		✓
Robert D. Hens		✓
BOB WILKISON	9210 Regal Lane 8437706	✓
Carol Schudy		Citizen
Jose (Bunkin) ...		
Carol Schneiderhahn		City Clerk

FOX RIVER BOND
RECYCLED

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

February 22, 1995

Meeting Number 10

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Roll Call - secretary
- III. Approval of minutes of previous meetings - 2/15/95
- IV. General Business
 - A. response to questionnaire
- V. Old business
 - A. March issue Crestwood News
- VI. Public Input/Comments
- VII. Review meeting and assignments
- VIII. Adjournment

Robert's Rules of Order prevail

TO THE CITIZENS OF CRESTWOOD
FROM THE CHARTER COMMISSION
REGARDING THE
QUESTIONNAIRE RESPONSE

Your response to our questionnaire was tremendous. A total of 1233 questionnaires were returned,. That's 27% of the households that told us how they felt. Therefore, we felt a responsibility to provide feedback to you as to what the Charter Commission has tentatively decided on various articles and requirements that will be included in the Charter that you will vote on at the election on Tuesday, November 7, 1995.

The philosophy of the Commission has been to leave the City operation pretty much as is. "If it ain't broke, don't fix it."

For example, in the first four questions we asked you for your responses on the Mayor, veto powers, City Administrator, and Aldermanic elections and the result is *of your votes*

- indicate you want*
1. The Mayor *to* will continue to be elected at large by all registered voters.
 2. The Mayor *can* veto aldermanic actions as is currently the case and the Board of Aldermen can override the veto exactly as allowed by today's ordinances.
 3. The City Administrator *to* will continue to report to both the Mayor and Board of Aldermen.
 4. There *would* will continue to be two Aldermen representing each ward and they will be elected by the citizens living in that Ward as you do today.

Dispute of Summary

In regards to the length of terms for Mayor and Aldermen, your Charter Commission felt very strongly that the length of terms should be increased to three years from the current two year term. There were several very compelling reasons for this decision.

- the cost of running a campaign has increased significantly over the years to where a Mayoral campaign can now exceed \$10,000.
- State Statutes now restrict campaign donations from individuals and companies to \$100 maximum per individual and per campaign. (currently being challenged in court)
- encourage retaining qualified individuals in office
- encourage competition for elected offices, particularly for Mayor.

Currently, we vote for an alderman on the odd number years and then the Mayor and the other Alderman on even number years. As a result the alderman on even number years must give up his aldermanic seat if he wants to run for the office of Mayor. This discourages some well qualified individuals from running for Mayor. By increasing both mayor and aldermanic terms to three years, we will vote for one alderman the first year, the second alderman the second year, and the mayor on the third year. This encourages aldermen to run for mayor. Most of our Mayors have been an Alderman for some period of time before running for Mayor and this provides the opportunity for experienced individuals to try for the higher office without having to give up their Aldermanic seat. In the event he loses the mayoral election, the citizens of that ward don't lose their experienced representative.

TERM LIMITS, the number of times an individual can hold a particular elected office, prompted a considerable amount of discussion before final resolution. While the subject of term limits has been a hot topic throughout the United States for some time we felt that it was not necessary for Crestwood. We want to encourage dedicated, capable people to run for and hold elected city positions. If they are doing an acceptable job they will be re-elected. If they aren't, we can vote them out, assuming they have competition. We felt that lengthening the terms to three years for both Alderman and Mayor will encourage competition in several ways: by reducing costs over the years and allowing competition without losing office.

Finally, as overwhelmingly supported in the questionnaire, the Charter will place more control with the the Citizens of Crestwood. Contrary to some of the rumors currently circulating around the City, the **Charter does not limit the powers of the people.**

The **Charter will provide you, the citizens, with new powers** not currently allowed in fourth class cities such as Crestwood. Those new rights include:

1. INITIATIVE - citizen initiated ordinances
2. REFERENDUM - citizen petition to repeal or cancel an ordinance
3. RECALL - citizen petition to remove an elected official from office.

INITIATIVE will allow a group of citizens to petition for a particular ordinance to be brought to the vote of the people of Crestwood. This usually occurs when individual requests to your Alderman for a particular action by the Board do not result in the ordinance that you feel is necessary. An initiative petition requires that a committee of five citizens obtain a number of signatures of qualified Crestwood voters to bring the ordinance to a vote of the people. Regardless of the position of the Board of Alderman or the Mayor on the issue, the citizens will decide.

REFERENDUM, like the initiative, provides you, the citizens, with the opportunity to vote for cancellation of a particular ordinance that you feel is unnecessary, overly restrictive, oppressive or provides favoritism to a particular person, group or business. Again it requires a committee of five citizens to obtain a number of qualified signatures calling for a vote of the people to decide on canceling the ordinance.

RECALL provides the citizens with the right to remove an elected official from office. As with initiative and referendum, a group of five people must obtain the necessary number of qualified signatures to bring about an election to decide on the removal of the particular elected official. The vote would be city wide for removal of the Mayor and only in the Ward for removal of an Alderman.

We felt an obligation to respond to all of you following your tremendous return of the questionnaires. We hope this information will help you understand the actions we have taken thus far and maybe encourage further input from those of you who still wish to be heard.

Sincerely,

The Charter Commission

Approved
3/15/95

VOL. XI

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, March 1, 1995

The eleventh meeting of the Home Rule Charter Commission of the City of Crestwood was held on March 1, 1995 at 7 P.M. in the Fire Department Training Room at the Crestwood Government Center, Chairman Jerry Bratsch presiding.

Members Present:

Jane Ambruster	Tom Killoren
Jerry Bratsch	Ed Lang
LaVerne Cannon	Madonna Laws
Burt Droste	Debbie Murray
Pat Duwe	Bob Parsons
Tracy Huston	Bob Theiss

Members Absent:

John McGowan

Others Present:

Carol Schneiderhahn, City Clerk
Shu Simon, City Attorney
Sandra L. Grave, Recorder

Approval of Minutes

Chairman Bratsch asked for any corrections or additions to the minutes of the February 15, 1995 meeting. There were two typographical errors in the second paragraph on page four that were noted. Also, on the first page, first paragraph, it was stated that the meeting of February 15th was held in the Aldermanic Chambers which was incorrect. The meeting was held in the Fire Department Training Room. With these two changes so noted, it was moved by Madonna Laws and seconded by Pat Duwe that the minutes of the February 15, 1995 meeting be approved as corrected. Motion carried unanimously.

Chairman Bratsch asked for any corrections or additions to the minutes of the February 22, 1995 meeting. There being none, it was moved by Bob Theiss and seconded by LaVerne Cannon that the minutes be approved as printed. Motion carried unanimously.

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, March 1, 1995

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Article VI

Financial Procedures

Section 6.1 Fiscal Year. It was moved by Tracy Huston and seconded by Madonna Laws that we give tentative approval to this section. Motion carried unanimously.

Section 6.2 Budget.

(a) **Submission; Contents.** Discussion commenced regarding the 45 days period of submission, wherein it was noted that the Ways and Means Committee would complete their review prior to this time.

A suggestion was made by Tracy Huston that we add in the third line of this section, after the words Board of Aldermen, ***"a proposed final" budget and accompanying written narrative.*** Tracy stated that inserting those words should imply to everyone that all other reviews have been completed.

Ed Lang then moved that we include the words ***"proposed final"*** in Section 6.2 (a), seconded by Burt Droste. Tracy questioned the last sentence in this section - ***"On a monthly basis, a report shall be generated and submitted to the Board of Aldermen."*** A report is always included in the Operations Report from the City Administrator at every meeting. Also this is covered under Article 4-A (g) City Administrator. Therefore, Ed Lang amended his motion to include striking the last sentence from this section. Motion seconded by Tracy Huston and carried unanimously.

(b) **Capital Program.** Ed stated there was much discussion of the subcommittee members regarding this section, and there may be a point in time where long-term projected revenues are unnecessary depending on the financial status of the city. It should be left up to the Mayor and Board of Aldermen, however not necessarily to be included in the charter. Tracy mentioned that he feels the reason for the wording in this section is to leave some flexibility in the charter.

Chairman Bratsch stated forecasting on Capital and Personnel should be done three to five years ahead. Capital and Personnel notwithstanding, the only things that change in the budget from year-to-year is inflation.

It was then moved by Tracy Huston, seconded by Bob Theiss that the following wording be used on (b) **Capital Program:**

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, March 1, 1995

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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 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.

Motion carried by the following vote: 10 Ayes - 1 Nay (Ed Lang)

Debbie Murray then moved that under **Section IV-A CITY ADMINISTRATOR. Subsection (e) Budget and Capital Program** - the language should mirror the aforementioned section stating as follows: ***The City Administrator shall submit annually a recommended budget and a projected five (5) year capital improvement, replacement, and personnel needs program to the Mayor and Board of Aldermen.*** Motion seconded by LaVerne Cannon and carried by the following vote: 10 Ayes - 1 Nay (Ed Lang)

(c) Public Hearing. It was moved by Tracy Huston, seconded by Debbie Murray that tentative approval be given to this section as follows: ***After a fifteen (15) day public notice, the Board of Aldermen shall hold a public hearing on the proposed budget prior to its adoption.*** Motion carried unanimously.

(d) Amendment Before Adoption. Moved by LaVerne Cannon, seconded by Tom Killoren that tentative approval be given to this section. Motion carried unanimously.

(e) Adoption. After a short discussion, it was moved by Bob Parsons, and seconded by Pat Duwe that tentative approval be given to this section with the words **"by resolution"** included in its contents, and in any other applicable section in this article where it would apply in the forthcoming text. Motion carried unanimously.

(f) Budgeted Items Appropriated. It was moved by Pat Duwe and seconded by Debbie Murray that tentative approval be given to this section. Motion carried unanimously.

(g) Supplemental Appropriations. Shu Simon suggested that at the beginning of this section the words **"During the course of the fiscal year"** should be added. With that suggestion, it was so moved by Tracy Huston and seconded by LaVerne Cannon that tentative approval be given to this section. Motion carried unanimously.

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD
Wednesday, March 1, 1995
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(h) **Insufficient Revenues.** It was moved by Bob Parsons, seconded by Tracy Huston that tentative approval be given to this section with the addition in the fourth line of the word "Mayor". Motion carried unanimously.

(i) **Amendments After Adoption.** It was moved by Bob Parsons, seconded by Madonna Laws that this section be tentatively approved. Motion carried unanimously.

(j) **Appropriations Lapse.** Ed Lang moved that this section be tentatively approved. Seconded by Jane Armbruster and carried unanimously.

(k) **Prohibited Payments and Obligations.** Madonna Laws moved that this section be tentatively approved with the replacement of the word "officer" at the end of the sixth line and the addition at that point of the words "any city employee or elected official". Motion seconded by Pat Duwe and carried unanimously.

(l) **Public Records.** It was moved by Bob Parsons, seconded by LaVerne Cannon that this section be approved changing the words "city hall" to **Government Center**". Motion carried unanimously.

Section 6.3 Taxation Powers. Debbie Murray moved, seconded by Jane Armbruster that this section be tentatively approved. Motion carried unanimously.

Section 6.4 Sales of Bonds. Discussion commenced relative to changing the word "reasonable" in the fifth line to "15 days". Tracy Huston suggested that we get an opinion from the City Attorney relative to whether this will leave enough time for a public notice. Everyone agreed. It was then moved by Bob Parsons, seconded by Bob Theiss that tentative approval be given to this section, with the possibility of the word **reasonable** being replaced by **15 days** if determined by the City Attorney. Motion carried unanimously.

Old Business

Chairman Bratsch stated that Article 7 was moved from the 15th to April 5th and Initiative, Referendum and Recall was moved back to March 8th for purposes of discussion and resolution.

Carol then explained the purpose of the buff-colored sheets given to all the members. Every member will be receiving in his weekly packets, buff-colored sheets which will

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, March 1, 1995

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include all the up-to-date changes made thus far in the articles. This will make it easier for the members to follow our progress and to also make sure that the data on these sheets is correct. Carol also provided binders for all members to keep these approved pages, so there will be less confusion.

Carol stated that regarding the articles tentatively approved by the commission, Kent Leichter has questioned the wording in **Section 3.10 City Clerk**, specifically the words **"with the approval of the Mayor and Board of Aldermen"**. Since the City Clerk and Finance Officer are a civil service employee, the aforementioned words should be deleted. It was so moved by Ed Lang and seconded by Bob Theiss and carried unanimously.

Public Input

Peggy Bandy came forward stating that she has lived in Crestwood for 45 years. In listening to the commission this evening, she is perplexed that so many decisions are made by the City Administrator and through his authority rather than the Mayor's. She then asked if the Charter Commission would be an on-going commission. Chairman Bratsch explained that the Charter Commission was elected last November. There are 13 members who are developing a charter for the City. There will be no drastic, major changes in City operations and after the election, the commission will cease its work. The commission will fine-tune what we presently have on the books but, if approved by the voters, our status will change from a city of the fourth class to a charter city. This will become the tool necessary in giving us more local control with less intervention from the State legislature.

Mr. Bob Deutchmann, Crestwood resident, came forward stating that he is not in favor of term limits or more than a two-year term for aldermen and mayor. He further explained that many of the people he has spoken with are also not in favor of term limits. He also questioned the amount of money necessary to run a campaign. He was requested to speak with the City Clerk and she, as well as the County, have the documentation relative to campaign finances. Carol stated that she would be more than glad to run him a copy of that information to pass on to whoever is interested, since it is a matter of public record.

Dick Smith, also a resident, stated that he is definitely opposed to changing the term of office and he feels that term limits are necessary. He stated that if the two-year term of office is changed and term limits are not specified in the new charter, he will definitely vote against it and also make sure others vote against it.

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

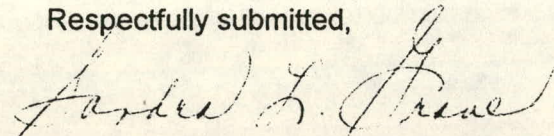
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Burt Droste tried to explain to those who were present this evening the reasoning behind why the commission members, including himself, want a three-year term for aldermen. He feels that in order to make it fair for all board of aldermen members to be able to run for mayor without losing their aldermanic seat, three-year terms were necessary. He also stated that it is only adding one more year to what is presently on the books, and he feels it is still a relatively short time. Burt wanted everyone to understand that, he is very uncomfortable with the possibility of someone running for mayor some day that has never been an alderman and has no aldermanic experience. He feels it is very important that a mayor has previous experience, and the way the terms are set at the present time, it limits good people from running for mayor.

There being no further business, the meeting was adjourned at 8:50 P.M.

Respectfully submitted,



Sandra L. Grave, Recording Secretary

Robert's Rules of Order prevail

Approved
3/15/95

VOL. XII

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, March 8, 1995

The twelfth meeting of the Home Rule Charter Commission of the City of Crestwood was held on March 8, 1995 at 7 P.M. in the Aldermanic Chambers of the Crestwood Government Center, Chairman Jerry Bratsch presiding.

Members Present:

Jerry Bratsch
LaVerne Cannon
Burt Droste
Pat Duwe
Tracy Huston
Tom Killoren

Ed Lang
Madonna Laws
John McGowan
Debbie Murray (8 P.M.)
Bob Parsons
Bob Theiss

Members Absent:

Jane Armbruster

Others Present:

Carol Schneiderhahn, City Clerk
Shu Simon, City Attorney
Sandra L. Grave, Recorder

Since the minutes of the March 1, 1995 meeting had just been distributing this evening, they will be held for approval at next week's meeting.

ARTICLE VIII
INITIATIVE AND REFERENDUM

Section 8.1. General Authority

(a) Initiative.

This section was composed of many run-on sentences which were confusing to the members. There was a long discussion by the commission in their attempt to word this paragraph more clearly with some discourse as to whether or not zoning should be deleted from this section. After clarification from Shu Simon, it was moved by Tracy Huston and seconded by Bob Parsons that tentative approval be given to this section as follows:

HOME RULE CHARTER COMMISSION MEETING

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The qualified voters of the City shall have power to propose ordinances to the Board of Aldermen. If the Board of Aldermen fails to adopt an ordinance so proposed, without any change in substance, the qualified voters may adopt or reject it at a City election. Such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, levying a special assessment, zoning or salaries of city officers or employees. No proposed initiative ordinance shall contain more than one subject, which shall be clearly expressed in its title. An initiative petition may be utilized to amend or repeal any ordinance other than those excluded above including an ordinance for which the referendum time has lapsed. Motion carried unanimously.

Note: The above underlined words were added to this section by a vote of 7 to 4 when discussing (b) Referendum (next item).

(b) Referendum.

Chairman Bratsch stated that Referendum is a very narrow power. It allows the voters, if they know about an ordinance that is being voted on, sixty days to get a petition together for halting the enactment of that ordinance, and puts it on hold immediately. If the sixty-day allotted time passes, then the Initiative Petition allows citizens to go back and ask to repeal or amend it by a vote of the people.

Bob Parsons moved that we accept tentative approval of (b) Referendum, deleting the words "an ordinance levying a special assessment" and adding the words "levying a special assessment" in (a) Initiative along with other changes in (b). The new wording under (b) Referendum is as follows:

The qualified voters of the city shall have the power to require reconsideration by the Board of Aldermen of any adopted ordinance. If the Board of Aldermen fails to repeal an ordinance so reconsidered, the qualified voters may approve or reject it at a city election. Such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, or salaries of city officers or employees. No referendum shall contain more than one subject, which shall be clearly expressed in its title.

Motion seconded by Pat Duwe and passed by the following vote:

Ayes - 7 Bob Parsons, Pat Duwe, John McGowan, Burt Droste, LaVerne Cannon, Madonna Laws and Ed Lang

Nays - 4 Tracy Huston, Tom Killoren, Jerry Bratsch, Bob Theiss

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD
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Section 8.2 Commencement of Proceedings; Petitioners' Committee; Affidavit.

Madonna Laws moved that this section be tentatively approved with the deletion of "not less than three days" in the second paragraph. Motion seconded by Bob Theiss and carried unanimously.

Section 8.3 Petitions.

(a) Number of Signatures.

Discussion commenced regarding the 15 percent of the total number of voters mentioned in this section. Madonna stated in comparison with other charters, 15 percent is too high. Creve Coeur's is 10%, Maplewood's is 10%, Ferguson's is 10%, Richmond Heights is 10%, and Blue Springs is 8%. Carol stated that if our total registered voter count stays at approximately 8,000 - the total difference would be about 400 persons.

After further discussion, it was moved by Bob Parsons, seconded by Tom Killoren that tentative approval be given to this section deleting the word "qualified". Motion carried by the following vote: **Ayes 10 - Nays - 2** (John McGowan and Madonna Laws).

(b) Form and Content.

It was moved by Burt Droste, seconded by John McGowan that this section be tentatively approved with the addition in line three - after the word "the" of **(printed name and) address**". Motion carried unanimously. It should also be mentioned that in the last line of this section, after the word "reconsidered" the words **(and shall also state the approximate cost of election)**", were inserted. This wording was deleted from **(c) Affidavit of Circulator** and placed in this section by a motion from Bob Parsons, seconded by Tracy Huston and carried unanimously.

(c) Affidavit of Circulator.

Tentative approval of this section deleting the last line and inserting it in **(b) Form and Content** was moved by Bob Parsons, seconded by Tracy Huston and carried unanimously.

Section 8.4 Time for Filing Petitions.

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD
Wednesday, March 8, 1995
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(a) & (b) It was moved by Madonna Laws and seconded by Pat Duwe that this section be tentatively approved. Discussion commenced regarding the 60-day filing of petitions for Initiative and Referendum. The motion was then amended by Madonna Laws that (a) stay at 60 days for Initiative Petitions and (b) be changed to 45 days for Referendum Petitions. Motion to amend was seconded by John McGowan and carried unanimously.

Section 8.5 Procedure After Filing.

(a) Certificate of Clerk: Amendment.

In this section, two motions were made. It was first moved by Bob Theiss and seconded by Tom Killoren that tentative approval be given to this section and that the word "registered" be replaced with the word "certified" in all of its contents. Motion carried unanimously.

It was then moved by Ed Lang and seconded by Debbie Murray that Section (b) Board of Aldermen Review be deleted and the last sentence of Section (a) above be modified using the same language as in Ellisville's Charter in their Section 9.4 Procedure After Filing; (a) Certification By City Clerk; Amendment of Petition as follows:

If a petition is certified to be insufficient and no timely amended petition is filed, or if an amended petition is certified to be insufficient, no further action shall be had thereon and such determination shall be deemed the final determination.

(c) now becomes (b) Court Review; New Petition.

It was moved by Bob Parsons, seconded by Pat Duwe that tentative approval be given to this section. Motion carried unanimously.

Section 8.6 Referendum Petitions; Suspension of Effect of Ordinance.

A motion for tentative approval of this section was made by Bob Parsons, seconded by Debbie Murray as follows:

When a petitioners committee files its affidavit with the City Clerk, the ordinance sought to be considered shall be suspended from taking effect. Such suspension shall terminate when:

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD
Wednesday, March 8, 1995
Page Five

- 1. A petition is not filed in accordance with the provisions of Section 8.4(b) herein, or*
- 2. There is a final determination of insufficiency of the petition, or*
- 3. The petitioners' committee withdraws the petition, or*
- 4. The Board of Aldermen repeals the ordinance, or*
- 5. The election results sustaining the ordinance have been certified by the St. Louis County Election Commission.*

It was then moved by Bob Parsons, seconded by Pat Duwe the we interrupt the meeting in order to give us some time to listen to public input.

Madonna Laws expressed concern regarding utilizing a portion of the time allotted for the commission's work (7 to 9 P.M.) for public input. At the present time, this has not become a big problem because there have only been very few people that have come to the meetings. However, when we start getting more people to come to our meetings, we cannot possibly adjourn early and still maintain the same time frame to get our work completed. She explained that she is not opposed to public comment in any way, but we have reserved 7 to 9 P.M. to conduct business and unless we have covered everything on our agenda prior to 9 P.M., we should keep our regularly scheduled time frame and after 9 P.M., open it to the public. Chairman Bratsch agreed.

John McGowan stated that he feels he is more concerned with letting the public speak at the appropriate time and getting the public involved.

Tracy doesn't feel that we are setting a precedent. We are ahead of schedule at the present time and he feels we should wait until we have more than a few people present before we express concern. The commission agreed.

Public Comments:

Paul Paradise, Alderman in Ward 3, came forward and stated he feels it is a good idea that we have extended an open invitation in the media to the public. We have good people in office, and we have an opportunity with this commission to make some constructive changes. There should be more people asked and invited into this government process and he feels it creates a better system when more people become involved. Term limits would enable more new people to get involved and from the results of the survey, it seems this is what the people also want.

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD
Wednesday, March 8, 1995
Page Six

He feels that term limits and term of office should be put on the ballot for the voters to consider. He also stated that term limits should be considered for city boards and commissions.

Tracy Huston stated that the charter doesn't address boards and commissions and that they are creations of the Board of Aldermen. If the Board of Aldermen wants to limit terms, they can do so at any time. However, if these kinds of things were put into the charter, we would have to amend the charter every time we needed to create a new board or commission, or eliminate a board or commission.

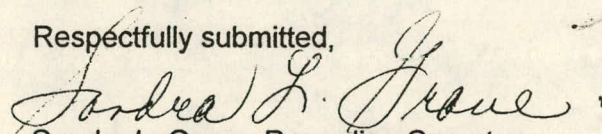
Carol Schulze came forward stating that she feels that the people in the city are going to really be disappointed if their opinions are not considered. She wants to have a choice when she votes and she has been a Crestwood resident for 27 years. She wants to see more new people get involved because the same people dominate the system. She then requested copies of the approved minutes from several meetings, which Carol will make sure she has.

Discussion commenced among the commission members regarding the two issues which are connected to each other - length of term and term limits. The members are very much concerned with resolving these two controversial topics. John McGowan stated that he has been researching these two topics and has put some information together for submission and consideration to the commission.

After short discourse among the members, Tracy Huston proposed, and moved that on March 29th, the commission conduct its debate on term limits and length of term. After that debate is closed, at this same meeting, the public would then be given an opportunity to address the commission with their comments. The commission can make whatever other comments they wish, after which the commission will vote. This will give the public an opportunity to make their comments in an open forum before we vote. We will have time to publicize it, and hopefully we can utilize the chambers. Madonna Laws seconded the motion and carried unanimously.

There being no further business, it was moved by Tracy Huston and seconded by Pat Duwe that this meeting be adjourned. Time of adjournment - 9:15 P.M.

Respectfully submitted,


Sandra L. Grave, Recording Secretary

HOME RULE CHARTER COMMISSION MEETING
WEDNESDAY, MARCH 8, 1995

COMMISSION
MEMBER OR
GUEST

NAME

ADDRESS

Jerry Bralich	8945 Red Oak Dr	member
MADONNA T LAWS	9250 VAUK	MEMBER
Pat Duve	9014 Laurel Crest	"
John McBowen	9140 Pardee Spur	✓
Burt DOSTE	1467 TREUANE	✓
W. Henry Huber	9059 Morning Star	✓
Laverne Cannon	1650 Liggott	✓
Thomas C. Killgren	907 Volz	✓
Robert & Thelma	115 Chatwood Lane	✓
Bob Parsons		✓
Karl Paradise	9337 Cherrybrook	Guest
Carol Schurz	906 Dwyer	Guest
Ones & Grader	8714 Madeira	63126 Guest
Delbie Murray	8 PM.	
Ed Long		

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

March 8, 1995

Meeting Number 12

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Roll Call - secretary
- III. Approval of minutes of previous meeting - 3/1/95
- IV. General Business
 - A. Article VIII - Initiative and Referendum
 - B. Article VIIIA??? - Recall
- V. Old business
- VI. Public Input/Comments
- VII. Review meeting and assignments
- VIII. Adjournment

Robert's Rules of Order prevail

CITY OF
CRESTWOOD

PATRICIA A. KILLOREN, Mayor

OFFICE OF
THE CITY CLERK

DATE: March 13, 1995
MEMO TO: DON GREER, POLICE CHIEF
FROM: *Carol* CAROL SCHNEIDERHAHN, CITY CLERK
SUBJECT: POSTING PUBLIC HEARING NOTICES

Please post the attached public hearing notices at the following locations by March 15, 1995

City Hall Bulletin Board ✓
Fire House Bulletin Board ✓

Ward #1	Ward #2
Big Bend & Sanders Dr ✓	Big Bend & Holmes Ave ✓
Big Bend & Liggett Dr ✓	S. Sappington & Westglen ✓
Liggett Dr & Coffey Ct ✓	S. Sappington & Rayburn ✓
Liggett Dr & Ridgewood Dr ✓	S. Sappington & Twincrest Dr ✓
Watson Rd & Brookview Dr ✓	Watson Rd & Starling Dr ✓

Ward #3	Ward #4
Garber Rd & Pardee Rd ✓	Watson Rd & Sturdy Dr ✓
Pardee Rd & Grant Rd ✓	East Watson & Crest Oak Ln ✓
Eddie & Park & Sappington ✓	Robyn Rd & Eddie & Park Rd ✓
New & Old Sappington ✓	Watson Rd & Glenwood Dr ✓
New Sappington & Craigwood ✓	East Watson between Manda &
Eddie & Park & Rosebay Dr ✓	Watson Woods ✓

A F F I D A V I T

I, Sgt. R. Reed #120, posting officer, do hereby certify that the foregoing notices were posted in the specified locations this 14 day of March 1995.

Posting Officer
Sgt. R. Reed #120
ATTEST: Police Chief

CITY OF CRESTWOOD
NOTICE OF PUBLIC HEARING
BEFORE CRESTWOOD CHARTER COMMISSION

Notice is hereby given that a public hearing will be held before the Charter Commission of the City of Crestwood, One Detjen Drive, Crestwood, Mo., on Wednesday, March 29, 1995, at 7:00 p.m. The Charter Commission is in the process of drafting a proposed Charter for approval at the November 7, 1995 election. The Commission has called this hearing to discuss two of the items to be included in the proposed charter:

- 1) Length of terms for city elected officials; and
- 2) Term limits for city elected officials.

All interested persons are encouraged to attend this meeting, listen to the discussion, and will be given an opportunity to be heard. Alternatively, any comments regarding the above two items may be put in writing and forwarded to the attention of the Crestwood City Clerk. Said comments will be forwarded to the Charter Commission.

By order of the Charter Commission.

Gerald Bratsch,
Chairman

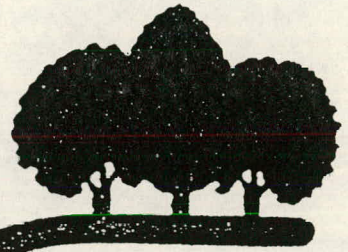
ATTEST:

Carol A. Schneiderhahn
City Clerk
Dated: March 13, 1995

Anyone with special needs wishing to attend, please phone 966-4700 so that the City may make appropriate accommodations for you.

CITY OF
CRESTWOOD

PATRICIA A. KILLOREN, Mayor



FACSIMILE TRANSMITTAL FORM

DATE: 3/13/95

TIME: 9:55 a.m.

NUMBER OF PAGES (2) Includes this cover page

TO: Watchman Advocate

COMPANY: _____

FAX NUMBER: 7251716

SPECIAL INSTRUCTIONS:

Please publish the attached Notice of Public Hearing in the
Watchman Advocate on Tuesday, March 14, 1995. Please forward
an Affidavit of Publication with your statement.

Thanks.

FROM: Carol Schneiderhahn

CITY OF CRESTWOOD

* * * * *

If you do not receive all of the
pages, please call at 966-4700.
For a return FAX to City of Crestwood
dial: 957-4794

*Corrected Copy
Approved 3/22/95*

VOL. XIII

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, March 15, 1995

The thirteenth meeting of the Home Rule Charter Commission of the City of Crestwood was held on March 15, 1995 at 7 P.M. in the Aldermanic Chambers of the Crestwood Government Center, Chairman Jerry Bratsch presiding.

Members Present:

Jane Armbruster	Ed Lang
Jerry Bratsch	Madonna Laws
LaVerne Cannon	John McGowan
Burt Droste	Debbie Murray
Pat Duwe	Bob Parsons
Tracy Huston	Bob Theiss
Tom Killoren	

Absent - Carol Schneiderhahn, City Clerk

Others Present:

Dan Ladd, Reporter/Journal Newspapers

Chairman Bratsch asked for any corrections or additions to the minutes of the March 1, 1995 meeting. There being none, it was moved by Ed Lang and seconded by Tom Killoren that the minutes of the March 1, 1995 meeting be approved as printed. Motion carried unanimously.

Chairman Bratsch then asked for corrections or additions to the minutes of the March 8, 1995 meeting. There being none, it was moved by LaVerne Cannon and seconded by Debbie Murray that the minutes of the March 8, 1995 meeting be approved as printed. Motion carried unanimously.

ARTICLE VIII
INITIATIVE AND REFERENDUM

Section 8.7 Action on Petitions.

(a) Action by Board of Aldermen. It was moved by Pat Duwe and seconded by LaVerne Cannon that tentative approval be given to this section. Motion carried unanimously.

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, March 15, 1995

Page Two

(b) Submission to the Voters. A motion was made by Ed Lang, seconded by LaVerne Cannon that tentative approval be given to this section. Motion carried unanimously.

(c) Withdrawal of Petitions. Discussion commenced wherein members reviewed the wording in this section. Although the chances are minimal, Bob Parsons stated that he has a problem with having four out of five members of a petition committee being allowed to withdraw a petition, that took 15% of the people to sign to get it placed on the ballot in the first place. Tracy Huston stating that although he has never heard of this happening, there is a remote chance that it could happen. John McGowan agreed that, in all likelihood, after going through all the trouble to get the necessary signatures, that this would not occur. A motion to give tentative approval to this section was on the floor from Tom Killoren, seconded by LaVerne Cannon. Motion carried by the following vote - 12 Ayes, 1 Nay (Bob Parsons)

Section 8.8 Results of Election.

(a) Initiative. After short discussion, it was moved by Tom Killoren, seconded by Ed Lang that tentative approval with input from Shu Simon, City Attorney, be given to this section as follows:

If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results by the St. Louis County Board of Election Commissioners and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Board of Aldermen. If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. In the event of a tie, there shall be a run-off election to be held at the next legally available election date. Motion carried unanimously.

(b) Referendum. It was moved by LaVerne Cannon, seconded by Bob Theiss that this section be tentatively approved with the addition of the words *by the St. Louis County Board of Election Commissioners* after the word *results* at the end of the sentence. Motion carried unanimously.

ARTICLE VIII-A

RECALL

General Authority. After short discussion it was moved by John McGowan,

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, March 15, 1995

Page Three

seconded by Bob Theiss that this section be tentatively approved with two words at the end ***electoral district*** being deleted, and the word ***ward*** substituted. Motion carried unanimously.

Commencement of Proceedings; Petitioners' Committee; Affidavit. It was moved by Bob Parsons, seconded by LaVerne Cannon that tentative approval be given to this section as previously approved for **Section 8.2 Initiative and Referendum** with the addition of the word ***printed*** in the fourth line after the word ***their***, plus the addition of the following sentence in the first paragraph - ***The members of the committee must be registered voters qualified for the recall election.*** Motion carried unanimously.

Petitions

(a) Number of Signatures. Madonna Laws feels that 20% of the total number of voters registered at the last regular City election is somewhat high in this section. After short discourse, it was moved by Tom Killoren and seconded by Bob Theiss that tentative approval be given to this section striking the word ***qualified*** and substituting the word ***ward*** for ***electoral district***. Motion carried by the following vote: 12 Ayes - 1 Nay (Madonna Laws)

(b) Form and Consent. It was moved by Bob Parsons, seconded by Burt Droste that tentative approval be given to this section as follows:

All papers of a petition shall be uniform in size and style and shall be assembled as one instrument of 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. No petition shall seek the recall of more than one officer, but several propositions for recall may be separately submitted at the same election on the same ballot. Motion carried unanimously.

(c) Affidavit of Circulator. It was moved by LaVerne Cannon seconded by Madonna Laws that tentative approval be given to this section with the deletion of the last sentence - ***Such affidavit shall also state the approximate cost of the election.*** Motion carried unanimously.

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, March 15, 1995

Page Four

Time for Filing Petitions. It was moved by Bob Parsons, seconded by Jane Armbruster that tentative approval be given to this section changing the **90 days** to **60 days**. Motion carried unanimously.

Procedure After Filing.

(a) Certificate of Clerk: Amendment. It was moved by Madonna Laws, seconded by Pat Duwe that we tentatively accept this section changing the word **registered** to **certified**, and deleting the last sentence that starts at the end of the sixth line from the bottom of the draft. This sentence shall then be replaced with the following as shown in **Section 8.5 (a)** of the tentatively approved sheet: ***If a petition is certified insufficient and no timely amended petition is file, or if an amended petition is certified to be insufficient, no further action shall be had thereon and such determination shall be deemed the final determination.*** Motion carried unanimously.

(b) Board of Aldermen Review - deleted

(c) Court Review: New Petition. It was moved by Ed Lang and seconded by John McGowan that tentative approval be given to this section. Motion carried by the following vote: **12 Ayes 1 Nay (Bob Parsons)**

Action on Petitions

(a) Submission to the Voters. It was moved by Bob Parsons, seconded by Bob Theiss that this section be tentatively approved as follows: ***When a recall petition has been certified to the Board of Aldermen as sufficient by the City Clerk, the Board of Aldermen shall at its next regular meeting after receipt of such certification, fix a date for holding the election at the next available regular or special election date for which timely notice has been given.*** Motion carried unanimously

(b) Withdrawal of Petitions. It was moved by Bob Parsons and seconded by John McGowan that this section be tentatively approved pending Shu Simon's opinion regarding the exact wording of the time frame needed. Motion carried unanimously.

Results of Recall Election. It was moved by Madonna Laws, and seconded by Pat Duwe that tentative approval be given to this section with the word **voters** in the first sentence changed to **electors** and the omission of the sentence ***If a majority of the registered qualified voters voting in such election shall vote against the recall, the elected officer shall continue in office.*** Motion carried unanimously.

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, March 15, 1995

Page Five

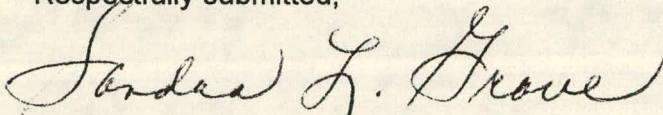
OLD BUSINESS - Discussion took place among the members as to the importance of making sure the newsletter reflects the Charter Commission's comments and does not breach our integrity. The heading in the March Newsletter on Page Two was the issue in question. It was noted by Chairman Bratsch that after reading the third paragraph of the article, one could assume that the title of the article is the proper interpretation. After brief comments from the members, it was moved by John McGowan, seconded by Madonna Laws that Chairman Bratsch read all final documents from the Charter Commission prior to publication in the Crestwood Newsletter.

Prior to opening the meeting to the public, Chairman Bratsch stated that next week we will need to discuss how we will handle the meeting coming up wherein length of term and term limits will be heard. Next week, we will begin our preparation of this important public forum and the members need to voice their comments.

PUBLIC COMMENTS - Bob Duetschman came forward stating that he had just come back from a trip to Texas. A fourth-class city in the Dallas area had an election and only 13 percent of the voters turned up at the polls. If we alienate the people regarding this charter prior to the election, Crestwood could possible suffer the same fate.

There being no further business, it was moved by Bob Parsons, seconded by Pat Duwe that the meeting be adjourned. Motion carried unanimously.

Respectfully submitted,

A handwritten signature in cursive script, reading "Sandra L. Grave".

Sandra L. Grave, Recording Secretary

X

Because of a cancellation, this meeting will be held in the
Aldermanic Chambers of the Government Center

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

March 15, 1995

Meeting Number 13

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Roll Call - secretary
- III. Approval of minutes of previous meetings - 3/1/95 & 3/8/95
- IV. General Business
 - A. complete Article VIII - Initiative and Referendum
 - B. Article VIIIA??? - Recall
- V. Old business
- VI. Public Input/Comments
- VII. Review meeting and assignments
- VIII. Adjournment

Robert's Rules of Order prevail

TELEPHONE MESSAGE TAKEN BY GENERAL OFFICE 2/24:

TO: Members of the Charter Commission

FROM: Mrs. Frederick - 843-1664

SUBJECT: Term Limits

Mrs. Frederick called February 24, 1995 and asked that the members of the Charter Commission be informed of her feelings. She said she was upset with the Commission's attitude on term limits. She asked why the Commission sent questionnaires asking the residents' opinion on term limits and then chose to disregard their responses.

CITY OF CRESTWOOD
NOTICE OF PUBLIC HEARING
BEFORE CRESTWOOD CHARTER COMMISSION

Notice is hereby given that a public hearing will be held before the Charter Commission of the City of Crestwood, at the Crestwood Government Center, One Detjen Drive, Crestwood, Mo., on **Wednesday, March 29, 1995**, at 7:00 p.m. The Charter Commission is in the process of drafting a proposed Charter for approval at the November 7, 1995 election. The Commission has called this hearing to discuss two of the items to be included in the proposed charter:

- 1) Length of terms for city elected officials; and
- 2) Term limits for city elected officials.

All interested persons are encouraged to attend this meeting, listen to the discussion, and will be given an opportunity to be heard. Alternatively, any comments regarding the above two items may be put in writing and forwarded to the attention of the Crestwood City Clerk. Said comments will be forwarded to the Charter Commission.

By order of the Charter Commission.

Gerald L. Bratsch,
Chairman

ATTEST:

Carol A. Schneiderhahn
City Clerk
Dated: March 13, 1995

Anyone with special needs wishing to attend, please phone 966-4700 so that the City may make appropriate accommodations for you.

Approved
4/5/95

VOL. XIV

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, March 22, 1995

The fourteenth meeting of the Home Rule Charter Commission was held in the aldermanic chambers of the City of Crestwood on Wednesday, March 22, 1995 at 7 P.M., Chairman Jerry Bratsch presiding.

MEMBERS PRESENT:

Jane Armbruster
Jerry Bratsch
LaVerne Cannon
Burt Droste
Pat Duwe
Tracy Huston
Tom Killoren

Ed Lang
Madonna Laws
John McGowan
Debbie Murray
Bob Parsons
Bob Theiss

Carol Schneiderhahn, City Clerk - Absent

Others Present:

Jerry Thomas - Observer
Dan Ladd, Journal Newspapers

Chairman Bratsch asked for any corrections or additions to the minutes of the March 15, 1995 meeting. It was noted that on Page Two under **(c) Withdrawal of Petitions**, in the sixth line - the word "change" should be "chance" - and the word "not" should be added before the word "occur" in the eighth line. Also - **Section 8.8 Results of Election** - in the second paragraph (bold print), third line, the word "and" should be added after "Commissioners".

There being no further corrections or additions, it was moved by Bob Theiss, seconded by Bob Parsons that the minutes be approved as corrected. Motion carried unanimously.

Old Business - Regarding Section 8.5 Court Review: New Petition, Madonna Laws asked if there is a time frame placed on the court review. Tracy stated that he was sure there was, but perhaps this needs to be reviewed by the City Attorney. Madonna

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD
Wednesday, March 22, 1995
Page Two

then moved that, subject to review by the City Attorney, we insert in the section on Initiative, Referendum and Recall so defined **Court Review; New Petition**, the words ("thirty days after delivery by the clerk of the insufficiency of the petition.") Motion seconded by Pat Duwe and carried unanimously.

On Page 9 in the tentatively approved yellow pages, under **Section 4-A.1 - City Administrator**, Tracy Huston stated that regarding the dismissal of the City Administrator, the City presently has an ordinance which provides for an appeal to the Board of Aldermen. However, he feels that if the Board wishes to dismiss someone, an appeal procedure becomes a rather empty issue that can lead to bad publicity. He explained further that after his discussion with Shu Simon regarding this, he feels that we should add in the first paragraph "with no right of appeal". Tracy so moved, seconded by Madonna Laws and carried unanimously.

New Business - Chairman Bratsch stated that the postings have been made for the March 29th public hearing regarding an open discussion on two main topics of importance in the proposed charter - length of term, and term limits.

Discussion followed as to a specific format to be used for the public hearing. There were several options to consider. The committee can first discuss the issue, after which it can be open to the public for their statements, then the commission can discuss it one more time before a vote is taken. Tracy stated that we can also let the public speak first, after which, the commission can speak and if we want to vote on it that evening, we would then be able to give the public our decision.

The question was also asked whether or not we should vote that evening or put it on hold until we can digest all of the information given to us by the public.

Burt stated that he would like to have the public speak after the commission so that they can comment on what we have said. They would then know our views first and we could hear the reasons why they might disagree with us.

Bob Parsons feels that the commission members should all be allowed to comment first, give the public the opportunity to speak, without argumentation between the commission and the public, then close the discussion and vote that evening.

Debbie is in favor of having a short discussion amongst ourselves first but is not in favor of voting that evening. LaVerne agreed, stating that we should be allowed to

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, March 22, 1995

Page Three

give our opinions first, because we have been studying and researching these issues. She feels it is important that the public hear the reasoning behind our views before they speak. We should be given the opportunity first to express the way we feel in a logical way to the voters on length of term and term limits. In doing so, we may be answering some of their questions, thus avoiding unnecessary commenting by them during the meeting.

Ed Lang stated that if we let the public speak first, we are better able to understand what their mind-set is before we give our views, some of which they may not even be interested in hearing.

Jane Ambruster stated that it is possible there will be people present who have not been to the meetings before and are not fully aware of what is involved with the specifics of a charter. She feels it is important that they hear our comments first so we can explain our views before they speak. They will then be in a better position in understand what is involved and the reasoning behind our determinations.

By a show of hands, Chairman Bratsch was able to determine that the majority of the members favored the commission speaking first, the public second, and then the commission, at that point, would be given one more chance to speak their rebuttals or give further explanation of their positions.

Discussion ensued relative to voting that evening or waiting at a later time and also the time limitations we should impose on the public and the members.

Debbie Murray stated that she feels the issues should not be voted on at the meeting and the commission should take the time to digest all of the information to make sure we are comfortable with our decisions before a vote is taken.

Bob Parsons stated that he would prefer to vote at the meeting and get these issues resolved and finalized that evening. Also, everyone who wishes to speak to the commission should be allowed to do so, especially when they have taken the time to come to the meeting to voice their opinions. He feels it would not be fair to cut them short.

Madonna suggested that if we decide not to vote that evening, the public should be told ahead of time so they don't wait in futile expectation.

Bob Parsons stated that if we do not vote on the issues that evening, we need to tell the public at the meeting, up front, what specific date the commission will make their decision.

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD
Wednesday, March 22, 1995
Page Four

It was then moved by Madonna Laws, seconded by Pat Duwe that the commission make their decision regarding term limits, and length of term at the April 5th meeting. After brief discussion, motion was carried by the following vote: All but Tracy Huston.

Chairman Bratsch mentioned that we should try to answer all questions raised by the public in their session.

Discussion following regarding setting a time limit for the members of the commission. John McGowan stated he feels that 3 minutes for commission members to speak is not enough time. Chairman Bratsch stated that depending on how many persons come to the meeting, he would prefer a 3 to 5 minute time limit for each person. John stated that he would prefer 5 minutes for commission members. Bob Parsons stated he didn't have a problem with the 5 minute time limit. If everyone on the commission spoke for 5 minutes - it would only be 1 hour and 5 minutes.

A motion was then made by Debbie Murray, seconded by Bob Theiss that the following format be used for the public hearing to take place on March 29th.

1. Chairman Bratsch will first explain before the hearing starts that no vote will be taken on the two issues until the April 5th meeting, with a slight possibility that it may not be until our April 12th meeting, depending on the outcome of the discussions at the hearing.
2. The commission members who wish to speak will commence with a time limit of 5 minutes each.
3. The public will then comment (for 3 minutes each so timed by Chairman Bratsch), with no interplay or argumentation between the public and the members of the commission, although the members can answer direct questions the public may have.
4. After the public speaks, the commission will then have the opportunity to comment on some of the items brought up by the public, make any rebuttals or give any explanations or clarifications they feel necessary.

Motion carried unanimously.

Chairman Bratsch then urged all members to stand up for what they feel is right even if it is different from the others in the group and stressed how important this is. We have to create the proper image to the public in order that they know this is not a closed group.

Jerry Thomas, a Crestwood resident, was present this evening as an observer. He suggested that the commission members could possibly write down and hand out information at the public hearing stating the reasons why they are for or against term limits or length of term.

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, March 22, 1995

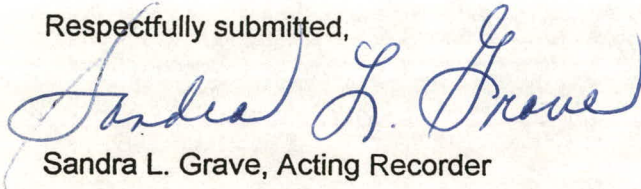
Page Five

John McGowan stated that he agrees that this is an excellent way to communicate, going back to his suggestion that some type of visual aid could assist us in our explanations.

Chairman Bratsch stated that if we handed something out to the public before the meeting, this would then give everyone the impression that we have already made a determination on the issues. Hopefully after April 5th, a communication can be sent to the public.

There being no further business, it was moved by Tom Killoren, seconded by Pat Duwe that the meeting be adjourned. Motion carried unanimously.

Respectfully submitted,

A handwritten signature in blue ink, reading "Sandra L. Grave". The signature is fluid and cursive, with the first name "Sandra" being the most prominent part.

Sandra L. Grave, Acting Recorder

HOME RULE CHARTER COMMISSION MEETING
WEDNESDAY, MARCH 22, 1995
ATTENDANCE SHEET

NAME	ADDRESS	MEMBER OR GUEST
Jim Butler	8945 Red Oak Dr	Member
Robert A. Shaw	115 Chathamton	"
Thomas C. Keenan	907 Voz Dr.	"
Laverne C. Cannon	1650 Leggett	"
Jane Armbruster	9073 Maple Grove	"
Tracy Anderson	9059 morning Glory	"
Burt Dierke	1467 Trelone	"
Lee Murray	939 Leggett	"
BOB PARSONS	9872 AMBERLEY	"
John McGowan	9140 Pardee Spur	"
Madonna J. Laws	9250 Vauk Ln	"
Pat Duwe	9014 Laurel Crest	"
Ed Long	9640 YORKSHIRE AVE.	"
Jerry Thomas		Citizen

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

March 22, 1995

Meeting Number 14

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Roll Call - secretary
- III. Approval of minutes of previous meetings - 3/15/95
- IV. General Business
 - A. Plans for March 29 Public Hearing
- V. Old business
- VI. Public Input/Comments
- VII. Review meeting and assignments
- VIII. Adjournment

Robert's Rules of Order prevail

Corrected
minutes
4/19/95

VOL. XV

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, March 29, 1995

A Public Hearing was held at the fifteenth meeting of the Home Rule Charter Commission in the aldermanic chambers of the City of Crestwood on Wednesday, March 29, 1995 at 7 P.M., Chairman Jerry Bratsch presiding.

MEMBERS PRESENT:

Jane Armbruster
Jerry Bratsch
LaVerne Cannon
Burt Droste
Pat Duwe
Tracy Huston
Tom Killoren

Ed Lang
Madonna Laws
John McGowan
Debbie Murray
Bob Parsons
Bob Theiss

Others Present:

Carol Schneiderhahn, City Clerk
Sandra L. Grave, Acting Recorder
Dan Ladd, Journal Newspapers
Linda Gelner, Crestwood Community Relations

Chairman Bratsch welcomed those present for the hearing this evening, stating that the commission will bi-pass the usual agenda in order to make presentations regarding charter items, specifically, length of term, term limits, Initiative, Referendum and Recall.

The public will then voice their opinions to the commission within a time frame of 3 to 5 minutes. If this isn't enough time, the public may submit their comments to us in writing, in care of the City Clerk's Office prior to the next meeting. Finally, the commission will comment one last time, expressing or explaining any statements, misunderstandings or clarifications. No voting will take place this evening and will probably be made at our next meeting on April 5th, unless some unforeseen happenstance would postpone it until Wednesday, April 12th.

Burt Droste was first to speak. He stated that if a vote were to be taken this evening, he would vote in favor of Initiative, Referendum and Recall, and a three-year term for mayor and board of aldermen members. He feels that there are at least two reasons why a three-year term is better than a two-year term.

The first and most important is a staggered election on a three-year cycle, which would mean, in the first year, you would have the election of the first alderman from

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each ward, the second year would be for the second alderman of each ward, and the third year - the election of the mayor. This gives all aldermen the chance to run for mayor without having to relinquish their seat on the board.

Presently, re-election of four aldermen run the same year as the mayoral race, thus these four are always unfairly denied the privilege of running for mayor, if they chose to do so, without losing their aldermanic seat.

Secondly, this would give each candidate a little more time to prepare for their next campaign, both time-wise and financially.

With regard to term limits, there have been reasons why there should be term limits, however, Burt feels there are more reasons why we shouldn't have term limits. He explained that 52% of the 27% response to the survey is not conclusive in itself. Therefore, he feels that the voters should decide this issue in November and would feel comfortable with this on the ballot as a special item, with either a 3 or 4-year consecutive term limit.

Bob Parsons stated that the issues of term limits and length of term, should be analyzed as it presently stands, and also in consideration of the unforeseeable future. The current term length is short, and newcomers in office spend months becoming acquainted with the workings of city government. An extension of their term of office would mean that officials could have more time to be effective. Recall would be our safeguard giving voters the option to remove someone from office that was not doing their job with a few hundred signatures.

Bob explained further that term limits in higher government offices may be appropriate, with pensions, perks, etc., but this is not the case in Crestwood. In many cases, officials at the State and Federal level have not been accessible to their constituency, which has eroded the people's confidence. However in Crestwood, any concerned person is within five minutes of all meetings and city functions, and the elected officials are our neighbors. Term limits would mean that the voters could not choose to keep a person who is doing a great job in office after many years. An option would be limiting the number of consecutive terms, but in doing so would force someone with good qualifications to step aside, with the chance that same person may change his/her mind to run at a later date.

LaVerne Cannon stated that she is in favor of Initiative, Referendum and Recall. Regarding length of terms, she prefers going from a 2 year to either a 3 or 4 year term for aldermen and mayor, as she feels 2 years is not long enough for a new person to

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learn about city government. Also, around the end of their first year, when officials would become acquainted with the ordinances and city operations, it would be time to start thinking about the next campaign. She feels elections are costly and, presently, candidates need to come up with campaign funds every two years which could hamper a very qualified person from running for office.

LaVerne feels that term limits are counterproductive and are not necessary in a small community (4600 homes) like Crestwood. Because the community is small, term limits could squelch the few good candidates we have. Fewer good candidates, could cause the City to end up with unsatisfied residents and unqualified officials. Ultimately, this could become a real problem for the City with possible vacant seats from several wards. The questionnaire was a good evaluation of the citizens wishes but since there was only one questionnaire per household, it was not a complete evaluation. In speaking with people who live here, she finds they also feel that term limits are not necessary. Also, if a city official is not doing a good job, the option of Recall will be in place.

John McGowan stated that he, too, is in favor of Initiative, Referendum and Recall. In his research regarding length of term, he had the opportunity to read how the City of Ellisville views this issue. It takes about one year for a person to become acquainted with their new post and he also agrees with others on the commission that many times, in the second year, a candidate has the distraction and time-consuming task of running their next campaign.

The survey stated that 85% of the people said "no" to lengthening the term for aldermen and 70% said "no" to lengthening the term of mayor. 52% favored term limits for mayor and aldermen, however, if you consider this in combination with what the survey results were for length of term, which was a definite "no", the imposition of term limits would be a fair compromise with what the public seems to be saying.

Ellisville has three, three-year consecutive terms. John feels that anything less would be too short, but with 9 years, we could still get some good turnover and keep people from getting into a rut. Experience in the State of California indicates that voter choice is actually increased by term limits. With the imposition of term limits in 1990, the percentage of candidate filings increased 25% in the California State Senate and over 50% in the State Assembly. In Crestwood's Ward 3, there is an open seat and three candidates who have filed and are running for that office. He explained that he feels there is a reluctance to run against an incumbent, and that there are many good people in Crestwood who are fully qualified to run for alderman or mayor, but are apprehensive to run against an incumbent for various reasons.

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In speaking with many people from his ward, in all honesty, they have favored term limits. Therefore, we should give the people what they want.

Tracy stated that he spoke with a person in Ward 3 who wanted term limits, and after explaining why term limits are not necessary, he changed his mind. John reiterated that in speaking to people, his remarks are unbiased, however, if someone is in agreement with him, he would then not pursue arguments in the negative.

Burt Droste stated he agrees with Bob Parsons, that it is not a fair comparison to use statistics from the State and Federal level of government as examples when speaking about what is right for Crestwood.

Madonna Laws stated that philosophically she is opposed to term limits. She is most concerned, however, with the percentages placed on the issues of Initiative, Referendum and Recall as she feels they are too high. Her wish would be 10% for Initiative and Referendum and 18% for Recall. Madonna stated further that she would rather place term limits on the ballot as a separate issue and let the populous decide between 3 or 4 consecutive terms. She explained her position regarding having a three-year term of office for mayor and board of aldermen members. She feels it makes more sense and it generates more candidates for the different offices and is a better system. As it now stands, in order to run for mayor, several of the aldermen must relinquish their aldermanic seat.

Ed Lang stated that he is in agreement with Burt on the length of term being 3 years. The commission has spent a lot of time and effort thinking this through before deciding on three years. Getting back to the primary reason for wanting to change Crestwood's status from a fourth-class city to a charter city is because, as a city of the fourth class, we have to maintain the type of governing system that the State Legislature imposes on us. We have the opportunity to change that and one of the problems we have today is that half of the board of aldermen is handicapped from running for mayor without losing their seat.

Term limits should not apply in Crestwood. There are no perks, no pension plans, and Ed stated that he agrees with Bob Parsons in this regard. Also, in calculating the salaries for mayor and board members versus the hours worked, their compensation is grossly minimal. The people who run for office in the City of Crestwood are people who want to give something back to their community, and imposing term limits would jeopardize a good person's chance to keep doing it. We have the constitutional right to vote anyone out of office that is doing a bad job on election day at the polls. In our honest effort to impose term limits on officials to safeguard us from those who be-

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come too complacent with their political status, we do so at the expense of the good officials that we truly need to keep Crestwood viable and a great place to live. Let Recall work to get the "bad guys" out.

Tracy Huston stated his views, explaining that he is in agreement with Initiative, Referendum and Recall. He also agrees that, after studying the issue of a three-year term for aldermen and mayor, and staggering the terms to give everyone a chance to run for mayor without losing their seat, it would be a better system.

The term limit issue will probably need to be placed on the ballot but he has found that once the public is educated and understand both sides of an issue, they usually end up voting correctly.

He feels we do not have a problem that needs to be solved or would be solved with term limits. With all of the seats on the Board of Aldermen during his tenure for 12 years, there were 19 people who served on the Board of Aldermen in those 8 seats during that period. Upon his retirement, there will be 7 left. Therefore, there was a turnover of 12 which included 1 deceased, 6 who were defeated for re-election, 3 who served five years or less, 3 who served 10 years or more, 1 - 14 years, and 1 - 16 years. Therefore, in his experience, he stands firm on the fact that an incumbent can lose to someone else. More research has been done covering all 89 of the elected officials in City of Crestwood for the entire time that it has been a city. Those numbers show that 82% of all elected officials, including the mayor and all aldermen, served three terms or less. He explained that because we have only had 18% of those people who have served more than that, up to a total of possibly 18 years, we do not have a problem that needs to be solved by term limits. He, therefore, is opposed to them and if it becomes a separate issue on the ballot, he will vote against it. However, he does feel that making it a separate issue would give the voters a chance to speak their will.

Debbie Murray personally agrees with those on the commission who are against term limits; however, she doesn't feel that, as a commission, we were elected to necessarily give our personal opinions regarding this charter. We were elected as representatives of the people and we have to listen to what the public is saying. The public that has spoken say yes to term limits. Therefore, unless the people ask her to vote on something that is inherently bad for the City of Crestwood, she feels she needs to respect their wishes. The only way that this would be fair is to make it a separate issue on the ballot or otherwise risk jeopardizing the whole charter.

Debbie is in favor of changing the length of term from two to three years. She feels that she does not see enough good arguments to leave it at two years and she sees

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many good arguments to change it to three; the main one being the lack of fairness to the board of aldermen members who cannot run for mayor without losing their aldermanic seat. With the added protection of Recall status, we have the option to remove someone, when necessary.

Jane Armbruster stated that she is in favor of Initiative, Referendum and Recall. She also is in favor of a three-year term rather than two years for the mayor and board of aldermen members for all the aforementioned reasons. Regarding term limits, she feels that the issue was too close to call on the survey but she is personally against term limits. However, she would not have a problem with placing it as a separate issue on the ballot if that is what the commission feels is best, and if that is what the public wants.

Pat Duwe agrees with a three-year length of term. The people seem to want term limits and, therefore, she feels it should be a separate issue on the ballot because it would be a sad day to lose the charter because of one issue after all the time and effort that has been put into it.

Tracy interjected a point he considered very pertinent that he would like to stress to the commission and also one of which the public should be aware. In checking with our city attorney, our present status as a fourth-class city prohibits us from having term limits. Thus, unless the charter is passed, those who want term limits for elected officials will see this issue fail. He explained further that we are closer to having term limits by passing a charter than we are without one because, becoming a charter city, would allow us at some future date to place term limits on the ballot or to remove them, as the case may be.

Tom Killoren stated that before 1986, the mayor received \$225/month and the aldermen received \$125/month. They have no pensions, merit increases, no health insurance benefits, etc. Today, the mayor makes \$500/month and the aldermen \$225/month. The board meets twice per month, the members serve on various boards and committees, respond to telephone calls, visit residents at their homes to get problems solved, and, in essence, representing the citizens takes a lot of time and patience. He stated that he is not in favor of term limits and is in favor of a longer term for mayor and board of aldermen members. He explained that representing the people of Crestwood does not come cheap and can become very expensive when you consider a campaign every other year and the money needed to stay in office, if you so choose.

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Madonna Laws asked Tom Killoren if he would be opposed to placing term limits on the ballot as a separate issue. He stated he would not be opposed and, to be fair, he would always be in favor of letting the citizens vote.

Bob Theiss stated that he agrees with the majority of commission members - three-year length of term for mayor and board members for the reasons stated above. Term limits, he feels, is every citizen's responsibility, and it is controlled by the people at the polls when they use their constitutional right to vote their views. Bob is also in favor of putting the term limit issue on the ballot to get the issue settled and favors Initiative, Referendum and Recall.

Chairman Bratsch stated he basically agrees with the views of most of the commission members - those being, three-year terms for mayor and board of aldermen, and no to term limits, for the reasons previously stated at this hearing

Before Jerry gave his full explanation of why he is against term limits, he made the statement that - first, he doesn't feel people should have more restrictions imposed upon them by government. Imposing restrictions doesn't necessarily make better government. Secondly, by allowing term limits, a person's right to vote for someone they feel has the ability to do a good job is taken away after (x) amount of years. Jerry further expressed his sentiments that even though there may be a particular candidate he feels has outlived his/her usefulness, he feels that until a person runs against that candidate that is worthwhile and the majority of people still vote to retain the person, he defends the right of any candidate to be able to continue to run for that office - be it local, State or Federal. Jerry then stated that he doesn't have too much of a problem with putting the term limit issue separate on the ballot. Lastly, Jerry is fully in favor of Initiative, Referendum and Recall and the percentages can be talked about and worked out later.

Madonna Laws asked if anyone on the commission would be against putting term limits on the ballot. Everyone was in favor of putting it on the ballot, however, Ed Lang stated that he has some reservations in this regard. He feels this is a "cop out" by the commission. He feels it is wrong and when we were elected to write the charter, we were elected to use our good judgment. If we really believe that term limits are not for the City of Crestwood, which the majority of commission members have so stated this evening, then we should stand behind our views and not compromise the way we feel on this issue or any other issue. If the charter fails because of it, then it fails. But as Tracy mentioned, the people have to remember that voting against the charter because of this one issue, isn't going to get them term limits for Crestwood. We will still be a fourth-class city with no term limits. At least as a charter city, those in favor of

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term limits can set up their own committee and do whatever is necessary to get it passed at a later time, if enough people are so determined and this is what the majority really want.

Debbie disagrees stating that she was elected to represent what the citizens want on their charter. She feels that she has to listen to what the voters are saying, even though she doesn't personally feel we need term limits. She is very much in favor of the people's right to decide this because it is not just our charter, it's their charter too. Burt agreed with Debbie.

John McGowan also agreed stating the mood of the people is such that they resent the notion that the politicians know better than they do. He does not want to be a part of this thinking and feels this would be arrogant on our part.

Jane stated that the commission needs to be careful that we do not start separating things out to be voted on, thus ending up with a ballot polluted with too many issues. That would only lead to confusion for the voters and would tend to give people the mistaken impression that we are not a very strong commission.

Mr. Stan Hanson came forward stating that he lives on Arban Drive in Ward One. He is in favor of term limits at all levels of government. There comes a time when elected officials become more concerned with being elected than what is right and what is fair. Also, he feels that the arguments for a three-year term for mayor and board of aldermen are valid and the voters should be allowed to vote on whether they want term limits or not, making it a separate issue on the ballot. The questionnaire results should not be ignored, and if there is a feeling among the voters that they have been ignored throughout this whole process, the charter will not pass and he, for one, will voice his negative opinion to others.

David Brophy came forward stating that he lives on Lodge Drive in Ward 2. He is in favor of Initiative, Referendum and Recall, however, they should be made accessible to the voting populous to use and favors 10% for Initiative and Referendum and 15% for Recall as he feels it is more realistic. He also stated that he understands and agrees with a three-year term for mayor and board of aldermen. However, regarding term limits, there comes a time when a person becomes entrenched as a politician and is not necessarily a fair representative of the people. After a certain length of time, they can forget why they were elected and, thus, lose their objectivity focusing on what is politically correct and in vogue. He would favor 3 consecutive terms and feels that an occasional open seat would encourage others to run for office.

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Mary Jo McQuality came forward and stated that she is from Ward 1 and is present this evening because she wants what is best for Crestwood. She disagrees with David Brophy and feels that we don't have and never have had entrenched politicians in our city. She has come to the meeting this evening to hear both sides of one issue - those arguments for or against term limits. Thus far, she has only learned that term limits will be placing a limit on the terms of officials who have given many years of excellent service to the citizens of Crestwood. She also does not feel that they should be called politicians - rather public servants. She explained that in Ward 1, the two aldermen have served their constituency well for many years - they have been excellent and hard working. After receiving help and assistance from them for a number of years, she cannot in all good conscience see how Crestwood would have been a better served if those two aldermen were forced to step down after two or three terms. She doesn't necessarily feel that a new face means a better official, and that change for change sake serves no purpose. Why deprive our city of what we have when we have the best.

Janet Schoenbeck came forward stating that she lives on Oak Ridge in Ward 2 and was never sent a survey. She is in favor of term limits and in favor of putting it on the ballot as a separate issue and letting the people decide.

The City Clerk will check her records to see why the survey was not received by Ms. Schoenbeck and get back to her with an answer. Chairman Bratsch apologized stating that in some cases, the post office had forwarded surveys back to the City stating "no such address" but upon the City's investigation, the addresses were found as they were listed on the real estate index. The post office sent them back to the City again, after a second attempt was made by us to get them delivered.

Carol Schulz from Ward One (Diversey Drive) came forward stating that she is delighted the commission seems to be agreeing term limits should be placed on the ballot. Her wish is that the people get a chance to decide on term limits and by making it a separate issue will give the voters that chance. She has no quarrel with any of the elected officials, but feels there are a lot of qualified people who would like the opportunity to run for office who think that the incumbents have all the advantages, and they don't have a chance.

Roger Anderson came forward stating he lives at 9118 Grant Farm Trails. He has a problem when people ask for his opinion, as the questionnaire did, but really don't care what his opinion is at all. He feels we asked for the people's opinion, didn't like the answer and are now going to ignore what they have said. However, he now understands why a three-year term of office is for the best and is in agreement with the logic behind it, but he also feels that to be fair to the voters, term limits should be put

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ballot for consideration or the charter may not pass.

Mr. Larry Ward came forward who has resided for 37 years in Crestwood on Paddock Court (Ward 1). He commended the commission and feels they are doing an excellent job and expressed his opposition to term limits.

Bob Wilkison residing on Roger Lee Lane in Ward 3 spoke to the commission. He stated the commission deserves a vote of appreciation from the city for doing such a good job and doesn't think people realize the amount of time and effort the commission has put into this journey. Regarding the idea of a three-year term for officials, looking back at the history of the elections in Crestwood, Mayor Killoren has been Mayor since 1978, there have been 4 aldermen on the board during those years that could have filed against her and had the opportunity to do so, but didn't. He feels the two-year term should stay with no term limits. In his opinion, people do not run against incumbents because they don't have the time or dedication it takes to be effective and don't run because they think the incumbents are doing a good job, so why knock success or put limitations on those people.

Hank Straub residing on Lawndale Drive in Ward 3 came forward. He feels OK with regard to the three-year term for aldermen and mayor. He, however, doesn't feel that term limits apply in Crestwood, but is glad that the commission is beginning to recognize the importance of listening to the results of the survey. Mr. Straub said although it is the responsibility of the commission to make decisions, because of the controversy of the issue of term limits, we will have to put this on the ballot for the voters. He asked the question as to how this will be placed on the ballot and Chairman Bratsch explained that this has yet to be decided. Mr. Straub is of the opinion that 3 consecutive terms for 9 years total makes sense to him.

Randy Gloyd came forward stating that he resides on David Scott in Ward 3. He stated that he feels the term issue limit needs to be on the ballot so that everyone can decide how they feel about it, and anything else would be misrepresentation on the part of the commission members to the citizens.

Mayor Killoren came forward stating that she feels the city is ready for a charter and is in favor of putting term limits on the ballot if that is the wish of the voters, further explaining that she would always be in favor of anything the people want.

Bob Parsons stated that Mr. Larry Rogers who resides on Richter Lane in Ward 4 has requested that he read a letter since Mr. Rogers cannot be present this evening. It stated that he was adamantly opposed to the implementation of term limits. He feels that although there may be validity to the need for them on the State and Federal level, he does not believe that incumbency poses any obstacles to a fourth class city

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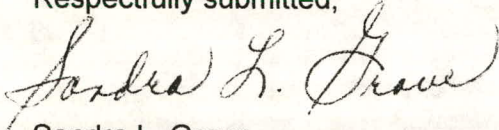
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government that would justify their need. Prior to the election of Tom Fagan, for instance, Ward 4 was represented by an alderman who served for several consecutive terms and was involved with various city-operated committees. He was a very capable person in this regard, however, he chose to vote his own opinion over the will of his constituents regarding a residential development in his ward. In the election that followed, the ward sent him a very clear message by electing Mr. Fagan instead of him. They exercised the oldest and most noble term limitation device - the ballot box. As difficult as it is to attract quality people to these positions, it is irrational to eliminate our ability to retain someone who conscientiously serves the citizens of Crestwood. He urged the commission members to not take the fundamental right to vote for the candidate of their choice away from the citizens and say no to term limits.

Discussion commenced regarding some of the perceptions heard this evening by the audience. The members thanked everyone for their comments expressing the hope that they understand that it was not the commission's intention to ignore the feelings of the people and that it has been a real struggle to come up with what is right and what is fair.

With no further comments, the meeting was then adjourned.

Respectfully submitted,

A handwritten signature in cursive script, reading "Sandra L. Grave". The signature is written in dark ink and is positioned above the printed name.

Sandra L. Grave

SHEET #1

HOME RULE CHARTER COMMISSION MEETING
WEDNESDAY, MARCH 29, 1995
PUBLIC HEARING

NAME	ADDRESS	COMMISSION MEMBER OR RESIDENT
Sandra Deane		
Robert O. Heist		Commission
Jimmy Bratton		Commission
Carol Schreuderkahn		City Clerk
Madonna J. Laws		Commission
Pat Dume		"
Ed Lang		"
John McEwen		"
Debbie Murray		"
Tracy Sussler		"
Bob Parsons		"
Burt Dorte		"
Jane Amminger		"
DeVerne Connor		"
Thomas C. Killoran		"
STAN + BETTY HANSON	9215 ARBAN WARD 1	RESIDENT
KEN LABIT	8756 FOX PARK DR. WARD 4	RESIDENT
BOB WILKISON	9210 ROGERBEE LANE #3	Resident

SHEET #2

HOME RULE CHARTER COMMISSION MEETING
WEDNESDAY, MARCH 29, 1995
PUBLIC HEARING

COMMISSION
MEMBER OR
RESIDENT?

NAME

ADDRESS

Carl Spunner	9530 Spitz Lane	Resident
HUGH MACKAY	1416 BAL: ST	RESIDENT (2)
Reginald Anderson	9118 Grant Farm Tr.	
John Kierow	907 Volz Dr.	resident/mayor
Judy Lang	9640 Yorkshire Est	Resident W-4
Mary Jo McLaughlin	9337 Carbon Dr	resident W-1
Janice Daniel	9321 Arbor Dr.	Resident
David Hirsch	9509 Garber Rd.	Resident
Selen Hirsch	9509 Garber Rd.	Resident
Larry Ward	723 Paddock Ct	Ward 1 Resident
Tanet M. Schoenbeck	943 Oak Ridge	Ward 2 Resident
Norma M. Schoenbeck	947 OAK RIDGE	Ward 2 Resident
Al Rick	9443 Firebush	" 3 "
Doug MORRELL	9328 Lawndale	3
Yank Straul	9331 LAWNDALE	3
David M. Brophy	505 Lodge Dr.	Resident Ward 2

Approved
4/19/95

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HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, April 5, 1995

The sixteenth meeting of the Home Rule Charter Commission of the City of Crestwood was held on Wednesday, April 5, 1995 in the Fire Department Training Room at the Crestwood Government Center at 7 P.M., Chairman Jerry Bratsch presiding.

MEMBERS PRESENT:

Jane Armbruster	Ed Lang
Jerry Bratsch	Madonna Laws
LaVerne Cannon	John McGowan
Burt Droste	Debbie Murray
Pat Duwe	Bob Parsons
Tom Killoren	Bob Theiss

Tracy Huston - Excused

Others Present:

Carol Schneiderhahn, City Clerk
Sandra L. Grave, Acting Recorder
Dan Ladd, Journal Newspaper

The meeting was called to order at 7 P.M. by Chairman Bratsch.

A motion to approve minutes of the 3/22/95 meeting was made by Madonna Laws and seconded by Jane Armbruster and carried unanimously.

Discussion commenced regarding Article 8 and 8-A, Initiative, Referendum and Recall.

Madonna Laws referred to Section 8.5(a) and asked if the timing of the receipt of the clerk's certificate was tied down. Discussion ensued regarding the matter. Carol Schneiderhahn indicated that the Clerk's certificate would be sent by certified mail, return receipt requested. Therefore, the clerk would have the exact date that the certificate was received. All agreed this was sufficiently explicit.

Madonna Laws referred the commission to Section 8.5(b) regarding Court Review for Initiative, and Referendum Petitions and indicated that the wording as set out in this article was to be checked by the City Attorney. Madonna Laws indicated that she felt a time period should be added so that anyone wishing to take the matter to court

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would have to do so within a certain time period; otherwise, the matter could remain open forever. She asked that Section 8-A.5(b), which refers to Court Review of Recall petitions should have the same notation.

Section 8.8 Results of Election was also discussed for clarity. Bob Parsons suggested that a new paragraph begin after the first sentence.

Section 8.A.2 was referenced by Madonna Laws. She stated that the second paragraph of this section should have been worded as the seconded paragraph of Section 8.2. The commission agreed. The words at the beginning of this sentence, "**not less than three days**" should be removed, and the next word should be "**not**" rather than "**nor**".

Carol Schneiderhahn indicated she would amend this section and correct the numbering in Section 8.A and supply new copies to the commission next week.

Discussion on percentage of voters needed to sign Initiative, Referendum and Recall Petitions ensued. The commission discussed the possibility of changing the percentage of voter signatures required to support either an initiative petition or a referendum petition. Madonna Laws explained she would like the percentage to be lower than 15%. The percentage we place on this new power of the people should not be so high that it negates its intent or makes it so difficult that it becomes a hardship.

The discussion first centered on whether the Charter should state that petitions must be signed by a certain percentage of the registered voters or by a certain percentage of those registered voters who voted in the last election.

Various examples were given as to the numbers necessary under both scenarios. Bob Parsons stated that County-wide it is 25%. Burt Droste feels the percentage should be based on the registered voters so the percentage would not change. Ed agreed.

It was then moved by Bob Parsons that the percentage on petitions should be based on the number of registered voters. John McGowan seconded this motion. Motion carried unanimously.

Discussion was then held regarding the percentages to apply to the initiative and referendum petitions. John McGowan moved that the percentage of registered voters necessary to sign a petition for either initiative or referendum should be changed from 15% to 10%. Madonna Laws seconded the motion. Chairman Bratsch then polled the commission members as follows:

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, April 5, 1995

Page Three

Armbruster - No	Duwe - No	Laws - Yes	Theiss - No
Bratsch - No	Huston - Absent	McGowan - Yes	
Cannon - No	Killoren - No	Murray - No	
Droste - No	Lang - No	Parsons - No	

Motion failed - 10 Opposed, 2 In favor, and 1 Absent.

Debbie Murray then moved that the percentage of registered voters necessary to sign a petition for either initiative or referendum should be changed from 15% to 12%. Burt Droste seconded by motion. Chairman Bratsch polled the commission members as follows:

Armbruster - Yes	Duwe - Yes	Laws - No	Theiss - No
Bratsch - Yes	Huston - Absent	McGowan - No	
Cannon - Yes	Killoren - No	Murray - Yes	
Droste - Yes	Lang - No	Parsons - Yes	

Motion passed - 7 In favor, 5 Opposed and 1 Absent

Recall. Bob Parsons moved that we retain the 20% of signatures necessary for Recall as stated in the rough draft. Tom Killoren seconded the motion.

General discussion by the commission followed. Chairman Bratsch noted that the lowest number of persons in a ward is 1885 and the largest is 2263 so that the average is around 2000 persons per ward. After comments by several members, John McGowan called for the question. Motion to retain the 20% was as follows:

Armbruster - Yes	Duwe - Yes	Laws - No	Theiss - Yes
Bratsch - Yes	Huston - Absent	McGowan - Yes	
Cannon - Yes	Killoren - Yes	Murray - Yes	
Droste - Yes	Lang - Yes	Parsons - Yes	

Motion passed - 11 In favor, 1 Opposed and 1 Absent

Chairman Bratsch stated that in previous discussions with the members, he is of the opinion that everyone is in favor of the three-year term length. However, he did received a call from former alderman, Bob Wilkison, who had also appeared at the public hearing. He reiterated to Jerry that he wished to express to this commission again, that he feels length of term and term limits should stay the same as we have always had. He also feels that it is not the presence of an incumbent that makes people hesitate to run, but the lack of interest, time and desire.

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD
Wednesday, April 5, 1995
Page Four

After brief discussion, it was moved by Madonna Laws, seconded by LaVerne Cannon that we adopt a three-year term length for mayor and aldermen members, based upon all of the reasons mentioned at the public hearing by most of the commission members, the most important being that all aldermen would then be in the position of running for mayor without losing their seat. She feels that this just makes better sense.

Tom Killoren stated he prefers a four-year term. Burt Droste said he is in favor of three-years because of the rotation process. Bob Parsons mentioned that four years is not rotatable, but we have to be sure we educate the public and they understand exactly why three years is better. His primary concern, however, is losing the charter because of this issue. Madonna feels that this revolving term is really the best for the city. Most of the members feel that it will not be a problem convincing the voters to understand why three-years is better. It is easily defined, explained and understandable. It is not a complex issue that would cause confusion among the voters. Bob Theiss stated that he prefers four years, however, from the points of view previously mentioned, it makes more sense to go to three. Burt Droste feels that there hasn't been a person who, after we describe our reasoning on the three-year rotating term, didn't agree with us.

Motion carried by the following vote: 10 Yes in favor of 3 yrs. and 2 No (Parsons and Killoren).

Bob Parsons, still concerned about the possible negative voter feedback to a three-year term, the questionnaire and all things considered, suggested that we put this as a separate issue on the ballot along with term limits and asked if the commission would consider this. He proposed that two options be offered on length of terms - to stay with two years or go with three. If we don't do this, we can run the risk of losing the whole charter.

Jane Armbruster reiterated her previously stated opinion that we cannot be separating issues on the ballot and we should only do this with term limits and nothing else.

Debbie stated that leaving length of term at two years is not fair to the city or the aldermen. She, therefore, cannot go along with two years term lengths. After all the reasons stated at this meeting, and our other meetings, the commission members have almost unanimously affirmed their decision that three years is better for Crestwood; therefore, we should stand firm on our conviction and not separate it out on the ballot. Educating the voters is the answer.

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD
Wednesday, April 5, 1995
Page Five

General discussion commenced regarding partial terms and the number of terms to be considered as part of the term limit item. Chairman Bratsch stated that 25% of our aldermen have served partial terms before they became full-term aldermen.

After several scenarios by board members were stated regarding partial terms in lieu of the term limit issue, Bob Parsons moved that if term limits are approved, that any partial term does not count as a portion of an elected term. It would then be a full-term election for whatever number of years we choose. Motion seconded by Tom Killoren. Chairman Bratsch stated that the wording of this can be discussed later, but for the present time, we need to get this issue settled tonight. Motion carried unanimously.

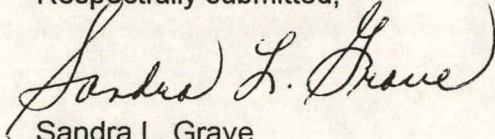
Bob Parson then stated that although he is not in favor of term limits, he realizes it is going to be a separate issue on the ballot and, therefore, moved that we have a limit of three consecutive terms for board of aldermen members and the elected person, at the end of the third term, must step down for at least one full term (3 years) for that specific office - which also means that person could not run as the second alderman in that ward for one full term (3 years). Motion seconded by Burt Droste and carried by the following vote: 11 Ayes - 1 No (Bratsch)

It was then moved by Bob Parsons, seconded by Burt Droste that the aforementioned issue just passed be applied to the office of mayor in the same manner. Motion carried unanimously.

Chairman Bratsch stated that he will get the exact wording and present it for discussion again at our next meeting regarding the above two approved items.

There being no further business, the meeting was adjourned at 9:12 P.M.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sandra L. Grave".

Sandra L. Grave
Acting Recorder

SHEET #1

HOME RULE CHARTER COMMISSION MEETING
WEDNESDAY, APRIL 5, 1995

NAME	ADDRESS	COMMISSION MEMBER OR RESIDENT
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BOB PARSONS	9872 AMBERLEY	MEMBER
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ED LANG	9640 YORKSHIRE EST. DR.	✓
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MADONNA J LAWS	9250 VAVIK	MEMBER
----------------	------------	--------

John McBowen	9140 PARDEE SPUR	✓
--------------	------------------	---

Pat Duane	9014 Laurel Court	✓
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BUNT DROSTE	1467 TRELANE	✓
-------------	--------------	---

Gatherine Cannon	1650 Leggett	✓
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Robert D. Sherris	115 Chatham Lane	✓
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Thomas C. Kellgren	907 Volz Dr	✓
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DS Bratton	8445 Red Oak	✓
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Jane Abernethy		
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Carmel Schneiderbauer		
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Sandra Howe, Recorder		
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Bring your Yellow Pages!

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

April 5, 1995

Meeting Number 16

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Approval of minutes of previous meeting - 3/22/95 (delivered 3/28)
- III. General Business
 - A. Article VIII & VIIIA initiative/referendum & recall (draft 3/8 & 15)
 1. additions/corrections
 2. readdress signature requirements
 - B. closing discussion on term limits/lengths including partial terms
 - C. Article VII - Nominations and Elections -
Armbruster, Droste, Murray, Parsons
- IV. Old business
- V. Public Input/Comments
- VI. Review meetings and assignments
 - A. 4/12 continue Article VII
 - B. 4/19 Article IX - Franchises Bratsch, Droste, Lang
- VII. Adjournment

Robert's Rules of Order prevail

Nominations And Elections

Article VII

Section 7.1 City Elections

(a) Regular Elections. The regular city election shall be held as dictated by state law.

(b) Special Elections. The Board of Aldermen may, by resolution, order special elections, fix the time for such elections, and provide for holding such elections, pursuant to state law.

(c) Conduct of Elections. All city elections shall be non partisan and governed by the provisions of this Charter and of applicable state law. The Board of Aldermen, by ordinance, may further regulate elections, subject to the provisions of the Charter and applicable state law.

Section 7.2 Nominations

(a) Declaration of Candidacy. Nomination of candidates for election to elective city offices shall be made by declaration of candidacy filed with the clerk in the form and manner prescribed by ordinance.

(b) Regulation by Board of Aldermen. Nothing contained in this charter shall prevent the Board of Aldermen from further regulating the conduct of nominations and elections consistent with the provisions of this charter and applicable state laws.

Note -- The subcommittee decided against the section for "Primary Elections".

Section 7.3 Determination of Election Results

(a) Number of Votes. Every voter shall be entitled to vote for as many candidates for aldermen as there are members to be elected to the Board of Aldermen for the ward in which the voter resides.

(b) Returns. The candidate receiving the highest number of votes for each office as certified by the St. Louis County Board of Election Commissioners shall be declared elected. Installation into office shall be no less than one week or more than three weeks following certification.

(c) General and Special Elections Tie Vote. If at any general or special election there shall be two (2) or more candidates receiving an equal number of votes as certified by the St. Louis County Board of Election Commissioners, and if that number of votes would otherwise qualify each such tied candidate for election to office, then the Board of Aldermen shall call a special election at which said candidates shall be the only candidates. The incumbent shall stay in office until a successor has been elected and duly installed. (Ref. 7.3 (b))

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DRAFT 4/5/95

Section 7.4 Wards

(a) There shall be 4 wards, bounded and numbered the same as the wards that exist at the time of adoption of this charter. District boundaries shall be established by ordinance following each decennial census as set forth by federal law.

(b) Whenever any change in the boundaries of any ward shall be made, the existing aldermen shall remain until the next general election.

(c) Whenever any change in the boundaries of any ward shall be made, the members of the Redistricting Committee shall be individually approved by at least three fourths of the authorized membership of the Board of Aldermen. The Redistricting Committee shall consist of four members, one from each of the existing wards. This Committee shall submit its findings to the Board of Aldermen for approval.

Carol Schneiderhahn said that the committee which prepared the ward boundaries has been a staff committee made up of the Director of Public Works, the City Administrator, and the City Clerk. In 1980 this committee submitted changes to the Board of Aldermen for their approval. In 1990, the change was so slight that it was decided not to make any changes.

Approved
4/19/95

VOL. XVII

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, April 12, 1995

The seventeenth meeting of the Home Rule Charter Commission of the City of Crestwood was held on Wednesday, April 12, 1995 in the Fire Department Training Room at the Crestwood Government Center at 7 P.M., Chairman Jerry Bratsch presiding.

MEMBERS PRESENT:

Jane Armbruster	Tom Killoren
Jerry Bratsch	Ed Lang
LaVerne Cannon	Madonna Laws
Burt Droste	John McGowan
Tracy Huston	Debbie Murray

Absent: Bob Parsons, Pat Duwe, Bob Theiss

Others Present:

Carol Schneiderhahn, City Clerk
Sandra L. Grave, Acting Recorder
Dan Ladd, Journal Newspaper

Chairman Bratsch stated that the minutes of the March 29th meeting will be reviewed for approval at the next meeting.

Chairman Bratsch asked for any corrections or additions to the minutes of the April 5th meeting. It was moved by Madonna Laws and seconded by Tom Killoren that the minutes be approved as written. Motion carried unanimously. ***Later in the meeting, Debbie Murray noted that there was an omission in the April 5th minutes, which should have been included at the end of the last page. Chairman Bratsch stated that we will make the correction and approve it at the next meeting. Corrected copy was sent to all commission members for their review. The omission reads as follows:***

"Discussion followed at which time it was noted that a motion had not been made to place term limits as a separate issue on the ballot. Therefore, it was moved by Bob Parsons that we place the term limit issue on the ballot, said term limits to be defined at a future meeting. Motion was then amended to separate this issue for both mayor and board of aldermen. Motion seconded by Burt Droste and carried by the following vote: 11 Yes - 1 No (Ed Lang)"

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, April 12, 1995

Page Two

Term Limit Wording. Chairman Bratsch stated that the commission needs to define the wording of term limits and gave several suggestions for members to consider. After brief discussion, it was moved by Tracy Huston and seconded by Burt Droste that the wording be as follows:

"An alderman shall be limited to three successive full terms, not including time served to fill an unexpired term. He cannot serve again as alderman for three years in that ward." (Motion carried unanimously.)

It was moved by Tracy Huston, seconded by Jane Armbruster that the wording be as follows for the mayor:

"The mayor shall be limited to three successive full terms,, not including time served to fill an unexpired term. He cannot serve again as mayor for three years." (Motion carried unanimously.)

Chairman Bratsch mentioned to the commission that because there are persons who do not read the newsletter or the journal, a separate mailing to each home has been suggested to inform residents on our progress and update them on our work.

Burt Droste stated we need updated information sent to the residents that gives a positive, overall statement telling them what we have been doing, what we have done and what is finalized. Burt has drafted a letter containing this information for the commission's review. All members read the draft and were in favor of it with a few minor changes.

Madonna proposed that several members collaborate on the draft and suggested that it include the election date (November 7th) and time frame of the commission. Those members who volunteered to finalize the draft are: Burt Droste, John McGowan, Ed Lang and Debbie Murray. All members then agreed it should be sent as a separate mailing to each home on city letterhead rather than put in the newsletter or the journal newspaper. Chairman Bratsch asked for a vote from the commission on the above plan and all agreed unanimously.

Article VII - Nominations and Elections

Section 7.1 City Elections.

(a) Regular Elections. It was moved by Burt Droste and seconded by LaV-erne Cannon that this section be tentatively approved as changed reading as follows:

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD
Wednesday, April 12, 1995
Page Three

"The regular city election shall be held annually, on the date provided by State law." Motion carried unanimously.

(b) **Special Elections.** It was moved by Madonna Laws and seconded by Ed Lang that this section be tentatively approved as drafted. Motion carried unanimously.

(c) **Conduct of Elections.** It was moved by Ed Lang and seconded by Tracy Huston that this section be tentatively approved as changed, reading as follows:

"All city elections shall be non partisan and governed by the provisions of this charter and applicable state law. The Board of Aldermen may further regulate elections by ordinance, subject to the provisions of this charter and applicable state law." Motion carried unanimously.

Section 7.2 Nominations

(a) **Declaration of Candidacy.** It was moved by Ed Lang and seconded by Tom Killoren that this section be tentatively approved as drafted. Discussion followed regarding the wording of this section. Motion was then amended to tentatively approve this section as changed, reading as follows:

"Nominations of candidates for elective city offices shall be made by declaration of candidacy filed with the City Clerk in the form and manner prescribed by ordinance." Motion carried by the following vote: 9 Yes and 1 No (Ed Lang)

Ed commented that although he did make the original motion to approve this section, he was not in favor of the changes made, therefore, he voted against the wording as it now stands. (Later in the meeting, it was moved by Ed Lang, seconded by LaVerne Cannon that a sentence be added at the end of this section - No person shall be allowed to file for more than one office. Motion carried unanimously.)

(b) **Regulation by Board of Aldermen.** With the removal of the words "and elections", it was moved by Debbie Murray and seconded by John McGowan that this section be tentatively approved as drafted. Motion carried unanimously.

Section 7.3 Determination of Election Results.

(a) **Number of Votes.** It was decided to use some of the wording contained in

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD
Wednesday, April 12, 1995
Page Four

Ellisville's Charter (Page 25 8.4a & Page 26 8.5) for this section. Therefore, after discussion among the members, it was moved by Tom Killoren and seconded by Burt Droste that we give tentative approval to the following wording in this section:

"At the city election for mayor, each voter shall be entitled to vote for one candidate. At the city election for aldermen, each voter shall be entitled to vote for one candidate to represent the ward in which the voter resides. If two aldermen are to be elected from any ward at a regular election where only one alderman normally would be elected, there shall be placed on the ballot two separate offices for election: one office for the unexpired term, and one office for the full three-year term." **Motion carried unanimously.**

(b) Returns. Ed Lang was concerned about the wording receipt of certification and problems if the certification is delayed from its arrival to us in some way. He suggested that perhaps installation into office should be extended longer than 3 weeks following receipt of certification. He feels that this wording carries a degree of ambiguity in that we have to wait for something tangible to come in the mail, which many times is not very reliable - even certified mail. After brief discussion, it was moved by Tracy Huston and seconded by LaVerne Cannon that this section be tentatively approved as follows:

"The candidate receiving the highest number of votes for each office, as certified by the St. Louis County Board of Election Commissioners, shall be declared elected. Installation into office shall be no more than three weeks following receipt of certification". **Motion carried by the following vote: 8 Yes and 2 No (Burt Droste and Ed Lang)**

(c) General and Special Elections Tie Vote. It was moved by Jane Armbruster and seconded by Tracy Huston that this section be tentatively approved as drafted. **Motion carried unanimously.**

Section 7.4 Wards.

(a) With the word "District" changed to "Ward", it was moved by Madonna Laws and seconded by LaVerne Cannon that this section be tentatively approved as drafted. **Motion carried unanimously.**

(b) Moved by Burt Droste, seconded by Tracy Huston to tentatively approve this section as follows:

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD
Wednesday, April 12, 1995
Page Five

"Whenever any change in the boundaries of any ward shall be made, an existing alderman who no longer resides in that ward shall remain until the next regular election". Motion carried unanimously.

(c) This section was broken down into 7.4(c) and (d). Moved by Tracy Huston and seconded by John McGowan for tentative approval as follows:

"(c) A Redistricting Committee, appointed in accordance with 7.4(d) shall recommend any changes in ward boundaries".

"(d) The Redistricting Committee shall consist of seven (7) members. Four (4) members, one from each of the existing wards, shall be appointed by the Mayor and individually approved by three-fourths (3/4) of the authorized members of the Board of Aldermen, and the Director of Public Works, the City Clerk and the City Administrator shall serve on the committee. The committee shall submit its findings to the Board of Aldermen for approval." Motion carried unanimously.

Chairman Bratsch stated that next week we will begin discussions on franchises and in three weeks we will discuss licensing.

Old Business:

Debbie Murray stated that in the yellow pages on Page Two, Article VIII, Section 8.3 Petitions. Initiative and referendum petitions must be signed by registered voters of the City equal in number to at least (12%) rather than (15%). The error was noted and will be changed.

John McGowan stated that in the yellow pages in Section 8.5(a) where it states "...to amend it with the clerk within two (2) days.... it should be ***"two (2) business days"***". Members agreed with John's suggestion.

Section 8.8(a) Initiative. In the third line - third last word, there is a typographical error "be" should be "by".

There being no further business, it was moved by Ed Lang and seconded by John McGowan that the meeting be adjourned. Motion carried unanimously.

Respectfully submitted,

Sandra L. Grave.

SHEET #1

HOME RULE CHARTER COMMISSION MEETING
WEDNESDAY, APRIL 12, 1995

<u>NAME</u>	<u>ADDRESS</u>	<u>COMMISSION MEMBER OR RESIDENT</u>
Ed Bratton	8945 Red Oak	member
K. Killian	907 Volz Dr	Member
Madonna J. Luss	9250 Vauk	Member
Tracy Ruston	9059 Morning Mist	✓
Burt Dwyer	1467 Trulove	✓
Jane Annunzio	9073 Maple Grove	✓
Salvatore C. Cassin	1650 Leggett Ct.	✓
Albion Murray	939 Leggett	✓
John McGinn	9140 Pardee Spn	✓
Er. Lang	9640 YORKSHIRE EST. DR	✓
Sandra Grove		
Carol Schneiderman		City Clerk

Packet

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

April 12 , 1995

Meeting Number 17

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Approval of minutes of previous meetings - 3/29/95
4/5/95
- III. General Business
 - A. Review wording of term limits for Mayor and Aldermen
 - B. Letter to the citizens - Droste (copy attached)
 - C. Article VII - Nominations and Elections
Armbruster, Droste, Murray, Parsons
- IV. Old business
- V. Public Input/Comments
- VI. Review meeting and assignments
 - A. 4/19 Article IX - Franchises
Bratsch, Droste, Lang
 - B. 5/3 Article X - Licensing, Taxation, Business Regulation
Cannon, Huston, Theiss
- VII. Adjournment

Robert's Rules of Order prevail

Home Rule Charter Commission Update

This Commission has met every Wednesday since the fifth of December, except for Christmas Week, and has over 60% of the Charter completed. Many of these topics are still tentative because often the formation of a new area reflects on an area that has already been tentatively completed and thus minor changes may need to be made. But all topics from the survey have been addressed, and some of these have been made permanent. The survey results went from a 16.5 to 1 ratio for having the "Right of Recall" down to a ratio of 1.1 to 1 in the area of "Term Limits." However, the Commission has heard more comments about "Term Limits" than any other part of the survey. (More about that later.) It was felt by the Commission that "Initiative, Referendum, Recall, Length of Term, and Term Limits" should be finalized as they are all closely related, especially the last three, and have evoked the most interest from those outside of the Commission.

While studying the facets of length of term for mayor and aldermen, the Commission decided to extend the length of the terms from two to three years. A good deal of discussion has occurred about this, both within the Commission and from outside the Commission, because the survey results stated that no change was wanted. But the Commission felt that there was a definite plus in extending the terms. With a three year term for both the aldermen and the mayor the elections will be staggered so that in "year 1" one alderman from each ward will be elected. In "year 2" the other aldermen from each ward will be elected. In "year 3" only the mayor will be elected. This allows any of the current aldermen to run for mayor without forfeiting his seat on the Board. At the present time, because one alderman is being elected from each ward along with the mayor, those four aldermen cannot run for mayor if they also run for alderman. Also with the two year term, it is always the same aldermen who are penalized. All Crestwood mayors have been aldermen before becoming mayor except for the first two. By making this change all current aldermen could run for mayor without being penalized.. Since the "Right of Recall" will be part of the Charter, the electorate will be able to initiate recall proceedings if not satisfied with anyone in office. And with a 3 year term those who are performing the service of being aldermen and mayor won't have to spend their time and money for re-election quite so soon.

Now, the "Term Limits". The survey, which had a return of 27% was about equally divided between wanting term limits (52%) and not wanting term limits (48%). There are pros and cons to this argument, and they shall not be listed here. The Commission voted to place this item on the ballot as a special item. The Commission opted for a three consecutive term limit total. So, in November, you will vote to either accept or reject the Charter (copies will be available for you after it is completed), and you will also vote to accept or reject term limits.

Meanwhile, the work continues. All meetings are open to the public. Most things are still tentative, but not "Initiative, Referendum, Recall, Term Limits, and Length of Term". Those have been finalized and will await your approval or rejection in November.

Approved 5/10/95

VOL. XVIII

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, April 19, 1995

The eighteenth meeting of the Home Rule Charter Commission of the City of Crestwood was held on Wednesday, April 19, 1995 in the Fire Department Training Room at the Crestwood Government Center at 7 P.M., Chairman Jerry Bratsch presiding.

MEMBERS PRESENT:

Jerry Bratsch	Ed Lang
LaVerne Cannon	Madonna Laws
Burt Droste	John McGowan
Pat Duwe	Debbie Murray
Tracy Huston	Bob Theiss
Tom Killoren	

Jane Armbruster - Excused
Bob Parsons - Excused

Chairman Bratsch asked for any corrections or additions to the minutes of the March 29, 1995 meeting. John McGowan stated on Page Eight in the third paragraph, the word "**mode**" should be changed to "**mood**", and the sentence should read "**John McGowan also agreed stating the mood of the people is such that they resent the notion that politicians know better than they do.**" Since no other corrections were made, it was moved by Madonna Laws and seconded by LaVerne Cannon that the minutes of the March 29, 1995 meeting be approved as corrected. Motion carried unanimously.

John McGowan moved that the minutes of the April 5, 1995 meeting be approved as written. Motion seconded by Tom Killoren and carried unanimously.

Madonna Laws stated in the minutes of the April 12, 1995 meeting in the second paragraph, the word "**district**" on **Page 4** should be changed to "**ward**". With no further corrections noted, it was moved by LaVerne Cannon and seconded by Debbie Murray that the minutes be approved as corrected. Motion carried unanimously.

Nominations and Elections.

(b) Special Elections.

It was moved by Tracy Huston and seconded by Burt Droste that this section be tentatively approved as follows: "***The Board of Aldermen may, by resolution, order***

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD
Wednesday, April 19, 1995
Page Two

special elections, fix the time for such elections and provide for holding such elections on any of the dates provided for elections by State law." Motion carried unanimously.

Madonna stated noted in **Section 7.3(a)**, the word "**district**" should be changed to "**ward**".

(c) General and Special Elections Tie Vote.

The word "**general**" in this section was changed to "**regular**". In the third line, there is a typographical error of the word "**board**" to be changed. Also, starting with the sixth line, it should read as follows: "*....shall call a special election at the next available election date at which said candidates shall be the only candidates. The incumbent shall remain in office until a successor has been elected and duly installed*".

It was then moved by Burt Droste and seconded by Tom Killoren that all of the aforementioned changes be made and **Article VII Nominations and Elections** be tentatively approved as changed. Motion carried unanimously.

Letter to Citizens: The letter as drafted by Burt Droste to be sent to the residents was reviewed by four committee members and then given to the commission for their review. After general discussion, the letter was proposed and approved by the commission in its final form. Said letter is attached hereto marked Exhibit A and made a part of this Journal.

ARTICLE IX - FRANCHISES

Section 9.1 Granting of Franchises. The end of the fifth line into the sixth line should read: "*....granted for a term no longer than 20 years.*" It was moved by Burt Droste, seconded by Pat Duwe that this section be tentatively approved as changed. Motion carried unanimously.

Section 9.2 Right of Regulation.

(a) It was moved by Burt Droste and seconded by LaVerne Cannon that this section be tentatively approved with the changes as follows: *Repeal the same for misuse or nonuse, or for failure to comply therewith; or shorten the term thereof for failure to comply with the provisions of this section (and regulations adopted in accordance with this section) or with the provisions of the franchise ordinance.* Motion carried unanimously.

CITY OF CRESTWOOD CHARTER COMMISSION

April 26, 1995

Dear Crestwood Citizens:

IRS
mbruster
atsch
LaVerne Cannon
Burt Droste
Pat Duwe
Tracy Huston
Tom Killoren
Ed Lang
Madonna Laws
John McGowan
Debbie Murray
Robert Parson
Robert Theiss
Carol Schneiderhahn
City Clerk
Sandy Grave
Acting Recorder

The Commission has met every Wednesday since the fifth of December, except for Christmas Week, and has completed over 60% of the Charter. Some of the articles are still tentative since the development of a new article often reflects on one that has already been completed and thus, minor changes may need to be made. All topics from the survey have been addressed, and some have been finalized. The survey results ranged from a 16.5 to 1 ratio for having the "Right of Recall" to a ratio of 1.1 to 1 in the area of "Term Limits". However, the Commission has heard more comments about "Term Limits" than any other part of the survey. It was felt by the Commission that "Initiative, Referendum, Recall, Length of Term and Term Limits" should be finalized as they are all closely related, especially the last three, and have evoked the most interest from those outside the Commission.

While studying the facets of length of term for mayor and aldermen, the Commission decided to extend the length of the terms from two to three years. A good deal of discussion has occurred about this, both within the Commission and from outside the Commission because of the survey results. The primary reason for making this change is that it would enable all sitting aldermen to run for mayor without being penalized. At the present time, because one alderman is being elected from each ward along with the mayor, those four aldermen cannot run for mayor if they also run for alderman. Also, with the two year term, it is always the same aldermen who are penalized.

With a three year term for both aldermen and mayor, the elections will be staggered, so that, for example, in "year 1" one alderman from each ward will be elected. In "year 2" the other alderman from each ward will be elected. In "year 3" only the mayor will be elected. This will allow any of the sitting aldermen to run for mayor without forfeiting his seat on the Board. All Crestwood mayors have been aldermen before becoming mayor except for the first two. This change could increase the number of aldermen who would choose to run for mayor.

A second reason for extending terms from two to three years is that the aldermen and mayor will be able to devote more time to serving Crestwood before turning their time, attention and money to re-election. Since the "Right of Recall" will be part of the Charter, the electorate will be able to initiate recall proceedings if not satisfied with anyone in office.

Concerning "Term Limits," the survey, which had a return of 27%, was about equally divided between wanting term limits (52%) and not wanting term limits (48%). There are pros and cons to this argument; they will not be listed here. The commission voted to place this item on the ballot as a special item. In November, you will vote to either accept or reject the Charter (copies will be available for you after it is completed), and you will also vote to accept or reject term limits. However, if the Charter itself is not passed, then by Missouri law, Crestwood will remain a Fourth Class city with no choice regarding Term Limits, Length of Term, Initiative, Referendum or Recall.

Meanwhile, the work continues. "Initiative, Referendum, Recall, Term Limits and Length of Term" have been finalized. Certain items are still tentative. All meetings are open to the public and we welcome your input.

Sincerely,

The Charter Commission

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, April 19, 1995

Page Three

(b) It was moved by Ed Lang, seconded by Debbie Murray that this section be tentatively approved as drafted. Motion carried unanimously.

(c) It was moved by Debbie Murray and seconded by John McGowan that this section be tentatively approved as drafted with the removal of (*highest practical*) in the first sentence. Motion carried unanimously.

(d) It was moved by LaVerne Cannon and seconded by Tracy Huston that this section be tentatively approved as drafted. Motion carried unanimously.

(e) It was moved by Ed Lang and seconded by Debbie Murray that this section be tentatively approved as drafted. Motion carried unanimously.

(f) It was moved by John McGowan and seconded by LaVerne Cannon that this section be tentatively approved as drafted. Motion carried unanimously.

(g) It was moved by Madonna Laws and seconded by Pat Duwe that this section be tentatively approved as drafted with the addition at the end of the sentence of the words "*or Federal Government*". Motion carried unanimously.

(h) It was moved by Burt Droste and seconded by LaVerne Cannon that this section be tentatively approved as drafted ending the sentence in line three after the word "*public*", striking out the words (*including the requirement that utility taxes shall be paid on a monthly basis*). Motion carried unanimously.

Section 9.3 Revocable Permits - *changed to "Temporary Permits"*. It was moved by Tracy Huston, seconded by Bob Theiss that this section be tentatively approved as changed above. Motion carried unanimously.

Section 9.4 Operation Beyond Franchise Period. It was moved by John McGowan and seconded by Bob Theiss that this section be tentatively approved as drafted. Motion carried unanimously.

Public Comments. Dr. David Brophy came forward expressing his agreement with the commission's decision to put term limits separate on the ballot. However, if it is separated out on the ballot, will it have a different status legally than the charter in terms of amendments or revocation. Chairman Bratsch stated that the residents will be voting on two things - yes or no on a charter, and yes or no to term limits. We are going to make it as clear and concise on the ballot as the board of election commissioners will allow us. However, if the people say no to the charter, and yes to term limits, we will

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, April 19, 1995

Page Four

then - **still remain** - a fourth-class city and unable to adopt term limits because of our fourth-class status. Dr. Brophy then asked if in the charter, the relationship and status of the City Administrator remains the same reporting to the Mayor and Board of Aldermen. Chairman Bratsch stated that it will remain as it is now and nothing would change in this regard.

Since we are ahead of schedule, Chairman Bratsch stated that we would proceed with Article X this evening, since it has already been drafted by the subcommittee.

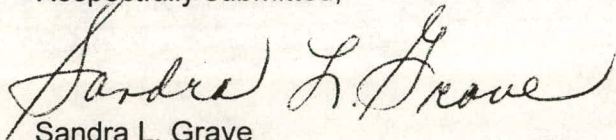
ARTICLE X - LICENSING, TAXATION AND REGULATION OF BUSINESSES, OCCUPATIONS, PROFESSIONS, VOCATIONS AND OTHER ACTIVITIES OR THINGS.

Tracy Huston stated that this article is exactly the same as Blue Springs and Ellisville's Charters and the same as in the Richmond Heights Charter except where it refers to cities of the third and fourth class it adds cities of the first, second, third or fourth class. The commission will ask for a legal opinion from Shu Simon as to whether or not the above underlined words should also be added to this section. Also the word council should be changed to Board of Aldermen.

It was then moved by Tom Killoren and seconded by LaVerne Cannon that this section be tentatively approved. Motion carried unanimously.

Since there was no further business, it was moved by John McGowan and seconded by Tom Killoren that the meeting be adjourned. Motion carried unanimously.

Respectfully submitted,

A handwritten signature in cursive script, reading "Sandra L. Grave". The signature is written in dark ink and is positioned above the printed name and title.

Sandra L. Grave
Acting Recorder

SHEET #1

HOME RULE CHARTER COMMISSION MEETING
WEDNESDAY, APRIL 19, 1995

COMMISSION
MEMBER OR
RESIDENT

NAME _____

ADDRESS

RESIDENT

Robert J. Henry	115 Chatwood Ten.	Comm.
Tracy Lubbo	9059 Morning Moss	Comm.
Leland C. Cannon	1650 Lidgett	Comm.
Madonna J. Jans	9250 Vauk	Comm.
Burt Devito	1467 Trilane	"
Leanne Murray	939 Lidgett	"
Thomas C. Killam	907 Volz Dr	"
Bob Brest	8945 Red Oak	"
John McGowan	9140 Pader Spur	"
Ed Jans	9640 YORKSHIRE EST. DR	"
David Duphy.		
Carol Alexander		
Pat Duwe - 7:15		

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

April 19 , 1995

Meeting Number 18

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Approval of minutes of previous meetings - 3/29/95 mailed
corrected 4/5/95 mailed
4/12/95 attached
- III. General Business
 - A. review changes to Article VII - Nominations and Elections
copy attached
 - B. Letter to the citizens - Droste, McGowan, Murray, Lang
copy attached
 - C. Article IX - Franchises - Bratsch, Droste, Lang
copy attached
- IV. Old business
- V. Public Input/Comments
- VI. Review meetings and assignments
 - A. 5/3 Article X - Licensing, Taxation, Business Regulation
Cannon, Huston, Theiss
 - B. 5/17 Article XI - General Provisions
Duwe, Killoren, Murray
 - C. 6/7 Article XII - Transitional Provisions
Cannon, Killoren, Laws
 - D. 6/21 Article XIII - Schedule
Armbruster, Duwe, McGowan
- VII. Adjournment

Robert's Rules of Order prevail

Conversion to three year terms

April municipal elections

Alternate One

1996
mayor for 2 years
aldermen A for 3 years

1997
alderman B for 3 years

1998
mayor for 3 years

Alternate Two

1996
alderman A for 2 years
mayor for 3 years

1997
alderman B for 3 years

1998
alderman A for 3 years

beginning with 1999 all elections would be for three year terms

1999 alderman A for 3 years
2000 alderman B for 3 years
2001 mayor for 3 years

1999 mayor for 3 years
2000 alderman B for 3 years
2001 alderman A for 3 years

CITY OF CRESTWOOD CHARTER COMMISSION

One Detjen Drive
Crestwood, Missouri 63126

Dear Crestwood Citizens:

The Commission has met every Wednesday since the fifth of December except for Christmas Week, and has completed over 60% of the Charter. Some of the articles are still tentative since the development of a new article often reflects on one that has already been completed and thus minor changes may need to be made. All topics from the survey have been addressed, and some have been finalized. The survey results ranged from a 16.5 to 1 ratio for having the "Right of Recall" to a ratio of 1.1 to 1 in the area of "Term Limits". However the Commission has heard more comments about "Term Limits" than any other part of the survey. (More about that later.) It was felt by the Commission that "Initiative, Referendum, Recall, Length of Term and Term Limits" should be finalized as they are all closely related, especially the last three, and have evoked the most interest from those outside of the Commission.

While Studying the facets of length of term for mayor and aldermen, the Commission decided to extend the length of the terms from two to three years. A good deal of discussion has occurred about this, both within the Commission and from outside the Commission because of the survey results. The Commission felt that there was a definite plus in extending the terms. With a three year term for both the aldermen and the mayor, the elections will be staggered so that in "year 1" one alderman from each ward will be elected. In "year 2" the other aldermen from each ward will be elected. In "year 3" only the mayor will be elected. This will allow any of the current aldermen to run for mayor without forfeiting his seat on the Board. At the present time, because one alderman is being elected from each ward along with the mayor, those four aldermen cannot run for mayor if they also run for alderman. Also with the two year term, it is always the same aldermen who are penalized. All Crestwood mayors have been aldermen before becoming mayor except for the first two. **By making this change all current aldermen could run for mayor without being penalized.** Since the "Right of Recall" will be part of the Charter, the electorate will be able to initiate recall proceedings if not satisfied with anyone in office. With a 3 year term those who are performing the service of serving as aldermen and mayor will not have to spend their time and money for re-election quite so soon.

Concerning "Term Limits", the survey, which had a return of 27%, was about equally divided between wanting term limits (52%) and not wanting term limits (48%). There are pros and cons to this argument, and they will not be listed here. The Commission voted to place this item on the ballot as a special item. The Commission opted for a limit of three consecutive terms. Therefore, in November, you will vote to either accept or reject the Charter (copies will be available for you after it is completed), and you will also vote to accept or reject term limits. **However, if the Charter itself is not passed, then by Missouri law, Crestwood will remain a Fourth Class City with no choice regarding Term Limits, Length of Term, Initiative, Referendum or Recall.**

Meanwhile, the work continues. All meetings are open to the public. Certain items are still tentative. "Initiative, Referendum, Recall, Term Limits and Length of Term" have been finalized and await your approval or rejection in November.

The Charter Commission

April 19, 1995

MEMBERS

Jane Armbruster
Jerry Bratsch
LaVerne Cannon
Burt Droste
Pat Duwe
Tracy Huston
Tom Killoren
Ed Lang
Madonna Laws
John McGowan
Debbie Murray
Robert Parson
Robert Theiss

Carol Schneiderhahn
City Clerk
Sandy Grave
Acting Recorder

Corrected 5/10/95

Corrected Copy -

VOL. XIX

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, May 3, 1995

The nineteenth meeting of the Home Rule Charter Commission was held on Wednesday, May 3, 1995 in the Fire Department Training Room at the Crestwood Government Center at 7 P.M. Chairman Jerry Bratsch presiding.

Members Present:

Jane Armbruster
Jerry Bratsch
LaVerne Cannon
Burt Droste
Pat Duwe
H. Tracy Huston

Tom Killoren
Ed Lang
Madonna Laws
Debbie Murray
Robert Theiss

John McGowan - Excused
Bob Parsons - Excused

Others Present:

Shu Simon, City Attorney
Carol Schneiderhahn, City Clerk

Approval of Minutes - The minutes of the April 19th meeting will be prepared and approved at the May 10th meeting and not tonight, due to computer problems experienced by the recorder.

Article XI - General Provisions

Section 11.1 - Personal Financial Interest - It was moved by Tracy Huston, seconded by Pat Duwe that tentative approval be given to this section with changes as follows:

"Any elected or appointed officer or employee of the city who has substantial financial interest, direct or indirect, as defined by statutes, in any transaction with the city, shall make known that interest in writing to the board of aldermen. Such officer or employee shall refrain from voting upon or otherwise participating in his or her capacity as a city officer or employee in the making of any such transaction.

Any city officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position, and shall forfeit his or her office or position. Violation of this section with the knowledge, expressed or implied, of the person or corporation engaged in such transaction with the city shall render the contract or sale voidable by the mayor or board of aldermen. Motion carried unanimously.

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD
Wednesday, May 3, 1995
Page Two

Section 11.2 - Political Activity - Second sentence was changed to read: *"All employees may exercise their right as private citizens to express opinions, and if a registered voter in Crestwood, to sign a nominating petition for any city candidate, and to vote in any city election."* Shu will also check into this section regarding first amendment rights.

After the aforementioned were agreed to by the commission, it was moved by Burt Droste and seconded by LaVerne Cannon that tentative approval be given to this section as changed. Motion carried unanimously.

Section 11.3 - Prohibitions

(a) Activities Prohibited.

(1) It was moved by Tom Killoren and seconded by Tracy Huston that tentative approval be given to this section with the addition of the following after the last word *"affiliation"* - *"in accordance with applicable State and Federal law."* Motion carried unanimously.

(2) It was moved by Tom Killoren and seconded by Madonna Laws that this section be deleted. Motion carried unanimously.

(3) Discussion followed as to whether this section should be deleted. By a show of hands, it was the decision - 6 to 3 - that this section should be included. Thus, this section will now become (2).

(4)(4a)(4b) It was moved by Tom Killoren and seconded by Pat Duwe that these sections be deleted. Motion carried unanimously.

(5) After discussion by the commission, this section was changed by a motion from LaVerne Cannon and a second by Jane Armbruster and given tentative approval as follows:

(b) Penalties. *Any person who by himself or herself or with others willfully violates any of the provisions of Section 11.3(a) of this chapter, shall upon conviction be deemed guilty of a misdemeanor and shall be subject to fine, imprisonment or both as may be provided by ordinance. Any person who violates any of the aforementioned provisions, shall forfeit his or her office or employment with the city.* Motion carried unanimously.

Section 11.4 Notice of Suits - It was moved by Tom Killoren and seconded by Tracy Huston that this section be tentatively approved as drafted. Motion carried unanimously.

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, May 3, 1995

Page Three

Section 11.5 Bonds - It was moved by Burt Droste and seconded by Tracy Huston that this section be tentatively approved as follows:

"All officers and employees of the city who receive, disburse, or are responsible for city funds, and such other appointed or elected officers and employees as the board of aldermen by ordinance may designate, shall, within such time after election or appointment as may be fixed by ordinance, and before entering upon the discharge of their duties, give bond to the city in such sum, not less than \$50,000 and with such sureties as shall be prescribed by ordinance, and subject to approval by the board of aldermen, conditioned upon the faithful and proper performance of their duties and for the prompt accounting for and paying over to the city of all monies belonging to the city that may come into their hands. The city shall pay the premiums on all such bonds." Motion carried unanimously.

Section 11.6 Charter Amendment - It was moved by Pat Duwe and seconded by Bob Theiss that tentative approval be given to this section with changes as follows:

"Amendment to this charter may be framed and submitted to the electors by a commission in the manner provided by law and the Constitution of the State of Missouri for framing and submitting a complete charter. Amendments may also be proposed by ordinance by the Board of Aldermen, by Charter Review Commission or by petition signed by a number of registered, qualified voters equal to at least twelve (SHU TO CHECK) percent of the total number of persons registered to vote at the last regular municipal election, setting forth the proposed amendment, and filed with the City Clerk in the manner prescribed for initiative petitions as set forth by this charter."

Any amendment approved by a majority of the registered, qualified voters voting thereon shall become a part of this charter at the time and under the conditions fixed in the amendment; sections or articles may be submitted separately or in the alternative and determined as provided by law and the Constitution of the State of Missouri for a complete charter." Motion carried unanimously.

Section 11.7 Charter Review Commission - It was moved by Madonna Laws and seconded by Jane Armbruster that tentative approval be given to this section with changes as follows:

"From time to time, but no less than every ten (10) years, the mayor and board of aldermen shall provide for a charter review commission to consider whether any amendments to this charter are appropriate. The members of the charter review commission shall be appointed by the mayor and approved by the board of aldermen. The charter review commission shall consist of at least nine (9) persons, not more than one of whom shall be an elected official of the city with at least two

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD
Wednesday, May 3, 1995
Page Four

members from each ward. The charter review commission shall, within twelve (12) months of its first meeting, report to the board of aldermen as many amendments to the charter as it shall deem advisable. The board of aldermen shall by ordinance submit such proposed amendments to the voters at the next regular election". Motion carried unanimously.

Section 11.8 Public Improvements and Special Assessments - It was moved by Ed Lang and seconded by LaVerne Cannon that this section be deleted. Motion carried unanimously.

Section 11.9 Proof of Ordinance - It was moved by Burt Droste and seconded by Tracy Huston that this section be approved as drafted. Motion carried by the following vote: (Ayes) - all but LaVerne Cannon.

Section 11.10 Separability - It was moved by Burt Droste and seconded by Pat Duwe that this section be approved as drafted. Motion carried unanimously.

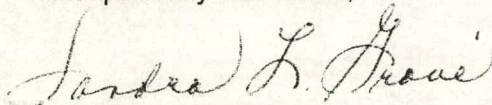
A suggestion was made by Tracy Huston that a hold harmless agreement provision be included in this charter so that in case the city is sued, that board of aldermen members cannot be sued individually. Shu Simon was instructed to prepare this for the commission's review.

Old Business - Madonna stated that in Section 5.2 on Page 11 of our yellow pages, under the **personnel system** - first sentence, fourth line the words "**disability and political affiliation**" should be included. Madonna so moved, seconded by Debbie Murray and carried unanimously.

Chairman Bratsch then stated that all commission members should go over all of the tentatively approved sections in the draft to see if there are any other changes or items that still need to be discussed or clarified so that we can present a complete and final set of charter provisions to the city attorney for her review.

There being no further business, it was moved by Tom Killoren and seconded by Debbie Murray that the meeting be adjourned. Motion carried unanimously.

Respectfully submitted,



Sandra L. Grave
Acting Recorder

CITY OF CRESTWOOD CHARTER COMMISSION

April 26, 1995

Dear Crestwood Citizens:

MEMBERS

Jane Armbruster
Jerry Bratsch
LaVerne Cannon
Burt Droste
Pat Duwe
Tracy Huston
Tom Killoren
Ed Lang
Madonna Laws
John McGowan
Debbie Murray
Robert Parson
Robert Theiss

Carol Schneiderhahn
City Clerk
Sandy Grave
Acting Recorder

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With a three year term for both aldermen and mayor, the elections will be staggered, so that, for example, in "year 1" one alderman from each ward will be elected. In "year 2" the other alderman from each ward will be elected. In "year 3" only the mayor will be elected. This will allow any of the sitting aldermen to run for mayor without forfeiting his seat on the Board. All Crestwood mayors have been aldermen before becoming mayor except for the first two. This change could increase the number of aldermen who would choose to run for mayor.

A second reason for extending terms from two to three years is that the aldermen and mayor will be able to devote more time to serving Crestwood before turning their time, attention and money to re-election. Since the "Right of Recall" will be part of the Charter, the electorate will be able to initiate recall proceedings if not satisfied with anyone in office.

Concerning "Term Limits," the survey, which had a return of 27%, was about equally divided between wanting term limits (52%) and not wanting term limits (48%). There are pros and cons to this argument; they will not be listed here. The commission voted to place this item on the ballot as a special item. In November, you will vote to either accept or reject the Charter (copies will be available for you after it is completed), and you will also vote to accept or reject term limits. However, if the Charter itself is not passed, then by Missouri law, Crestwood will remain a Fourth Class city with no choice regarding Term Limits, Length of Term, Initiative, Referendum or Recall.

Meanwhile, the work continues. "Initiative, Referendum, Recall, Term Limits and Length of Term" have been finalized. Certain items are still tentative. All meetings are open to the public and we welcome your input.

Sincerely,

The Charter Commission

HOME RULE CHARTER COMMISSION MEETING
WEDNESDAY, May 3, 1995

NAME	ADDRESS	COMMISSION MEMBER OR RESIDENT
JERRY BRATSCH ✓	8945 RED OAK	MEMBER
MADONNA J LAWS	9250 VALK	MEMBER
Pat Duve ✓	9014 Laurel Crest	"
Lucy Hunter ✓	9059 morning stars	"
Bert Duarte ✓	1467 Tulane	"
Ed Laro ✓	9640 YORKSHIRE EST. DR	"
Lillian Cannon ✓	1650 Liggett	"
Robert [unclear] ✓	115 Chestnut Ter.	"
Casper Schneiderhaken		City Clerk
Bob Murray	939 Liggett	member
Jane Ammerstein ✓	9073 Maple Grove	"
Tom Killoran		

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

May 3, 1995

Meeting Number 19

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Approval of minutes of previous meeting - 4/19/95 attached
- III. General Business
 - A. Article XI - General Provisions
Duwe, Killoren, Murray
- IV. Old business
- V. Public Input/Comments
- VI. Review meetings and assignments
 - A 5/10 - 5/17 Article XII - Transitional Provisions
Cannon, Killoren, Laws
 - B. 5/17 - 5/24 Article XIII - Schedule
Armbruster, Duwe, McGowan
- VII. Adjournment

Robert's Rules of Order prevail

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, May 10, 1995

The twentieth meeting of the Home Rule Charter Commission was held on Wednesday, May 10, 1995, in the Aldermanic Chambers at the Crestwood Government Center at 7:00 p.m. Chairman Jerry Bratsch presiding.

Members Present:

Jane Armbruster	Tom Killoren
Jerry Bratsch	Ed Lang
LaVerne Cannon	Madonna Laws
Burt Droste	John McGowan
Pat Duwe	Debbie Murray
H. Tracy Huston	Bob Parsons
	Robert Theiss

Others Present:

Shu Simon, City Attorney
Carol Schneiderhahn, City Clerk

Approval of Minutes:

Chairman Bratsch called for any additions or corrections to the Minutes of April 19, 1995. Tom Killoren moved that the minutes be approved as written. Bob Theiss seconded the motion. Motion carried.

Chairman Bratsch called for any additions or corrections to the Minutes of May 3, 1995. Pat Duwe referred to the second last line on page one and stated her notes indicated the word "a" should be "such", so that this line would read, "...the person or corporation engaged in such transaction with the city..." After discussion, Madonna Laws moved that the Minutes be approved as corrected. Jane Armbruster seconded the motion. Motion carried.

Article XII Transitional Provisions

Section 12.1 Personnel System - Lengthy discussion ensued regarding the wording of this section as drafted by the subcommittee. Shu Simon indicated the suggested wording speaks to the implementation of a new system, when no changes to employees' positions would be realized in the change from a 4th class to city to the adoption of this charter since the existing personnel system is adopted by the Charter. Shu Simon suggested the section was not necessary. Burt Droste, Debbie Murray and Ed Lang each spoke to keeping this section to reassure anyone reading the Charter that the employees would not be affected by the transition.

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, May 10, 1995

Page 2

Many members offered suggestions for better wording. Members discussed whether or not to combine 12.1 and 12.2 into one section, but consensus was to separate the employees from the elected and appointed officials. After lengthy discussion, Burt Droste moved that the wording be as follows:

"Section 12.1 City Employees.

An employee holding a city position at the time this Charter takes full effect shall continue to be subject to the personnel system established pursuant to Section 5.2."

Bob Parsons seconded this motion. Shu Simon stated this wording would not cause legal difficulties or confusion. Motion carried unanimously.

Section 12.2 Elected Officials. After discussion to draft this section on the order of 12.1, Bob Parsons moved that Section 12.2 be worded as follows:

"Section 12.2 Elected and Appointed Officials.

All persons in elective and appointive positions in the City of Crestwood at the time of the adoption of this charter shall continue to hold their offices until their successors are elected or appointed and qualified."

Debbie Murray seconded this motion. Motion carried unanimously.

Section 12.3 Ordinances to Remain in Force. After short discussion, Bob Parsons moved that Section 12.3 be tentatively approved as submitted by the subcommittee. LaVerne Cannon seconded the motion. Motion carried unanimously.

Section 12.4 Pending Actions and Proceedings. After short discussion, LaVerne Cannon moved that Section 12.4 be tentatively approved as submitted by the subcommittee. John McGowan seconded the motion. Motion carried unanimously.

Section 12.5 Continuance of Contracts, Public Improvements and Taxes. After short discussion, Ed Lang moved that Section 12.5 be tentatively approved as submitted by the subcommittee. Bob Theiss seconded this motion. Motion carried unanimously.

ARTICLE XIII SCHEDULE

Section 13.1 Purpose of Schedule. After short discussion, Bob Theiss moved that Section 13.1 be tentatively approved as submitted by the subcommittee. Bob Parsons seconded the motion. Motion carried unanimously.

Section 13.2 Election to Adopt Charter. After short discussion, Pat Duwe moved that this section be tentatively approved as submitted by the subcommittee. Bob Theiss seconded this motion. Motion carried unanimously.

Section 13.3 First Election. Discussion ensued regarding paragraph (a) as submitted by the subcommittee. Members felt this paragraph was confusing and may be in conflict with Section 13.4. After discussion, members agreed that the wording of Section 13.4 Time of Taking Effect should be placed as Section 13.3. LaVerne Cannon moved that the wording of Section 13.3 be as follows:

"Section 13.3 Time of Taking Effect.
This Charter shall be in full effect for all purposes on and after the date and time of the certification of the election results set forth in Article 13.2 of this Charter."

Bob Theiss seconded this motion. Motion carried unanimously.

Section 13.4 First General Election. Members discussed the two choices contained in the subcommittee's draft for instituting the new terms for elected officials. Pat Duwe suggested that the Mayor should receive the three year term in 1996 and that the four alderman elected in 1996 serve a two year term for that one election and then go to three year terms. When questions were brought up regarding the wording, Chairman Bratsch suggested that the Commission first vote on the choice of the institution of the new terms and then deal with the best wording. Bob Theiss moved that this section indicate a three year term for the Mayor in 1996 and a two year term for the aldermanic seats elected in 1996, and three year terms for them subsequent to the 1996 election. Jane Armbruster seconded this motion. Motion carried unanimously.

The correct wording of this section was then discussed at length. Jane Armbruster moved that Section 13.4 be tentatively approved as follows:

"Section 13.4 First Regular Election.
The first 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. Such term shall not be subject to limitations imposed by Section 3.5 of this Charter. Subsequent regular elections for this aldermanic seat shall be for three (3) year terms.

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The Mayor shall be elected at-large in 1996 with the mayoral election each three (3) years thereafter."

It was pointed out that if Section 3.5, Limitation on Terms, was adopted by the electorate, it needed to be clarified to show that the two (2) year term of the four aldermen elected in 1996 would not be counted as a part of the three full terms referred to in Section 3.5.

It was the consensus of the Commission that Section 3.5 Limitation on Terms shall be clarified to read as follows:

"Section 3.5 Limitation on Terms.

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

Section 13.5. Incumbent Mayor and Board of Aldermen.

After discussion, Tracy Huston moved that Section 13.5 as submitted by the subcommittee be deleted. Madonna Laws seconded this motion. Motion carried unanimously.

Section 13.6 Temporary Ordinances.

After discussion, Tracy Huston moved that Section 13.6 as submitted by the subcommittee be deleted. John McGowan seconded this motion. Motion carried unanimously.

Old Business

Reconsideration of Legislative Procedures Section.

Chairman Bratsch referred to the memorandum sent to all members by Madonna Laws regarding the reconsideration of Section 3.12 Legislative Procedures. Madonna stated she felt uncomfortable with not having a section to cover emergency ordinances. Many other municipalities provide for them in their charters.

Tracy Huston stated he felt that the procedure which had been tentatively approved in the Crestwood Charter allowed for an ordinance to be read for a second time the same night it was introduced if the vote for a second reading was unanimous. He stated that while this allowed for "emergencies", it also was a tougher procedure because one negative vote could hold the bill for a second reading at the next meeting.

Madonna stated she was concerned that no reason has to be given for reading a bill for the second time on the same evening it is introduced and this could be abused. She indicated that while some bills go through committees and are discussed at more than one meeting, the procedure tentatively approved by the Commission would allow any

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ordinance to be passed the same evening it was introduced, not just in an emergency.

Bob Parsons explained that all bills would need to be discussed at one meeting before the paperwork was prepared. After discussion of the item, the action by the Board would be to have the City Attorney prepare the proposed law in ordinance form for introduction at a later meeting. One alderman would not have authority to ask the City Attorney to prepare an ordinance before discussion. Therefore, technically no bill could be passed with discussion at only one meeting.

Discussion ensued with regard to whether or not an ordinance could be passed in one meeting through collusion on the part of a Board of Aldermen.

Carol Schneiderhahn stated that the procedure approved by the Commission called for a unanimous vote on the second reading, and, therefore, collusion would be more difficult than under the procedures called for in an emergency procedure that called for only 2/3 vote of the Board to allow a bill to be adopted in one meeting.

John McGowan stated that while he felt Madonna's concern was a good concern in theory, in practice, it really didn't seem to be a problem.

Debbie Murray stated that the Commission was writing a Charter that needed to cover all situations in the future, and, perhaps, Madonna's suggestion had merit.

After further discussion, Chairman Bratsch asked if anyone wished to make a motion regarding this matter. Madonna Laws agreed that this could be done by a show of hands. On a show of hands, only Madonna Laws and Debbie Murray were in favor of adding an emergency ordinance procedure.

Review of Commission Schedule

Chairman Bratsch indicated the Commission had finished the Chapters of the Charter and stated that the review of the entire draft could be scheduled for May 17th and 24th. The draft can then be given to Shu Simon for her review and subsequently sent to another attorney. John McGowan indicated he had spoken with Kate Demeter, City Clerk of Ellisville, regarding Don Anderson, Ellisville City Attorney. John stated Mr. Anderson had worked with their Charter Commission recently in the drafting of their charter. Miss Simon indicated Mr. Anderson was very competent.

Commission members also discussed ways to reach the citizens with the message to pass the Charter. Bob

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Parsons suggested that Commission members be available at various city and community functions to explain the Charter Commission process and the contents of the Charter draft. Chairman Bratsch indicated that the Commission would discuss this subject matter in greater length when the review of the charter draft had been completed.

Party for Commission Members

Bob Theiss stated he and Marge would be happy to host a party for Commission members and families this summer at their home. He indicated arrangements would be forthcoming.

Adjournment

There being no further business, Tracy Huston moved to adjourn. Bob Parsons seconded the motion. Motion carried. 8:50 p.m.

Respectfully submitted,

Carol A. Schneiderhahn
City Clerk

**HOME RULE CHARTER COMMISSION MEETING
ATTENDANCE SHEET
MAY 10, 1995**

NAME	ADDRESS	COMM. MEMBER / RESIDENT/ GUEST OR OBSERVER
Jerry Burtch	8945 Red Oak	member
R. Broke	115 Chateaufort	member
John McGowan	9140 Pardee Spur	✓
Henry Lusby	9059 Morning Star	member
Bob Parsons	9872 Amberley	"
But Deute	1467 Tulane	"
Er Lang	9640 YORKSHIRE EST. DR.	MEMBER
Pat Duhe	9014 Laurel Crest	"
Thomas Kellaren	907 Volz Dr.	"
Madonna Jaws	9250 Vauk Ln	member
Lucerne C. Cannon	1650 Leggett	"
Jane Dummerster	9073 Maple Grove	"
Deb Murray	939 Leggett	"
Carol Schneiderhahn		City Clerk
Shulamith Simon		City Atty

25% COTTON / 100% RECYCLED

Orig

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

May 10, 1995

Meeting Number 20

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Approval of minutes of previous meetings
- III. General Business
 - A. Article XII - Transitional Provisions
Cannon, Killoren, Laws
 - B. Article XIII - Schedule
Armbruster, Duwe, McGowan
- IV. Old business
- V. Public Input/Comments
- VI. Review meetings and assignments
 - A. Start review of "total" charter - May 24?
 - B. Draft review to Shu Simon by May 31?
- VII. Adjournment

Robert's Rules of Order prevail

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, May 17, 1995

The twenty-first meeting of the Home Rule Charter Commission was held on Wednesday, May 17, 1995 in the Fire Department Training Room at the Crestwood Government Center at 7 P.M., Chairman Jerry Bratsch presiding.

Members Present:

Jerry Bratsch	Madonna Laws
LaVerne Cannon	John McGowan
Burt Droste	Debbie Murray
Pat Duwe	Bob Parsons
Tom Killoren	Bob Theiss

Members Absent:

Jane Armbruster
Tracy Huston
Ed Lang

Others Present:

Carol Schneiderhahn, City Clerk
Sandra Grave, Acting Recorder

Chairman Bratsch asked for corrections or additions to the minutes of the May 10, 1995 meeting. Pat Duwe stated that at the bottom of the third page, it should read ***"one alderman shall be elected from each ward to the seat expiring in 1996.....andsubsequent regular elections for this aldermanic seat shall be for three years."*** It was then moved by John McGowan and seconded by Tom Killoren that the minutes be approved as corrected. Motion carried unanimously.

Jerry Bratsch requested that we begin proceeding this evening to review the tentatively approved draft, page-by-page, to make sure everyone agreed on the contents. Before beginning, however, it was agreed by a motion from Tom Killoren, seconded by LaVerne Cannon that **"Charter"** should be capitalized throughout. Motion carried unanimously. Also mentioned was the word **"city"** which everyone agreed should be lower-case, and further, that we maintain consistency with the usage of the language, formatting and grammar in this whole Charter draft.

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CITY OF CRESTWOOD
Wednesday, May 17, 1995
Page Two

Page Two - Section 3.7 (a) Holding Other Office. Discussion followed regarding the last sentence in this section as to whether this conflicts with **Section 3.5 Limitation on Terms**. Also mentioned was if the **"(2) years"** mentioned should be changed to **"(3) years"** and use of the words **"compensated appointive"**. In relation to Section 3.5, Madonna stated that Section 3.7(a) can be very confusing especially if term limitations doesn't pass, and that Shu should check to see if there is a conflict with the wording of these two sections. After brief discourse, it was agreed that an opinion should be given by the City Attorney.

Page Three - Section 3.8 (c) Filling of Vacancies. This section was discussed at length and John McGowan suggested that Section 3.8(c) should read similar to that in **Section 3.11 - City Attorney and Article IV(A) I - City Administrator** - whereby the mayor nominates someone with the advice and consent of the majority of the board of aldermen.

Also mentioned was taking the word **"regular"** in the third line, deleting it and inserting **"general"** in its place, thus reading **"general municipal election"**. Carol will check into election costs first before deciding on whether **"general"** should be substituted in place of **"regular"** municipal election. After several other suggestions and additions to this section, Carol stated she will check with Shu Simon for the appropriate wording for this entire portion and discuss the questions raised by the commission members.

Page 7 - It was noted that consistency should be kept with regard to using **"he/she"** rather than using **"he"** in some sections, and **"his"** in other sections. This was mentioned by Pat Duwe and noted by all commission members. Also noted by Burt Droste was whether **"assistant city attorney"** should be lower case. The commission's decision was it should read **"Assistant city attorney"** throughout this Charter.

Section 4.3 Election and Term. Second paragraph, third last line should read **"three (3) successive, full three-year terms, not including time served to complete an unexpired term. He/she cannot serve again as Mayor for three (3) years."**

Page 8 - Section 4.6 Prohibitions. (a) Holding Other Office. Shu will be consulted again regarding the words **"compensated appointed"** city office or city employment - (third and fourth line from the bottom of this section).

Page 9 - Section 4.8 Forfeiture of Office. Substitute the word **"article"** for the word **"prohibition"** in the last line of this section.

Section 4-A.I City Administrator. Carol stated in the second paragraph, Kent Leichter, City Administrator suggested that in compliance with the first paragraph, we should

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD
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add at the end of that first line, after the word "Aldermen" - as follows: "or that a 2/3 vote of the Board of Aldermen on its own initiative".

Page 10 - Section (c) - delete the word "City" in the title and also in the second last line.

Page 11 - Section 6.1 Fiscal Year. Delete the first word "The" and substitute "Crestwood's" so that it states "Crestwood's fiscal year shall begin on the first day of July and end on the last day of June, unless otherwise set by ordinance".

Page 12 - Add in the third paragraph from the top, second line - the word "available" after the word "estimated".

After a review of all pages up to but not including Page 20, the commission decided to continue reviewing the remainder of the draft at our next meeting. We will continue at the May 24th meeting with **Article VIII 8-A Recall.**

After reviewing the upcoming meetings and assignments, brief discussion followed regarding a promotional program for the passage of this charter.

There being no further business, the meeting was then adjourned.

Respectfully submitted,

Sandra L. Grave
Acting Recorder.

HOME RULE CHARTER COMMISSION MEETING
ATTENDANCE SHEET
MAY 17, 1995

NAME	ADDRESS	COMM. MEMBER / RESIDENT/ GUEST OR OBSERVER
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Sandra Trave

Jerry Bratton 8945 Red Oak

member

Robert Sheen 115 Chateaufort Ter.

member

Lorraine Cannon 1650 Liggett

member

Thomas C. Kilgore 909 Volz

member

Madonna Jans 9250 Vank

Member

Burtin E. Heort 1467 Tulane

"

Pat Dunn 9014 Laurel Crest

"

Deb Murray 939 Liggett

"

John McEwen 9140 Porter Spur.

✓

Caree Schneider

Bob Parsons

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

May 17, 1995

Meeting Number 21

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Approval of minutes of previous meeting of May 10
- III. General Business
 - A. Begin draft review of charter
- IV. Old business
- V. Public Input/Comments
- VI. Review meetings and assignments
 - A. Draft review to Shu Simon by May 31?
 - B. Preliminary discussion of promotional program
(booth, on-line access, door to door, yard signs, letters/flyers)
 - C. Establish summer meeting schedule
- VII. Adjournment

Robert's Rules of Order prevail

INTERNAL MEMORANDUM/CITY CLERK'S OFFICE

TO: D. KENT LEICHLITER, CITY ADMINISTRATOR
FROM: CAROL SCHNEIDERHAHN, CITY CLERK
DATE: 5/17/95
SUBJECT: COMPLETE DRAFT OF TENTATIVELY APPROVED
CHARTER

I've attached a copy of the draft of the Charter as it has been tentatively approved by the Charter Commission. The Commission will begin to review this draft tonight and hope to have it in the City Attorney's hands by the first part of June.

As we go through this draft, I will see to it that your concern regarding Section 4-A 1 as stated in your memo of 3/21/95 (copy attached) will be brought before the Commission. Let me know if you have any other concerns or comments that I can bring the commission's attention to.

CHARTER OF THE CITY
OF
CRESTWOOD, MISSOURI

PREAMBLE

In order to provide for the government of the City of Crestwood, and secure the benefits and advantages of constitutional home rule under the Constitution of the State of Missouri, the people of Crestwood adopt the following Charter:

ARTICLE I

INCORPORATION, NAME AND BOUNDARIES

Section 1.1. INCORPORATION, NAME AND BOUNDARIES

The inhabitants of the City of Crestwood, within the corporate limits as now established or as hereafter established in the manner then provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the City of Crestwood.

ARTICLE II

POWERS

Section 2.1. POWERS

The city shall have all powers the General Assembly of the State of Missouri has authority to confer upon any city, provided such powers are consistent with the Constitution of this State and are not limited or denied either by this Charter or by statute. The city shall, in addition to its home rule powers, have all powers conferred by law.

Section 2.2 CONSTRUCTION

The powers of the city shall be liberally construed. The specific mention of a particular power in this Charter shall not be construed as limiting the powers of the city.

ARTICLE III

BOARD OF ALDERMEN

Section 3.1 WHERE POWERS VESTED

Except as this Charter provides otherwise, all powers of the city shall be vested in the Board of Aldermen which shall provide for the exercise of these powers and for the performance of all duties and obligations imposed on the city by law.

Section 3.2 COMPOSITION AND REPRESENTATION

The Board of Aldermen shall consist of two (2) Aldermen from each ward. Aldermen shall be nominated and elected by the qualified voters of their respective wards as provided in Article VIII.

Section 3.3 ELIGIBILITY.

No person shall be elected to the Board of Aldermen who is not at least twenty-one (21) years of age prior to the election, a citizen of the United States, an inhabitant and a qualified voter of the city for at least one (1) year and a resident of the respective ward for at least ninety (90) days next preceding the alderman's election.

No person shall be elected to the Board of Aldermen who is delinquent in paying any Crestwood taxes or fees, nor be a convicted felon. A person recalled from office may again run for the office from which recalled following the expiration of the term from which he was recalled, or may at any time run for a different office.

Section 3.4 TERMS.

Aldermen shall be elected to three (3) year terms. The terms of the two aldermen representing each ward shall be staggered.

Section 3.5 LIMITATION ON TERMS.

There shall be no limit to the number of terms a person may serve as alderman.

-OR-

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

Section 3.6 COMPENSATION AND EXPENSES.

The salary of the members of the Board of Aldermen shall be fixed by ordinance, and shall not be increased or diminished during the alderman's term of office. Aldermen may receive reasonable reimbursement for actual and necessary expenses as approved by the Board of Aldermen provided that such expenses are supported by appropriate documentation.

Section 3.7 PROHIBITIONS.

(a) **HOLDING OTHER OFFICE** - Except where authorized by law, or pursuant to an agreement between the city and another entity of government, no member of the Board of Aldermen shall hold any other elective office of the city, state or its political subdivisions or be employed by the city during the term for which the person was elected to the Board of Aldermen. No former

member of the Board of Aldermen shall hold any compensated appointive city office or city employment until two (2) years after the expiration of the term for which the person was elected or appointed to the Board of Aldermen.

(***SHU, commission discussed the term "compensated appointive city office". Different scenarios were used to see if this would be too restrictive. A former aldermen could not be appointed to fill an unexpired term for two years or three years? This could be confusing if term limits in Section 3.5 passes. Is there better language we could use? See also Section 4.6 that is similar.)

(b) **APPOINTMENTS, HIRING AND REMOVALS** - Neither the Board of Aldermen nor any of its members shall in any manner dictate the appointment or removal of any City employees whom the administrator or any of the administrator's subordinates are empowered to appoint.

(c) **INTERFERENCE WITH ADMINISTRATION** - Except for the purpose of inquiries and investigations under Section 3.14 the Board of Aldermen or its members shall deal with city officers and employees who are subject to the direction and supervision of the administrator solely through the administrator, and neither the Board of Aldermen nor its members shall give orders to any such officer or employee, either publicly or privately.

Section 3.8 VACANCIES; FORFEITURE OF OFFICE; FILLING OF VACANCIES.

(a) **VACANCIES** - The office of a Board of Aldermen member 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) **FORFEITURE OF OFFICE** - A member of the Board of Aldermen shall forfeit the office if he/she (1) lacks at any time during the term of office any qualification for the office prescribed by this Charter or by law, or (2) violates 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 regular municipal election. The Board of Aldermen, upon the nomination by the Mayor, by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If the person nominated by the Mayor is not elected, the Board of Aldermen will nominate and by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office.

Section 3.9 JUDGE OF QUALIFICATIONS.

The Board of Aldermen shall be the judge of the election and qualifications of its members and of the grounds for forfeiture of their office and for that purpose shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of his/her office shall be entitled to a public hearing on demand. Decisions made by the Board of Aldermen under this section shall be subject to review by the courts.

Section 3.10 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 journal 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, by this Charter, ordinance or the City Administrator.

Section 3.11 CITY ATTORNEY.

There shall be a City Attorney nominated by the Mayor and appointed with the advice and consent of the majority of the Board of Aldermen. The City Attorney may be removed on recommendation of the Mayor with the consent of a majority of the Board of Aldermen, or by a two-thirds (2/3) vote of the Board of Aldermen on its own initiative. The City Attorney shall be licensed to practice law in the State of Missouri, but need not reside within the Crestwood city limits. The City Attorney shall receive compensation as determined by ordinance. The City Attorney shall be the chief legal officer for the city and shall have such duties as may be assigned by law, City Administrator and the Board of Aldermen. Assistant city attorneys may be appointed from time to time by the Mayor with the consent of the Board of Aldermen, if deemed necessary.

Section 3.12 ACTING PRESIDENT OF BOARD OF ALDERMEN.

The Board of Aldermen shall choose an Acting President within forty-five (45) days following each General Municipal Election who shall preside in the absence of the Mayor and shall serve as Acting Mayor in accordance with Article 4.7 (b).

Section 3.13 LEGISLATIVE PROCEEDINGS.

(a) **MEETINGS** - The Board of Aldermen shall hold a regular meeting at least once each month at such times and places as they may prescribe. Regular meetings shall start no earlier than 7:00 P.M. The Mayor upon his/her own motion may, or at the request of three aldermen, shall call a special meeting of the Board of Aldermen for a time not earlier than 24 hours after notice is given to all members of the Board of Aldermen then in the city.

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. In no event shall any meeting of the Board of Aldermen be held outside the city limits.

(b) **QUORUM** - A quorum shall constitute one (1) more than half of the total number of authorized members of the Board of Aldermen. If a quorum fails to attend any meeting, it shall stand adjourned until the next regular or special meeting.

(c) **RULES AND ORDER OF BUSINESS** - The Board of Aldermen shall by ordinance determine its own rules and order of business. It shall cause a journal of its proceedings to be kept and this journal shall be open to public inspection. A separate journal shall be kept of executive sessions, such journal shall remain closed to public inspection or to legal process.

(d) **VOTING** - The "ayes" and "nays" shall be entered on any question at the request of any two (2) members, provided however, that in the note of final passage of any ordinance the "ayes" and "nays" must in all cases be entered in the journal showing the vote of each alderman in attendance. In all roll call votes the names of the members of the Board of Aldermen shall be called in random order. Except as otherwise provided in this Charter, an affirmative vote of a majority of the authorized members of the Board of Aldermen shall be necessary to adopt any ordinance.

(e) **FORM OF ORDINANCES** - Proposed ordinances and resolutions shall be introduced in the Board of Aldermen only in written or printed form. The enacting clause of all ordinances shall be:

"Be it Ordained by the (Board of Aldermen, People) of the City of Crestwood."

(f) **PROCEDURE** - Every proposed ordinance shall be read by title in an open Board of Aldermen meeting two (2) times before final passage, and at least one (1) week shall elapse between introduction and final passage unless an immediate second reading is approved by unanimous vote of the Board of Aldermen. A copy of each proposed ordinance shall be provided for each member of the Board of Aldermen at the time of its introduction, and at least three (3) copies shall be provided for public inspections in the office of the City Clerk until it is finally adopted or fails of adoption. Persons interested in a proposed ordinance shall be given an opportunity to be heard before the Board of Aldermen in accordance with such rules and regulations as the Board of Aldermen may adopt. If the Board of Aldermen adopts an amendment to a proposed ordinance on the second reading that constitutes a change in substance, the proposed ordinance as amended shall be placed on file for public inspection in the office of the City Clerk for an additional one (1) week before

the next consideration.

(g) **EFFECTIVE DATE** - Every ordinance shall become effective upon its adoption or at any later date specified therein.

Section 3.14 INVESTIGATIONS.

Upon approval by three-quarters (3/4) of its authorized membership, the Board of Aldermen may make investigations into the affairs of the city and the conduct of any city department, office or agency and for the purpose may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a subpoena issued in the exercise of these powers by the Board of Aldermen shall be subject to such penalties as provided by ordinance.

Section 3.15 INDEPENDENT AUDIT.

The Board of Aldermen shall provide for an independent audit of all city accounts at least once a year. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. A copy of the audit shall be kept in the City Clerk's Office and shall be open to public inspection. No certified public accountant or firm shall conduct the audit for more than five consecutive years.

ARTICLE IV

MAYOR

Section 4.1 MAYOR.

The executive power in the city shall be vested in a Mayor who shall be recognized as the head of the city for all legal and ceremonial purposes and by the Governor of Missouri for all purposes of military law.

Section 4.2 QUALIFICATIONS.

No person shall be elected to the office of Mayor who is not at least twenty-five (25) years of age prior to the election, a citizen of the United States, an inhabitant and a qualified voter of the city for at least two (2) years next preceding the Mayor's election.

No person shall be elected to the office of Mayor who is delinquent in paying any Crestwood taxes or fees, nor be a convicted felon, except that a person recalled from office may again run for the office from which recalled following the expiration of the term from which he was recalled, or may at any time run for a different office.

Section 4.3 ELECTION AND TERM.

The Mayor shall be elected by the qualified voters of the city at large at the regular municipal election. The Mayor shall hold office for a term of three years. There shall be no limit to the number of terms a person may serve as Mayor.

-OR-

The Mayor shall be elected by the qualified voters of the city at large at the regular municipal election. The Mayor shall hold office for a term of three (3) years. The Mayor shall be limited to three (3) successive, full three (3) year terms, not including time served to complete an unexpired term. He or She cannot serve again as Mayor for three (3) years.

Section 4.4 POWERS AND DUTIES.

(a) **BOARD OF ALDERMEN MEETINGS** - The Mayor shall preside at meetings of the Board of Aldermen, but shall not vote on any question except in case of a tie, nor shall the Mayor preside or vote in cases when the Mayor's interest in the issue conflicts with the interest of the city. The Mayor may call meetings of the Board of Aldermen as provided in Section 3.13(a) hereof.

(b) **APPROVAL OF LEGISLATION** - An ordinance or resolution adopted by the Board of Aldermen shall be presented to the Mayor for approval. The Mayor shall either sign the same, or within seven days of receipt of the ordinance or resolution, return it with a written statement of the reasons for disapproval. Ordinances or resolutions vetoed by the Mayor shall be considered at the next regular meeting of the Board of Aldermen, and the Board of Aldermen may pass the ordinance over the veto by an affirmative vote of three-fourths (3/4) of the authorized membership.

(c) **EXECUTION OF LAWS, ORDINANCES, RULES AND REGULATIONS**- The Mayor shall exercise a general supervision over all the officers and affairs of the city, and shall take care that the ordinances of the city and the state laws relating to such city, are complied with. The Mayor shall take care that the laws, ordinances, resolutions, rules and regulations of the city be faithfully executed. The Mayor may require oral or written reports and opinions from the directors of all executive departments of the City or from the heads of other departments, boards, and commissions of the City, except the Judge of the municipal court.

***SHU, PLEASE LOOK AT THIS SECTION AND SECTION 5.2(d) AND RESOLVE TO MAKE CLEAR WHO EXECUTES LAWS, SHOULD NOT BE THE SAME FOR BOTH...COORDINATE, FINE TUNE (SEE TRACY).

(d) **APPOINTMENTS** - The Mayor with the advice and consent of a majority of the Board of Aldermen, shall appoint all members of committees, boards and commissions.

(e) **ADMINISTRATIVE POLICY MATTERS** - The Mayor shall have no

authority to intervene or otherwise interfere with the exercise by the City Administrator of the powers and duties provided by Section 5.2 hereof.

(f) **REVIEW CITY ADMINISTRATOR** - The Mayor shall preside as chairman of the Board of Aldermen's review of the City Administrator's performance as provided in Section 5.3 hereof.

(g) **OTHER DUTIES** - The Mayor shall exercise such other powers and perform such other duties as may be prescribed by this Charter, by ordinance, or by law.

Section 4.5 COMPENSATION, ALLOWANCES AND EXPENSES.

The salary of the Mayor shall be fixed by ordinance, and shall not be increased or diminished during the Mayor's term of office. The Mayor may receive reasonable reimbursement for actual and necessary expenses as approved by the Board of Aldermen, provided that such expenses are supported with appropriate documentation.

Section 4.6 PROHIBITIONS.

(a) **HOLDING OTHER OFFICE** - Except where authorized by law, or pursuant to an agreement between the city and another entity of government, no Mayor shall hold any other elective office of the city, state or its political subdivisions or be employed by the city during the term for which he/she was elected to the office of Mayor. No former Mayor shall hold any compensated appointed city office or city employment until two (2) years after the expiration of the term for which he/she was elected or appointed to the office of Mayor.

(***SHU, check this section with the same concerns as Section 3.7..."compensated appointed city office")

Section 4.7 VACANCY.

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

(b) If a vacancy occurs in the office of Mayor, the Acting 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 called for the purpose of electing a Mayor for the remainder of the term. Said election shall be called on the next prescribed election day as set by the Board of Election Commissioners of St. Louis County, except when the vacancy occurs within six (6) months immediately preceding the expiration of the Mayor's term, the Acting 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 Acting President of the Board of Aldermen shall continue to have a vote in the Board, but shall not have the veto power.

Section 4.8 FORFEITURE OF OFFICE.

The office of Mayor shall be forfeit if: (1) at any time during the term of office, the Mayor lacks any qualifications prescribed by this Charter or by law; or (2) the Mayor violates any Article of this Charter.

ARTICLE V

CITY ADMINISTRATOR

Section 5.1 CITY ADMINISTRATOR.

There shall be a City Administrator nominated by the Mayor and appointed with the advice and consent of a majority 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 Board of Aldermen, or by a two-thirds (2/3) vote of the Board of Aldermen on its own initiative, with no right of appeal.

The City Administrator shall be paid a salary of an amount established by the Mayor, with the approval of a majority of the Board of Aldermen or by a two-thirds (2/3) vote of the Board of Aldermen on its own initiative. The person appointed to the office of City Administrator shall possess qualifications provided by ordinance. If the City Administrator becomes incapacitated, a temporary city administrator should be appointed by the Mayor with the advice and consent of a majority of the Board of Aldermen.

Section 5.2 POWERS AND DUTIES.

The City Administrator shall be responsible to the Mayor and the Board of Aldermen for the administration of all city affairs placed in his charge by or under this Charter. He shall have the following powers and duties:

(a) **APPOINTMENT AND REMOVAL OF DEPARTMENT DIRECTORS** - The City Administrator shall appoint and, when the City Administrator deems it necessary for the good of the city, suspend or remove all city employees including appointed department heads. Appointment or removal of department heads is subject to the approval by the Mayor and the Board of Aldermen. The City Administrator may authorize any administrative officer who is subject to the City Administrator's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency, subject to right of appeal provided by ordinance.

(b) **ADMINISTRATION OF DEPARTMENTS** - The City Administrator shall direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by

this Charter or by law.

(c) **ATTEND BOARD OF ALDERMEN MEETINGS** - The City Administrator shall attend all meetings of the Board of Aldermen unless excused by the Board of Aldermen. The City Administrator shall have the right to take part in discussions at meetings of the Board of Aldermen, but shall have no power to vote. The City Administrator shall receive notice of all meetings.

(d) **ENFORCEMENT OF LAWS** - The City Administrator shall see that all laws, provisions of this Charter and acts of the Board of Aldermen, subject to enforcement by the City Administrator or by officers subject to the City Administrator's direction and supervision, are faithfully enforced.

(***SHU, PLEASE LOOK AT THIS SECTION AND SECTION 4.4(c) AND RESOLVE TO MAKE CLEAR WHO EXECUTES LAWS, SHOULD NOT BE THE SAME FOR BOTH...COORDINATE, FINE TUNE (See Tracy).***)

(e) **BUDGET AND CAPITAL PROGRAM** - The City Administrator shall submit annually a recommended budget and a projected five (5) year capital improvement, replacement, and personnel needs program to the Mayor and Board of Aldermen.

(f) **FINANCE AND ADMINISTRATIVE RECORD** - The City Administrator shall submit to the Mayor and Board of Aldermen and make available to the public, a complete report on the finances and administrative activities of the city as of the end of each fiscal year.

(g) **REPORT OF FINANCIAL CONDITION OF CITY** - The City Administrator shall keep the Mayor and Board of Aldermen fully apprised as to the financial condition and future needs of the city and make recommendations to the Mayor and Board of Aldermen concerning the affairs of the city as the City Administrator deems desirable.

(h) **OTHER REPORTS** - The City Administrator shall make such other reports as the Mayor and Board of Aldermen may require concerning the operations of city departments, offices and agencies subject to the City Administrator's direction and supervision.

(i) **OTHER DUTIES** - The City Administrator shall perform such other duties as are specified in this Charter or may be required by the Board of Aldermen.

Section 5.3 PERFORMANCE REVIEW.

The City Administrator shall receive a performance review from the Mayor and Board of Aldermen at least once a year. Each performance review shall be made a part of the confidential personnel file of the City Administrator.

ARTICLE VI

Section 6.1 ADMINISTRATIVE ORGANIZATION.

(a) **DEPARTMENTS, ETC.** Existing departments, agencies, authorities and offices shall be continued as constituted on the effective date of this Charter until thereafter changed pursuant to this Charter or by ordinance.

(b) **BOARDS, COMMISSIONS.** Existing boards and commissions shall remain in effect unless changed pursuant to this Charter or by ordinance.

Section 6.2 PERSONNEL SYSTEM.

The personnel code shall provide that all appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence without regard to race, sex, age, disability, national origin, or political or religious opinions or affiliations, in accordance with applicable state and federal law. This Charter shall adopt the current personnel code in effect as written in Section 18 of the municipal code of the City of Crestwood, Missouri, as it may be amended by ordinance from time to time.

ARTICLE VII

FINANCIAL PROCEDURES

Section 7.1 FISCAL YEAR.

Crestwood's fiscal year shall begin on the first day of July and end on the last day of June, unless otherwise set by ordinance.

Section 7.2 BUDGET.

(a) **SUBMISSION; CONTENTS** - 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 proposed final budget and accompanying written narrative. The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or this Charter, shall be in such form as the City Administrator deems desirable or the Board of Aldermen may require. The budget shall indicate in separate sections:

(1) Proposed expenditures for current operations during the ensuing fiscal year and the method of financing such expenditures; and

(2) Proposed capital expenditures during the ensuing fiscal year and the proposed method of financing each such capital expenditures.

In no event shall the total proposed expenditures for any fund defined by city ordinances exceed the estimated, available revenues. Revenue estimates shall be adjusted to reflect any unencumbered or undesignated balance from the previous year, or any deficit balance estimated for the beginning of the fiscal year.

(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 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.

(c) **PUBLIC HEARING** - After a fifteen (15) day public notice, the Board of Aldermen shall hold a public hearing on the proposed budget prior to its adoption.

(d) **AMENDMENT BEFORE ADOPTION** - After the public hearing, the Board of Aldermen may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated revenues and unencumbered or undesignated balance from any previous fiscal year.

(e) **ADOPTION** - The budget and capital program shall be adopted by Resolution adopted by the affirmative vote of a majority of the authorized members of the Board of Aldermen on or before the last day of the current fiscal year. If the Board of Aldermen fails to adopt the budget by this date, amounts appropriated for existing city operations during the current fiscal year shall be deemed adopted for the ensuing fiscal year on a pro-rated month-to-month basis until the Board of Aldermen shall adopt a budget.

(f) **BUDGETED ITEMS APPROPRIATED** - Adoption of the budget shall constitute an appropriation of the amounts specified therein as expenditures.

(g) **SUPPLEMENTAL APPROPRIATIONS** - During the course of the fiscal year, the Board of Aldermen may by Resolution make supplemental appropriations if the City Administrator certifies that funds will be available for such expenditures.

(h) **INSUFFICIENT REVENUES** - If at any time during the fiscal year it appears probable to the City Administrator that the revenues available will be insufficient to meet the amount

appropriated, it shall be reported to the Mayor and Board of Aldermen without delay. The City Administrator shall indicate the estimated amount of the deficit and any remedial action taken, and recommend further steps to be implemented. The Board of Aldermen shall then take such further action as it deems necessary to prevent any deficit, and for that purpose it may by Resolution reduce appropriations.

(i) **AMENDMENTS 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 Resolution 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 only by Resolution of the Board of Aldermen.

(j) **APPROPRIATIONS LAPSE** - All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been spent, lawfully encumbered or authorized for prorata expenditure in a fiscal year for which a budget has not been adopted pursuant to the provisions of Section 7.2(e), of this Charter.

(k) **PROHIBITED PAYMENTS AND OBLIGATIONS** - No payment shall be made or obligation incurred against any appropriation except in accordance with appropriations duly made. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and payment so made illegal; such action shall be cause for removal of any city employee or elected official who knowingly authorized or made such payment or incurred such obligation, and the employee or elected official shall also be liable to the city for any amount so paid. However, except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by Resolution.

(l) **PUBLIC RECORDS** - Copies of the budget and capital program as adopted shall be public records and shall be made available to the public at the Government Center.

Section 7.3 TAXATION POWERS.

Taxes as authorized by law shall be levied by ordinance.

Section 7.4 SALE OF BONDS.

The city shall be authorized to sell any bonds as may now or hereafter be authorized by law. Bonds sold by the city may be sold at private or public sale as authorized by law. In the

event such bonds are to be sold at public sale, the same shall be sold upon sealed proposals after (***) Shu, do we want to use "reasonable" or "fifteen (15) days", is that enough time?) public notice has been given as provided by ordinance or otherwise by law. Any public sale shall be conducted according to whatever terms and conditions may be provided by ordinance.

ARTICLE VIII

NOMINATIONS AND ELECTIONS

Section 8.1 CITY ELECTIONS

(a) **REGULAR ELECTIONS.** The regular city election shall be held annually, on the date provided by state law.

(b) **SPECIAL ELECTIONS.** The Board of Aldermen may, by resolution, order special elections, fix the time for such elections, and provide for holding such elections on any of the dates provided for elections by state law.

(c) **CONDUCT OF ELECTIONS.** All city elections shall be non partisan and governed by the provisions of this Charter and applicable state law. The Board of Aldermen may further regulate elections by ordinance, subject to the provisions of this Charter and applicable state law.

Section 8.2 NOMINATIONS

(a) **DECLARATION OF CANDIDACY.** Nomination of candidates for elective city offices shall be made by declaration of candidacy filed with the City Clerk in the form and manner prescribed by ordinance. No person shall be allowed to file for more than one office.

(b) **REGULATION BY BOARD OF ALDERMEN.** Nothing contained in this Charter shall prevent the Board of Aldermen from further regulating the conduct of nominations consistent with the provisions of this Charter and applicable state laws.

Section 8.3 DETERMINATION OF ELECTION RESULTS

(a) **NUMBER OF VOTES.** At the city election for Mayor each voter shall be entitled to vote for one candidate. At the city election for Aldermen, each voter shall be entitled to vote for one candidate to represent the ward in which the voter resides. If two aldermen are to be elected from any ward at a regular election where only one alderman normally would be elected, there shall be placed on the ballot two separate offices for election: one office for the unexpired term, and one office for the full three-year term.

(b) **RETURNS.** The candidate receiving the highest number of votes for each office, as certified by the St. Louis County Board

of Election Commissioners, shall be declared elected. Installation into office shall be no more than three weeks following receipt of certification.

(c) **REGULAR AND SPECIAL ELECTIONS TIE VOTE.** If at any regular or special election there shall be two (2) or more candidates receiving an equal number of votes as certified by the St. Louis County Board of Election Commissioners, and if that number of votes would otherwise qualify each such tied candidate for election to office, then the Board of Aldermen shall call a special election at the next available election date at which said candidates shall be the only candidates. The incumbent shall remain in office until a successor has been elected and duly installed.

Section 8.4 WARDS

(a) There shall be four (4) wards, bounded and numbered the same as the wards that exist at the time of adoption of this Charter. Ward boundaries shall be established by ordinance following each decennial census as set forth by federal law.

(b) Whenever any change in the boundaries of any ward shall be made, an existing alderman who no longer resides in that ward shall remain until the next regular election.

(c) A Redistricting Committee, appointed in accordance with Section 8.4 (d) shall recommend any changes in Ward Boundaries.

(d) The Redistricting Committee shall consist of seven (7) members: Four (4) members, one from each of the existing wards, appointed by the Mayor and individually approved by three fourths (3/4) of the authorized members of the Board of Aldermen, also the Director of Public Works, the City Clerk, and the City Administrator shall serve on the committee. The committee shall submit its findings to the Board of Aldermen for approval.

ARTICLE IX

INITIATIVE AND REFERENDUM

Section 9.1 GENERAL AUTHORITY.

(a) **INITIATIVE.** The qualified voters of the city shall have power to propose ordinances to the Board of Aldermen. If the Board of Aldermen fails to adopt an ordinance so proposed without any change in substance, the qualified voters may adopt or reject it at a city election. Such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, any ordinance levying a special assessment, zoning, or salaries of city officers or employees. No proposed initiative ordinance shall contain more than one subject, which shall be clearly expressed in its title.

An initiative petition may be utilized to amend or repeal any ordinance other than those excluded above, including an ordinance for which the referendum time has lapsed.

(b) **REFERENDUM.** The qualified voters of the city shall have power to require reconsideration by the Board of Aldermen of any adopted ordinance. If the Board of Aldermen fails to repeal an ordinance so reconsidered, the qualified voters may approve or reject it at a city election. Such power shall not extend to the budget or capital program, or any ordinance relating to appropriation of money, levy of taxes, or salaries of city officers or employees. No referendum shall contain more than one subject, which shall be clearly expressed in its title.

Section 9.2 COMMENCEMENT OF PROCEEDINGS; PETITIONERS' COMMITTEE; AFFIDAVIT.

Any five (5) qualified voters of the city may commence initiative or referendum proceedings by filing with the City Clerk an affidavit, on a form provided by the city, stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their names, addresses and phone numbers and specifying the address to which all notices to the committee are to be sent, and setting out in full the proposed initiative ordinance or citing the ordinance sought to be reconsidered.

Not more than seven (7) days after the affidavit of the petitioners' committee is filed, the clerk shall issue the appropriate petition blanks to the petitioners' committee.

Section 9.3 PETITIONS.

(a) **NUMBER OF SIGNATURES.** Initiative and referendum petitions must be signed by registered voters of the city equal in number to at least twelve percent (12%) of the total number of voters registered at the last regular city election.

(b) **FORM AND CONTENT.** All papers of a petition shall be uniform in size and style and shall be assembled as one instrument of 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.

(c) **AFFIDAVIT OF CIRCULATOR.** When filed, each paper of a petition shall have attached to it an affidavit executed by the circulator thereof stating that he/she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read

the full text of the ordinance proposed or sought to be reconsidered.

Section 9.4 TIME FOR FILING PETITIONS.

(a) Initiative petitions must be filed within sixty (60) days of the issuance of the appropriate petition forms to the petitioners' committee.

(b) Referendum petitions must be filed within forty-five (45) days after adoption by the Board of Aldermen of the ordinance sought to be reconsidered.

Section 9.5 PROCEDURE AFTER FILING.

(a) **CERTIFICATE OF CLERK: AMENDMENT.** Within twenty (20) days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying if it is insufficient the particulars where in it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail, return receipt requested. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the clerk within two (2) business days after receiving the copy of the clerk's certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 9.3, and within five (5) days after it is filed, the clerk shall complete a certificate as to the sufficiency of the petitions as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail return receipt requested, as in the case of an original petition. If a petition is certified to be insufficient and no timely amended petition is filed, or if an amended petition is certified to be insufficient, no further action shall be had thereon and such determination shall be deemed the final determination.

(b) **COURT REVIEW; NEW PETITION.** A final determination as to the sufficiency of a petition shall be subject to court review. (***) SHU, Should wording be placed in here so that the court review process must happen within a certain amount of time?) A final determination of insufficiency, even if sustained upon court review, shall not prejudice the filing of a new petition for the same purpose.

Section 9.6 REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF ORDINANCE.

When a petitioners' committee files its affidavit with the City Clerk, the ordinance sought to be considered shall be suspended from taking effect. Such suspension shall terminate when:

- (1) Petition is not filed in accordance with provisions of Section 9.4(b) herein;
- (2) There is a final determination of insufficiency of the petition; or
- (3) The petitioners' committee withdraws the petition; or
- (4) The Board of Aldermen repeals the ordinance; or
- (5) Election results sustaining the ordinance have been certified by the St. Louis County Election Commission.

Section 9.7 ACTION ON PETITIONS.

(a) **ACTION BY BOARD OF ALDERMEN.** When an initiative or referendum petition has been finally determined sufficient, the Board of Aldermen shall promptly consider the proposed initiative ordinance in the manner provided in Article III, Section 3.13(f), or reconsider the referred ordinance by voting its repeal. If the Board of Aldermen fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date of the petition was finally determined sufficient, it shall submit the proposed or referred ordinance to the voters of the city.

(b) **SUBMISSION TO THE VOTERS.** The vote of the city on a proposed or referred ordinance shall be held at the next legally available election date following the date of the final Board of Aldermen vote thereon. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) **WITHDRAWAL OF PETITIONS.** An initiative or referendum petition may be withdrawn at any time prior to the election certification date established by the St. Louis County Election Board by filing with the City Clerk a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and proceedings thereon shall be terminated.

Section 9.8. RESULTS OF ELECTION.

(a) **INITIATIVE.** If a majority of the qualified electors voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results by the St. Louis County Board of Election Commissioners and shall be treated in all respects in the same manner as ordinances of the same kind adopted by the Board of Aldermen. (** SHU, please check this wording.)

If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall

prevail to the extent of such conflict. In the event of a tie, there shall be a run-off election to be held at the next legally available election date.

(b) **REFERENDUM.** If a majority of the qualified electors voting on a referred ordinance vote to repeal the ordinance, it shall be considered repealed upon certification of the election results by the St. Louis County Board of Election Commissioners.

ARTICLE X

RECALL

Section 10.1 GENERAL AUTHORITY

The qualified voters of the city shall have power to recall any elected official of the City of Crestwood. No elected official shall be subject to recall during the first One Hundred Twenty (120) days after the official's induction into office. Likewise, no elected official shall be subject to recall during the last one hundred twenty (120) days of the official's term. If the elected official is retained in office upon any recall election, the official shall not be again subject to recall during the same term of office. Recall of the Mayor shall be by petition and vote of the qualified voters of the city. Recall of a member of the Board of Aldermen shall be by petition and vote of the qualified voters of that member's ward.

The recall question shall be submitted to the voters in substantially the following form:

Shall Name_____

Title_____

be removed from office?

Yes_____No_____

Section 10.2 COMMENCEMENT OF PROCEEDINGS; PETITIONERS' COMMITTEE; AFFIDAVIT.

Any five qualified voters of the city may commence recall proceedings by filing with the City Clerk an affidavit, in a form to be provided by the city, an affidavit stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form, stating their printed names, addresses and phone numbers and specifying the address to which all notices to the committee are to be sent, and setting out in full the name and office of the person to be recalled. The members of the committee must be registered voters qualified for the recall election.

Not more than seven (7) days after the affidavit of petitioners' committee is filed, the Clerk shall issue the appropriate petition blanks to the petitioners' committee.

Section 10.3 PETITIONS.

(a) **NUMBER OF SIGNATURES.** A petition for recall of the Mayor shall require twenty percent (20%) of the total number of voters registered at the last regular city election; a petition for recall of a member of the Board of Aldermen shall require twenty percent (20%) of the total number of voters registered at the last regular city election in that member's ward.

(b) **Form and Content.** All papers of a petition shall be uniform in size and style and shall be assembled as one instrument of 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. No petition shall seek the recall of more than one officer, but several propositions for recall may be separately submitted at the same election on the same ballot.

(c) **AFFIDAVIT OF CIRCULATOR.** When filed, each paper of a petition shall have attached to it an affidavit executed by the circulator thereof stating that he/she personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in his presence, that he believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the name and office of the city official to be recalled.

Section 10.4 TIME FOR FILING PETITIONS.

Recall petitions must be filed within sixty (60) days of the issuance of the appropriate petition forms to the petitioner's committee.

Section 10.5 PROCEDURE AFTER FILING.

(a) **CERTIFICATE OF CLERK: AMENDMENT.** Within twenty (20) days after the recall petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying if it is insufficient the particulars wherein it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail, return receipt requested. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the Clerk within two (2) business days after receiving the copy of his certificate and files a supplementary petition upon additional papers within ten (10) days after receiving the copy of such certificate. Such supplementary petition shall comply with the

requirements of subsections (b) and (c) of Section 10.3, and within five (5) days after it is filed, the Clerk shall complete a certificate as to the sufficiency of the petitions as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail return receipt requested, as in the case of an original petition. If a petition is certified insufficient and no timely amended petition is filed, or if an amended petition is certified to be insufficient, no further action shall be had thereon and such determination shall be deemed the final determination.

(b) **COURT REVIEW; NEW PETITION.** A final determination as to the sufficiency of a petition shall be subject to court review. (**SHU, should wording be placed in here to limit the amount of time for a court review?) A final determination of insufficiency, even if sustained upon court review shall not prejudice the filing of a new petition for the same purpose.

Section 10.6 ACTION ON PETITIONS.

(a) **SUBMISSION TO THE VOTERS.** When a recall petition has been certified to the Board of Aldermen as sufficient by the City Clerk, the Board of Aldermen shall at its next regular meeting after receipt of such certification, fix a date for holding the election at the next legally available election date.

(b) **WITHDRAWAL OF PETITIONS.** A recall petition may be withdrawn at any time prior to the election certification date established by the St. Louis County Election Board by filing with the City Clerk a request for withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such request, the petition shall have no further force or effect and proceedings thereon shall be terminated.

Section 10.7 RESULTS OF RECALL ELECTION.

If a majority of the registered qualified electors voting in such recall election shall vote in favor of the recall, then a vacancy shall exist, regardless of a defect of the recall petition. Such vacancy shall be filled as provided in this Charter. Any such person who has been recalled shall be ineligible to serve in the city in any capacity at any time during the remainder of the term for which the official was originally elected.

ARTICLE XI

FRANCHISES

Section 11.1 GRANTING OF FRANCHISES.

All public utility franchises and all renewals, extensions and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted within less than thirty (30) days after application therefor has been filed with the Board of

Aldermen, nor until a full public hearing has been held thereon. No exclusive franchises shall ever be granted, and no franchise shall be granted for a term longer than twenty (20) years. No such franchise shall be transferable directly or indirectly, except with the approval of the Board of Aldermen expressed by ordinance after a public hearing.

Section 11.2 RIGHT OF REGULATION.

All public utility franchises, whether they be so provided in the ordinance or not, shall be subject to the right of the Board of Aldermen to:

(a) Repeal the same for misuse or nonuse, or for failure to comply therewith; or shorten the term thereof for failure to comply with the provisions of this section (and regulations adopted in accordance with this section) or with the provisions of the franchise ordinance.

(b) Require proper and adequate extension of plant and service and the maintenance thereof at the highest practical standards of efficiency.

(c) Establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.

(d) Make an independent audit and examination of accounts at any time and require reports annually.

(e) Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.

(f) Control and regulate the use of the city streets, alleys, bridges and public places, and the space above and beneath them.

(g) Regulate rates, fares, and charges and make adjustments thereof from time to time if the same are not regulated by the state or federal governments.

(h) Impose such other regulations from time to time as it may determine to be conducive to the safety, welfare and accommodation of the public.

Section 11.3 TEMPORARY PERMITS.

Temporary permits for the operation of public utilities or like permits for a period not to exceed two (2) years but subject to being renewed for a period not to exceed one (1) year and subject to amendment, alteration, or revocation at any time at the will of the Board of Aldermen may be granted only by ordinance on such terms and conditions as the Board of Aldermen shall determine.

Such permits shall in no event be construed to be franchises or extensions or amendments of franchises.

Section 11.4 OPERATION BEYOND FRANCHISE PERIOD.

Any operation of a public utility by a franchise holder, with the tacit permission of the city, beyond the period for which the franchise was granted, shall under no circumstances be construed as a renewal or extension of such franchise. Any such operation shall at most be regarded as a mere temporary permit subject, like other permits, to amendment, alteration or revocation at any time at the will of the Board of Aldermen.

ARTICLE XII

LICENSING, TAXATION AND REGULATION OF BUSINESSES, OCCUPATIONS, PROFESSIONS, VOCATIONS AND OTHER ACTIVITIES OR THINGS

Section 12.1 OBJECTS OF LICENSING, TAXATION AND REGULATION.

The Board of Aldermen shall have power by ordinance to license, tax and regulate all businesses, occupations, professions, vocations, activities or things whatsoever set forth and enumerated by the statutes of this state now or hereafter applicable to constitutional charter cities, or cities of the first, second, third or fourth class, (**SHU, Tracy added "first" and "second" and asks if there is any advantage to adding first and second class cities to this sentence) or of any population group, and which any such cities are now or may hereafter be permitted by law to license, tax and regulate.

ARTICLE XIII

GENERAL PROVISIONS

Section 13.1 PERSONAL FINANCIAL INTEREST:

Any elected or appointed officer or employee of the city who has substantial financial interest, direct or indirect, as defined by state statutes, in any transaction with the city, shall make known that interest in writing to the Board of Aldermen. Such officer or employee shall refrain from voting upon or otherwise participating in his or her capacity as a city officer or employee in the making of any such transaction.

Any city officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position, and shall forfeit his or her office or position. Violation of this section with the knowledge, expressed or implied, of the person or corporation engaged in

such transaction with the city shall render the contract or sale voidable by the Mayor or Board of Aldermen.

Section 13.2 POLITICAL ACTIVITY

No city employee shall solicit any contribution for the campaign fund of any candidate for Crestwood city office or take part in the political campaign of any candidate for Crestwood city office. All employees may exercise their right as private citizens to express opinions and if a registered voter in Crestwood, to sign a nominating petition for any city candidate, and to vote in any city election.

Political affiliation, participation or contribution shall not be considered in making any city employment decision. No city officer, employee or member of a board or commission shall use official authority or official influence for the purpose of interfering with or affecting the result of an election or nomination for Crestwood city office. No city officer, employee or member of a board or commission shall directly coerce, attempt to coerce, command, advise, or solicit a city employee to pay, lend, or contribute anything of value to a committee, organization, agency or person for political or electoral purposes of any candidate for Crestwood city office.
(***Shu, any conflict with 1st Amendment rights?)

Section 13.3 PROHIBITIONS.

(a) ACTIVITIES PROHIBITED.

(1) No person shall be appointed to, or removed from, or in any way favored or discriminated against with respect to any city position or appointive city administrative office, because of race, sex, age, disability, national origin, or political or religious opinions or affiliations, in accordance with applicable state and federal law.

(2) No person who seeks appointment, promotion or retention with respect to any city position or appointive city administrative office shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with his or her test, appointment, proposed appointment, promotion or proposed promotion.

(b) PENALTIES.

Any person who, by himself or herself or with others, willfully violates any of the provisions of Section 13.3(a) of this Charter, shall upon conviction, be deemed guilty of a misdemeanor and shall be subject to fine, imprisonment or both as may be provided by ordinance. Any person who violates any of the aforementioned provisions, shall forfeit his or her office or employment with the city.

Section 13.4 NOTICE OF SUITS.

No action shall be maintained against the city for or on account of any injury growing out of alleged negligence of the city unless notice shall first have been given in writing to the City Administrator within ninety (90) days of the occurrence for which said damage is claimed, stating the place, time, character and circumstances of the injury, and that the person so injured will claim damages therefor from the city.

Section 13.5 BONDS.

All officers and employees of the city who receive, disburse, or are responsible for city funds, and such other appointed or elected officers and employees as the Board of Aldermen by ordinance may designate, shall, within such time after election or appointment as may be fixed by ordinance, and before entering upon the discharge of their duties, give bond to the city in such sums and with such sureties as shall be prescribed by ordinance, and subject to approval by the Board of Aldermen, but not less than \$50,000, conditioned upon the faithful and proper performance of their duties and for the prompt accounting for and paying over to the city of all monies belonging to the city that may come into their hands. The city shall pay the premiums on all such bonds.

Section 13.6 CHARTER AMENDMENT.

Amendment to this Charter may be framed and submitted to the electors by a commission in the manner provided by law and the Constitution of the State of Missouri for framing and submitting a complete charter. Amendments may also be proposed by ordinance by the Board of Aldermen, by Charter Review Commission, or by petition signed by a number of registered, qualified voters equal to at least twelve percent (12%) (Shu to check) of the total number of persons registered to vote at the last regular municipal election, setting forth the proposed amendment and filed with the City Clerk, in the manner prescribed for initiative petitions as set forth by this Charter.

Any amendment approved by a majority of the registered, qualified voters voting thereon shall become a part of this Charter at the time and under the conditions fixed in the amendment; sections or articles may be submitted separately or in the alternative and determined as provided by law and the Constitution of the State of Missouri for a complete Charter.

Section 13.7 CHARTER REVIEW COMMISSION.

From time to time, but no less than every ten (10) years, the Mayor and Board of Aldermen shall provide for a Charter Review Commission to consider whether any amendments to this Charter are appropriate. The members of the Charter Review Commission shall be appointed by the Mayor and approved by the Board of Aldermen.

The Charter Review Commission shall consist of at least nine (9) persons, not more than one of whom shall be an elected official of the city with at least two members from each ward. The Charter Review Commission shall, within twelve (12) months of its first meeting, report to the Board of Aldermen as many amendments to the Charter as it shall deem advisable. The Board of Aldermen shall by ordinance submit such proposed amendments to the voters at the next regular election.

Section 13.8 PROOF OF ORDINANCE.

Any ordinance may be proved by a copy thereof certified by the City Clerk under the seal of the city; or, when printed and published by authority of the city, shall be received in evidence in all courts, or other places, without further proof of authenticity.

Section 13.9 SEPARABILITY.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

Section 13.10 INDEMNIFICATION.

(***SHU, This is where the commission felt an indemnification provision for Board and other city officers from being sued as individuals could be placed. They look to you for wording.)

ARTICLE XIV

TRANSITIONAL PROVISIONS

Section 14.1 CITY EMPLOYEES.

An employee holding a city position at the time this Charter takes full effect, shall continue to be subject to the personnel system established pursuant to Section 6.2 hereof.

Section 14.2 ELECTED AND APPOINTED OFFICIALS.

All persons in elective and appointive positions in the City of Crestwood at the time of the adoption of this Charter shall continue to hold their offices until their successors are elected or appointed and qualified.

Section 14.3 ORDINANCES TO REMAIN IN FORCE.

All ordinances, regulations and resolutions in force at the time this Charter takes effect, which are not inconsistent with the provisions of this Charter, shall remain and be in force until

altered, modified or repealed by or under authority of this Charter or ordinance.

Section 14.4 PENDING ACTIONS AND PROCEEDINGS.

No action or proceeding, civil or criminal, pending at the time this Charter shall take effect, brought by or against the city or any office, department, agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained.

Section 14.5 CONTINUANCE OF CONTRACTS, PUBLIC IMPROVEMENTS AND TAXES.

All contracts entered into by the city, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect.

Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws.

All taxes and assessments levied or assessed, all fines and penalties imposed and all other obligations owing to the city which are uncollected at the time this Charter becomes effective, shall continue in full force and effect and shall be collected as if no change had been made.

ARTICLE XV

SCHEDULE

Section 15.1 PURPOSE OF SCHEDULE.

The purpose of the following provisions is to promote the orderly transition from the present 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.

This Charter shall be submitted to a vote of the electors of the City of Crestwood at a regular election to be held on the 7th day of November, 1995. The election shall be administered by the officials now charged with the responsibility for the conduct of city elections.

Section 15.3 TIME OF TAKING EFFECT.

This Charter shall be in full effect for all purposes on and after the date and time of the certification of the election results set forth in Article 15.2 of this Charter.

Section 15.4 FIRST REGULAR ELECTION.

The first 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 limitations imposed by Section 3.5 of this Charter. Subsequent elections for all aldermanic seats shall be for three (3) year terms, in accordance with Section 3.4 and 3.8 of this Charter. (**SHU, can this be made any tighter" (language defensible) to insure that someone serving or running for an unexpired term will not have a three year term? Is it covered sufficiently in Section 3.4 and 3.8(c)?)

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

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, May 24, 1995

The twenty-second meeting of the City of Crestwood Charter Commission was held on Wednesday, May 24, 1995 in the Fire Department Training Room at the Crestwood Government Center at 7 P.M., Chairman Jerry Bratsch presiding.

Members Present:

Jane Armbruster	Tracy Huston
Jerry Bratsch	Thomas Killoren
LaVerne Cannon	Ed Lang
Burt Droste	Debbie Murray
Pat Duwe	

Members Absent:

Madonna Laws
John McGowan
Bob Parsons
Bob Theiss

Others Present:

Carol Schneiderhahn, City Clerk
Sandra L. Grave, Acting Recorder

Tracy Huston asked to be recognized first to speak regarding the previous commission meeting of May 17th and also the minutes of that meeting.

On Page 4 under **Board of Aldermen**, a provision should be added requiring the Board to choose an Acting President within a certain period of time after each election. In the Charter, we already speak of a vacancy in the Office of Mayor, but thus far, we do not address providing for that position. Tracy feels that the Board of Aldermen should choose an Acting President within forty-five days after a general municipal election, to be inserted in the Charter after Section 3.12, who shall preside at meetings in the absence of the Mayor and serve as Acting Mayor as provided in Section 4.7b. Tracy so moved, seconded by Debbie Murray and carried unanimously.

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, May 24, 1995

Page Two

Tracy then stated that in the minutes, **Section 3.8C - (Filling Vacancies on the Board of Aldermen)** is mentioned. He explained that the Mayor, City Administrator and the City Attorney are a part of the executive administration of the City and should rightfully be nominated by the Mayor and confirmed by the Board of Aldermen. However, in the case of aldermen, they should have the right to fill their own vacancies by their own nominations, without nomination by the Mayor. The Board is the Legislative body and the Mayor is the Executive, and Tracy does not feel it's a proper function for the Mayor to nominate persons who would serve in the Legislative body. These two functions should be kept separate from each other.

Tom Killoren suggested that the Mayor make the nomination, and if such nomination does not receive approval from the Board, the Mayor should then relinquish the right, and the Board of Aldermen may nominate someone to fill the vacancy. Tracy stated that he would support Tom's compromise. Ed Lang, however, feels that an alderman not able to serve a full term is still elected by the voters in that ward and not by the city at large. He, therefore, feels that the aldermen who are closer to the individual wards should nominate someone rather than the Mayor. If the Mayor is the only one who can nominate, then the Mayor is the only one who can control who sits in that seat no matter how short the vacancy may be.

Tracy Huston then stated that he would move that the commission accept Tom Killoren's compromise on this issue using the appropriate wording necessary in that the Mayor nominates someone to fill a vacancy on the Board of Aldermen and if such nomination does not receive the approval of the Board, the Mayor relinquish the nomination and the Board of Aldermen nominate someone they choose to fill the vacancy. Motion seconded by Pat Duwe and carried unanimously.

Tracy stated on **Page 9, City Administrator (4.A1)** - at the end of the first paragraph - **"with no right to appeal"** - should be added after the word **"initiative"**. He has discussed this with Shu Simon and upon her review, it should be added. The commission members agreed.

Section 8-A.3.(a) Number of Signatures. In the second line, delete the word **"qualified"**.

Section 8-A.6.(a) Submission to the Voters. Wording for this section is as follows:

"When a recall petition has been certified to the Board of Aldermen as sufficient by the City Clerk, the Board of Aldermen shall at its next regular meeting after receipt of such certification, fix a date for holding the election at the next legally available election date."

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD
Wednesday, May 24, 1995
Page Three

Page 24, Section 10.1 - Objects of Licensing, Taxation and Regulation. "Council" should be changed to "Board of Aldermen" in the first sentence. Tracy Huston suggested that "first and second-class cities" be added to this section, and has requested that Shu Simon give the commission her legal opinion regarding any advantage to adding it.

After the **Section 11.9 Separability**, Tracy Huston suggested that some type of indemnification section be included. The commission agreed. It should include wording to the effect that the Board and other City officers cannot be sued as individuals. Shu Simon will come up with the correct phrasing in this section.

Section 12.2 Elected and Appointed Officials. In the second line, after the word "shall" add the words "continue to" hold their offices...., etc.

Section 13.4 First Regular Election. Discussion followed regarding the language used in this section and whether or not someone serving or running for an unexpired term would not have a three-year term. At Tracy's suggestion, Shu will be asked whether it is covered sufficiently in Section 3.4 and 3.8(c) and whether the wording is dependable. The wording determined at this time is as follows:

"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 limitations imposed by Section 3.5 of this Charter. Subsequent elections for all aldermanic seats shall be for three (3) year terms, in accordance with Section 3.4 and 3.8 of this Charter."

Burt Droste noted that on **Page 20**, under **Section 8-A.2** - in the second line after the word "affidavit" the words "in a form to be provided by the City" should be added. The commission agreed stating that this should also be included on **Page 16** under **Section 8.2**.

Discussion followed regarding when the updated draft would be completed so that it would be ready for the City Attorney's review. The City Clerk will update the latest draft and submit it to Shu Simon and the commission members by June 5th, in order to be ready for discussion on Wednesday, June 21st at 7 P.M. At that time, Shu will discuss and exchange with us any questions, changes, or comments. This meeting may last longer than the usual two hours in order to get through the Charter draft completely.

Chairman Bratsch stated he would like to see our work completed by June 28th which would leave July and August for us to tie up the loose ends.

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD
Wednesday, May 24, 1995
Page Four

Discussion ensued regarding promotional ideas to publicize the Charter. Chairman Bratsch stated that we need to check with the City Attorney regarding funding of yard signs. She will also need to advise us on what we can do and what the City can finance.

Chairman Bratsch stated that Dan Ladd of the Journal expressed his willingness to write an article, and offered his assistance to the commission. The commission members were pleased and expressed their appreciation for his willingness to help, and also for all of Dan's time and effort in coming to our meetings for the past several months.

It was then decided that we would defer any promotional ideas until September. With people vacationing during Summer months, the commission agreed that this Fall we could start some kind of promotional plan with Lindbergh High School or school civic classes. Also St. Elizabeth's Septemberfest would possibly be another avenue to pursue.

It was then moved by Pat Duwe and seconded by Tracy Huston that the commission will hold their next meeting on Wednesday, June 21st unless Shu Simon's review would cause us to delay it further. Motion carried unanimously.

Respectfully submitted,

Sandra L. Grave
Acting Recorder

**HOME RULE CHARTER COMMISSION MEETING
ATTENDANCE SHEET
MAY 24, 1995**

	NAME	ADDRESS	COMM. MEMBER / RESIDENT/ GUEST OR OBSERVER
24	Jerry Bratton *	8945 Red Oak	Member
9	Joe Murray *	9390 Siggitt	"
6	Tracy Shuman *	9059 morning star	"
1	Jane Ammerster	9073 Maple Grove	"
4	Bert Dierke *	1467 Tulane	"
1	Thomas C. Kelleher *	907 Volz Dr	"
5	Pat Duwe *	9014 Laurel Crest	"
7	Lulane Cannon *	1650 Siggitt	"
8	Ed Lang	9640 YORKSHIRE EST- DR	"

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Lulane
no Lulane
Parker
Hewson

Caral

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

May 24, 1995

Meeting Number 22

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Approval of minutes of previous meeting of May 17
- III. General Business
 - A. Finish draft review of charter
 - B. Preliminary discussion of promotional programs
(info booths, on-line access, door to door, yard signs, - *Shw?*
draft copies, info phone recording, floppy copies,
letters/flyers) —
- IV. Old business
- V. Public Input/Comments
- VI. Review meetings and assignments
 - A. May 31 - Establish summer meeting schedule
- VII. Adjournment

Robert's Rules of Order prevail

CITY OF CRESTWOOD CHARTER COMMISSION

One Detjen Drive
Crestwood, Missouri 63126

May 25, 1995

MEMBERS

Jane Armbruster
Jerry Bratsch
LaVerne Cannon
Burt Droste
Pat Duwe
Tracy Huston
Tom Killoren
Ed Lang
Madonna Laws
John McGowan
Debbie Murray
Robert Parson
Robert Theiss

Carol Schneiderhahn
City Clerk
Sandy Grave
Acting Recorder

Welcome to summer vacation. Well, not a full break from meetings, but certainly a greatly reduced schedule for the summer.

To verify our plans for the summer the schedule now looks like this with no meeting until June 21.

June 7 - draft update to Shu with copies to the Commission

June 21 - Commission MEETING to meet with Shu and discuss her review and finalize the Charter.
(meeting could exceed the usual 9pm closing)

June 30 - Finalized draft of Charter to outside counsel for final review.

Mid July - possible MEETING to release draft for final printing.

Sept. 12 - regular meetings for promotion of the Charter.

Obviously, if we hit any snags this wishful thinking would change. In that case we'll start phoning everyone as soon as we know of the glitch.

Enjoy the break.



HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, June 28, 1995

The twenty-third meeting of the City of Crestwood Home Rule Charter Commission was held on Wednesday, June 28, 1995 in the Aldermanic Chambers at the Crestwood Government Center at 7 P.M., Chairman Jerry Bratsch presiding.

Members Present:

Jane Armbruster	Ed Lang
Jerry Bratsch	Madonna Laws
LaVerne Cannon	John McGowan
Burt Droste	Debbie Murray
Pat Duwe	Bob Parsons
Tracy Huston	Bob Theiss

Members Absent:

Tom Killoren

Others Present:

Carol Schneiderhahn, City Clerk
Sandra L. Grave, Acting Recorder

Chairman Bratsch asked if there were any corrections or additions to the minutes of the May 24, 1995 meeting. There being none, it was moved by John McGowan and seconded by Debbie Murray that the minutes be approved as written. Motion carried unanimously.

Chairman Bratsch stated that the draft of the charter has been reviewed by Shu Simon and some changes and corrections have been made. A copy of the draft with these changes was given to the commission members and our main goal this evening would be to review each page with Shu. If the members would have any questions or comments during the review, we will discuss them tonight to determine what will be changed and what will remain.

Shu Simon then made a few observations regarding the format and standards she used as a guide in her review. She made only a few changes in the substance of the charter as drafted based upon her judgement regarding inconsistencies with constitutional requirements. She also checked the uniformity of phraseology, grammar and punctuation. General observations which needed to be addressed by the commission have been marked for discussion purposes.

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, June 28, 1995

Page Two

Section 3.3 - Only minor changes needed in this section, including changing the title from "Eligibility" to "Qualifications".

Section 3.4 & 3.5 - These two sections were combined and called "Election and Terms".

Section 3.6, Section 3.7 - Only minor changes done in this section.

General discussion ensued wherein the following items were agreed upon:

1. In the Charter document, "city" would be written in lower case.
2. In the Charter document, "City Administrator" would be capitalized.
3. The applicable noun would replace "he" and "he/she" throughout the Charter.
4. "General municipal election" would always be referred to when speaking of April elections. (Note: This item was then unanimously agreed to by a motion from Tracy Huston, seconded by Bob Parsons.

Section 3.8 (a) and (b) - Minor changes only in this section.

Section 3.8(c) - Filling of Vacancies: It was moved by Burt Droste and seconded by LaVerne Cannon that this section be changed as follows:

"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 Board of Aldermen, upon the nomination by the Mayor, by a majority vote of all its remaining members shall appoint a qualified person to fill the vacancy. 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." Motion carried unanimously.

Section 3.9 - Minor changes only in this section.

Section 3.10 - Delete the word "journal" in the third line and replace it with "record". A motion was made by Pat Duwe, seconded by Burt Droste that this section be inserted into **Article 5 - City Administrator, as Section 5.2(a) City Clerk.** Motion carried unanimously.

Section 3.11 - This section was moved to **Article 4 - Mayor, as Section 4.9 City Attorney** and reads as follows: ***"There shall be a City Attorney nominated by the Mayor and appointed with the advice and consent of the majority of the Board of Aldermen. The City Attorney shall be licensed to practice law in the State of***

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, June 28, 1995

Page Three

Missouri, but need not reside within the city. The City Attorney shall be the chief legal officer for the city and shall have such duties as may be assigned by law, the City Administrator and the Board of Aldermen. Assistant city attorneys may be appointed from time to time by the Mayor with the consent of the Board of Aldermen, if deemed necessary. the City Attorney shall receive compensation as determined by ordinance. The City Attorney may be removed on recommendation of the Mayor with the consent of a majority of the Board of Aldermen, or by a two-thirds (2/3) vote of the board of Aldermen on its own initiative."

Section 3.12 - The title - "Acting President of Board of Aldermen" should read "President of Board of Aldermen". The word "Acting" was removed from the title, in the first line of this text and any future references in this Charter will also be changed.

Section 3.13 - Minor changes made in this section.

However, a discussion among the commission members commenced regarding **3.13(a) Meetings**. Chairman Bratsch suggested that wording be inserted into this section of the Charter to the effect that public notice of each Board of Aldermen meeting be posted in a similar manner as public hearing notices, and published in a popularly circulated newspaper. Chairman Bratsch explained that we have poor attendance at Board of Aldermen meetings because important issues are not communicated to the citizens until after legislation is passed by the board. Citizens who protest an issue are not made aware of it before hand, resulting in turmoil and many unhappy residents.

Carol explained the procedure in preparing the agenda packet for Board of Aldermen meetings. The agenda information may change in the process of compilation for various reasons. Ordinances may need to be reviewed or rewritten by the City Attorney which takes time, copies of plans may need to be received from the Public Works Department which need to be reviewed or possibly revised at the last minute. It takes a great deal of work and input from all department heads coming together in a timely fashion to prepare an appropriate, informatively- correct agenda packet. Also, there can be problems to citizens receiving agenda sheets too soon, when there is a last-minute change that is not shown that affects an important agenda item. This can create unhappy residents sitting in the audience waiting to be heard, when something has been tabled, postponed or canceled for legitimate reasons. Therefore, getting agendas publicized by a certain deadline may not always secure its accuracy for which the City could be severely criticized.

Ed Lang stated although he feels this is a good idea, this should not be in the Charter and this is something that should be handled by the administration and city department heads. Debbie Murray agreed that this should not be in the Charter. However, Bob Parsons and Tracy feel that something could be added to the wording in this section for this purpose.

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRFSTWOOD

Wednesday, June 28, 1995

Page Four

Shu Simon stated that as part of the statutes dealing with the conduct of public business which is often referred to as "the open meeting statute", there are statutory requirements to be addressed. The statute defines "reasonable notice" as making copies available to anyone in the news media who asks for it, and posting it on a bulletin board or a prominent place easily accessible to the public. That is the minimum requirement.

Carol stated that when the agenda is finished - usually late Friday afternoon prior to the Tuesday Board of Aldermen meeting - copies of the agenda are sent to the Post, Journal, South County Times, and KSDK-TV. It is also sent to Crown Cable who places it on their bulletin board. Copies are sent to anyone upon request and they are primarily requested by those persons who have something on the agenda. Many business persons who need to appear before the board from out of town will request agendas ahead of time.

By a show of hands, it was then noted that most of the commission members did not feel it should be included in the Charter. John McGowan stated that he feels that Chairman Bratsch has a valid point and he will mention this to the Mayor and Board of Aldermen for further discussion.

Section 3.14 - Only minor changes made.

Section 3.15 - OK as drafted.

Article IV - Mayor

Section 4.1 - Only minor changes made.

Section 4.2 - Only minor changes made.

Section 4.3 - Only minor changes made.

Section 4.4(a) - OK as drafted.

Section 4.4(b) - Only minor changes made.

Section 4.4(c) - Title changed to "**Supervisory Authority**".

Section 4.4(d) - Only one minor change made.

Section 4.4(e) - OK as drafted.

Section 4.4(f) - Only one minor change made.

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD
Wednesday, June 28, 1995
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Section 4.4(g) - OK as drafted.

Section 4.5 - Delete the word "Allowances" in the title. The title should read "Compensation and Expenses. Other minor changes also made in this section.

Section 4.6 - Prohibitions.

Section 4.6(a) Holding Other Office - Only minor changes made.

Section 4.7 - Title changed to replicate Section 3.8 "Vacancies; Forfeiture of Office and Filling of Vacancies".

Section 4.7(a), Section 4.7(b), Section 4.7(c) - Only minor changes made in these sections but the titles were changes as follows: 4.7(a) - Vacancy; 4.7(b) - Forfeiture of Office; 4.7(c) - Filling of Vacancies.

In Section 4.7(c), a motion was made by Tracy Huston, seconded by LaVerne Cannon that in the sixth line from the bottom - "six months immediately preceding the expiration of the Mayor's term" be changed to "twelve months immediately preceding the expiration of the Mayor's term". Motion carried unanimously.

Section 4.8 - Judge of Qualifications - This section added to replicate Section 3.9.

Section 4.9 - City Attorney - As previously noted on Page 2 of this journal under Section 3.11.

Article V - City Administrator

Section 5.1 - Only minor changes in this section. However, Tracy Huston moved that in the entire Charter document wherever "2/3 vote of the Board of Aldermen" is mentioned, that it be changed to "3/4 vote of the authorized membership of the Board of Aldermen". Motion seconded by Burt Droste and carried unanimously.

Section 5.2 - One minor change made.

Section 5.2(a) - This section added as previously stated in this journal and is titled "City Clerk". (To avoid confusion, please note that because we are adding this section, "City Clerk", all section numbers from this point forward will be changed.)

Section 5.2(b) - Title changed to read "Appointments and removal of employees" plus minor changes.

Section 5.2(c) - OK as drafted.

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD
Wednesday, June 28, 1995
Page Six

Section 5.2(d) - Title changed to read **"Attendance at Board of Aldermen Meetings"**.

Section 5.2(e) - Enforcement of Laws. This section was changed as follows:

"The City Administrator shall see that all laws, provisions of this Charter and acts of the Board of Aldermen, unless otherwise provided by law, are faithfully enforced."

Section 5.2(f) - OK as drafted.

Sections 5.2(g) - Deleted the words ***"and make available to the public"***.

Section 5.2(h) - One minor change made.

Section 5.2(i) - One minor change made.

Section 5.2(j) - OK as drafted.

Section 5.3 - OK as drafted.

Article VI

Section 6.1 Administrative Organization.

Section 6.1(a) and (b) - OK as drafted.

Section 6.2 - Only minor changes made.

Article VII Financial Procedures

Section 7.1 - Only minor changes made.

Section 7.2(a) - Only minor changes made - deleted the last sentence under item 2 by a motion from Tracy Huston and a second by Bob Theiss. Motion carried unanimously.

Section 7.2(b), (c), and (d) - OK as drafted.

Section 7.2(e) - Only minor changes made.

Section 7.2(f) - OK as drafted.

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CITY OF CRESTWOOD
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Page Seven

Section 7.2(g) - Only one minor change made.

Section 7.2(h) - OK as drafted.

Section 7.2(i) - Only one minor change made.

Section 7.2(j) - OK as drafted.

Section 7.2(k) - Only minor changes made.

Section 7.2(l) - One minor change made.

Section 7.3 - OK as drafted.

Section 7.4 - Only minor changes made.

Article VIII - Nominations and Elections

Section 8.1(a) - Only minor changes made.

Section 8.1(b), (c), and Section 8.2(a), (b) - OK as drafted.

Section 8.3(a) - Only minor changes made.

Section 8.3(b) and (c) - OK as drafted.

Section 8.4 - Wards

Section 8.4(a), (b), (c) and (d) - Only minor changes made in these sections.

Adjournment

There being no further business, it was moved and seconded that the meeting be adjourned. (9:20 PM)

Respectfully submitted,

Sandra L. Grave.

**HOME RULE CHARTER COMMISSION MEETING
ATTENDANCE SHEET
JUNE 28, 1995**

NAME	ADDRESS	COMM. MEMBER / RESIDENT/ GUEST OR OBSERVER
Jerry Butert	8945 Red Oak.	member
Sandra Grave		
Madonna Jans	9250 Vank	member
Tom Lillgren	- sick	
Robert Wheris	115 Chitwood Ter.	member
Pat duwe	9014 Laurel Crest	"
But Butte	1467 Trelone	"
Salvane Cannon	1650 Leggett	"
Jane Armstrong	9073 Maple Grove	"
Albion Purcay	939 Leggett	"
H. Tracy Shlos	9059 morning star	"
John McGowan	9140 Paroie Spur.	✓
Bob Parsons	9872 AMBERLEY DR	✓
Ear Fiddl	suburban Journal	media

FOX RIVER BOND

RECYCLED

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

June 28, 1995

Meeting Number 23

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Approval of minutes of previous meeting of May 24 (mailed)
- III. General Business
 - A. Review draft charter with Shu
 - B. Review by outside counsel
 - C. Discuss use of City resources during fall publicity campaign.
- IV. Old business
- V. Public Input/Comments
- VI. Review meetings and assignments
 - A. Meeting July 5 ?????
- VII. Adjournment

Robert's Rules of Order prevail

Corrected
9 Approved
8/2/95

VOL. XXIV

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, July 5, 1995

The twenty-fourth meeting of the City of Crestwood Home Rule Charter Commission was held on Wednesday, July 5, 1995 in the Fire Department Training Room at the Crestwood Government Center at 7 P.M., Chairman Jerry Bratsch presiding.

Members Present:

Jane Armbruster	Tom Killoren
Jerry Bratsch	Ed Lang
LaVerne Cannon	Madonna Laws
Pat Duwe	Bob Parsons
Tracy Huston	Bob Theiss

Members Absent:

Burt Droste
John McGowan
Debbie Murray

Others Present:

Carol Schneiderhahn, City Clerk
Shu Simon, City Attorney
Sandra Grave, Acting Recorder

Prior to continuing with the review of the Charter draft, Shu Simon stated that the last word under **Section 8.4(d)** should be changed from "**approval**" to "**consideration**", explaining that she feels "**consideration**" is more of an all-inclusive word. It was then moved by Tracy Huston and seconded by Pat Duwe that the change, as suggested by Shu Simon, be made. Motion carried unanimously.

Article IX
INITIATIVE AND REFERENDUM

Section 9.1 General Authority

(a) **Initiative.** In this section, Shu asked for a decision by the Commission regarding either allowing or prohibiting an Initiative petition when it is only used because the Referendum time has elapsed. Sometimes Initiative is confined to new ordinances rather than to those which repeal or substantially modify an ordinance on the books.

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, July 5, 1995

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Bob Parsons stated, and Tracy agreed that it is not the intent of this section, as drafted, to permit people who fail in the use of a Referendum, to use their right of Initiative. Tracy instead suggested including language that would mention Crestwood's existing ordinances at the time the Charter is adopted, placing a prohibition/time frame which would prevent the filing of an Initiative after a Referendum had failed, or deleting the Referendum provision completely.

After further brief discussion, it was suggested by Tom Killoren, that the words ***"including an ordinance for which the Referendum time has lapsed"*** be deleted from **Section 9.1(a)**. Bob Parsons agreed and so moved, seconded by Tom Killoren and carried unanimously.

(b) Referendum. In the first sentence after the word **"ordinance"**, the words ***"except as hereinafter provided"*** were added. So moved by Tracy Huston, seconded by Bob Theiss and carried unanimously.

As a point of clarification, Shu asked since the Commission was prohibiting Initiative on both the levy of taxes and on a special assessment, if we shouldn't also prohibit these same two items on Referendum as well. She explained that although the City basically has not used the levying of a special assessment for several years, there exists at the present time, a future possibility on a zoning issue.

Discussion followed regarding placing special assessments on residents for various improvements, streets, storm water, etc., and although done for the betterment of the city, it could pose a substantial hardship on homeowners involved.

Tracy Huston then moved to leave special assessment and zoning out of the Referendum section. Motion seconded by Bob Parsons and carried unanimously.

Section 9.2 - Only minor changes made.

Section 9.3(a), (b), (c) - Only minor changes made.

Section 9.4 - Change the word **"must"** to **"shall"**.

Section 9.5(a) - Only minor changes made.

Section 9.5(b) - It was moved by Bob Parsons, seconded by Tracy Huston that this section be approved as follows:

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, July 5, 1995

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"(b) Court Review; New Petition. A final determination as to the sufficiency of a petition shall be subject to judicial review, instituted within thirty (30) days after final determination. A final determination of insufficiency, even if sustained upon judicial review, shall not prejudice the filing of a new petition for the same purpose, subject to provisions of Section 9.4(b) hereof." Motion carried unanimously.

Section 9.6 - Only minor changes made.

Section 9.7(a) - Only minor changes made.

Section 9.7(b) - This section was changed as follows:

"(b) Submission To The Voters. The vote by the qualified voters of the city on a proposed or referred ordinance shall be held on the next legally available election date following the expiration of the date for final action by the board of Aldermen. Copies of the proposed or referred ordinance shall be made available at the polls."

Section 9.7(c) - Only minor changes made.

Section 9.8(a) and (b) - Only minor changes made.

Article X

RECALL

Section 10.1 - Only minor changes made in this section. Also, a motion was made by Tracy Huston that the voter submission form at the end of this section be deleted. Motion seconded-d by Pat Duwe and carried unanimously.

Section 10.2 - Only minor changes made.

Section 10.3(a) - Changed as follows:

"(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 twenty percent (20 %) 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 twenty percent (20%) of the total number of voters registered to vote at the last general city election in that member's ward."

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, July 5, 1995

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Section 10.3(b) and (c) - Only minor changes made.

Section 10.4 - Only minor changes made.

Section 10.5(a) and (b) - Only minor changes made.

Section 10.6(a) and (b) - Only minor changes made.

Section 10.7 - Only minor changes made in this section, plus the deletion of the last sentence.

**ARTICLE XI
FRANCHISES**

Section 11.1 - Only minor changes made.

Section 11.2(a) thru (h) - Only minor changes made.

Section 11.3 - One minor change made.

Section 11.4 - Only minor changes made.

**ARTICLE XII
LICENSING, TAXATION AND REGULATION OF BUSINESSES, OCCUPATIONS,
PROFESSIONS, VOCATIONS AND OTHER ACTIVITIES OR THINGS.**

Section 12.1 - Only minor changes made.

**ARTICLE XIII
GENERAL PROVISIONS**

Section 13.1 - Only minor changes made.

Section 13.2 - Only minor changes made.

Section 13.3(a), & (b) - Only minor changes made.

Section 13.4 & Section 13.5 - OK As drafted.

Section 13.6 - Rewritten as follows: "*Charter Amendment*"

{Amendments to this Charter may be framed and submitted to the voters by a

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, July 5, 1995

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commission as provided by law and the Constitution of the State of Missouri for a complete Charter; by the Board of Aldermen or by petition of not less than ten percent (10%) of the qualified voters of the City setting forth the proposed amendment and filed with the City Clerk.

The Board of Aldermen shall at once provide by ordinance that any amendment so proposed shall be submitted to the voters at the next election held in the city not less than sixty (60) days after its passage, or at a special election held as provided for a Charter.

Any amendment approved by a majority of those voting thereon shall become a part of the charter at the time and under the conditions fixed in the amendment; sections or articles may be submitted separately or in the alternative and determined as provided for a complete Charter."

Section 13.7 - Only minor changes made.

Section 13.8 - OK as drafted.

Section 13.9 - OK as drafted.

Section 13.10 - Shu will research this for review at our next meeting.

ARTICLE XIV

TRANSITIONAL PROVISIONS

Section 14.1 - Only minor changes made.

Section 14.2 - OK as drafted.

Section 14.3, 14.4, and 14.5 - OK as drafted.

ARTICLE XV

TRANSITIONAL SCHEDULE

Section 15.1 - OK as drafted.

Section 15.2 - Only minor changes made.

Section 15.3 - Only minor changes made.

Section 15.4 - Only minor changes made.

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, July 5, 1995

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Discussion followed regarding the schedule of events for the next several weeks. Don Anderson, City Attorney for Ellisville, who has worked with other cities on their charters, will be reviewing our charter draft from a legal standpoint. He will have the document ready for us with his comments and recommendations by July 26th. Our next meeting will be on Wednesday, August 2nd.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Sandra L. Grave
Acting Recorder

CHARTER COMMISSION MEETING ATTENDANCE SHEET JULY 5, 1995

NAME	ADDRESS	COMM. MEMBER / RESIDENT / GUEST OR OBSERVER
Jerry Bratton	8945 Red Oaks	Member
Carol Schneiderhahn		City Clerk
Robert D. Harris	115 Chetwood Terr.	Member
Pat Duwe	9014 Laurel Crest	"
Thomas C. Heinzen	907 Volz Dr.	Member
Lester C. Cannon	1650 Lyggett	member
Jaye Ammerman	9073 Maple Grove	"
Tracy Zisker	9659 morning glories	"
Madonna J. Laws	9250 Vauk	Member
Shirley Smith		city attorney

FOX RIVER BOARD
RECYCLED

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

July 5, 1995

Meeting Number 24

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Approval of minutes of meeting of June 28
- III. General Business
 - A. Continue review of draft charter with Shu
- IV. Old business
- V. Public Input/Comments
- VI. Review meetings and assignments
 - A. Summer Meetings ?????
- VII. Adjournment

Robert's Rules of Order prevail

Approved
8/16/95

VOL. XXV

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, August 2, 1995

The twenty-fifth meeting of the Home Rule Charter Commission was held on Wednesday, August 2, 1995 in the aldermanic chambers, Chairman Jerry Bratsch presiding.

Members Present:

Jane Armbruster	Ed Lang
Jerry Bratsch	Madonna Laws
LaVerne Cannon	John McGowan
Burt Droste	Debbie Murray
Pat Duwe	Bob Parsons
Tracy Huston	Bob Theiss
Tom Killoren	

Members Absent:

None

Others Present:

Carol Schneiderhahn, City Clerk
Sandra L. Grave, Acting Recorder

Chairman Bratsch asked for any corrections or additions to the minutes of the June 28th meeting. There being none, the minutes were approved as drafted. Chairman Bratsch asked for any corrections or additions to the minutes of the July 5th meeting. It was noted that Debbie Murray was present for that meeting but was inadvertently marked absent, which will be changed. There being no other changes, the minutes of the July 5th meeting were approved as corrected.

Chairman Bratsch stated that the final charter review was to be held this evening, however, Don Anderson, the attorney hired to check over the draft has not been able to finalize his review as originally stated. Mr. Anderson was suppose to have this ready for us this evening. Since this is not the case, Chairman Bratsch called a short meeting to discuss our options and to hear suggestions from the members. Jerry explained that getting this draft ready prior to going to the Board of Election Commission's is not a necessity. The attorney, at this point, has reviewed it once and is now fine-tuning the draft, but he has been busy with several cases in his office which has delayed his time frame in our regard.

Carol stated that the final certification papers do not have to be at the Board of Election

HOME RULE CHARTER COMMISSION MEETING
CITY OF CRESTWOOD

Wednesday, August 2, 1995

Page Two

Commissioners until September 12th and all that is sent are papers that are completed by her designating what we want on the ballot. Therefore, the proposition wording has to be done. Carol said in speaking with the Election Board regarding what would authorize the placement of the propositions on the ballot, they explained to her that the Constitution gives us the right as a Charter Commission to adopt a resolution. Carol has spoken to Shu Simon regarding the wording and Shu explained that the only thing we need to state is - this is what we want on the ballot - "do you want a Charter for the City of Crestwood and do you want term limits". The proposition on term limits, of course, would be spelled out with a little more specificity. Therefore, all that needs to go to the Election Board is that certification and the resolution by September 12th. Carol suggested setting another meeting for the middle of August to work on the Charter, and if need be, do the resolution then.

Discussion followed about getting a second opinion. It was also of some concern that because there may be critical changes that would be suggested by the attorney, we can't afford to waste any more time waiting for his review. By a show of hands, it was the unanimous feeling of the commission members that we should have the outside review by the attorney. Then, by a show of hands, it was the feeling of the majority of the membership that we leave the draft with Don Anderson, rather than, at this point, find someone else.

It was then suggested by Chairman Bratsch and so moved by Bob Theiss, that we instruct Don Anderson that he complete his review to be in our hands by August 10th, that Shu Simon draft a resolution with the necessary wording to be sent to the Election Board and that our next meeting be set for August 16th at which time we can either take the recommendations received from the attorney or stay with our own. Motion seconded by John McGowan and carried unanimously.

Discussion then followed regarding a letter from Shu Simon dated August 2, 1995 wherein she expresses her concern about indemnification of City officials being included in the Charter. It is her recommendation that the issue of indemnification be left to the Board of Aldermen to consider and that it be adopted by ordinance. After a short deliberation by the commission, it was moved by Burt Droste, seconded by LaVerne Cannon that an indemnification insurance clause be inserted in the Charter which would direct the City to indemnify all public officials with terms and limits as provided by ordinance. Motion carried unanimously.

General discussion followed regarding promotional methods to be used before the election to create public awareness.

John McGowan stated that he will be sending out a newsletter in Ward Three which will include information regarding the charter. Debbie Murray stated that there will be ward meetings in Ward One where this will also be discussed. Burt Droste stated that there

HOME RULE CHARTER COMMISSION MEETING

CITY OF CRESTWOOD

Wednesday, August 2, 1995

Page Three

will be an information booth set up the St. Elizabeth's Septemberfest. Burt commented that if all the members would plan to do their own thing, it can be pulled together as an overall plan. He also stated that the synopsis composed by Chairman Bratsch and Tracy Huston was excellent with the exception of the wording on the back page - third paragraph from the bottom - the words ***if you want term limits, you must vote yes on the charter.*** Some people may conclude - ***"no, I don't want term limits so, therefore, no I don't want the charter."*** Everyone agreed that this synopsis had everything included in it that would be needed to answer any questions.

It was then moved by Bob Parsons, seconded by Tracy Huston that this synopsis be included, if possible, on the front page of the Crestwood Newsletter that is published just prior to the election, along with the actual ballot wording. Motion carried unanimously.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Sandra L. Grave
Acting Recorder

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

August 2, 1995

Meeting Number 25

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Approval of mailed minutes of meetings of June 28 & July 5
- III. General Business
 - A. Final Charter review following outside legal review
 - B. Resolution to adopt
 - C. Proposed synopsis (enclosed)
- IV. Old business
- V. Public Input/Comments
- VI. Review meetings and assignments
 - A. Next meeting - September 13
- VII. Adjournment

Robert's Rules of Order prevail

CITY OF CRESTWOOD CHARTER COMMISSION

One Detjen Drive
Crestwood, Missouri 63126

The following synopsis of the proposed Crestwood City Charter was developed to provide information and understanding of the Charter for all interested citizens of Crestwood. It covers the highlights of future city operation under the Charter if you, the voters, approve its adoption at the November 7 election.

Basically, Crestwood city government and operations will continue as we now know it. As a result many will ask, "If that's the case why change to a Charter (Home-rule) City?" And the answer is: "Because as a home-rule city, we, the citizens, will have a greater say about what happens to Crestwood."

The most fundamental change which results from the Charter is the shift of power over our local government from Jefferson City to Crestwood. Presently the ruling documents of our city government are the statutes regulating 4th class cities. They can be changed only by the Missouri General Assembly. The Charter will pass that control directly to us, the people of Crestwood. Crestwood citizens have written the Charter; Crestwood citizens alone have the right to adopt it; and only Crestwood citizens can change it through the amendment procedure provided by the Charter itself. The Charter provides to the city through the Board of Aldermen, all powers the State can confer upon any city, so long as they are constitutional and not limited by statute or the Charter itself. If the City abuses its power, the people can limit or change that power through the amendment process, which includes the people's exercise of their initiative, one of the new rights.

In general, the philosophy of the Charter Commission has been to leave the City operation pretty much as is. The thinking that has prevailed throughout the development of the charter has been: "If it ain't broke, don't fix it but provide more control to the people wherever we can". The results can be grouped into three categories:

- A. Left as is
- B. More control to the citizens
- C. Modest change where it benefits the voters

In the first category of "left as is":

1. All City employees, administrative and personnel procedures remain unchanged.
2. The checks and balances continue. The Mayor can veto aldermanic actions as is currently the case and the Board of Aldermen can override the veto exactly as allowed by current statutes.
3. The City Administrator will continue to report to both the Mayor and Board of aldermen.
4. The Mayor will continue to be elected at large by all registered voters of the City.
5. There will continue to be two Aldermen representing each ward and they will be elected by the citizens living in that Ward, as is done today.

Regarding the second category of "more control to the people", the Charter will give more power to the Citizens of Crestwood. The **Charter will provide you, the citizens, with controls** not currently allowed in fourth class cities such as Crestwood. Those new rights include:

1. INITIATIVE - citizen initiated ordinances
2. REFERENDUM - citizen petition to repeal or cancel an ordinance
3. RECALL - citizen petition to remove an elected official from office.

INITIATIVE allows a group of citizens to petition to have a proposed ordinance brought to the vote of the people of Crestwood. This usually occurs when individual requests to your Aldermen for a particular action by the Board do not result in adoption of an ordinance that you feel necessary. An initiative petition allows for a committee of five citizens to obtain the signatures of 12% of registered voters to propose an ordinance for

MEMBERS

Jane Armbruster
Jerry Bratsch
LaVerne Cannon
Burt Droste
Pat Duwe
Tracy Huston
Tom Killoren
Ed Lang
Madonna Laws
John McGowan
Debbie Murray
Robert Parsons
Robert Theiss

Carol Schneiderhahn
City Clerk
Sandy Grave
Acting Recorder

action by the Board of Aldermen including submission to a vote of the people. **Regardless of the position of the Board of Alderman or the Mayor on the issue, the citizens will have decided.**

REFERENDUM, like the initiative, provides you, the citizens, with the opportunity to vote for repeal of a particular ordinance that you feel is unnecessary, overly restrictive, oppressive or provides favoritism to a particular person, group or business. Again it requires that a committee of five citizens obtain the signatures of 12% of registered voters calling for **repeal by the Board of Aldermen or submittal to a vote of the people.**

RECALL provides the citizens with the power to remove an elected official from office. As with initiative and referendum, a group of five people must obtain the necessary number of qualified signatures (20% of registered voters) to bring about an election to decide on the removal of the particular elected official. The vote would be city wide for removal of the Mayor and only in the Ward for removal of an Alderman. Again, **the power rests with the people to decide.**

In the third category of "modest change", we include length of terms and term limits.

In regard to the length of terms for Mayor and Aldermen, the Charter Commission felt there were several very compelling reasons that the length of terms should be increased to three years from the current two year term. This will allow elected officials more time to learn and demonstrate their effectiveness; encourage an alderman to run for mayor without first giving up the aldermanic seat; and improve rotation to ensure continuity of experienced elected officials. In addition, the 3 year term is more realistic when considering increased campaign costs, particularly for the office of mayor where campaign costs are fast approaching \$10,000 for a contested election. These costs have discouraged some qualified candidates from running. Meanwhile, with the power of recall in their hands, the people may end the service of an ineffective, abusive or corrupt official before his or her term is completed.

Finally, term limits prompted a considerable amount of discussion. As a result, you will vote separately on the issue of term limits on November 7. Input from you, the citizens, indicates you want to encourage dedicated, capable people to run for and hold elected city positions. Whether or not term limits will do that will be decided at the polls. If you want term limits, you must vote yes on the Charter.

On Tuesday, November 7, 1995, you will have the opportunity to vote on two separate Charter issues.

1. Shall the City of Crestwood become a home-rule/charter city?
YES or NO
2. On term limits:
 - a. there shall be no term limits to elected office
or
 - b. there shall be a limit of three consecutive (3) three year terms for a total of 9 years on all elected offices.

In summary, you will decide on becoming a Charter City and whether or not the Charter will include term limits. Regardless of how you feel about term limits, be sure to vote on November 7 and vote your feelings!! It is your City.

Sincerely,

The Charter Commission

Note: The entire draft Charter covers 29 pages. Copies are available at the office of the City Clerk in the Crestwood Government Center, 1 Detjen Drive.

LAW OFFICES

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*ALSO LICENSED IN ILLINOIS

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SANFORD J. BOXERMAN*
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IRA L. BLANK
OF COUNSEL

August 2, 1995

2 PARK PLACE PROFESSIONAL CENTRE
BELLEVILLE, ILLINOIS 62221
(618) 234-9900
(800) 541-9557

VIA FAX 957-4794

Honorable Chairman and Members
of the Crestwood Charter Commission
One Detjen Drive
Crestwood, MO 63126


Dear Ladies and Gentlemen:

I have been working on the drafting of a section for inclusion in the Charter on indemnification of City officials for claims asserted against them. This has proven to be a difficult provision to draft and I am not yet ready to submit it to you.

In the course of working on it, I have become concerned as to whether it should be included in the Charter. It could be regarded as controversial and create a problem in the minds of the voters. I have reached the conclusion that the issue of indemnification should be left to the Board of Aldermen to consider and to adopt an appropriate ordinance. In its considerations, the Board would have access to information as to insurance coverage, the types of liability to which City officials might be subject and to other relevant information.

Under these circumstances, I would suggest that you should discuss and reach a determination as to whether an indemnification clause should be included in the Charter.

Yours very truly,


Shulamith Simon

SS:1kr

Approved
9/6/95

HOME RULE CHARTER COMMISSION MEETING
WEDNESDAY, AUGUST 16, 1995

The twenty-sixth meeting of the City of Crestwood Charter Commission was held on August 16, 1995 in the Fire Department Training Room at the Crestwood Government Center, Chairman Bratsch presiding.

Members Present:

Jerry Bratsch	Tom Killoren
LaVerne Cannon	Madonna Laws
Burt Droste	Debbie Murray
Pat Duwe	Bob Parsons (late arrival)
Tracy Huston	Bob Theiss

Members Absent:

Jane Armbruster
Ed Lang
John McGowan

Others Present:

Carol Schneiderhahn, City Clerk
Sandra L. Grave, Acting Recorder

Chairman Bratsch asked for any corrections or additions to the minutes of the August 2, 1995 meeting. There being none, it was moved by Pat Duwe and seconded by Bob Theiss that the minutes be approved as drafted. Motion carried unanimously.

The commission started the meeting by reviewing each of the suggestions/comments prepared by Don Anderson, the attorney hired to review the draft. Shu Simon also prepared her comments for our discussion regarding Mr. Anderson's remarks. Mr. Anderson and Shu could not be present this evening to participate in our meeting, therefore, it is now up to the commission to decide what we feel is the most appropriate for finalization.

The following is the commission's decision regarding Mr. Anderson's comments and/or changes to the draft as noted in his report of August 9, 1995, in conjunction with the review by Shu Simon.

ARTICLE I - INCORPORATION, NAME AND BOUNDARIES

Section 1.1 - Incorporation, Name and Boundaries - Leave as drafted, no changes.

ARTICLE III - BOARD OF ALDERMEN

HOME RULE CHARTER COMMISSION MEETING

WEDNESDAY, AUGUST 16, 1995

Page Two

Section 3.1 - Where Powers Vested

1. No change. Leave title as drafted
2. Delete the words **"this charter provides otherwise"** and change to **"otherwise provided by this charter"**.
3. Change the word **"on"** to **"upon"** in the last line of page 1 of draft.

Section 3.3 - Qualifications - It was moved by Debbie Murray and seconded by LaVerne Cannon that this section be changed as follows:

"No person shall be elected or appointed to the Board of Aldermen who is not at least twenty-one (21) years of age, a citizen of the United States, an inhabitant and a qualified voter of the City for at least one (1) year, and a resident of the respective ward for at least ninety (90) days. Candidates must meet all qualifications as of the date of filing for election or on the date of appointment to office. Nor may any person be elected or appointed to the Board of Aldermen who is either delinquent in the payment of any Crestwood taxes or fees, or a convicted felon.

"A person recalled from office may again run for the office from which recalled following the expiration of the term in which such person was recalled, or may at any time run for a different office." Motion carried unanimously.

Section 3.4 - Election and Terms - The majority of the commission agreed to changing this section as follows:

"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. There shall be no limit to the number of terms a person may serve as alderman."

-OR-

"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 as alderman in that ward for three (3) years."

Section 3.5 - Compensation and Expenses - Leave as drafted. No changes made.

HOME RULE CHARTER COMMISSION MEETING
WEDNESDAY, AUGUST 16, 1995
Page Three

Section 3.6 - Prohibitions

(a) Holding Other Office - In the first sentence add the word "written" before the word "agreement". This section and Section 4.6(a) will use the same language.

(c) Interference With Administration - *It was agreed by the commission that for the sake of consistency when referring to any of the articles and sections, the words "of this charter" will be added in the draft document; hence, in this sub-section, after the words Section 3.14 "of this charter" will be added.*

Section 3.7 - Vacancies; Forfeiture of Office; Filling of Vacancies

(b) Forfeiture of Office - "A member of the Board of Aldermen 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(b) of this Charter) or by law or (2) violates any prohibition of this Charter."

Section 3.8 - Judge of Qualifications - After brief discussion among commission members, it was moved by LaVerne Cannon and seconded by Burt Droste that the following wording be used for this section:

"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 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 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." Ayes - all except Tom Killoren who voted against the wording in this section. Motion carried.

Section 3.9 - President of Board of Aldermen - Second sentence should read:

"The President of the Board of Aldermen shall preside at meetings of the Board of Aldermen in the absence of the Mayor and shall serve as Acting Mayor in accordance with Article 4.7(c) of this Charter".

Section 3.10 - Legislative Proceedings

(a) Meetings - Stylistic change to first paragraph to add "(3)" after the word "three". *The commission stated that throughout this charter review, all numerical equivalents will be added after the spelling of any number for consistency.*

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(d) Voting - Third line, second word should be "**on**" the vote rather than "in" the vote.

(f) Procedure - Second sentence should read:

"A copy of each proposed ordinance shall be provided for each member of the Board of Aldermen at the time of its introduction, and at least three (3) copies shall be provided for public inspections in the office of the City Clerk until such time as the proposed ordinance is either formally adopted or rejected."

Also, in the third sentence, last word - leave the word "**adopt**" rather than change to "**promulgate**".

Section 3.11 - Investigations - Leave as drafted - do not change.

Section 3.12 - Independent Audit - Leave as drafted.

Section 4.2 - Qualifications - This was previously discussed in Section 3.3. Use same language except this section applies to Mayor rather than members of the Board of Aldermen.

Section 4.4 - Powers and Duties

(a) Board of Aldermen Meetings - Changed to read as follows:

"The Mayor shall preside at meetings of the Board of Aldermen, but shall not vote on any question except in case of a tie. The Mayor shall neither preside over the Board's deliberations nor vote in cases where the Mayor's personal or financial interest in the issue being considered by the Board conflicts with the interest of the city. the Mayor may call meetings of the Board of Aldermen as provided in Section 3.10(a) of this Charter."

(b) Approval of Legislation - No changes.

(c) Supervisory Authority - It was moved by Burt Droste and seconded by Pat Duwe that Kent Leichter's wording be used in this subsection, per his memorandum to the City Clerk dated August 17, 1995 which is attached hereto marked Exhibit "A" and made part of this Journal. Said wording is as follows:

"The Mayor shall exercise a general supervision over the affairs of the City, and shall take care that the ordinances of the City and the State laws relating to such City, are complied with. the Mayor may require oral or written reports from

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the City Administrator regarding the operations of all departments of the City and may require oral or written reports and opinions from boards and commissions of the City, except the Judge of the Municipal Court." Motion carried unanimously.

Section 4.6 - Prohibitions

(a) Holding Other Office - In the first line - change "an agreement" to "a written agreement". Carol then read Section 3.6 and the commission decided to use the same language in this section.

(g) Other Duties - Add the word "either" between the phrase "as "as may be prescribed" and the phrase "by this Charter, by ordinance or by law".

Section 4.7 - Vacancy; Forfeiture of Office; Filling of Vacancies

(c) Filling of Vacancy - Leave as drafted.

Section 4.8 City Attorney - Leave as drafted.

Section 5.1 - City Administrator - Leave as drafted - no changes.

Section 5.2 - Powers and Duties

(a) City Clerk - Leave as drafted.

(b) Appointment and Removal of Employees - The commission decided to word this section as suggested by Mr. Kent Leichter in his memo of August 17, 1995, as follows:

"The City Administrator shall appoint and, when the City Administrator deems it necessary for the good of the City, suspend or remove all City employees including appointed department heads. Appointment of department heads is subject to the approval of the Mayor and a majority of the Board of Aldermen. The City Administrator may authorize any administrative officer who is subject to the City Administrator's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency, subject to the right of appeal as provided by ordinance".

(h) - Report of Financial Condition of the City - This section to read as follows:

"The City Administrator shall keep the Mayor and Board of Aldermen fully

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apprised of the financial condition and future needs of the City and make recommendations to the Mayor and Board of Aldermen concerning the affairs of the City as the City Administrator deems desirable."

ARTICLE VI - ADMINISTRATIVE ORGANIZATION AND PERSONNEL SYSTEM

Section 6.2 - Personnel System - Second last line - insert the word "except" after the word "effect".

Also regarding personnel - under **Article XIV - Transitional Provisions (Section 14.1 - City Employees)** as follows:

"An employee holding a city position at the time this Charter takes full effect, shall continue to be subject to the personnel code in force on the effective date of the Charter. The Board of Aldermen shall re-enact the City's personnel code by December 31, 1995.

ARTICLE VII - FINANCIAL PROCEDURES

Section 7.2 - Budget

(a) - Submission; Contents - Add the word "by" between the word "or" and the phrase "this Charter".

Section 7.4 - Sale of Bonds - Add words "after reasonable public notice" after the words "...upon sealed proposals and in the title change.

Section 8.3 - Determination of Election Results

(c) General and Special Elections Tie Vote - Leave as drafted.

Section 8.4 - Wards (b) - Built in as an except in Section 3.7(b)

ARTICLE IX - INITIATIVE AND REFERENDUM

Section 9.1 - General Authority

(b) Referendum - Take zoning out of Referendum.

Section 9.5 - Procedure After Filing

(b) Judicial Review; New Petition - At the end of the first sentence - add "in the manner provided by law".

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Section 9.7 - Action on Petitions

(b) Submission to the Voters - Leave as drafted.

Section 10.5 - Procedure After Filing

(b) Judicial Review; New Petition - At the end of the first sentence - add "in the manner provided by law".

ARTICLE XII - LICENSING, TAXATION AND REGULATION OF BUSINESSES, OCCUPATIONS, PROFESSIONS, VOCATIONS AND OTHER ACTIVITIES OR THINGS

Section 11.2 - Right of Regulation (f) - Leave as drafted.

Section 12.1 - Objects of Licensing, Taxation and Regulation -

"The Board of Aldermen shall have power by ordinance to license, tax and regulate all businesses, occupations, professions, vocations, activities or things whatsoever set forth and enumerated by the statutes of the State now or hereafter applicable to constitutional charter cities, statutory class cities or cities of any population group and which any such cities are now or may hereafter be permitted by law to license, tax and regulate."

Section 13.1 - Personal Financial Interest - Leave as drafted.

Section 13.2 - Political Activity - Leave as drafted.

Section 13.5 - Official Bonds - The title was changed to read "Official Bonds" rather than "Sale of Bonds" in order that there wouldn't be confusion with Section 7.4.

Section 13.7 - Charter Amendment - Leave as drafted.

Section 13.10 - Separability - Leave as drafted.

Section 14.2 - Elected and Appointed Officials - Leave as drafted.

APPROVAL OF PAYMENT - It was moved by Tracy Huston, seconded by Madonna Laws that the attorney bill for Mr. Don Anderson in the amount of \$1,897.50 be approved for payment. Ayes - all but LaVerne Cannon who voted Nay. Motion carried.

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Chairman Bratsch stated that our next meeting will be held on Wednesday, September 6th at 7 P.M.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Sandra L. Grave.

w/att.



CITY OF CRESTWOOD
Internal Memorandum
Office of the City Administrator

TO: Carol Schneiderhahn
City Clerk

FROM: D. Kent Leichliter
City Administrator

DATE: August 17, 1995

SUBJECT: **Charter**

Thank you for the opportunity to examine the comments of the City Attorney and the special attorney regarding the Charter draft. Based on that reading, I have a couple of comments that I would appreciate your taking to the Charter Commission.

Section 5.2 (b)

I am concerned about the approval for the removal of department heads that is given to the Mayor and Board of Aldermen. At the present time, City Code provides for the City Administrator to remove department heads for the good of the City at his or her discretion. It is my opinion that placing the Mayor and Board of Aldermen into the removal process would not be wise. I do not think that the Mayor and Board would want to have a direct role in removing department heads and there should be no fear that a city administrator is going to run amok and needlessly fire department heads because the city administrator is controlled by the Mayor and Board.

I would suggest that 5.2 (b) read as follows:

(b) **APPOINTMENT AND REMOVAL OF EMPLOYEES** - The City Administrator shall appoint and, when the City Administrator deems it necessary for the good of the city, suspend or remove all city employees including appointed department heads. Appointment of department heads is subject to the approval of the Mayor and a majority of the Board of Aldermen. The City Administrator may authorize any administrative officer who is subject to the City Administrator's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency, subject to the right of appeal as provided by ordinance.

Section 4.4 (c)

Since the attorney mentioned some concern about the wording of this provision in relation to the duties of the city administrator, I would suggest that the Commission might wish to consider the following wording, which, I believe, carries out the Commission's intent for the Mayor's oversight:

(c) SUPERVISORY AUTHORITY - The Mayor shall exercise a general supervision over the affairs of the city, and shall take care that the ordinances of the city and the state laws relating to such city, are complied with. The Mayor may require oral or written reports from the city administrator regarding the operations of all departments of the city and may require oral or written reports and opinions from boards and commissions of the city, except the Judge of the municipal court.

CHARTER COMMISSION MEETING

AGENDA

AUGUST 16, 1995

MEETING NUMBER 26

Wednesday

7: 00 p.m.

1. Call to order - Pledge of Allegiance
2. Approval of minutes of meeting of August 2, 1995
3. General Business
 - A. Final Charter review following legal review
 - B. Resolution to adopt Charter
4. Old business
5. Public Input/Comments
6. Review meetings and assignments
 - A. Next meeting - August 30? / September 13
7. Adjournment

Robert's Rules of Order prevail

CITY OF CRESTWOOD

INTERNAL MEMORANDUM

Office of City Clerk

DATE: AUGUST 11, 1995

TO: CHARTER COMMISSION

FROM: *CAS* CAROL SCHNEIDERHAHN

SUBJECT: CHARTER REVIEW BY DON ANDERSON, ESQ.

I've enclosed some information which we received from Don Anderson regarding his review of the Charter.

He indicated to me by telephone that he has done his review in two segments: The first is what he terms "Suggested Revisions" to aid the clarity, consistency and concision of our draft. This document is enclosed. The second is a memorandum covering his substantive concerns. Mr. Anderson indicated we would receive it this week, but as of this date we have not received it. I will send it on to each of you as soon as we receive it.

I have forwarded Don Anderson's Suggested Revisions to Shu Simon for her review and asked that she review same and give us her comments by meeting time. I will fax his substantive concerns to her as soon as we receive them.

Shu is also working on the indemnification language, the Resolution submitting the ballot proposition to the Election Board and the language of the ballot propositions. She expects to have this information for us on Wednesday.

RECYCLED
FOX RIVER BOND

HOME RULE CHARTER COMMISSION MEETING
WEDNESDAY, SEPTEMBER 6, 1995

The twenty-seventh meeting of the City of Crestwood Charter Commission was held on September 6, 1995, at 6:30 p.m., in the Fire Department Training Room at the Crestwood Government Center, Chairman Bratsch presiding.

Members Present:

Jerry Bratsch	Burt Droste
Robert Theiss	Bob Parsons
H. Tracy Huston	Madonna Laws
Debbie Murray (left at 7:00 p.m.)	Ed Lang
Jane Armbruster	John McGowan, (arrived 7:00 p.m.)
LaVerne Cannon	

Members Absent:

Pat Duwe
Tom Killoren

Others Present:

Carol Schneiderhahn, City Clerk (arrived 6:35 p.m.)
Shulamith Simon, City Attorney (arrived 6:45 p.m.)

Discussion of Ballot Wording and Charter Document:

Chairman Bratsch indicated that the City Attorney and the City Clerk had been working on the wording of the ballot propositions. Because of the provisions in the Missouri Constitution and the requirements of the St. Louis County Election Board, Chairman Bratsch explained that if the Charter document remains as drafted in Sections 3.4 and 4.3 giving alternative sections for either no term limits or specific term limits of three full three year terms, there would have to be five propositions before the voters in November. Sample wording of these four propositions had been prepared and was distributed to the Charter Commission. (A copy of this wording is attached and marked Exhibit A and is made a part of these minutes).

Chairman Bratsch explained that if the Commission was willing to change the draft of the Charter so that the Charter document would not contain alternate wording, but remain silent with regard to term limits, then the propositions placed before the voters in November could be more straightforward and clear. There would then only have to be three propositions before the voters:

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WEDNESDAY, SEPTEMBER 6, 1995
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Proposition 1 would ask if the voter wished to approve the Charter drafted by the Commission. Proposition 2 would ask if the voter wished to add a section to the Charter providing for the term limits for the office of alderman. Proposition 3 would ask if voters wished to add a section to the Charter providing for the term limits for the office of mayor. (A copy of this proposed wording is attached, marked Exhibit B, and made a part of these minutes).

Lengthy discussion ensued in this regard. Chairman Bratsch explained that if Proposition 1 passed and Propositions 2 and 3 failed, the Charter would be passed and would contain no provisions for term limits. Therefore there would be no term limits for any of the city officials. Further, he explained that if Proposition 1 passed and either or both Propositions 2 and 3 passed, the city would be a Charter City and would have term limits for the office of alderman and/or the office of mayor. If Proposition 1 failed we would remain a 4th class city without term limits.

Chairman Bratsch stated that the Charter would have to be changed in order to have the simpler ballot. The proposed change in the wording of pages 2 and 6 of the Charter had been prepared by Carol Schneiderhahn and was attached to the Suggested Wording for the Ballot. (Exhibit B)

After further discussion, Burt Droste moved that the Commission accept the wording for the ballot propositions as prepared on page one of Exhibit B. Further that the Charter draft be changed on pages 2 and 6 to take out the alternative wording regarding term limits and replaced with the wording as was supplied to the Commission members with the ballot wording (Exhibit B). LaVerne Cannon seconded this motion.

Chairman Bratsch pointed out that there was another option for wording of the ballot on page 2 of Exhibit B. This option gave the voters the same questions, but added some explanation as to what a yes or no vote would do. The Commission indicated this additional wording may be too confusing for the voter.

Discussion ensued with regard to whether or not the voter could vote on one, two or all three of these propositions. Shu Simon indicated it was the voter's right to vote as he determined and there would be nothing the Commission could do, as far as the wording of the ballot was concerned, to direct the voter to vote on all three or explain that there could be no term limits unless Proposition 1 passed. It would be up to the Charter Commission to educate the voter in this regard before the election.

Chairman Bratsch then called for a vote on Burt Droste's motion. Motion carried.

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WEDNESDAY, SEPTEMBER 6, 1995
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Resolution Approving Charter

Chairman Bratsch then indicated that a Resolution had been prepared which, upon passage by the Commission, would approve the proposed Charter of the City of Crestwood and submit it to the qualified voters of the City at the election scheduled for November 7, 1995. The Commission amended the draft of the Resolution to allow for the changes made eliminating the alternative wording regarding term limits in the Charter draft. The City Attorney indicated that a vote could be taken on this Resolution and then the draft of the charter could be checked by the Commission and any editorial changes made.

Chairman Bratsch read the Resolution aloud to the Commission. Bob Parsons moved that the Commission adopt the Resolution read by Chairman Bratsch. (An original of this Resolution is attached, marked Exhibit C and made a part of these minutes.) Debbie Murray seconded the motion. Carol Schneiderhahn informed the Commission that she had received a letter from Pat Duwe who was unable to be present this evening. Carol read the letter which stated Pat Duwe would be voting in favor of passing the Resolution on the adoption of the Charter if she were able to be present. Chairman Bratsch then called for vote on the Adoption of the Resolution approving the Charter. Motion passed unanimously.

Approval of Minutes

Chairman Bratsch stated that some members stated there were some discrepancies between the minutes and the draft of the Charter. After discussion, the Commission determined that they would be checking the Charter for accuracy and editing same this evening. Madonna Laws moved that the Commission approve the Minutes of the August 16, 1995 meeting, recognizing that these discrepancies exist and would be handled in the review of the Charter. Bob Theiss seconded this motion. Motion carried.

Final Charter Review

Chairman Bratsch stated that the Commission had received a memorandum from Carol Schneiderhahn indicating some suggestions for changes by Shu Simon and editorial changes suggested by Carol. (A copy of this memorandum is attached and marked Exhibit D and made a part of these minutes.) He suggested that the Commission review the Charter document page by page for the final time.

Page 2, Section 3.3, Qualifications, first paragraph. Tracy Huston moved that this paragraph remain as typed in the Charter draft. John McGowan seconded this motion. Motion carried.

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Page 2, Section 3.3 Qualifications, second paragraph. Madonna Laws moved that this paragraph read, "A person recalled from the office of alderman may again run for such office from which recalled following the expiration of the term in which such person was recalled, or may at any time run for a different office." This wording would mirror the wording in Section 4.2 which refers to the qualifications for Mayor. Tracy Huston seconded this motion. Motion carried.

Page 2, Section 3.4 Election and Terms. Chairman Bratsch indicated that this section had been changed by earlier motion of Burt Droste in connection with approval of the wording of the ballot. This section will now read:

"Section 3.4 Election and Terms.

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

Voters to decide if the following paragraph should be added:

"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."

Page 2, Section 3.6 Prohibitions, (a) Holding Other Office. Chairman Bratsch pointed out a change in the first line of this paragraph. The word "an" should be changed to "a".

Page 3, Section 3.7 Vacancies; Forfeiture of Office; Filling of Vacancies, (b) Forfeiture of Office . It was pointed out that the reference to Section 8.4(b) needs to be changed to 8.4(c) since Section 8.4 is to be reorganized. Further, the word "by" at the end of the third line is deleted.

Page 3, Section 3.9, President of Board of Aldermen. Discussion ensued with regard to the possible rearrangement of the second sentence. After discussion, Ed Lang moved that this section remain as it presently is drafted. Jane Armbruster seconded this motion. Motion carried. John McGowan voted against this motion.

Page 4, Section 3.10 Legislative Proceedings, (f) Procedure. Tracy Huston moved that the word "inspections" in the second last line be changed to "inspection" and the word "formally" in the last line be deleted. Bob Parsons seconded this motion. Motion carried.

Page 6, Section 4.3 Election and Term. Chairman Bratsch indicated that this section had been changed earlier by motion of Burt Droste in connection with approval of the wording of the ballot. This section will now read:

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"Section 4.3 Election and Term.

The Mayor shall be elected by the qualified voters of the city at large at the general municipal election. The Mayor shall hold office for a term of three (3) years."

Voters to decide if the following paragraph should be added:

"The Mayor 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 Mayor for three (3) years."

Page 6, Section 4.4 Powers and Duties, (c) Supervisory Authority. Madonna Laws moved that the word "except" in the second last line of this section be changed to "excluding". Burt Droste seconded this motion. Motion carried. Tracy Huston voted against this motion.

Page 7, Section 4.6 Prohibitions. Tracy Huston moved that the title of this section be changed to "Prohibitions on Holding Other Office", that the "(a)" designation for the paragraph be dropped and that the word "an" in the first line be change to "a". Madonna Laws seconded this motion. Motion carried.

Page 8, Section 5.2 Powers and Duties, (a) City Clerk. Tracy Huston moved that the word "the" be added to the last line in front of the words "City Administrator". Bob Theiss seconded this motion. Motion carried.

Page 9, Section 5.2 Powers and Duties, (b) Appointment and Removal of Employees. Bob Parsons suggested that the second sentence of this paragraph be changed to read as follows: "Appointment or removal of department heads is subject to the approval of the Mayor and a majority of the Board of Aldermen." Motion failed for lack of a second. This section remains as drafted.

Page 9, Section 5.2 Powers and Duties, (h) Report of Financial Condition of City. Bob Parsons moved that the words "as the City Administrator deems desirable" be removed from the last sentence of this paragraph. John McGowan seconded this motion. Motion carried. Jerry Bratsch voted against this motion.

Page 11, Section 7.2 Budget (e) Adoption. Tracy Huston moved that the words, "of a majority of the authorized members of the Board of Aldermen" in the first sentence be deleted. He stated this wording is not necessary since it refers to the adoption of an ordinance and it would take a vote by a majority of the authorized members of the Board of Aldermen to pass an ordinance. John McGowan seconded this motion. Motion carried.

Page 13, Section 8.4 Wards. Tracy Huston moved that this entire section be reorganized as set out in the memorandum from Carol Schneiderhahn with the exception that the title of subsection (a) be "Establishment and Changes". Burt Droste seconded this motion. Motion carried. Discussion ensued regarding the punctuation in subparagraph (b). It was suggested that a semi colon be placed after the phrase, "and individually approved by three-fourths (3/4) of the authorized members of the Board of Aldermen". This section would now read:

"Section 8.4 Wards

(a) Establishment and Changes. There shall be four (4) wards, bounded and numbered the same as the wards that exist at the time of adoption of this Charter. Ward boundaries shall be established by ordinance following each decennial census. A Redistricting Committee, appointed in accordance with Section 8.4(b) shall recommend any changes in ward boundaries.

(b) Redistricting Committee. The Redistricting Committee shall consist of seven (7) members: Four (4) members, one from each of the existing wards, appointed by the Mayor and individually approved by three-fourths (3/4) of the authorized members of the Board of Aldermen; the Director of Public Works, the City Clerk and the City Administrator. The committee shall submit its findings to the Board of Aldermen for consideration.

(c) Representation After Boundary Changes. Whenever any change in the boundaries of any ward shall be made, an existing alderman who no longer resides in that ward shall remain in office until the next general municipal election."

Page 15, Section 9.4 Time for Filing Petitions. Madonna Laws made a motion that sub-paragraph (a) be entitled "Initiative Petitions" and sub-paragraph (b) be entitled "Referendum Petitions". Bob Parsons seconded this motion. Motion carried.

Page 17, Section 10.1 General Authority. A typographical error was pointed out in the section number. The correct number should be 10.1.

Page 17, Section 10.2 Commencement of Proceedings; Petitioners' Committee; Affidavit. Tracy Huston moved that the first sentence in this section should read as follows: "Any five (5) qualified voters of the city eligible to vote at the recall election may commence recall proceedings by filing with the City Clerk an affidavit, on a form to be provided by the city, stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form." Tracy suggested that this wording is clearer than what had been drafted. Bob Theiss seconded this motion. Motion carried.

Page 19, Section 11.2 Right of Regulation. Tracy moved that the list of rights of the Board of Aldermen in this paragraph be indicated by number designations rather than letter designations. LaVerne Cannon seconded this motion. Motion carried.

HOME RULE CHARTER COMMISSION MEETING

WEDNESDAY, SEPTEMBER 6, 1995

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Page 22, Section 13.3 Activities Prohibited, (b) Penalties. Tracy Huston moved that the word "by" in the first line be deleted. Burt Droste seconded this motion. Motion carried.

Page 23, Section 14.1 City Employees. Bob Parsons moved that the last sentence in this section be changed to read as follows: "The Board of Aldermen shall re-enact the city's personnel code promptly following the adoption of the Charter." John McGowan seconded this motion. Motion carried.

Discussion on Distributing Charter Information

Board members discussed various ways to distribute information to the voters regarding the November election. Burt Droste indicated he would be present at the Ward 1 Town Hall meeting set for September 14 and the Septemberfest at St. Elizabeth's Parish on September 16-17. He indicated he would like to have the summary sheets and the wording of the ballot available for distribution on these dates.

John McGowan indicated that he and Alderman Paradise would be setting a date for a Town Hall Meeting in Ward 3, hopefully in October.

Bob Theiss indicated he would contact his aldermen in Ward 2 to see if they were interested in having a Town Hall Meeting.

The Commission then discussed the information summary sheet previously prepared by the commission. Chairman Bratsch pointed out two minor changes. It was also suggested that two sentences be removed immediately before the ballot propositions are given. Ed Lang suggested a new summary paragraph as follows:

"In summary, you will decide if the City of Crestwood becomes a home-rule city by adopting it's own charter or remains a 4th class city under the control of the state legislature. You will also decide whether or not the charter will include term limits. Be sure you vote on November 7. It's your city." The commission agreed with these changes.

Charter Meeting Schedule

Chairman Bratsch suggested that the Commission not meet again until October. Discussion ensued. The Commission agreed that they would schedule meetings for each Wednesday night in October to make themselves available for anyone wishing to come to get information about the Charter. Chairman Bratsch indicated he would contact the Newsletter editor and Dan Ladd, reporter for the Suburban Journals, asking that they "advertise" these meetings.

With no further business to come before the Commission, Tracy Huston moved to adjourn. Bob Theiss seconded this motion. Motion carried. 8:05 p.m.

Carol Schneiderhahn
City Clerk

BALLOT PROPOSITIONS

EXHIBIT A

If Sections 3.4 and 4.3 of the Charter remain as now drafted

Shall the Charter framed by the Charter Commission of the City of Crestwood be adopted:

☐ Yes

☐ No

Provisions relating to the terms which an alderman may serve are submitted in the alternative:

Shall the Charter of the City of Crestwood include the following provisions:

There shall be no limit to the number of terms a person may serve as alderman

☐ Yes

☐ No

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.

☐ Yes

☐ No

Provisions relating to the terms which the Mayor may serve are submitted in the alternative:

Shall the Charter of the City of Crestwood include the following provisions:

There shall be no limit to the number of terms a person may serve as Mayor

☐ Yes

☐ No

The Mayor 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 Mayor for three (3) years.

☐ Yes

☐ No

CITY OF CRESTWOOD
INTERNAL MEMORANDUM

EXHIBIT B

Office of City Clerk

SUGGESTED WORDING FOR THE BALLOT

If Charter Sections 3.4 and 4.3 are silent with regard to term limits:

1. Shall the Charter framed by the Charter Commission of the City of Crestwood be adopted?

☐

Yes

☐

No

2. Shall the Charter of the City of Crestwood include the following provision?

"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."

☐

Yes

☐

No

3. Shall the Charter of the City of Crestwood include the following provision?

"The Mayor 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 Mayor for three (3) years?"

☐

Yes

☐

No

-or-

CITY OF CRESTWOOD

INTERNAL MEMORANDUM

Office of City Clerk

2. Shall the Charter of the City of Crestwood include the following provision?

"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." If you vote yes for this proposition there will be term limits for the office of alderman. If you vote no for this proposition, there will not be term limits for the office of alderman.

☐

Yes

☐

No

3. Shall the Charter of the City of Crestwood include the following provision?

"The Mayor 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 Mayor for three (3) years? If you vote yes for this proposition, there will be term limits for the office of Mayor. If you vote no for this proposition, there will not be term limits for the office of Mayor.

☐

Yes

☐

No

Section 3.2 COMPOSITION AND REPRESENTATION.

The Board of Aldermen shall consist of two (2) Aldermen from each ward. Aldermen shall be nominated and elected by the qualified voters of their respective wards as provided in Article VIII.

Section 3.3 QUALIFICATIONS.

No person shall be elected or appointed to the Board of Aldermen who is not at least twenty-one (21) years of age, a citizen of the United States, an inhabitant and a qualified voter of the City for at least one (1) year, and a resident of the respective ward for at least ninety (90) days. Candidates must meet all qualifications as of the date of filing for election or on the date of appointment to office. 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, or a convicted felon.

A person recalled from the office of alderman may again run for such office from which recalled following the expiration of the term in which such person was recalled, or may at any time run for a different office.

Section 3.4 ELECTION AND TERMS.

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.

Voters to decide if the following paragraph should be added:

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.

Section 3.5 COMPENSATION AND EXPENSES.

The compensation of the members of the Board of Aldermen shall be fixed by ordinance, and shall not be increased or diminished during the alderman's term of office. Aldermen may receive reasonable reimbursement for actual and necessary expenses as approved by the Board of Aldermen, provided that such expenses are supported by appropriate documentation.

Section 3.6 PROHIBITIONS.

(a) **HOLDING OTHER OFFICE** - Except where authorized by law, or pursuant to an written agreement between the city and another governmental agency, no member of the Board of Aldermen shall hold any other elective or appointive office of the city, or elective office of the state or its political subdivisions, or be employed by the city during the term for which the person was elected to the Board of Aldermen. No former member of the Board of Aldermen shall hold any compensated city employment until two (2) years after the expiration of the term for which the person was elected or appointed to the Board of Aldermen.

Section 4.3 ELECTION AND TERM.

The Mayor shall be elected by the qualified voters of the city at large at the general municipal election. The Mayor shall hold office for a term of three (3) years.

Voters to decide if the following paragraph should be added:

The Mayor 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 Mayor for three (3) years.

Section 4.4 POWERS AND DUTIES.

(a) BOARD OF ALDERMEN MEETINGS - The Mayor shall preside at meetings of the Board of Aldermen, but shall not vote on any question except in case of a tie. The Mayor shall neither preside over the Board's deliberations nor vote in cases where the Mayor's personal or financial interest in the issue being considered by the Board conflicts with the interest of the city. The Mayor may call meetings of the Board of Aldermen as provided in Section 3.10(a) of this Charter.

(b) APPROVAL OF LEGISLATION - An ordinance or resolution adopted by the Board of Aldermen shall be presented to the Mayor for approval. The Mayor shall either sign the same, or within seven (7) days of receipt of the ordinance or resolution, return it with a written statement explaining the reasons for disapproval. Ordinances or resolutions vetoed by the Mayor shall be considered at the next regular meeting of the Board of Aldermen, and the Board of Aldermen may pass the ordinance or resolution over the veto by an affirmative vote of three-fourths (3/4) of the authorized membership.

(c) SUPERVISORY AUTHORITY - The Mayor shall exercise a general supervision over the affairs of the city, and shall take care that the ordinances of the city and the state laws relating to such city, are complied with. The Mayor may require oral or written reports from the City Administrator regarding the operations of all departments of the city and may require oral or written reports and opinions from the boards and commissions of the city, except the Judge of the Municipal Court.

(d) APPOINTMENTS - The Mayor with the advice and consent of a majority of the Board of Aldermen present, shall appoint all members of committees, boards and commissions.

(e) ADMINISTRATIVE POLICY MATTERS - The Mayor shall have no authority to intervene or otherwise interfere with the exercise by the City Administrator of the powers and duties provided by Section 5.2 of this Charter.

(f) REVIEW CITY ADMINISTRATOR - The Mayor shall preside over the review of the City Administrator's performance as provided in Section 5.3 of this Charter.

**CHARTER COMMISSION
CITY OF CRESTWOOD**

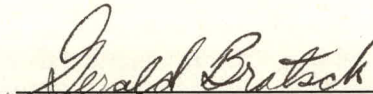
RESOLUTION

BE IT RESOLVED BY THE CHARTER COMMISSION OF THE CITY OF CRESTWOOD, MISSOURI, that the Commission does hereby approve the proposed Charter of the City of Crestwood, a copy of which is attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that said Charter shall be submitted to the qualified voters of the City of Crestwood at an election to be held on November 7, 1995, said election to be conducted in accordance with all applicable legal requirements.

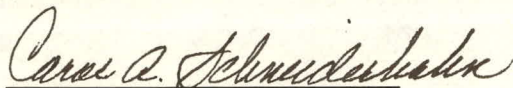
BE IT FURTHER RESOLVED, that there shall be submitted for a separate vote whether there should be limits to the number of terms which an alderman or the Mayor can serve.

ADOPTED this 6th day of September, 1995.



GERALD BRATSCH, CHAIRMAN
Charter Commission of City of
Crestwood

Attest:



Carol A. Schneiderhahn
City Clerk

CITY OF CRESTWOOD

INTERNAL MEMORANDUM

Office of City Clerk

DATE: SEPTEMBER 2, 1995
 TO: CHARTER COMMISSION
 FROM: CAROL SCHNEIDERHAHN, CITY CLERK
 SUBJECT: ANSWERS FROM CITY ATTORNEY ON FINALIZED CHARTER,
 AND, I PROMISE, LAST SUGGESTIONS FOR EDITORIAL
 CHANGE FROM ME

SHU'S COMMENTS:

Shu Simon phoned late Friday regarding her answer to the memorandum I sent her asking for her comments on the final draft of our Charter. Shu stated that all of the changes you made when we last met are good and do help the clarity of the Charter. Because of her time constraints, she asked that I relay the following information to the commission in that regard.

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This paragraph mirrors Section 4.2 regarding Qualifications (for Mayor) and Shu suggests that we simply make the second paragraph of Section 3.3 read in the same manner as 4.2, as follows: (The enlarged, emboldened words are added)

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Page 8, Section 5.2(a) City Clerk. Add the word "the" in the last line in front of City Administrator.

Page 9, Section 5.2(b) Appointment and Removal of Employees. No need to reference the city's personnel code specifically in this section.

CITY OF CRESTWOOD

INTERNAL MEMORANDUM

Office of City Clerk

Page 12, Objects of Licensing, Taxation and Regulation. No change suggested. Shu has no problem with the way this section is written.

Statutes state that no municipal corporation shall have the power to impose a license tax upon any business or purusit unless such business or calling is specially named as taxable in the charter or unless such power is conferred by statute. We reference what is in statutes.

She indicates that the statutes are very comprehensive and state which businesses can or cannot be licensed by any municipal corporation, so the only way we could add to what can be licensed is if we could come up with a new kind of business not mentioned in the statutes. Not likely. I can make copies of those sections of State Statutes for anyone interested...Sections 94.220, 71.610, 71.620.

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Page 23, Section 14.1 City Employees.

Shu suggests that the commission consider changing the last sentence to read as follows:

"The Board of Aldermen shall re-enact the city's personnel code **promptly following** the adoption of the Charter."

She states that while it is conveyable that Don's point about the necessity of re-enacting the personnel code has some merit, she doesn't feel it has much merit. She feels using the above wording would allow a little more time for the Board and staff to research those ordinances that need to be adopted or changed to be in line with Charter and carry out the Charter's intent. To place a definite date may tie their hands somewhat.

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As I was preparing the Table of Contents to bring next week, I noticed the following sections that needed structure editing:

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"Prohibition On Holding Other Office."

CITY OF CRESTWOOD

INTERNAL MEMORANDUM

Office of City Clerk

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This section is divided into four sub-paragraphs, (a), (b), (c), & (d). All other sub-paragraphs in the Charter are named individually and the names of the sub-paragraphs are placed in the Table of Contents. In attempting to come up with names for each sub-paragraph, I had trouble with the organization of the section, so I am suggesting reorganizing the section as follows: (There are no changes in content.)

"Section 8.4 Wards

(a) **Establishment/Changes.** There shall be four (4) wards, bounded and numbered the same as the wards that exist at the time of adoption of this Charter. Ward boundaries shall be established by ordinance following each decennial census. A Redistricting Committee (appointed in accordance with Section 8.4(b) shall recommend any changes in ward boundaries.

(b) **Redistricting Committee.** A Redistricting Committee shall consist of seven (7) members: Four members, one from each of the existing wards, appointed by the Mayor and individually approved by three fourths (3/4) of the authorized members of the Board of Aldermen, the Director of Public Works, the City Clerk, and the City Administrator. The committee shall submit its findings to the Board of Aldermen for consideration.

(c) **Representation After Boundary Changes.** Whenever any change in the boundaries of any ward shall be made, an existing alderman who no longer resides in that ward shall remain in office until the next general municipal election."

If we go with this reorganization, it will be necessary to change the reference in Section 3.7(b), Forfeiture of Office, (page 3) from - Section 8.4(b) to **"Section 8.4(c)".**

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That's it. Amen.

WEDNESDAY, SEPTEMBER 6, 1995

NAME	ADDRESS	COMM. MEMBER / RESIDENT / GUEST OR OBSERVER
Robert O. Shei	115 Chatsworth Terr.	member
W. Henry Zuckers	9059 morning star	"
Alan Murray	939 Leggett	"
Janell Munster	9073 Maple Grove	"
Laverne C. Cannon	1650 Leggett	"
B. Deote	1467 Tulane	"
B. Parsons	9872 Amberley	"
M. Laws	9250 Vauk	"
Ed Lang	9640 YORKSHIRE EST. DR	"
Jerry Burt	8945 Red Oak	"
John Mc Gowan		

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

September 6, 1995

Meeting Number 27

Wednesday

6:30 P.M.

- I. Call to order - Pledge of Allegiance
- II. Approval of minutes of meeting of August 16
- III. General Business
 - A. Resolution to adopt Charter
- IV. Old business
 - A. Final check of 8/16 revisions
- V. Public Input/Comments
- VI. Review meetings and assignments
 - A. Next meeting - September 20
- VII. Adjournment

Robert's Rules of Order prevail

NOTE MEETING TIME

6:30 P.M.

CHARTER COMMISSION
CITY OF CRESTWOOD

RESOLUTION

BE IT RESOLVED BY THE CHARTER COMMISSION OF THE CITY OF CRESTWOOD, MISSOURI, that the Commission does hereby approve the proposed Charter of the City of Crestwood, a copy of which is attached hereto and hereby made a part hereof.

BE IT FURTHER RESOLVED, that said Charter shall be submitted to the qualified voters of the City of Crestwood at an election to be held on November 7, 1995, said election to be conducted in accordance with all applicable legal requirements.

BE IT FURTHER RESOLVED, that there shall be submitted for a separate vote, alternative sections relating to whether there should be limits to the number of terms which an alderman or the Mayor can serve or whether there should be no limits to the number of terms which an alderman or the Mayor can serve and that the alternative sections receiving the larger affirmative vote shall prevail if a Charter is adopted.

Adopted this _____ day of August, 1995.

Gerald Bratsch, Chairman
Charter Commission of the City of
Crestwood


ATTEST:

City Clerk

CITY OF CRESTWOOD

INTERNAL MEMORANDUM

Office of City Clerk

DATE: SEPTEMBER 2, 1995
TO: CHARTER COMMISSION
FROM: CAROL SCHNEIDERHAHN, CITY CLERK
SUBJECT:  ANSWERS FROM CITY ATTORNEY ON FINALIZED CHARTER,
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CITY OF CRESTWOOD

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That's it. Amen.

CITY OF CRESTWOOD CHARTER COMMISSION

One Detjen Drive
Crestwood, Missouri 63126

The following synopsis of the proposed Crestwood City Charter was developed to provide information and understanding of the Charter for all interested citizens of Crestwood. It covers the highlights of future city operation under the Charter if you, the voters, approve its adoption at the November 7 election.

Basically, Crestwood city government and operations will continue as we now know it. As a result many will ask, "If that's the case why change to a Charter (Home-rule) City?" And the answer is: "Because as a home-rule city, we, the citizens, will have a greater say about what happens to Crestwood."

The most fundamental change which results from the Charter is the shift of power over our local government from Jefferson City to Crestwood. Presently the ruling documents of our city government are the statutes regulating 4th class cities. They can be changed only by the Missouri General Assembly. The Charter will pass that control directly to us, the people of Crestwood. Crestwood citizens have written the Charter; Crestwood citizens alone have the right to adopt it; and only Crestwood citizens can change it through the amendment procedure provided by the Charter itself. The Charter provides to the city through the Board of Aldermen, all powers the State can confer upon any city, so long as they are constitutional and not limited by statute or the Charter itself. If the City abuses its power, the people can limit or change that power through the amendment process, which includes the people's exercise of their initiative, one of the new rights.

In general, the philosophy of the Charter Commission has been to leave the City operation pretty much as is. The thinking that has prevailed throughout the development of the charter has been: "If it ain't broke, don't fix it but provide more control to the people wherever we can". The results can be grouped into three categories:

- A. Left as is
- B. More control to the citizens
- C. Modest change where it benefits the voters

In the first category of "left as is":

1. All City employees, administrative and personnel procedures remain unchanged.
2. The checks and balances continue. The Mayor can veto aldermanic actions as is currently the case and the Board of Aldermen can override the veto exactly as allowed by current statutes.
3. The City Administrator will continue to report to both the Mayor and Board of aldermen.
4. The Mayor will continue to be elected at large by all registered voters of the City.
5. There will continue to be two Aldermen representing each ward and they will be elected by the citizens living in that Ward, as is done today.

Regarding the second category of "more control to the people", the Charter will give more power to the Citizens of Crestwood. The **Charter will provide you, the citizens, with controls** not currently allowed in fourth class cities such as Crestwood. Those new rights include:

1. INITIATIVE - citizen initiated ordinances
2. REFERENDUM - citizen petition to repeal or cancel an ordinance
3. RECALL - citizen petition to remove an elected official from office.

INITIATIVE allows a group of citizens to petition to have a proposed ordinance brought to the vote of the people of Crestwood. This usually occurs when individual requests to your Aldermen for a particular action by the Board do not result in adoption of an ordinance that you feel necessary. An initiative petition allows for a committee of five citizens to obtain the signatures of 12% of registered voters to propose an ordinance for

MEMBERS

Jane Armbruster
Jerry Bratsch
LaVerne Cannon
Burt Droste
Pat Duwe
Tracy Huston
Tom Killoren
Ed Lang
Madonna Laws
John McGowan
Debbie Murray
Robert Parsons
Robert Theiss

Carol Schneiderhahn
City Clerk
Sandy Grave
Acting Recorder

action by the Board of Aldermen including submission to a vote of the people. **Regardless of the position of the Board of Alderman or the Mayor on the issue, the citizens will have decided.**

REFERENDUM, like the initiative, provides you, the citizens, with the opportunity to vote for repeal of a particular ordinance that you feel is unnecessary, overly restrictive, oppressive or provides favoritism to a particular person, group or business. Again it requires that a committee of five citizens obtain the signatures of 12% of registered voters calling for **repeal by the Board of Aldermen or submittal to a vote of the people.**

RECALL provides the citizens with the power to remove an elected official from office. As with initiative and referendum, a group of five people must obtain the necessary number of qualified signatures (20% of registered voters) to bring about an election to decide on the removal of the particular elected official. The vote would be city wide for removal of the Mayor and only in the Ward for removal of an Alderman. Again, **the power rests with the people to decide.**

In the third category of "modest change", we include length of terms and term limits.

In regard to the length of terms for Mayor and Aldermen, the Charter Commission felt there were several very compelling reasons that the length of terms should be increased to three years from the current two year term. This will allow elected officials more time to learn and demonstrate their effectiveness; encourage an alderman to run for mayor without first giving up the aldermanic seat; and improve rotation to ensure continuity of experienced elected officials. In addition, the 3 year term is more realistic when considering increased campaign costs, particularly for the office of mayor where campaign costs are escalating rapidly for contested elections. These costs have discouraged some qualified candidates from running. Meanwhile, with the power of recall in their hands, the people may end the service of an ineffective, abusive or corrupt official before his or her term is completed.

Finally, term limits prompted a considerable amount of discussion. As a result, you will vote separately on the issue of term limits on November 7. Input from you, the citizens, indicates you want to encourage dedicated, capable people to run for and hold elected city positions. Whether or not term limits will do that will be decided at the polls.

On Tuesday, November 7, 1995, you will have the opportunity to vote on two separate Charter issues.

1. Shall the City of Crestwood become a home-rule/charter city?
YES or NO
2. On term limits:
 - a. there shall be no term limits to elected office
or
 - b. there shall be a limit of three consecutive (3) three year terms for a total of 9 years on all elected offices.

In summary, you will decide on the City of Crestwood becoming a Charter City and whether or not the Charter will include term limits. Regardless of how you feel about term limits, be sure to vote on November 7 and vote your feelings.!! It is your City.

Sincerely,

The Charter Commission

Note: The entire draft Charter covers 25 pages. Copies are available at the office of the City Clerk in the Crestwood Government Center, 1 Detjen Drive.

BALLOT PROPOSITIONS

If Sections 3.4 and 4.3 of the Charter remain as now drafted

Shall the Charter framed by the Charter Commission of the City of Crestwood be adopted:

☐ Yes

☐ No

Provisions relating to the terms which an alderman may serve are submitted in the alternative:

Shall the Charter of the City of Crestwood include the following provisions:

There shall be no limit to the number of terms a person may serve as alderman

☐ Yes

☐ No

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.

☐ Yes

☐ No

Provisions relating to the terms which the Mayor may serve are submitted in the alternative:

Shall the Charter of the City of Crestwood include the following provisions:

There shall be no limit to the number of terms a person may serve as Mayor

☐ Yes

☐ No

The Mayor 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 Mayor for three (3) years.

☐ Yes

☐ No

CITY OF CRESTWOOD

INTERNAL MEMORANDUM

Office of City Clerk

SUGGESTED WORDING FOR THE BALLOT

If Charter Sections 3.4 and 4.3 are silent with regard to term limits:

1. Shall the Charter framed by the Charter Commission of the City of Crestwood be adopted?

☐

Yes

☐

No

2. Shall the Charter of the City of Crestwood include the following provision?

"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."

☐

Yes

☐

No

3. Shall the Charter of the City of Crestwood include the following provision?

"The Mayor 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 Mayor for three (3) years?"

☐

Yes

☐

No

-or-

CITY OF CRESTWOOD

INTERNAL MEMORANDUM

Office of City Clerk

2. Shall the Charter of the City of Crestwood include the following provision?

"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." If you vote yes for this proposition there will be term limits for the office of alderman. If you vote no for this proposition, there will not be term limits for the office of alderman.

☐

Yes

☐

No

3. Shall the Charter of the City of Crestwood include the following provision?

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☐

Yes

☐

No

Section 3.2 COMPOSITION AND REPRESENTATION.

The Board of Aldermen shall consist of two (2) Aldermen from each ward. Aldermen shall be nominated and elected by the qualified voters of their respective wards as provided in Article VIII.

Section 3.3 QUALIFICATIONS.

No person shall be elected or appointed to the Board of Aldermen who is not at least twenty-one (21) years of age, a citizen of the United States, an inhabitant and a qualified voter of the City for at least one (1) year, and a resident of the respective ward for at least ninety (90) days. Candidates must meet all qualifications as of the date of filing for election or on the date of appointment to office. 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, or a convicted felon.

A person recalled from the office of alderman may again run for such office from which recalled following the expiration of the term in which such person was recalled, or may at any time run for a different office.

Section 3.4 ELECTION AND TERMS.

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.

Voters to decide if the following paragraph should be added:

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.

Section 3.5 COMPENSATION AND EXPENSES.

The compensation of the members of the Board of Aldermen shall be fixed by ordinance, and shall not be increased or diminished during the alderman's term of office. Aldermen may receive reasonable reimbursement for actual and necessary expenses as approved by the Board of Aldermen, provided that such expenses are supported by appropriate documentation.

Section 3.6 PROHIBITIONS.

(a) **HOLDING OTHER OFFICE** - Except where authorized by law, or pursuant to an written agreement between the city and another governmental agency, no member of the Board of Aldermen shall hold any other elective or appointive office of the city, or elective office of the state or its political subdivisions, or be employed by the city during the term for which the person was elected to the Board of Aldermen. No former member of the Board of Aldermen shall hold any compensated city employment until two (2) years after the expiration of the term for which the person was elected or appointed to the Board of Aldermen.

Section 4.3 ELECTION AND TERM.

The Mayor shall be elected by the qualified voters of the city at large at the general municipal election. The Mayor shall hold office for a term of three (3) years.

Voters to decide if the following paragraph should be added:

The Mayor 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 Mayor for three (3) years.

Section 4.4 POWERS AND DUTIES.

(a) BOARD OF ALDERMEN MEETINGS - The Mayor shall preside at meetings of the Board of Aldermen, but shall not vote on any question except in case of a tie. The Mayor shall neither preside over the Board's deliberations nor vote in cases where the Mayor's personal or financial interest in the issue being considered by the Board conflicts with the interest of the city. The Mayor may call meetings of the Board of Aldermen as provided in Section 3.10(a) of this Charter.

(b) APPROVAL OF LEGISLATION - An ordinance or resolution adopted by the Board of Aldermen shall be presented to the Mayor for approval. The Mayor shall either sign the same, or within seven (7) days of receipt of the ordinance or resolution, return it with a written statement explaining the reasons for disapproval. Ordinances or resolutions vetoed by the Mayor shall be considered at the next regular meeting of the Board of Aldermen, and the Board of Aldermen may pass the ordinance or resolution over the veto by an affirmative vote of three-fourths (3/4) of the authorized membership.

(c) SUPERVISORY AUTHORITY - The Mayor shall exercise a general supervision over the affairs of the city, and shall take care that the ordinances of the city and the state laws relating to such city, are complied with. The Mayor may require oral or written reports from the City Administrator regarding the operations of all departments of the city and may require oral or written reports and opinions from the boards and commissions of the city, except the Judge of the Municipal Court.

(d) APPOINTMENTS - The Mayor with the advice and consent of a majority of the Board of Aldermen present, shall appoint all members of committees, boards and commissions.

(e) ADMINISTRATIVE POLICY MATTERS - The Mayor shall have no authority to intervene or otherwise interfere with the exercise by the City Administrator of the powers and duties provided by Section 5.2 of this Charter.

(f) REVIEW CITY ADMINISTRATOR - The Mayor shall preside over the review of the City Administrator's performance as provided in Section 5.3 of this Charter.

CITY OF CRESTWOOD

INTERNAL MEMORANDUM

Office of City Clerk

TO: MAYOR AND BOARD OF ALDERMEN
DEPARTMENT HEADS
FROM: *CS* CAROL SCHNEIDERHAHN, CITY CLERK
DATE: 9/14/95
SUBJECT: FINAL DRAFT OF PROPOSED CHARTER OF CITY OF CRESTWOOD

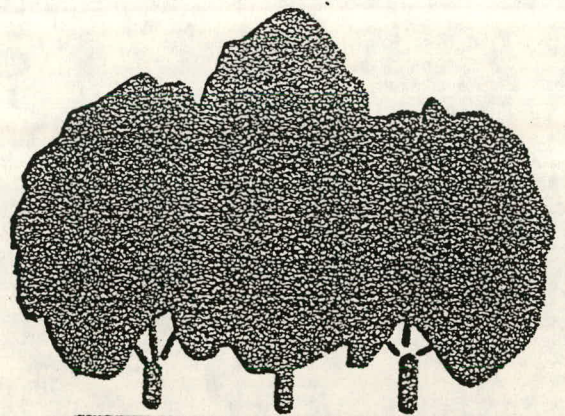
I am attaching a finalized draft of the Proposed Charter. The City is looking at changing the finished format of the Charter, so when it has been prepared, I will send each of you the final product. I am also enclosing a copy of a summary letter the Commission prepared for distribution to the voters and a copy of the wording of the three propositions that will be on the ballot.

I took the certification papers to the Election Board last week, ordering the ballot preparation for November. The Commission members are now concentrating on getting the word out and encouraging the Crestwood people to be sure to vote in November. Representatives of the Commission are making themselves available at various functions from now to the election, such as the Ward 1 Town Hall Meeting (9/14) and the St. Elizabeth Parish Septemberfest (9/15 and 9/16).

The Commission has planned to meet each Wednesday evening in October at 7:00 p.m. to be available to offer information or answer any questions the Crestwood community may have regarding the Charter process or document.

cc: Charter Commission

**PROPOSED CHARTER
FOR
CITY OF CRESTWOOD
MISSOURI**



9/6/95

**CITY OF CRESTWOOD, MISSOURI
PROPOSED CHARTER DOCUMENT**

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9/1/11

**PROPOSED CHARTER
FOR
CITY OF CRESTWOOD, MISSOURI**

PREAMBLE

In order to provide for the government of the City of Crestwood, and secure the benefits and advantages of constitutional home rule under the Constitution of the State of Missouri, the people of Crestwood adopt the following Charter:

**ARTICLE I
INCORPORATION, NAME AND BOUNDARIES**

Section 1.1. INCORPORATION, NAME AND BOUNDARIES

The inhabitants of the City of Crestwood, within the corporate limits as now established or as hereafter established in the manner then provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the City of Crestwood.

**ARTICLE II
POWERS**

Section 2.1. POWERS

The city shall have all powers the General Assembly of the State of Missouri has authority to confer upon any city, provided such powers are consistent with the Constitution of this State and are not limited or denied either by this Charter or by statute. The city shall, in addition to its home rule powers, have all powers conferred by law.

Section 2.2 CONSTRUCTION

The powers of the city shall be liberally construed. The specific mention of a particular power in this Charter shall not be construed as limiting the powers of the city.

**ARTICLE III
BOARD OF ALDERMEN**

Section 3.1 WHERE POWERS VESTED

Except as otherwise provided by this Charter, all powers of the city shall be vested in the Board of Aldermen which shall provide for the exercise of these powers and for the performance of all duties and obligations imposed upon the city by law.

Section 3.2 COMPOSITION AND REPRESENTATION.

The Board of Aldermen shall consist of two (2) Aldermen from each ward. Aldermen shall be nominated and elected by the qualified voters of their respective wards as provided in Article VIII.

Section 3.3 QUALIFICATIONS.

No person shall be elected or appointed to the Board of Aldermen who is not at least twenty-one (21) years of age, a citizen of the United States, an inhabitant and a qualified voter of the City for at least one (1) year, and a resident of the respective ward for at least ninety (90) days. Candidates must meet all qualifications as of the date of filing for election or on the date of appointment to office. 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, or a convicted felon.

A person recalled from the office of alderman may again run for such office from which recalled following the expiration of the term in which such person was recalled, or may at any time run for a different office.

Section 3.4 ELECTION AND TERMS.

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.

Voters to decide if the following paragraph should be added:

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.

Section 3.5 COMPENSATION AND EXPENSES.

The compensation of the members of the Board of Aldermen shall be fixed by ordinance, and shall not be increased or diminished during the alderman's term of office. Aldermen may receive reasonable reimbursement for actual and necessary expenses as approved by the Board of Aldermen, provided that such expenses are supported by appropriate documentation.

Section 3.6 PROHIBITIONS.

(a) **HOLDING OTHER OFFICE** - Except where authorized by law, or pursuant to a written agreement between the city and another governmental agency, no member of the Board of Aldermen shall hold any other elective or appointive office of the city, or elective office of the state or its political subdivisions, or be employed by the city during the term for which the person was elected to the Board of Aldermen. No former member of the Board of Aldermen shall hold any compensated city employment until two (2) years after the expiration of the term for which the person was elected or appointed to the Board of Aldermen.

(b) APPOINTMENTS, HIRING AND REMOVALS - Neither the Board of Aldermen nor any of its members shall in any manner dictate the appointment or removal of any city employees whom the City Administrator or any of the City Administrator's subordinates are empowered to appoint.

(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; 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) 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, or (2) violates 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 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 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.

Section 3.9 PRESIDENT OF BOARD OF ALDERMEN.

The Board of Aldermen shall choose a President within forty-five (45) days following the date of each general municipal election. The President of the Board of Aldermen shall preside at meetings of the Board of Aldermen in the absence of the Mayor and shall serve as Acting Mayor in accordance with Article 4.7 (c) of this Charter.

Section 3.10 LEGISLATIVE PROCEEDINGS.

(a) MEETINGS - The Board of Aldermen shall hold a regular meeting at least once each month at such times and places as the Board may prescribe. Regular meetings shall start no earlier than 7:00 P.M. The Mayor may, or at the request of three (3) aldermen shall, call a special meeting of the Board of Aldermen for a time not earlier than 24 hours after notice is given to all members of the Board of Aldermen then in the city.

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. In no event shall any meeting of the Board of Aldermen be held outside the city limits.

(b) QUORUM - A quorum shall constitute one (1) more than half of the total number of authorized members of the Board of Aldermen. If a quorum fails to attend any meeting, it shall stand adjourned until the next regular or special meeting.

(c) RULES AND ORDER OF BUSINESS - The Board of Aldermen shall by ordinance determine its own rules and order of business. It shall cause a record of its proceedings to be kept and this record shall be open to public inspection. A separate record shall be kept of closed sessions, which record shall remain closed to public inspection or to legal process, except as otherwise provided by law.

(d) VOTING - The "ayes" and "nays" shall be entered on any question at the request of any two (2) members, provided however, that on the vote on final passage of any ordinance, the "ayes" and "nays" shall in all cases be entered in the record showing the vote of each alderman in attendance. In all roll call votes the names of the members of the Board of Aldermen shall be called in random order. Except as otherwise provided in this Charter, an affirmative vote of a majority of the authorized members of the Board of Aldermen shall be necessary to adopt any ordinance.

(e) FORM OF ORDINANCES - Proposed ordinances and resolutions shall be introduced in the Board of Aldermen only in written or printed form. The enacting clause of all ordinances shall be:

"Be it Ordained by the Board of Aldermen of the City of Crestwood."

(f) PROCEDURE - Every proposed ordinance shall be read by title in an open Board of Aldermen meeting two (2) times before final passage, and at least one (1) week shall elapse between introduction and final passage unless an immediate second reading is approved by unanimous vote of the Board of Aldermen. A copy of each proposed ordinance shall be provided for each member of the Board of Aldermen at the time of its introduction, and at least three (3) copies shall be provided for public inspection in the office of the City Clerk until such time as the proposed ordinance is either adopted or rejected.

Persons interested in a proposed ordinance shall be given an opportunity to be heard before the Board of Aldermen in accordance with such rules and regulations as the Board of Aldermen may adopt. If the Board of Aldermen adopts an amendment to a proposed ordinance on the second reading that constitutes a change in substance, the proposed ordinance as amended shall be placed on file for public inspection in the office of the City Clerk for an additional one (1) week before the next consideration.

(g) EFFECTIVE DATE - Every ordinance shall become effective upon its adoption or at any later date specified therein.

Section 3.11 INVESTIGATIONS.

Upon approval by three-quarters (3/4) of its authorized membership, the Board of Aldermen may make investigations into the affairs of the city and the conduct of any city department, office or agency. For such purpose the Board may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a subpoena issued in the exercise of these powers by the Board of Aldermen shall be subject to such penalties as provided by ordinance.

Section 3.12 INDEPENDENT AUDIT.

The Board of Aldermen shall provide for an independent audit of all city accounts at least once a year. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. A copy of the audit shall be kept in the City Clerk's Office and shall be open to public inspection. No certified public accountant or firm shall conduct the audit for more than five consecutive years.

ARTICLE IV MAYOR

Section 4.1 MAYOR.

The Mayor shall be recognized as the head of the city for all legal and ceremonial purposes and by the Governor of Missouri for all purposes of military law.

Section 4.2 QUALIFICATIONS.

No person shall be elected to the office of Mayor who is not at least twenty-five (25) years of age, a citizen of the United States, an inhabitant and a qualified voter of the city for at least two (2) years. Candidates must meet all qualifications as of the date of filing for election or on the date of appointment to office. No person may be elected to the office of Mayor who is either delinquent in the payment of any Crestwood taxes or fees, or a convicted felon.

A person recalled from the office of Mayor may again run for such office following the expiration of the term in which such person was recalled, or may at any time run for a different office.

Section 4.3 ELECTION AND TERM.

The Mayor shall be elected by the qualified voters of the city at large at the general municipal election. The Mayor shall hold office for a term of three (3) years.

Voters to decide if the following paragraph should be added:

The Mayor 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 Mayor for three (3) years.

Section 4.4 POWERS AND DUTIES.

(a) BOARD OF ALDERMEN MEETINGS - The Mayor shall preside at meetings of the Board of Aldermen, but shall not vote on any question except in case of a tie. The Mayor shall neither preside over the Board's deliberations nor vote in cases where the Mayor's personal or financial interest in the issue being considered by the Board conflicts with the interest of the city. The Mayor may call meetings of the Board of Aldermen as provided in Section 3.10(a) of this Charter.

(b) APPROVAL OF LEGISLATION - An ordinance or resolution adopted by the Board of Aldermen shall be presented to the Mayor for approval. The Mayor shall either sign the same, or within seven (7) days of receipt of the ordinance or resolution, return it with a written statement explaining the reasons for disapproval. Ordinances or resolutions vetoed by the Mayor shall be considered at the next regular meeting of the Board of Aldermen, and the Board of Aldermen may pass the ordinance or resolution over the veto by an affirmative vote of three-fourths (3/4) of the authorized membership.

(c) SUPERVISORY AUTHORITY - The Mayor shall exercise a general supervision over the affairs of the city, and shall take care that the ordinances of the city and the state laws relating to such city, are complied with. The Mayor may require oral or written reports from the City Administrator regarding the operations of all departments of the city and may require oral or written reports and opinions from the boards and commissions of the city, excluding the Judge of the Municipal Court.

(d) APPOINTMENTS - The Mayor with the advice and consent of a majority of the Board of Aldermen present, shall appoint all members of committees, boards and commissions.

(e) ADMINISTRATIVE POLICY MATTERS - The Mayor shall have no authority to intervene or otherwise interfere with the exercise by the City Administrator of the powers and duties provided by Section 5.2 of this Charter.

(f) REVIEW CITY ADMINISTRATOR - The Mayor shall preside over the review of the City Administrator's performance as provided in Section 5.3 of this Charter.

(g) **OTHER DUTIES** - The Mayor shall exercise such other powers and perform such other duties as may be prescribed either by this Charter, by ordinance, or by law.

Section 4.5 COMPENSATION AND EXPENSES.

The compensation of the Mayor shall be fixed by ordinance, and shall not be increased or diminished during the Mayor's term of office. The Mayor may receive reasonable reimbursement for actual and necessary expenses as approved by the Board of Aldermen, provided that such expenses are supported by appropriate documentation.

Section 4.6 PROHIBITION ON HOLDING OTHER OFFICE .

Except where authorized by law, or pursuant to a written agreement between the city and another governmental agency, no Mayor shall hold any other elective or appointive office of the city, or elective office of the state or its political subdivisions or be employed by the city during the term for which such person was elected to the office of Mayor. No former Mayor shall hold any compensated city employment until two (2) years after the expiration of the term for which such person was elected or appointed to the office of Mayor.

Section 4.7 VACANCY; 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) **FORFEITURE 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; or (2) the Mayor violates 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.

Section 4.8 CITY ATTORNEY.

There shall be a City Attorney nominated by the Mayor and appointed with the advice and consent of the majority of the Board of Aldermen. The City Attorney shall be licensed to practice law in the State of Missouri, but need not reside within the city. The City attorney shall be the chief legal officer for the city and shall have such duties as may be assigned by law, the City Administrator and the Board of Aldermen.

Assistant city attorneys may be appointed from time to time by the Mayor with the consent of the Board of Aldermen, if deemed necessary.

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 (3/4) vote of the authorized membership of the Board of Aldermen on its own initiative, with no right of appeal.

ARTICLE V CITY ADMINISTRATOR

Section 5.1 CITY ADMINISTRATOR.

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 (3/4) vote of the authorized membership of the Board of Aldermen on its own initiative, with no right of appeal.

The City Administrator shall be 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 (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 by the Mayor with the advice and consent of a majority of the authorized membership of the Board of Aldermen.

Section 5.2 POWERS AND DUTIES.

The City Administrator shall be responsible to the Mayor and the Board of Aldermen for the administration of all city affairs placed in the City Administrator's charge by or under this Charter. Such person shall have the following powers and duties:

(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.

(b) APPOINTMENT AND REMOVAL OF EMPLOYEES - The City Administrator shall appoint and, when the City Administrator deems it necessary for the good of the city, suspend or remove all city employees including appointed department heads. Appointment of department heads is subject to the approval of the Mayor and a majority of the Board of Aldermen. The City Administrator may authorize any administrative officer who is subject to the City Administrator's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency, subject to the right of appeal as provided by ordinance.

(c) ADMINISTRATION OF DEPARTMENTS - The City Administrator shall direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this Charter or by law.

(d) ATTENDANCE AT BOARD OF ALDERMEN MEETINGS - The City Administrator shall attend all meetings of the Board of Aldermen unless excused by the Board of Aldermen. The City Administrator shall have the right to take part in discussions at meetings of the Board of Aldermen, but shall have no power to vote. The City Administrator shall receive notice of all meetings.

(e) ENFORCEMENT OF LAWS - The City Administrator shall see that all laws, provisions of this Charter and acts of the Board of Aldermen, unless otherwise provided by law, are faithfully enforced.

(f) BUDGET AND CAPITAL PROGRAM - The City Administrator shall submit annually a recommended budget and a projected five (5) year capital improvement, replacement, and personnel needs program to the Mayor and Board of Aldermen.

(g) FINANCE AND ADMINISTRATIVE RECORD - The City Administrator shall submit to the Mayor and Board of Aldermen a complete report on the finances and administrative activities of the city as of the end of each fiscal year.

(h) REPORT OF FINANCIAL CONDITION OF CITY - The City Administrator shall keep the Mayor and Board of Aldermen fully apprised of the financial condition and future needs of the city and make recommendations to the Mayor and Board of Aldermen concerning the affairs of the city.

(i) OTHER REPORTS - The City Administrator shall make such other reports as the Mayor and Board of Aldermen may require concerning the operations of city departments, offices and agencies which are subject to the City Administrator's direction and supervision.

(j) OTHER DUTIES - The City Administrator shall perform such other duties as are specified in this Charter or may be required by the Board of Aldermen.

Section 5.3 PERFORMANCE REVIEW.

The City Administrator shall receive a performance review from the Mayor and Board of Aldermen at least once a year. Each performance review shall be made a part of the confidential personnel file of the City Administrator.

ARTICLE VI ADMINISTRATIVE ORGANIZATION AND PERSONNEL SYSTEM

Section 6.1 ADMINISTRATIVE ORGANIZATION.

(a) **DEPARTMENTS, ETC.** Existing departments, agencies, authorities and offices shall be continued as constituted on the effective date of this Charter until thereafter changed pursuant to this Charter or by ordinance.

(b) **BOARDS, COMMISSIONS.** Existing boards and commissions shall remain in effect unless changed pursuant to this Charter or by ordinance.

Section 6.2 PERSONNEL SYSTEM.

The personnel code shall provide that all appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence without regard to race, sex, age, disability, national origin, or political or religious opinions or affiliations, in accordance with applicable state and federal law. The city personnel code in effect on the effective date of this Charter shall remain in effect except as it may be amended by ordinance from time to time.

ARTICLE VII FINANCIAL PROCEDURES

Section 7.1 FISCAL YEAR.

The fiscal year of the city shall begin on the first day of July and end on the last day of June, unless otherwise set by ordinance.

Section 7.2 BUDGET.

(a) **SUBMISSION; CONTENTS** - 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 proposed final budget and accompanying written narrative. The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or by this Charter, shall be in such form as the City Administrator deems desirable or the Board of Aldermen may require. The budget shall indicate in separate sections:

(1) Proposed expenditures for current operations during the ensuing fiscal year and the method of financing such expenditures; and

(2) Proposed capital expenditures during the ensuing fiscal year and the proposed method of financing each such capital expenditure.

In no event shall the total proposed expenditures for any fund defined by city ordinances exceed the estimated available revenues. Revenue estimates shall be adjusted to reflect any unencumbered or undesignated balance from the previous year.

(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 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.

(c) PUBLIC HEARING - After a fifteen (15) day public notice, the Board of Aldermen shall hold a public hearing on the proposed budget prior to its adoption.

(d) AMENDMENT BEFORE ADOPTION - After the public hearing, the Board of Aldermen may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated revenues and unencumbered or undesignated balance from any previous fiscal year.

(e) ADOPTION - The budget and capital program shall be adopted by ordinance on or before the last day of the current fiscal year. If the Board of Aldermen fails to adopt the budget by this date, amounts appropriated for existing city operations during the current fiscal year shall be deemed adopted for the ensuing fiscal year on a pro-rated month-to-month basis until the Board of Aldermen shall adopt a budget.

(f) BUDGETED ITEMS APPROPRIATED - Adoption of the budget shall constitute an appropriation of the amounts specified therein as expenditures.

(g) SUPPLEMENTAL APPROPRIATIONS - During the course of the fiscal year, the Board of Aldermen may by ordinance make supplemental appropriations if the City Administrator certifies that funds will be available for such expenditures.

(h) INSUFFICIENT REVENUES - If at any time during the fiscal year it appears probable to the City Administrator that the revenues available will be insufficient to meet the amount appropriated, it shall be reported to the Mayor and Board of Aldermen without delay. The City Administrator shall indicate the estimated amount of the deficit and any remedial action taken, and recommend further steps to be implemented. The Board of Aldermen shall then take such further action as it deems necessary to prevent any deficit, and for that purpose it may by ordinance reduce appropriations.

(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.

(j) APPROPRIATIONS LAPSE - All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been spent, lawfully encumbered or authorized for prorata expenditure in a fiscal year for which a budget has not been adopted pursuant to the provisions of Section 7.2(e), of this Charter.

(k) PROHIBITED PAYMENTS AND OBLIGATIONS - No payment shall be made or obligation incurred against any appropriation except in accordance with appropriations duly made. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made shall be illegal. Such action shall be cause for removal of any city employee or elected official who knowingly authorized or made such payment or incurred such obligation, and the employee or elected official shall also be liable to the city for any amount so paid. Except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

(l) PUBLIC RECORDS - Copies of the budget and capital program as adopted shall be public records and shall be made available to the public.

Section 7.3 TAXATION POWERS.

Taxes as authorized by law shall be levied by ordinance.

Section 7.4 SALE OF BONDS.

The city shall be authorized to sell any bonds as may now or hereafter be authorized by law. Bonds sold by the city may be sold at private or public sale as authorized by law. In the event such bonds are to be sold at public sale, the same shall be sold upon sealed proposals after reasonable public notice has been given as provided by ordinance or otherwise by law. Any public sale shall be conducted according to such terms and conditions as may be provided by ordinance.

ARTICLE VIII NOMINATIONS AND ELECTIONS

Section 8.1 CITY ELECTIONS

(a) GENERAL MUNICIPAL ELECTIONS. The general municipal election shall be held annually, on the date provided by state law.

(b) SPECIAL ELECTIONS. The Board of Aldermen may, by resolution, order special elections, fix the time for such elections and provide for holding such elections on any of the dates provided for elections by state law.

(c) CONDUCT OF ELECTIONS. All city elections shall be non partisan and governed by the provisions of this Charter and applicable state law. The Board of Aldermen may further regulate elections by ordinance, subject to the provisions of this Charter and applicable state law.

Section 8.2 NOMINATIONS

(a) DECLARATION OF CANDIDACY. Nomination of candidates for elective city offices shall be made by declaration of candidacy filed with the City Clerk in the form and manner prescribed by ordinance. No person shall be allowed to file for more than one office.

(b) REGULATION BY BOARD OF ALDERMEN. Nothing contained in this Charter shall prevent the Board of Aldermen from further regulating the conduct of nominations consistent with the provisions of this Charter and applicable state laws.

Section 8.3 DETERMINATION OF ELECTION RESULTS

(a) NUMBER OF VOTES. At the election for Mayor each voter shall be entitled to vote for one candidate. At the election for Aldermen, each voter shall be entitled to vote for one candidate to represent the ward in which the voter resides. If two aldermen are to be elected from any ward at a regular election where only one alderman normally would be elected, there shall be placed on the ballot two separate propositions, one office for the unexpired term, and one office for the full three-year term.

(b) RETURNS. The candidate receiving the highest number of votes for each office, as certified by the St. Louis County Board of Election Commissioners, shall be declared elected. Installation into office shall be no more than three weeks following receipt of certification.

(c) GENERAL AND SPECIAL ELECTIONS TIE VOTE. If at any general or special election there shall be two (2) or more candidates receiving an equal number of votes as certified by the St. Louis County Board of Election Commissioners, and if that number of votes would otherwise qualify each such tied candidate for election to office, then the Board of Aldermen shall call a special election at the next available election date at which said candidates shall be the only candidates. The incumbent shall remain in office until a successor has been elected and duly installed.

Section 8.4 WARDS

(a) ESTABLISHMENT AND CHANGES. There shall be four (4) wards, bounded and numbered the same as the wards that exist at the time of adoption of this Charter. Ward boundaries shall be established by ordinance following each decennial census. A Redistricting Committee, appointed in accordance with Section 8.4 (b) shall recommend any changes in ward boundaries.

(b) REDISTRICTING COMMITTEE. The Redistricting Committee shall consist of seven (7) members: Four (4) members, one from each of the existing wards, appointed by the Mayor and individually approved by three fourths (3/4) of the authorized members of the Board of Aldermen; the Director of Public Works, the City Clerk, and the City Administrator. The committee shall submit its findings to the Board of Aldermen for consideration.

(c) REPRESENTATION AFTER BOUNDARY CHANGES. Whenever any change in the boundaries of any ward shall be made, an existing alderman who no longer resides in that ward shall remain in office until the next general municipal election.

ARTICLE IX INITIATIVE AND REFERENDUM

Section 9.1 GENERAL AUTHORITY.

(a) INITIATIVE. The qualified voters of the city shall have power to propose ordinances to the Board of Aldermen. If the Board of Aldermen fails to adopt an ordinance so proposed without any change in substance, the qualified voters may adopt or reject it at a city election. Such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, levy of a special assessment, zoning, or salaries of city officers or employees. No proposed initiative ordinance shall contain more than one subject, which shall be clearly expressed in its title. An initiative petition may be utilized to amend or repeal any ordinance other than those excluded above.

(b) REFERENDUM. The qualified voters of the city shall have power to require reconsideration by the Board of Aldermen of any adopted ordinance, except as hereinafter provided. If the Board of Aldermen fails to repeal an ordinance so reconsidered, the qualified voters may approve or reject it at a city election. Such power shall not extend to the budget or capital program, or any ordinance relating to appropriation of money, levy of taxes, zoning, or salaries of city officers or employees. No referendum shall contain more than one subject, which shall be clearly expressed in its title.

Section 9.2 COMMENCEMENT OF PROCEEDINGS; PETITIONERS' COMMITTEE; AFFIDAVIT.

Any five (5) qualified voters of the city may commence initiative or referendum proceedings by filing with the City Clerk an affidavit, on a form provided by the city, stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall state their names, addresses and phone numbers and specify the address to which all notices to the committee are to be sent, and set out in full the proposed initiative ordinance or cite the ordinance sought to be reconsidered.

Not more than seven (7) days after the affidavit of the petitioners' committee is filed, the City Clerk shall issue the appropriate petition forms to the petitioners' committee.

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 twelve percent (12%) of the total number of voters registered to vote at the last general municipal election.

(b) **FORM AND CONTENT.** 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.

(c) **AFFIDAVIT OF CIRCULATOR.** When filed, each paper of a petition shall have attached to it an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

Section 9.4 TIME FOR FILING PETITIONS.

(a) **INITIATIVE PETITIONS.** Initiative petitions shall be filed within sixty (60) days of the issuance of the appropriate petition forms to the petitioners' committee.

(b) **REFERENDUM PETITIONS.** Referendum petitions shall be filed within forty-five (45) days after adoption by the Board of Aldermen of the ordinance sought to be reconsidered.

Section 9.5 PROCEDURE AFTER FILING.

(a) **CERTIFICATE OF CITY CLERK: AMENDMENT.** Within twenty (20) days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars in which it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail, return receipt requested. A petition certified as insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Clerk within two (2) business days after receiving a copy of the City Clerk's certificate and files a supplementary petition upon additional papers within ten (10) days after receiving a copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 9.3 of this Charter. Within five (5) days after it is filed, the City Clerk shall complete a certificate as to the sufficiency of the petitions as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail, return receipt requested, as in the case of an original petition. If a petition is certified to be insufficient and no timely amended petition is filed, or if an amended petition is certified to be insufficient, no further action shall be had thereon and such determination shall be deemed the final determination.

(b) JUDICIAL REVIEW; NEW PETITION. A final determination as to the sufficiency of a petition shall be subject to judicial review, instituted in the manner provided by law. A final determination of insufficiency, even if sustained upon judicial review, shall not prejudice the filing of a new petition for the same purpose, subject to provisions of Section 9.4 (b) of this Charter.

Section 9.6 REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF ORDINANCE.

When a petitioners' committee files its affidavit with the City Clerk, the ordinance sought to be reconsidered by Referendum shall be suspended from effectiveness. Such suspension shall terminate when:

- (1) The petition is not filed in accordance with provisions of Section 9.4(b) of this Charter;
or
- (2) There is a final determination by the City Clerk of the insufficiency of the petition; or
- (3) The petitioners' committee withdraws the petition; or
- (4) Election results sustaining the ordinance have been certified by the St. Louis County Board of Election Commissioners.

Section 9.7 ACTION ON PETITIONS.

(a) ACTION BY BOARD OF ALDERMEN. When an initiative or referendum petition has been finally determined sufficient, the Board of Aldermen shall promptly consider the proposed initiative ordinance in the manner provided in Section 3.10(f) of this Charter, or reconsider the referred ordinance by voting on its repeal. If the Board of Aldermen fails to adopt a proposed initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, at the next meeting thereafter it shall submit the proposed or referred ordinance to the voters of the city, in accordance with the provisions of Section 9.7 (b) of this Charter.

(b) SUBMISSION TO THE VOTERS. The vote by the qualified voters of the city on a proposed or referred ordinance shall be held on the next legally available election date following the expiration of the date for final action by the Board of Aldermen. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) WITHDRAWAL OF PETITIONS. An initiative or referendum petition may be withdrawn at any time prior to the ballot certification date established by the St. Louis County Election Board by filing with the City Clerk a notice of withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such notice of withdrawal, the petition shall have no further force or effect and proceedings thereon shall be terminated.

Section 9.8. RESULTS OF ELECTION.

(a) INITIATIVE. If a majority of those voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results by the St. Louis County Board of Election Commissioners and shall be treated in all respects in the same manner as an ordinance adopted by the Board of Aldermen.

If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. In the event of a tie, there shall be a run-off election to be held on the next legally available election date.

(b) REFERENDUM. If a majority of those voting on a referred ordinance vote to repeal the ordinance, it shall be considered repealed upon certification of the election results by the St. Louis County Board of Election Commissioners.

ARTICLE X RECALL

Section 10.1 GENERAL AUTHORITY

The qualified voters of the city shall have power to recall any elected official of the City of Crestwood. No elected official shall be subject to recall during the first one hundred twenty (120) days after the official's induction into office. No elected official shall be subject to recall during the last one hundred twenty (120) days of the official's term. If the elected official is retained in office upon any recall election, the official shall not be again subject to recall during the same term of office. Recall of the Mayor shall be by petition and vote of the qualified voters of the city. Recall of a member of the Board of Aldermen shall be by petition and vote of the qualified voters of that member's ward.

Section 10.2 COMMENCEMENT OF PROCEEDINGS; PETITIONERS' COMMITTEE; AFFIDAVIT.

Any five (5) qualified voters of the city eligible to vote at the recall election may commence recall proceedings by filing with the City Clerk an affidavit, on a form to be provided by the city, stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall state their names, addresses and phone numbers and specify the address to which all notices to the committee are to be sent, and set out in full the name and office of the person to be recalled.

Not more than seven (7) days after the affidavit of the petitioners' committee is filed, the City Clerk shall issue the appropriate petition forms to the petitioners' committee.

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 twenty percent (20%) 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 twenty percent (20%) of the total number of voters registered to vote at the last general city election in that member's ward.

(b) FORM AND CONTENT. 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. No petition shall seek the recall of more than one officer.

(c) AFFIDAVIT OF CIRCULATOR. When filed, each paper of a petition shall have attached to it an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the name and office of the city official to be recalled.

Section 10.4 TIME FOR FILING PETITIONS.

Recall petitions shall be filed within sixty (60) days of the issuance of the appropriate petition forms to the petitioners' committee.

Section 10.5 PROCEDURE AFTER FILING.

(a) CERTIFICATE OF CITY CLERK: AMENDMENT. Within twenty (20) days after the recall petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying if it is insufficient, the particulars in which it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail, return receipt requested. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Clerk within two (2) business days after receiving the copy of the City Clerk's certificate and files a supplementary petition upon additional papers within ten (10) days after receiving a copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 10.3 of this Charter. Within five (5) days after it is filed, the City Clerk shall complete a certificate as to the sufficiency of the petitions as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail, return receipt requested, as in the case of an original petition. If a petition is certified to be insufficient and no timely amended petition is filed, or if an amended petition is certified to be insufficient, no further action shall be had thereon and such determination shall be deemed the final determination.

(b) JUDICIAL REVIEW; NEW PETITION. A final determination as to the sufficiency of a petition shall be subject to judicial review, instituted in the manner provided by law. A final determination of insufficiency, even if sustained upon judicial review shall not prejudice the filing of a new petition for the same purpose, subject to the provisions of Section 10.1 of this Charter.

Section 10.6 ACTION ON PETITION.

(a) SUBMISSION TO THE VOTERS. When a recall petition has been finally determined as sufficient, the Board of Aldermen shall at its next regular meeting after receipt of such final determination, fix a date for holding the election at the next legally available election date.

(b) WITHDRAWAL OF PETITIONS. A recall petition may be withdrawn at any time prior to the ballot certification date established by the St. Louis County Election Board by filing with the City Clerk a notice of withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such notice of withdrawal, the petition shall have no further force or effect and proceedings thereon shall be terminated.

Section 10.7 RESULTS OF RECALL ELECTION.

If a majority of the qualified electors voting in such recall election shall vote in favor of the recall, then a vacancy shall exist, regardless of any defect in the recall petition. Such vacancy shall be filled as provided in this Charter.

ARTICLE XI FRANCHISES

Section 11.1 GRANTING OF FRANCHISES.

All public utility franchises and all renewals, extensions and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted within less than thirty (30) days after application therefor has been filed with the Board of Aldermen, nor until a public hearing has been held thereon. No exclusive franchises shall ever be granted, and no franchise shall be granted for a term longer than twenty (20) years. No such franchise shall be transferable directly or indirectly, except with the approval of the Board of Aldermen expressed by ordinance after a public hearing.

Section 11.2 RIGHT OF REGULATION.

Every public utility franchise, whether it be so provided in the ordinance or not, shall be subject to the right of the Board of Aldermen to:

(1) Repeal or shorten the term of a franchise for misuse or nonuse or failure to comply therewith; or failure to comply with the provisions of this section and regulations adopted in accordance with this section or with the provisions of the franchise ordinance.

(2) Require proper and adequate extension of plant and service and the maintenance thereof at the highest practical standards of efficiency.

(3) Establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.

(4) Make an independent audit and examination of accounts at any time and require reports annually.

(5) Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.

(6) Control and regulate the use of the city streets, alleys, bridges and public places, and the space above and beneath them.

(7) Regulate rates, fares, and charges and make adjustments thereof from time to time if the same are not regulated by the state or federal governments.

(8) Impose such other regulations from time to time as it may determine to be conducive to the safety, welfare and accommodation of the public.

Section 11.3 TEMPORARY PERMITS.

Temporary permits for the operation of public utilities or like permits for a period not to exceed two (2) years but subject to being renewed for a period not to exceed one (1) year and subject to amendment, alteration, or revocation at any time by the Board of Aldermen may be granted only by ordinance on such terms and conditions as the Board of Aldermen shall determine. Such permits shall in no event be construed to be franchises or extensions or amendments of franchises.

Section 11.4 OPERATION BEYOND FRANCHISE PERIOD.

Any operation of a public utility by a franchise holder, with the tacit permission of the city, beyond the period for which the franchise was granted, shall under no circumstances be construed as a renewal or extension of such franchise. Any such operation shall at most be regarded as a temporary permit subject to amendment, alteration or revocation at any time by the Board of Aldermen.

ARTICLE XII LICENSING, TAXATION AND REGULATION OF BUSINESSES, OCCUPATIONS, PROFESSIONS, VOCATIONS AND OTHER ACTIVITIES OR THINGS

Section 12.1 OBJECTS OF LICENSING, TAXATION AND REGULATION.

The Board of Aldermen shall have power by ordinance to license, tax and regulate all businesses, occupations, professions, vocations, activities or things whatsoever set forth and enumerated by the statutes of this state now or hereafter applicable to constitutional charter cities, statutory class cities or cities of any population group and which any such cities are now or may hereafter be permitted by law to license, tax and regulate.

ARTICLE XIII GENERAL PROVISIONS

Section 13.1 PERSONAL FINANCIAL INTEREST:

Any elected or appointed officer or employee of the city who has substantial financial interest, direct or indirect, as defined by Missouri statutes, in any transaction with the city, shall make known that interest in writing to the Board of Aldermen. Such officer or employee shall refrain from voting upon or otherwise participating as a city officer or employee in the making of any such transaction.

Any city officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section shall be guilty of malfeasance in office or position, and shall forfeit his or her office or position. Violation of this section with the knowledge, expressed or implied, of the person or corporation engaged in such transaction with the city shall render the contract or sale voidable by the Mayor or Board of Aldermen.

Section 13.2 POLITICAL ACTIVITY

No city employee shall solicit any contribution for the campaign fund of any candidate for Crestwood city office or take part in the political campaign of any candidate for Crestwood city office. All employees may exercise their right as private citizens to express opinions and if a qualified voter in Crestwood, to sign a nominating petition for any city candidate, and to vote in any city election.

Political affiliation, participation or contribution shall not be considered in making any city employment decision. No city officer, employee or member of a board or commission shall use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for Crestwood city office. No city officer, employee or member of a board or commission shall directly coerce, attempt to coerce, command, advise, or solicit a city employee to pay, lend, or contribute anything of value to a committee, organization, agency or person for political or electoral purposes of any candidate for Crestwood city office.

Section 13.3 PROHIBITIONS.

(a) ACTIVITIES PROHIBITED.

(1) No person shall be appointed to, or removed from, or in any way favored or discriminated against with respect to any city position, because of race, sex, age, disability, national origin, or political or religious opinions or affiliations, in accordance with applicable state and federal law.

(2) No person who seeks appointment, promotion or retention with respect to any city position shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or in connection with such person's test, appointment, proposed appointment, promotion or proposed promotion.

(b) PENALTIES.

Any person who, individually or with others, willfully violates any of the provisions of Section 13.3(a) of this Charter, shall upon conviction, be deemed guilty of a misdemeanor and shall be subject to fine, imprisonment or both as may be provided by ordinance. Any person who violates any of the aforementioned provisions shall forfeit such person's office or employment with the city.

Section 13.4 NOTICE OF SUITS.

No action shall be maintained against the city for or on account of any injury growing out of alleged negligence of the city unless notice shall first have been given in writing to the City Administrator within ninety (90) days of the occurrence for which said damage is claimed, stating the place, time, character and circumstances of the injury, and that the person so injured will claim damages therefor from the city.

Section 13.5 OFFICIAL BONDS.

All officers and employees of the city who receive, disburse, or are responsible for city funds, and such other appointed or elected officers and employees as the Board of Aldermen by ordinance may designate, shall, within such time after election or appointment as may be fixed by ordinance, and before entering upon the discharge of their duties, give bond to the city in such sums and with such sureties as shall be prescribed by ordinance, and subject to approval by the Board of Aldermen, but not less than \$50,000, conditioned upon the faithful and proper performance of their duties and for the prompt accounting for and paying over to the city of all monies belonging to the city that may come into their hands. The city shall pay the premiums on all such bonds.

Section 13.6 INDEMNIFICATION OF CITY OFFICIALS

The Board of Aldermen shall provide for the indemnification of city officials on such terms as shall be set forth by ordinance.

Section 13.7 CHARTER AMENDMENT.

Amendments to this Charter may be framed and submitted to the voters by a commission as provided by law and the Constitution of the State of Missouri for a complete Charter; by the Board of Aldermen or by petition of not less than ten percent (10%) of the qualified voters of the City setting forth the proposed amendment and filed with the City Clerk.

The Board of Aldermen shall at once provide by ordinance that any amendment so proposed shall be submitted to the voters at the next election held in the city not less than sixty (60) days after its passage, or at a special election held as provided for a Charter.

Any amendment approved by a majority of those voting thereon shall become a part of the Charter at the time and under the conditions fixed in the amendment; sections or articles may be submitted separately or in the alternative and determined as provided for a complete Charter.

Section 13.8 CHARTER REVIEW COMMITTEE.

From time to time, but not less 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. The members of the Charter Review Committee shall be appointed by the Mayor with the advice and consent of the Board of Aldermen.

The Charter Review Committee shall consist of at least nine (9) persons, not more than one of whom shall be an elected official of the city with at least two members from each ward. The Charter Review Committee shall, within twelve (12) months of its first meeting, report to the Board of Aldermen as many amendments to the Charter as it shall deem advisable. The Board of Aldermen shall by ordinance submit such proposed amendments to the voters at the next general election.

Section 13.9 PROOF OF ORDINANCE.

Any ordinance may be proved by a copy thereof certified by the City Clerk under the seal of the city or, when printed and published by authority of the city, shall be received in evidence in all courts, or other places, without further proof of authenticity.

Section 13.10 SEPARABILITY.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE XIV TRANSITIONAL PROVISIONS

Section 14.1 CITY EMPLOYEES.

An employee holding a city position at the time this Charter takes full effect, shall continue to be subject to the personnel code in force on the effective date of the Charter. The Board of Aldermen shall re-enact the city's personnel code promptly following the adoption of the Charter.

Section 14.2 ELECTED AND APPOINTED OFFICIALS.

All persons in elective and appointive positions in the City of Crestwood at the time of the adoption of this Charter shall continue to hold their offices until their successors are elected or appointed and qualified.

Section 14.3 ORDINANCES TO REMAIN IN FORCE.

All ordinances, regulations and resolutions in force at the time this Charter takes effect, which are not inconsistent with the provisions of this Charter, shall remain and be in force until altered, modified or repealed by or under authority of this Charter or ordinance.

Section 14.4 PENDING ACTIONS AND PROCEEDINGS.

No action or proceeding, civil or criminal, pending at the time this Charter shall take effect, brought by or against the city or any office, department, agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained.

Section 14.5 CONTINUANCE OF CONTRACTS, PUBLIC IMPROVEMENTS AND TAXES.

All contracts entered into by the city, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect.

Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws.

All taxes and assessments levied or assessed, all fines and penalties imposed and all other obligations owing to the city which are uncollected at the time this Charter becomes effective, shall continue in full force and effect and shall be collected as if no change had been made.

ARTICLE XV TRANSITIONAL SCHEDULE

Section 15.1 PURPOSE OF SCHEDULE.

The purpose of the following provisions is to promote the orderly transition from the present 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.

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.

Section 15.3 TIME OF TAKING EFFECT.

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.

Section 15.4 FIRST GENERAL MUNICIPAL ELECTION.

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.

Approved
10/25/95

VOL. XXVIII

HOME RULE CHARTER COMMISSION MEETING
WEDNESDAY, OCTOBER 4, 1995

The twenty-eighth meeting of the City of Crestwood Charter Commission was held on October 4, 1995 at 7 P.M. in Fire Department Training Room at the Crestwood Government Center, Chairman Jerry Bratsch presiding.

MEMBERS PRESENT:

Jane Armbruster	Ed Lang
Jerry Bratsch	Madonna Laws
LaVerne Cannon	Debbie Murray
Pat Duwe	Robert Theiss
Tom Killoren	

MEMBERS ABSENT:

Burt Droste
H. Tracy Huston
John McGowan
Bob Parsons

OTHERS PRESENT:

Carol Schneiderhahn, City Clerk
Sandra L. Grave, Acting Recorder

Chairman Bratsch stated that the meeting this evening would be informal. The primary reason for the meeting tonight was for public input. Chairman Bratsch stated that he would call Dan Ladd regarding printing something in the Journal to reach the public about our last few meetings, and also the Crestwood Newsletter will be printing meeting information which would be forthcoming this week.

Chairman Bratsch stated that for the next four weeks in October, we will be here primarily for the benefit of Crestwood residents who might want explanations or information on the proposed charter. If the public does not attend, we will adjourn the meetings around 8 P.M.

Chairman Bratsch then asked if there were any additions or corrections to the minutes of the September 6, 1995 meeting. Since there were none, the minutes were approved as printed.

324 COLTON
FOX BLACK BOND

HOME RULE CHARTER COMMISSION MEETING

WEDNESDAY, OCTOBER 4, 1995

PAGE TWO

Discussion followed wherein the members spoke of other city charters. Many cities that have had charters for years have never had them amended, which was interesting and noted by the commission.

Chairman Bratsch then stated the Mayor has requested that a picture of the Charter Commission be taken and after discussion by the members present, it was decided that on October 17th at 6:30 P.M. an official picture would be taken in the aldermanic chambers.

Carol Schniederhahn, City Clerk, stated she has noted that some cities have added an **Explanatory Statement to the Citizens of Crestwood** at the beginning of their charters. Therefore, Carol has drafted one for our charter which was read and agreed to by all members present. Said statement is attached hereto marked Exhibit A and made part of this Journal.

Since there was nothing further to discuss and there were no residents present this evening, it was moved by Tom Killoren and seconded by Bob Theiss that the meeting be adjourned.

Respectfully submitted,

Sandra L. Grave, Acting Recorder

**HOME RULE CHARTER COMMISSION MEETING
ATTENDANCE SHEET
WEDNESDAY, OCTOBER 4, 1995**

NAME	ADDRESS	COMM. MEMBER / RESIDENT / GUEST OR OBSERVER
MADONNA J. LAWS	9250 VAUK LN.	MEMBER
Debbie Murray	939 Liggelt	"
Jane Armbruster	9073 Maple Grove	"
Pat Nuwe	9014 Laurel Crest	"
Laverne Cannon	1650 Liggelt	"
Robert Thomas	115 Chetwood Lane	"
Thomas C. Kjelgren	907 Volz Dr.	"
Ed Lang	9640 YORKSHIRE EST. DR	"
Jerry Bratsel		
Sandy Greve		

WE WILL MEET IN FIRE DEPT.
TRAINING ROOM

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

October 4, 1995

Meeting Number 28

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Approval of minutes of meeting of September 6, 1995
- III. General Business
 - A. Public meeting - Q & A
- IV. Old business
- V. Public Input/Comments
- VI. Review meetings and assignments
 - A. Next meeting - October 11
- VII. Adjournment

Robert's Rules of Order prevail

EXPLANATORY STATEMENT TO THE CITIZENS OF CRESTWOOD

On November 8, 1994, the citizens of Crestwood voted to create a Charter Commission to draft a Home Rule Charter designed specifically for Crestwood. The Charter will vest the power of government in the City residents instead of the State Legislature. The Charter Commission has completed its work and has approved the proposed Charter which will be submitted to the voters at an election on November 7, 1995.

If the Charter is approved at that time, it will become effective and begin serving as the legal framework for the operation of the city government immediately after the election results are certified by the St. Louis County Election Board.

WHAT IS A CHARTER?

A charter is the most fundamental legal document of a city. Like a Constitution, it establishes the form and structure of city government, defines the powers of city officials and establishes the basic procedural mechanisms which govern the conduct of city officials and administration.

PHILOSOPHY GUIDING THE COMMISSION

The intent of the members of the Charter Commission was to keep the current form of government, making minimal changes and giving more control to the citizens as allowed by the Constitution of the State of Missouri for Charter cities.

Presently, the ruling documents of our city government are the state statutes regulating 4th class cities. They can be changed only by the Missouri General Assembly. A Charter form of government will pass that control directly to the people of Crestwood.

PRINCIPAL CHARTER PROVISIONS

FORM OF GOVERNMENT

The current Mayor - Board of Aldermen - Administrator form of government has been retained.

BOARD OF ALDERMEN

All legislative power and policy making authority for the city rests in the Board of Aldermen comprised of two aldermen from each ward. The existing four wards will remain in place. The Charter changes the length of the term of the office of alderman from two (2) years to three (3) years. The Charter Commission drafted the Charter without term limits. However, the citizens of Crestwood will vote on a separate ballot proposition on November 7, 1995, to determine if the Charter should contain a provision which would limit a person serving in the office of alderman to three (3) successive, full three (3) year terms, not including time served to complete an unexpired term and prohibit that alderman from serving again in that ward for three years.

MAYOR

The Mayor shall continue to be the chief executive officer of the City. The Mayor will continue to be elected by the people at large. The Charter would change the length of the term of the office of Mayor from two (2) years to three (3) years. The Charter Commission drafted the Charter without term limits. However, the citizens of Crestwood will vote on a separate ballot proposition on November 7, 1995, to determine if the Charter should contain a provision which would limit a person serving as Mayor to three (3) successive, full three (3) year terms, not including time served to complete an unexpired term and prohibit that person from serving again as Mayor for three years.

CITY ADMINISTRATOR

The City Administrator shall continue to be responsible to the Mayor and Board of Aldermen for the administration of all city operations. The powers and duties of the City Administrator are outlined in the Charter document.

ADMINISTRATIVE ORGANIZATION

All existing departments, agencies, boards and commissions will remain unchanged under the Charter.

FINANCIAL PROCEDURES

The Charter requires the City Administrator to maintain a balanced budget and present to the Board of Aldermen yearly a five year capital and personnel needs program for the city

INITIATIVE, REFERENDUM AND RECALL

The Charter will provide the citizens with controls not currently allowed under our 4th class city status: Initiative, Referendum and Recall.

Initiative allows a group of citizens to petition to have a proposed ordinance brought to the vote of the people of Crestwood. An initiative petition requires a committee of five (5) citizens to obtain the signatures of 12% of registered voters to propose an ordinance for action by the Board of Aldermen or submission to a vote of the people.

Referendum allows a group of citizens to petition to have an existing ordinance repealed by a vote of the people of Crestwood. Referendum requires a committee of five citizens to obtain the signatures of 12% of registered voters calling for repeal of a certain ordinance by the Board of Aldermen or submittal to a vote of the people.

Recall allows a group of citizens to petition for the removal of an elected official from office by a vote of the people in the ward of that particular alderman, or, in the case of the Mayor, by a citywide vote of the people. A group of five people must obtain the signatures of 20% of registered voters to bring about an election to decide on the removal of an elected official.

**POLLING PLACE LIST
SUPPLEMENTAL ELECTION
NOVEMBER 7, 1995
CITY OF CRESTWOOD**

<u>TWP/PCT</u>	<u>POLLING PLACE</u>	<u>REG VOTERS</u>
GRA 001 028 056	*CRESTWOOD COMMUNITY CENTER 9245 WHITE CLIFF PARK LANE	887
GRA 004	*CRESTWOOD CITY AUDITORIUM 1 DETJEN DR	1,153
GRA 005	*SOUTHMINSTER PRESBY CHURCH 10126 E WATSON ROAD	991
GRA 006 054	*OAKBEND BRANCH LIBRARY 842 S HOLMES AVENUE	1,109
GRA 027 055 057	*CRESTWOOD ELEMENTARY SCH 1020 S SAPPINGTON ROAD	807
GRA 032 048 060	PRINCE OF PEACE LUTH CH 8646 NEW SAPPINGTON ROAD	765
GRA 036 058	*FIRST BAPT CH OF CRESTWOOD 9916 E WATSON ROAD	1,343
GRA 053	*CHURCH OF THE ADVENT 9373 GARBER ROAD	1,066

***INDICATES HANDICAPPED ACCESSIBLE**

Approved
10/25/95

VOL. XXIX

HOME RULE CHARTER COMMISSION MEETING
WEDNESDAY, OCTOBER 11, 1995

The twenty-ninth meeting of the City of Crestwood Charter Commission was held on October 11, 1995 at 7 P.M. in Aldermanic Chambers at the Crestwood Government Center, Chairman Jerry Bratsch presiding.

MEMBERS PRESENT:

Jane Armbruster	Tom Killoren
Jerry Bratsch	John McGowan
LaVerne Cannon	Debbie Murray
Burt Droste	Robert Theiss
Tracy Huston	
Madonna Laws	

MEMBERS ABSENT:

Pat Duwe
Ed Lang
Bob Parsons

OTHERS PRESENT:

Carol Schneiderhahn, City Clerk
Sandra L. Grave, Acting Recorder

Chairman Bratsch stated that this meeting would be informal and was called specifically for the benefit of the residents who may want to be more informed about voting for the charter or the amendments on the ballot. The commission has done it's work and if any resident has a problem, question, or is confused regarding the charter document and how it will be presented on the ballot, we have reserved this time for them.

A question was raised by Tracy Huston. If people vote **No** on **Proposition One**, if they are still allowed to vote on the term limits. Carol stated that Shu has checked with the Election Board and (yes) they are still allowed to vote on the term limits.

Chairman Bratsch reminded everyone about the October 17th 6:30 P.M., date and time wherein a picture of the Charter Commission would be taken.

Since the commission waited until after 8 P.M. for any resident who might have questions and there were no attendants, the meeting was, therefore, adjourned.

Respectfully submitted,

Sandra L. Grave, Acting Recorder

NAME _____**ADDRESS**

COMM. MEMBER / RESIDENT/
GUEST OR OBSERVER

Ad Bratton

1945 Red Oak

Can or Member

Kellgren

907 Volz Dr.

Comm Member

Jane Cunningham 9073 Maple Grove

10

Salvage C. Cannon 1650 Liggott

B. Quate

1467 Tulane



W. Henry Forbes.

9659 Morning Star

八

J. M. Jones

9140 Proce Spur

11

L Murray

939 Liget

Sandy Grave

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

October 11, 1995

Meeting Number 29

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Approval of minutes of meeting of October 4, 1995
- III. General Business
 - A. Public meeting - Q & A
- IV. Old business
- V. Public Input/Comments
- VI. Review meetings and assignments
 - A. Next meeting - October 18
- VII. Adjournment

Robert's Rules of Order prevail

NOTE
TUESDAY, OCTOBER 17, 6:30PM
COMMISSION PICTURES TO BE TAKEN IN AUDITORIUM

CITY OF CRESTWOOD CHARTER COMMISSION

One Detjen Drive
Crestwood, Missouri 63126

October 9, 1995

Jay Nies
South County Times
122 West Lockwood
Webster Groves, MO 63119

MEMBERS
Jane Armbruster
Jerry Bratsch, Ch.
LaVerne Cannon
Burt Droste
Pat Duwe
Tracy Huston
Tom Killoren
Ed Lang
Madonna Laws
John McGowan
Debbie Murray, Sect.
Robert Parsons
Robert Theiss, V. Ch.

Carol Schneiderhahn
City Clerk
Sandy Grave
Acting Recorder

Dear Mr. Nies:

We want to commend you on a very fine article regarding the proposed charter for Crestwood and the November 7 vote to determine whether or not we will become a home-rule city. The article was 90% correct and we would like to ask that you consider printing a correction on one area.

The first sentence of the fifth paragraph from the end of the article states, "The commission recommended limiting the number of terms for Crestwood officials to three successive terms." The basic facts are that the commission DOES NOT recommend term limits. The charter does not include term limits but does give the citizens the opportunity to include them if the majority of the voters should vote for their inclusion.

Term limits were the only issue of any consequence during the development of the charter. As in the front page article, South County Times, Feb. 10-16, 1995, we had a survey that indicated that half (52%) of the respondents (25% of the city's population) felt a need for term limits. At subsequent meetings the commission held public discussions particularly focused on the term limit issue. During these meetings it became obvious that a relatively small number of people remained adamant about term limits even after listening to both sides of the issue and other related factors such average time served, length of terms, etc.

In recognition of the emotions surrounding this issue we want the voting citizens of Crestwood to make the determination even though the vast majority (12 to 1) of the commission remains opposed to term limits.

The Charter Commission's primary concern continues to focus on the successful adoption of a charter for Crestwood with the increased powers resting with the people. If the majority of the voting citizens want term limits they have the opportunity to add them to the charter on Tuesday, November 7.

Sincerely,

Jerry Bratsch
Chairman

HOME RULE CHARTER COMMISSION MEETING
WEDNESDAY, OCTOBER 18, 1995

The thirtieth meeting of the City of Crestwood Charter Commission was held on October 18, 1995, at 7:00 p.m., in the Fire Department Training Room at the Crestwood Government Center, Chairman Bratsch presiding.

Members Present:

Jerry Bratsch	Burt Droste
Robert Theiss	Tom Killoren
H. Tracy Huston	Madonna Laws
Debbie Murray	LaVerne Cannon
Pat Duwe	

Members Absent:

Jane Armbruster	Ed Lang
John McGowan	Bob Parsons

Others Present:

Carol Schneiderhahn, City Clerk

Approval of Minutes of October 4 and October 11 meetings - Held.

Chairman Bratsch indicated the Minutes of the October 4th and October 11th meetings would be presented for approval at the next meeting as Sandy Grave was on vacation.

Purpose of October Meetings

Chairman Bratsch again explained that the Commission had scheduled the October meetings to allow any resident to come for information or discussion of the proposed Charter. No residents were present.

Final Mailing to Crestwood Residents:

Discussion was held regarding a mailing of the Charter Synopsis that had been prepared by the Commission. This synopsis was included in the October Newsletter edition and was planned to be included in the November edition as well, but members indicated they felt every effort should be made to reach all residents with the final results of the Commission's work. Impact on the budget was discussed. Chairman Bratsch indicated the Commission was approximately \$9400 under budget at this point in time. Tom Killoren moved that the Commission authorize the mailing of the Charter Synopsis to each household in the City. LaVerne Cannon seconded this motion. Motion carried. Upon further discussion, the Commission indicated they would like the synopsis mailed on November 1, 1995.

HOME RULE CHARTER COMMISSION MEETING

WEDNESDAY, OCTOBER 18, 1995

PAGE 2

Adjournment

After other general discussion was held by Commission members, Tom Killoren moved that the meeting be adjourned. Motion was seconded by Tracy Huston. Motion carried. Meeting adjourned at 7:25 p.m. Commission members indicated that they would be available until 8:00 p.m. for any residents coming in for information. No residents came for information.

Carol Schneiderhahn
City Clerk

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

October 18, 1995

Meeting Number 30

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Approval of minutes of meeting of October 11, 1995
- III. General Business
 - A. Public meeting - Q & A
- IV. Old business
- V. Public Input/Comments
- VI. Review meetings and assignments
 - A. Next meeting - October 25
- VII. Adjournment

Robert's Rules of Order prevail

HOME RULE CHARTER COMMISSION MEETING
WEDNESDAY, OCTOBER 25, 1995

The thirty-first meeting of the City of Crestwood Charter Commission was held on October 25, 1995 at 7 P.M. in Aldermanic Chambers at the Crestwood Government Center, Chairman Jerry Bratsch presiding.

MEMBERS PRESENT:

Jane Armbruster	Ed Lang
Jerry Bratsch	Madonna Laws
LaVerne Cannon	Debbie Murray
Burt Droste	Robert Theiss
Pat Duwe	
Tracy Huston	

MEMBERS ABSENT:

Tom Killoren
John McGowan
Bob Parsons

OTHERS PRESENT:

Carol Schneiderhahn, City Clerk
Sandra L. Grave, Acting Recorder

Chairman Bratsch asked for any corrections or additions to the minutes of the October 4th, 11th and 18th meetings. There being none, the minutes were approved as printed.

Since the clock is winding down to the November 7th election date, the purpose of the meeting this evening was for the benefit of the public. However, no residents were present and the meeting was basically informal. The commission expressed a positive attitude regarding voter acceptance of the proposition, therefore, all seemed optimistic that on November 7, 1995, Crestwood would become a Charter City.

A mailing to approximately 4,000 homes will be sent out by this Friday which will contain the scope and concept of becoming a charter city.

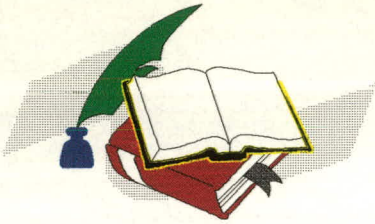
It was then moved by Tracy Huston and seconded by Burt Droste, that this should be our final meeting.

There being no further business, the meeting was adjourned at 7:40 P.M.

Respectfully submitted,

Sandra L. Grave, Acting Recorder

HOME RULE CHARTER COMMISSION MEETING
ATTENDANCE SHEET
WEDNESDAY, OCTOBER 25, 1995



NAME	ADDRESS	COMM. MEMBER / RESIDENT/ GUEST OR OBSERVER
Bob Bratsot	894, Red Oak	member
Madonna J. Faus	9250 Vauk	member
Sandra Grove		"
B. Dierke		"
Halvem Cannon	1650 Liggitt	"
Pat Dume	9014 Laurel Crest	"
Deb Murray	939 Liggitt	"
Jane Annunzio	903 Maple Grove	"
R. L. Larkin	115 Chatham	"
Ed Lantz	9640 YORKSHIRE EST. DR	"
C. Schneiderhahn	City Clerk	

CITY OF CRESTWOOD
CHARTER COMMISSION MEETING

AGENDA

October 25, 1995

Meeting Number 31

Wednesday

7:00 P.M.

- I. Call to order - Pledge of Allegiance
- II. Approval of minutes of meeting of October 18, 1995
- III. General Business
 - A. Public meeting - Q & A
- IV. Old business
- V. Public Input/Comments
- VI. Review meetings and assignments
 - A. Next meeting - November 1, 1995
- VII. Adjournment

Robert's Rules of Order prevail

*True copy
for printing
11/7/95*

CHARTER
OF THE
CITY OF CRESTWOOD,
MISSOURI

Adopted November 7, 1995

CHARTER COMMISSION
OF THE
CITY OF CRESTWOOD, MISSOURI
1995

Gerald L. Bratsch, Chairman
Robert Theiss, Vice-Chairman
Deborah Murray, Secretary/Treasurer

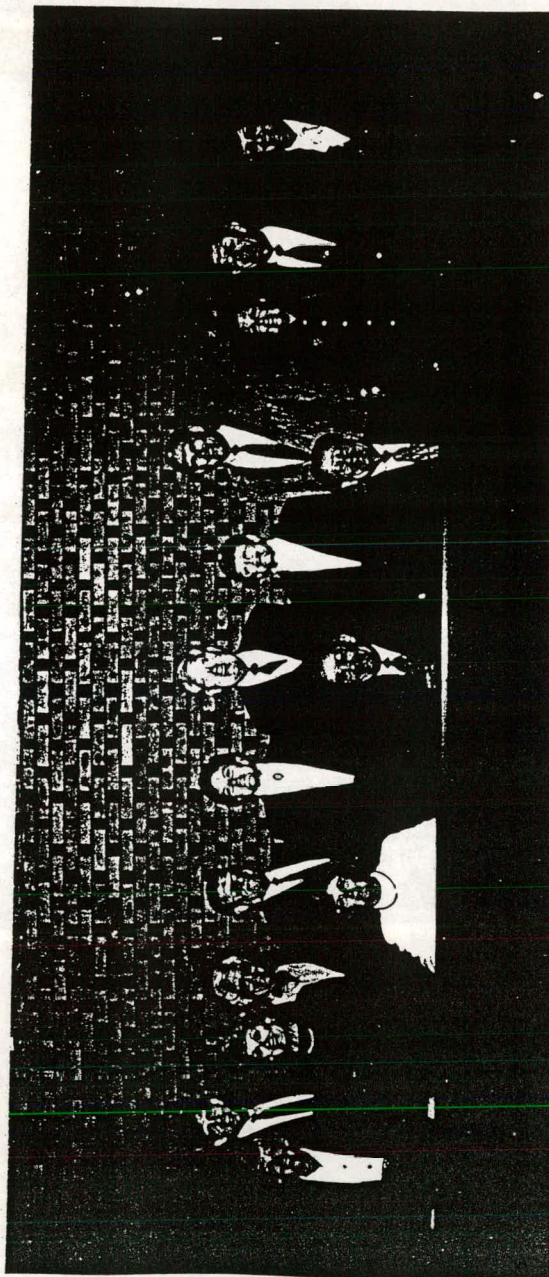
Jane Armbruster
Burt Droste
H. Tracy Huston
Ed Lang
John R. McGowan

LaVerne C. Cannon
Patricia Duwe
Tom Killoren
Madonna J. Laws
Bob Parsons

Assisted by

Shulamith Simon, Crestwood City Attorney
Carol A. Schneiderhahn, City Clerk
Sandra Grave, Recorder

- Tracy



CRESTWOOD CHARTER COMMISSION

1995

Seated:
Standing:

Deborah Murray; Gerald L. Bratsch; Robert Theiss;
Jane Ambruster; John McGowan; LaVerne Cannon; H. Tracy Huston;
Burt Droste; Madonna J. Laws; Tom Killoren, Patricia Duwe; Ed Lang;
Sandra Grave; Bob Parsons; Carol Schneiderhahn

EXPLANATORY STATEMENT TO THE CITIZENS OF CRESTWOOD

On November 8, 1994, the citizens of Crestwood voted to create a Charter Commission to draft a Home Rule Charter designed specifically for Crestwood. The Charter vests the power of government in the City residents instead of the State Legislature. The Charter Commission completed its work and Crestwood voters approved the Charter at the November 7, 1995 election.

WHAT IS A CHARTER?

A charter is the most fundamental legal document of a city. Like a Constitution, it establishes the form and structure of city government, defines the powers of city officials and establishes the basic procedural mechanisms which govern the conduct of city officials and administration of the city.

PHILOSOPHY GUIDING THE COMMISSION

The intent of the members of the Charter Commission was to retain the basic format of the city's governmental structure and to give more control to the citizens as allowed by the Constitution of the State of Missouri for Charter cities.

Previously, the ruling documents of our city government were the state statutes regulating 4th class cities. They could be changed only by the Missouri General Assembly. Our Charter form of government will pass that control directly to the people of Crestwood.

PRINCIPAL CHARTER PROVISIONS

FORM OF GOVERNMENT

The Mayor - Board of Aldermen - Administrator form of government has been retained.

BOARD OF ALDERMEN

All legislative power and policy making authority for the city rests in the Board of Aldermen. The Board of Aldermen is comprised of two aldermen from each ward. The existing four wards will remain in place. The Charter changes the length of the term of the office of alderman from two (2) years to three (3) years. The voters chose to include term limits for the office of Alderman in the Charter. A person serving in the office of Alderman is limited to three (3) successive, full three (3) years terms, not including service to complete an unexpired term. That person would be prohibited from serving again as Alderman in that ward for three (3) years.

MAYOR

The Mayor will continue to be elected by the people at large. The Charter changes the length of the term of the office of Mayor from two (2) years to three (3) years. The voters chose to include term limits for the office of Mayor in the Charter. A person serving in the office of Mayor is limited to three (3) successive, full three (3) year terms, not including service to complete an unexpired term. That person would be prohibited from serving again as Mayor for three (3) years.

CITY ADMINISTRATOR

The City Administrator shall continue to be responsible to the Mayor and Board of Aldermen for the administration of all city operations. The powers and duties of the City Administrator are outlined in Article V of the Charter.

ADMINISTRATIVE ORGANIZATION

All existing departments, agencies, boards and commissions will remain unchanged under our Charter.

FINANCIAL PROCEDURES

The Charter requires the City Administrator to maintain a balanced budget and present to the Board of Aldermen yearly a five year capital and personnel needs program for the city. The budgeting process is set out in Article VII.

INITIATIVE, REFERENDUM AND RECALL

The Charter will provide the citizens with new controls: Initiative, Referendum and Recall.

Initiative allows a group of citizens to petition to have a proposed ordinance brought to the vote of the people of Crestwood. An initiative petition requires a committee of five (5) citizens to obtain the signatures of 12% of registered voters to propose an ordinance for action by the Board of Aldermen or submission to a vote of the people.

Referendum allows a group of citizens to petition to have an existing ordinance repealed by a vote of the people of Crestwood. Referendum requires a committee of five citizens to obtain the signatures of 12% of registered voters calling for repeal of a certain ordinance by the Board of Aldermen or submission to a vote of the people.

Recall allows a group of citizens to petition for the removal of an elected official from office by a vote of the people in the ward of that particular alderman, or, in the case of the Mayor, by a citywide vote. A group of five people must obtain the signatures of 20% of registered voters to bring about an election to decide on the removal of an elected official.

**CHARTER OF THE
CITY OF CRESTWOOD, MISSOURI**

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**CHARTER OF THE
CITY OF CRESTWOOD, MISSOURI**

PREAMBLE

In order to provide for the government of the City of Crestwood, and secure the benefits and advantages of constitutional home rule under the Constitution of the State of Missouri, the people of Crestwood adopt the following Charter:

**ARTICLE I
INCORPORATION, NAME AND BOUNDARIES**

Section 1.1. INCORPORATION, NAME AND BOUNDARIES

The inhabitants of the City of Crestwood, within the corporate limits as now established or as hereafter established in the manner then provided by law, shall continue to be a municipal body politic and corporate in perpetuity, under the name of the City of Crestwood.

**ARTICLE II
POWERS**

Section 2.1. POWERS

The city shall have all powers the General Assembly of the State of Missouri has authority to confer upon any city, provided such powers are consistent with the Constitution of this State and are not limited or denied either by this Charter or by statute. The city shall, in addition to its home rule powers, have all powers conferred by law.

Section 2.2 CONSTRUCTION

The powers of the city shall be liberally construed. The specific mention of a particular power in this Charter shall not be construed as limiting the powers of the city.

ARTICLE III BOARD OF ALDERMEN

Section 3.1 WHERE POWERS VESTED

Except as otherwise provided by this Charter, all powers of the city shall be vested in the Board of Aldermen which shall provide for the exercise of these powers and for the performance of all duties and obligations imposed upon the city by law.

Section 3.2 COMPOSITION AND REPRESENTATION

The Board of Aldermen shall consist of two (2) Aldermen from each ward. Aldermen shall be nominated and elected by the qualified voters of their respective wards as provided in Article VIII.

Section 3.3 QUALIFICATIONS.

No person shall be elected or appointed to the Board of Aldermen who is not at least twenty-one (21) years of age, a citizen of the United States, an inhabitant and a qualified voter of the City for at least one (1) year, and a resident of the respective ward for at least ninety (90) days. Candidates must meet all qualifications as of the date of filing for election or on the date of appointment to office. 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, or a convicted felon.

A person recalled from the office of alderman may again run for such office from which recalled following the expiration of the term in which such person was recalled, or may at any time run for a different office.

Section 3.4 ELECTION AND TERMS.

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.

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.

Section 3.5 COMPENSATION AND EXPENSES.

The compensation of the members of the Board of Aldermen shall be fixed by ordinance, and shall not be increased or diminished during the alderman's term of office. Aldermen may receive reasonable reimbursement for actual and necessary expenses as approved by the Board of Aldermen, provided that such expenses are supported by appropriate documentation.

Section 3.6 PROHIBITIONS.

(a) HOLDING OTHER OFFICE - Except where authorized by law, or pursuant to a written agreement between the city and another governmental agency, no member of the Board of Aldermen shall hold any other elective or appointive office of the city, or elective office of the state or its political subdivisions, or be employed by the city during the term for which the person was elected to the Board of Aldermen. No former member of the Board of Aldermen shall hold any compensated city employment until two (2) years after the expiration of the term for which the person was elected or appointed to the Board of Aldermen.

(b) APPOINTMENTS, HIRING AND REMOVALS - Neither the Board of Aldermen nor any of its members shall in any manner dictate the appointment or removal of any city employees whom the City Administrator or any of the City Administrator's subordinates are empowered to appoint.

(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; 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) 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, or (2) violates 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 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 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.

Section 3.9 PRESIDENT OF BOARD OF ALDERMEN.

The Board of Aldermen shall choose a President within forty-five (45) days following the date of each general municipal election. The President of the Board of Aldermen shall preside at meetings of the Board of Aldermen in the absence of the Mayor and shall serve as Acting Mayor in accordance with Article 4.7 (c) of this Charter.

Section 3.10 LEGISLATIVE PROCEEDINGS.

(a) MEETINGS - The Board of Aldermen shall hold a regular meeting at least once each month at such times and places as the Board may prescribe. Regular meetings shall start no earlier than 7:00 P.M. The Mayor may, or at the request of three (3) aldermen shall, call a special meeting of the Board of Aldermen for a time not earlier than 24 hours after notice is given to all members of the Board of Aldermen then in the city.

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. In no event shall any meeting of the Board of Aldermen be held outside the city limits.

(b) QUORUM - A quorum shall constitute one (1) more than half of the total number of authorized members of the Board of Aldermen. If a quorum fails to attend any meeting, it shall stand adjourned until the next regular or special meeting.

(c) RULES AND ORDER OF BUSINESS - The Board of Aldermen shall by ordinance determine its own rules and order of business. It shall cause a record of its proceedings to be kept and this record shall be open to public inspection. A separate record shall be kept of closed sessions, which record shall remain closed to public inspection or to legal process, except as otherwise provided by law.

(d) VOTING - The "ayes" and "nays" shall be entered on any question at the request of any two (2) members, provided however, that on the vote on final passage of any ordinance, the "ayes" and "nays" shall in all cases be entered in the record showing the vote of each alderman in attendance. In all roll call votes the names of the members of the Board of Aldermen shall be called in random order. Except as otherwise provided in this Charter, an affirmative vote of a majority of the authorized members of the Board of Aldermen shall be necessary to adopt any ordinance.

(e) FORM OF ORDINANCES - Proposed ordinances and resolutions shall be introduced in the Board of Aldermen only in written or printed form. The enacting clause of all ordinances shall be:

"Be it Ordained by the Board of Aldermen of the City of Crestwood."

(f) PROCEDURE - Every proposed ordinance shall be read by title in an open Board of Aldermen meeting two (2) times before final passage, and at least one (1) week shall elapse between introduction and final passage unless an immediate second reading is approved by unanimous vote of the Board of Aldermen. A copy of each proposed ordinance shall be provided for each member of the Board of Aldermen at the time of its introduction, and at least three (3) copies shall be provided for public inspection in the office of the City Clerk until such time as the proposed ordinance is either adopted or rejected.

Persons interested in a proposed ordinance shall be given an opportunity to be heard before the Board of Aldermen in accordance with such rules and regulations as the Board of Aldermen may adopt. If the Board of Aldermen adopts an amendment to a proposed ordinance on the second reading that constitutes a change in substance, the proposed ordinance as amended shall be placed on file for public inspection in the office of the City Clerk for an additional one (1) week before the next consideration.

(g) **EFFECTIVE DATE** - Every ordinance shall become effective upon its adoption or at any later date specified therein.

Section 3.11 INVESTIGATIONS.

Upon approval by three-quarters (3/4) of its authorized membership, the Board of Aldermen may make investigations into the affairs of the city and the conduct of any city department, office or agency. For such purpose the Board may subpoena witnesses, administer oaths, take testimony and require the production of evidence. Any person who fails or refuses to obey a subpoena issued in the exercise of these powers by the Board of Aldermen shall be subject to such penalties as provided by ordinance.

Section 3.12 INDEPENDENT AUDIT.

The Board of Aldermen shall provide for an independent audit of all city accounts at least once a year. Such audits shall be made by a certified public accountant or firm of such accountants who have no personal interest, direct or indirect, in the fiscal affairs of the city government or any of its officers. A copy of the audit shall be kept in the City Clerk's Office and shall be open to public inspection. No certified public accountant or firm shall conduct the audit for more than five consecutive years.

**ARTICLE IV
MAYOR**

Section 4.1 MAYOR.

The Mayor shall be recognized as the head of the city for all legal and ceremonial purposes and by the Governor of Missouri for all purposes of military law.

Section 4.2 QUALIFICATIONS.

No person shall be elected to the office of Mayor who is not at least twenty-five (25) years of age, a citizen of the United States, an inhabitant and a qualified voter of the city for at least two (2) years.

Candidates must meet all qualifications as of the date of filing for election or on the date of appointment to office. No person may be elected to the office of Mayor who is either delinquent in the payment of any Crestwood taxes or fees, or a convicted felon.

A person recalled from the office of Mayor may again run for such office following the expiration of the term in which such person was recalled, or may at any time run for a different office.

Section 4.3 ELECTION AND TERM.

The Mayor shall be elected by the qualified voters of the city at large at the general municipal election. The Mayor shall hold office for a term of three (3) years.

The Mayor 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 Mayor for three (3) years.

Section 4.4 POWERS AND DUTIES.

(a) BOARD OF ALDERMEN MEETINGS - The Mayor shall preside at meetings of the Board of Aldermen, but shall not vote on any question except in case of a tie. The Mayor shall neither preside over the Board's deliberations nor vote in cases where the Mayor's personal or financial interest in the issue being considered by the Board conflicts with the interest of the city. The Mayor may call meetings of the Board of Aldermen as provided in Section 3.10(a) of this Charter.

(b) APPROVAL OF LEGISLATION - An ordinance or resolution adopted by the Board of Aldermen shall be presented to the Mayor for approval. The Mayor shall either sign the same, or within seven (7) days of receipt of the ordinance or resolution, return it with a written statement explaining the reasons for disapproval. Ordinances or resolutions vetoed by the Mayor shall be considered at the next regular meeting of the Board of Aldermen, and the Board of Aldermen may pass the ordinance or resolution over the veto by

an affirmative vote of three-fourths (3/4) of the authorized membership.

(c) SUPERVISORY AUTHORITY - The Mayor shall exercise a general supervision over the affairs of the city, and shall take care that the ordinances of the city and the state laws relating to such city, are complied with. The Mayor may require oral or written reports from the City Administrator regarding the operations of all departments of the city and may require oral or written reports and opinions from the boards and commissions of the city, excluding the Judge of the Municipal Court.

(d) APPOINTMENTS - The Mayor with the advice and consent of a majority of the Board of Aldermen present, shall appoint all members of committees, boards and commissions.

(e) ADMINISTRATIVE POLICY MATTERS - The Mayor shall have no authority to intervene or otherwise interfere with the exercise by the City Administrator of the powers and duties provided by Section 5.2 of this Charter.

(f) REVIEW CITY ADMINISTRATOR - The Mayor shall preside over the review of the City Administrator's performance as provided in Section 5.3 of this Charter.

(g) OTHER DUTIES - The Mayor shall exercise such other powers and perform such other duties as may be prescribed either by this Charter, by ordinance, or by law.

Section 4.5 COMPENSATION AND EXPENSES.

The compensation of the Mayor shall be fixed by ordinance, and shall not be increased or diminished during the Mayor's term of office. The Mayor may receive reasonable reimbursement for actual and necessary expenses as approved by the Board of Aldermen, provided that such expenses are supported by appropriate documentation.

Section 4.6 PROHIBITION ON HOLDING OTHER OFFICE .

Except where authorized by law, or pursuant to a written agreement between the city and another governmental agency, no Mayor shall hold any other elective or appointive office of the city, or elective office of the state or its political subdivisions or be employed by the city during the term for which such person was elected to the office of Mayor. No former Mayor shall hold any compensated city employment until two (2) years after the expiration of the term for which such person was elected or appointed to the office of Mayor.

Section 4.7 VACANCY; 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) FORFEITURE 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; or (2) the Mayor violates 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.

Section 4.8 CITY ATTORNEY.

There shall be a City Attorney nominated by the Mayor and appointed with the advice and consent of the majority of the Board of Aldermen. The City Attorney shall be licensed to practice law in the State of Missouri, but need not reside within the city. The City attorney shall be the chief legal officer for the city and shall have such duties as may be assigned by law, the City Administrator and the Board of Aldermen.

Assistant city attorneys may be appointed from time to time by the Mayor with the consent of the Board of Aldermen, if deemed necessary.

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 (3/4) vote of the authorized membership of the Board of Aldermen on its own initiative, with no right of appeal.

ARTICLE V CITY ADMINISTRATOR

Section 5.1 CITY ADMINISTRATOR.

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 (3/4) vote of the authorized membership of the Board of Aldermen on its own initiative, with no right of appeal.

The City Administrator shall be 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 (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 by the Mayor with the advice and consent of a majority of the authorized membership of the Board of Aldermen.

Section 5.2 POWERS AND DUTIES.

The City Administrator shall be responsible to the Mayor and the Board of Aldermen for the administration of all city affairs placed in the City Administrator's charge by or under this Charter. Such person shall have the following powers and duties:

(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.

(b) APPOINTMENT AND REMOVAL OF EMPLOYEES - The City Administrator shall appoint and, when the City Administrator deems it necessary for the good of the city, suspend or remove all city employees including appointed department heads. Appointment of department heads is subject to the approval of the Mayor and a majority of the Board of Aldermen. The City Administrator may authorize any administrative officer who is subject to the City Administrator's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency, subject to the right of appeal as provided by ordinance.

(c) ADMINISTRATION OF DEPARTMENTS - The City Administrator shall direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this Charter or by law.

(d) ATTENDANCE AT BOARD OF ALDERMEN MEETINGS - The City Administrator shall attend all meetings of the Board of Aldermen unless excused by the Board of Aldermen. The City Administrator shall have the right to take part in discussions at meetings of the Board of Aldermen, but shall have no power to vote. The City Administrator shall receive notice of all meetings.

(e) ENFORCEMENT OF LAWS - The City Administrator shall see that all laws, provisions of this Charter and acts of the Board of Aldermen, unless otherwise provided by law, are faithfully enforced.

(f) BUDGET AND CAPITAL PROGRAM - The City Administrator shall submit annually a recommended budget and a projected five (5) year capital improvement, replacement, and personnel needs program to the Mayor and Board of Aldermen.

(g) FINANCE AND ADMINISTRATIVE RECORD - The City Administrator shall submit to the Mayor and Board of Aldermen a complete report on the finances and administrative activities of the city as of the end of each fiscal year.

(h) REPORT OF FINANCIAL CONDITION OF CITY - The City Administrator shall keep the Mayor and Board of Aldermen fully apprised of the financial condition and future needs of the city and make recommendations to the Mayor and Board of Aldermen concerning the affairs of the city.

(i) OTHER REPORTS - The City Administrator shall make such other reports as the Mayor and Board of Aldermen may require concerning the operations of city departments, offices and agencies which are subject to the City Administrator's direction and supervision.

(j) OTHER DUTIES - The City Administrator shall perform such other duties as are specified in this Charter or may be required by the Board of Aldermen.

Section 5.3 PERFORMANCE REVIEW.

The City Administrator shall receive a performance review from the Mayor and Board of Aldermen at least once a year. Each performance review shall be made a part of the confidential personnel file of the City Administrator.

ARTICLE VI

ADMINISTRATIVE ORGANIZATION AND PERSONNEL SYSTEM

Section 6.1 ADMINISTRATIVE ORGANIZATION.

(a) **DEPARTMENTS, ETC.** Existing departments, agencies, authorities and offices shall be continued as constituted on the effective date of this Charter until thereafter changed pursuant to this Charter or by ordinance.

(b) **BOARDS, COMMISSIONS.** Existing boards and commissions shall remain in effect unless changed pursuant to this Charter or by ordinance.

Section 6.2 PERSONNEL SYSTEM.

The personnel code shall provide that all appointments and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by examination or other evidence of competence without regard to race, sex, age, disability, national origin, or political or religious opinions or affiliations, in accordance with applicable state and federal law. The city personnel code in effect on the effective date of this Charter shall remain in effect except as it may be amended by ordinance from time to time.

ARTICLE VII

FINANCIAL PROCEDURES

Section 7.1 FISCAL YEAR.

The fiscal year of the city shall begin on the first day of July and end on the last day of June, unless otherwise set by ordinance.

Section 7.2 BUDGET.

(a) SUBMISSION; CONTENTS - 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 proposed final budget and accompanying written narrative. The budget shall provide a complete financial plan of all city funds and activities for the ensuing fiscal year and, except as required by law or by this Charter, shall be in such form as the City Administrator deems desirable or the Board of Aldermen may require. The budget shall indicate in separate sections:

(1) Proposed expenditures for current operations during the ensuing fiscal year and the method of financing such expenditures; and

(2) Proposed capital expenditures during the ensuing fiscal year and the proposed method of financing each such capital expenditure.

In no event shall the total proposed expenditures for any fund defined by city ordinances exceed the estimated available revenues. Revenue estimates shall be adjusted to reflect any unencumbered or undesignated balance from the previous year.

(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 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.

(c) PUBLIC HEARING - After a fifteen (15) day public notice, the Board of Aldermen shall hold a public hearing on the proposed budget prior to its adoption.

(d) AMENDMENT BEFORE ADOPTION - After the public hearing, the Board of Aldermen may adopt the budget with or without amendment. In amending the budget, it may add or increase programs or amounts and may delete or decrease any programs or amounts, except expenditures required by law or for debt service or for estimated cash deficit, provided that no amendment to the budget shall increase the authorized expenditures to an amount greater than the total of estimated revenues and unencumbered or undesignated balance from any previous fiscal year.

(e) ADOPTION - The budget and capital program shall be adopted by ordinance on or before the last day of the current fiscal year. If the Board of Aldermen fails to adopt the budget by this date, amounts appropriated for existing city operations during the current fiscal year shall be deemed adopted for the ensuing fiscal year on a pro-rated month-to-month basis until the Board of Aldermen shall adopt a budget.

(f) BUDGETED ITEMS APPROPRIATED - Adoption of the budget shall constitute an appropriation of the amounts specified therein as expenditures.

(g) SUPPLEMENTAL APPROPRIATIONS - During the course of the fiscal year, the Board of Aldermen may by ordinance make supplemental appropriations if the City Administrator certifies that funds will be available for such expenditures.

(h) INSUFFICIENT REVENUES - If at any time during the fiscal year it appears probable to the City Administrator that the revenues available will be insufficient to meet the amount appropriated, it shall be reported to the Mayor and Board of Aldermen without delay. The City Administrator shall indicate the estimated amount of the deficit and any remedial action taken, and recommend further steps to be implemented. The Board of Aldermen shall then take such further action as it deems necessary to prevent any deficit, and for that purpose it may by ordinance reduce appropriations.

(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.

(j) APPROPRIATIONS LAPSE - All appropriations shall lapse at the end of the fiscal year to the extent that they shall not have been spent, lawfully encumbered or authorized for prorata expenditure in a fiscal year for which a budget has not been adopted pursuant to the provisions of Section 7.2(e), of this Charter.

(k) PROHIBITED PAYMENTS AND OBLIGATIONS - No payment shall be made or obligation incurred against any appropriation except in accordance with appropriations duly made. Any authorization of payment or incurring of obligation in violation of the provisions of this Charter shall be void and any payment so made shall be illegal. Such action shall be cause for removal of any city employee or elected official who knowingly authorized or made such payment or incurred such obligation, and the employee or elected official shall also be liable to the city for any amount so paid. Except where prohibited by law, nothing in this Charter shall be construed to prevent the making or authorizing of payments or making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or to prevent the making of any contract or lease providing for payments beyond the end of the fiscal year, provided that such action is made or approved by ordinance.

(l) PUBLIC RECORDS - Copies of the budget and capital program as adopted shall be public records and shall be made available to the public.

Section 7.3 TAXATION POWERS.

Taxes as authorized by law shall be levied by ordinance.

Section 7.4 SALE OF BONDS.

The city shall be authorized to sell any bonds as may now or hereafter be authorized by law. Bonds sold by the city may be sold at private or public sale as authorized by law. In the event such bonds are to be sold at public sale, the same shall be sold upon sealed proposals after reasonable public notice has been given as provided by ordinance or otherwise by law. Any public sale shall be conducted according to such terms and conditions as may be provided by ordinance.

ARTICLE VIII NOMINATIONS AND ELECTIONS

Section 8.1 CITY ELECTIONS

(a) GENERAL MUNICIPAL ELECTIONS. The general municipal election shall be held annually, on the date provided by state law.

(b) SPECIAL ELECTIONS. The Board of Aldermen may, by resolution, order special elections, fix the time for such elections and provide for holding such elections on any of the dates provided for elections by state law.

(c) CONDUCT OF ELECTIONS. All city elections shall be non partisan and governed by the provisions of this Charter and applicable state law. The Board of Aldermen may further regulate elections by ordinance, subject to the provisions of this Charter and applicable state law.

Section 8.2 NOMINATIONS

(a) DECLARATION OF CANDIDACY. Nomination of candidates for elective city offices shall be made by declaration of candidacy filed with the City Clerk in the form and manner prescribed by ordinance. No person shall be allowed to file for more than one office.

(b) REGULATION BY BOARD OF ALDERMEN. Nothing contained in this Charter shall prevent the Board of Aldermen from further regulating the conduct of nominations consistent with the provisions of this Charter and applicable state laws.

Section 8.3 DETERMINATION OF ELECTION RESULTS

(a) NUMBER OF VOTES. At the election for Mayor each voter shall be entitled to vote for one candidate. At the election for Aldermen, each voter shall be entitled to vote for one candidate to represent the ward in which the voter resides. If two aldermen are to be elected from any ward at a regular election where only one alderman normally would be elected, there shall be placed on the ballot two separate propositions, one office for the unexpired term, and one office for the full three-year term.

(b) RETURNS. The candidate receiving the highest number of votes for each office, as certified by the St. Louis County Board of Election Commissioners, shall be declared elected. Installation into office shall be no more than three weeks following receipt of certification.

(c) GENERAL AND SPECIAL ELECTIONS TIE VOTE. If at any general or special election there shall be two (2) or more candidates receiving an equal number of votes as certified by the St. Louis County Board of Election Commissioners, and if that number of votes would otherwise qualify each such tied candidate for election to office, then the Board of Aldermen shall call a special election at the next available election date at which said candidates shall be the only candidates. The incumbent shall remain in office until a successor has been elected and duly installed.

Section 8.4 WARDS

(a) ESTABLISHMENT AND CHANGES. There shall be four (4) wards, bounded and numbered the same as the wards that exist at the time of adoption of this Charter. Ward boundaries shall be established by ordinance following each decennial census. A

Redistricting Committee, appointed in accordance with Section 8.4 (b) shall recommend any changes in ward boundaries.

(b) REDISTRICTING COMMITTEE. The Redistricting Committee shall consist of seven (7) members: Four (4) members, one from each of the existing wards, appointed by the Mayor and individually approved by three fourths (3/4) of the authorized members of the Board of Aldermen; the Director of Public Works, the City Clerk, and the City Administrator. The committee shall submit its findings to the Board of Aldermen for consideration.

(c) REPRESENTATION AFTER BOUNDARY CHANGES. Whenever any change in the boundaries of any ward shall be made, an existing alderman who no longer resides in that ward shall remain in office until the next general municipal election.

ARTICLE IX INITIATIVE AND REFERENDUM

Section 9.1 GENERAL AUTHORITY.

(a) INITIATIVE. The qualified voters of the city shall have power to propose ordinances to the Board of Aldermen. If the Board of Aldermen fails to adopt an ordinance so proposed without any change in substance, the qualified voters may adopt or reject it at a city election. Such power shall not extend to the budget or capital program or any ordinance relating to appropriation of money, levy of taxes, levy of a special assessment, zoning, or salaries of city officers or employees. No proposed initiative ordinance shall contain more than one subject, which shall be clearly expressed in its title. An initiative petition may be utilized to amend or repeal any ordinance other than those excluded above.

(b) REFERENDUM. The qualified voters of the city shall have power to require reconsideration by the Board of Aldermen of any adopted ordinance, except as hereinafter provided. If the Board of Aldermen fails to repeal an ordinance so reconsidered, the qualified voters may approve or reject it at a city election. Such power shall not extend to the budget or capital program, or any

ordinance relating to appropriation of money, levy of taxes, zoning, or salaries of city officers or employees. No referendum shall contain more than one subject, which shall be clearly expressed in its title.

**Section 9.2 COMMENCEMENT OF PROCEEDINGS;
PETITIONERS' COMMITTEE; AFFIDAVIT.**

Any five (5) qualified voters of the city may commence initiative or referendum proceedings by filing with the City Clerk an affidavit, on a form provided by the city, stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall state their names, addresses and phone numbers and specify the address to which all notices to the committee are to be sent, and set out in full the proposed initiative ordinance or cite the ordinance sought to be reconsidered.

Not more than seven (7) days after the affidavit of the petitioners' committee is filed, the City Clerk shall issue the appropriate petition forms to the petitioners' committee.

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 twelve percent (12%) of the total number of voters registered to vote at the last general municipal election.

(b) FORM AND CONTENT. 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.

(c) AFFIDAVIT OF CIRCULATOR. When filed, each paper of a petition shall have attached to it an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance proposed or sought to be reconsidered.

Section 9.4 TIME FOR FILING PETITIONS.

(a) INITIATIVE PETITIONS. Initiative petitions shall be filed within sixty (60) days of the issuance of the appropriate petition forms to the petitioners' committee.

(b) REFERENDUM PETITIONS. Referendum petitions shall be filed within forty-five (45) days after adoption by the Board of Aldermen of the ordinance sought to be reconsidered.

Section 9.5 PROCEDURE AFTER FILING.

(a) CERTIFICATE OF CITY CLERK: AMENDMENT. Within twenty (20) days after the petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying, if it is insufficient, the particulars in which it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail, return receipt requested. A petition certified as insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Clerk within two (2) business days after receiving a copy of the City Clerk's certificate and files a supplementary petition upon additional papers within ten (10) days after receiving a copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 9.3 of this Charter. Within five (5) days after it is filed, the City Clerk shall complete a certificate as to the sufficiency of the petitions as amended and promptly send a copy of such certificate to

the petitioners' committee by certified mail, return receipt requested, as in the case of an original petition. If a petition is certified to be insufficient and no timely amended petition is filed, or if an amended petition is certified to be insufficient, no further action shall be had thereon and such determination shall be deemed the final determination.

(b) JUDICIAL REVIEW; NEW PETITION. A final determination as to the sufficiency of a petition shall be subject to judicial review, instituted in the manner provided by law. A final determination of insufficiency, even if sustained upon judicial review, shall not prejudice the filing of a new petition for the same purpose, subject to provisions of Section 9.4 (b) of this Charter.

Section 9.6 REFERENDUM PETITIONS; SUSPENSION OF EFFECT OF ORDINANCE.

When a petitioners' committee files its affidavit with the City Clerk, the ordinance sought to be reconsidered by Referendum shall be suspended from effectiveness. Such suspension shall terminate when:

- (1) The petition is not filed in accordance with provisions of Section 9.4(b) of this Charter; or
- (2) There is a final determination by the City Clerk of the insufficiency of the petition; or
- (3) The petitioners' committee withdraws the petition; or
- (4) Election results sustaining the ordinance have been certified by the St. Louis County Board of Election Commissioners.

Section 9.7 ACTION ON PETITIONS.

(a) ACTION BY BOARD OF ALDERMEN. When an initiative or referendum petition has been finally determined sufficient, the Board of Aldermen shall promptly consider the proposed initiative ordinance in the manner provided in Section 3.10(f) of this Charter, or reconsider the referred ordinance by voting on its repeal. If the Board of Aldermen fails to adopt a proposed

initiative ordinance without any change in substance within sixty (60) days or fails to repeal the referred ordinance within thirty (30) days after the date the petition was finally determined sufficient, at the next meeting thereafter it shall submit the proposed or referred ordinance to the voters of the city, in accordance with the provisions of Section 9.7 (b) of this Charter.

(b) SUBMISSION TO THE VOTERS. The vote by the qualified voters of the city on a proposed or referred ordinance shall be held on the next legally available election date following the expiration of the date for final action by the Board of Aldermen. Copies of the proposed or referred ordinance shall be made available at the polls.

(c) WITHDRAWAL OF PETITIONS. An initiative or referendum petition may be withdrawn at any time prior to the ballot certification date established by the St. Louis County Election Board by filing with the City Clerk a notice of withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such notice of withdrawal, the petition shall have no further force or effect and proceedings thereon shall be terminated.

Section 9.8. RESULTS OF ELECTION.

(a) INITIATIVE. If a majority of those voting on a proposed initiative ordinance vote in its favor, it shall be considered adopted upon certification of the election results by the St. Louis County Board of Election Commissioners and shall be treated in all respects in the same manner as an ordinance adopted by the Board of Aldermen.

If conflicting ordinances are approved at the same election, the one receiving the greatest number of affirmative votes shall prevail to the extent of such conflict. In the event of a tie, there shall be a run-off election to be held on the next legally available election date.

(b) REFERENDUM. If a majority of those voting on a referred ordinance vote to repeal the ordinance, it shall be

considered repealed upon certification of the election results by the St. Louis County Board of Election Commissioners.

ARTICLE X RECALL

Section 10.1 GENERAL AUTHORITY

The qualified voters of the city shall have power to recall any elected official of the City of Crestwood. No elected official shall be subject to recall during the first one hundred twenty (120) days after the official's induction into office. No elected official shall be subject to recall during the last one hundred twenty (120) days of the official's term. If the elected official is retained in office upon any recall election, the official shall not be again subject to recall during the same term of office. Recall of the Mayor shall be by petition and vote of the qualified voters of the city. Recall of a member of the Board of Aldermen shall be by petition and vote of the qualified voters of that member's ward.

Section 10.2 COMMENCEMENT OF PROCEEDINGS; PETITIONERS' COMMITTEE; AFFIDAVIT.

Any five (5) qualified voters of the city eligible to vote at the recall election may commence recall proceedings by filing with the City Clerk an affidavit, on a form to be provided by the city, stating they will constitute the petitioners' committee and be responsible for circulating the petition and filing it in proper form. The affidavit shall state their names, addresses and phone numbers and specify the address to which all notices to the committee are to be sent, and set out in full the name and office of the person to be recalled.

Not more than seven (7) days after the affidavit of the petitioners' committee is filed, the City Clerk shall issue the appropriate petition forms to the petitioners' committee.

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 twenty percent (20%) 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 twenty percent (20%) of the total number of voters registered to vote at the last general city election in that member's ward.

(b) FORM AND CONTENT. 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. No petition shall seek the recall of more than one officer.

(c) AFFIDAVIT OF CIRCULATOR. When filed, each paper of a petition shall have attached to it an affidavit executed by the circulator thereof stating that the circulator personally circulated the paper, the number of signatures thereon, that all the signatures were affixed in the circulator's presence, that the circulator believes them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the name and office of the city official to be recalled.

Section 10.4 TIME FOR FILING PETITIONS.

Recall petitions shall be filed within sixty (60) days of the issuance of the appropriate petition forms to the petitioners' committee.

Section 10.5 PROCEDURE AFTER FILING.

(a) CERTIFICATE OF CITY CLERK: AMENDMENT.

Within twenty (20) days after the recall petition is filed, the City Clerk shall complete a certificate as to its sufficiency, specifying if it is insufficient, the particulars in which it is defective and shall promptly send a copy of the certificate to the petitioners' committee by certified mail, return receipt requested. A petition certified insufficient for lack of the required number of valid signatures may be amended once if the petitioners' committee files a notice of intention to amend it with the City Clerk within two (2) business days after receiving the copy of the City Clerk's certificate and files a supplementary petition upon additional papers within ten (10) days after receiving a copy of such certificate. Such supplementary petition shall comply with the requirements of subsections (b) and (c) of Section 10.3 of this Charter. Within five (5) days after it is filed, the City Clerk shall complete a certificate as to the sufficiency of the petitions as amended and promptly send a copy of such certificate to the petitioners' committee by certified mail, return receipt requested, as in the case of an original petition. If a petition is certified to be insufficient and no timely amended petition is filed, or if an amended petition is certified to be insufficient, no further action shall be had thereon and such determination shall be deemed the final determination.

(b) JUDICIAL REVIEW; NEW PETITION. A final determination as to the sufficiency of a petition shall be subject to judicial review, instituted in the manner provided by law. A final determination of insufficiency, even if sustained upon judicial review shall not prejudice the filing of a new petition for the same purpose, subject to the provisions of Section 10.1 of this Charter.

Section 10.6 ACTION ON PETITION.

(a) SUBMISSION TO THE VOTERS. When a recall petition has been finally determined as sufficient, the Board of Aldermen shall at its next regular meeting after receipt of such final determination, fix a date for holding the election at the next legally available election date.

(b) WITHDRAWAL OF PETITIONS. A recall petition may be withdrawn at any time prior to the ballot certification date established by the St. Louis County Election Board by filing with the City Clerk a notice of withdrawal signed by at least four (4) members of the petitioners' committee. Upon the filing of such notice of withdrawal, the petition shall have no further force or effect and proceedings thereon shall be terminated.

Section 10.7 RESULTS OF RECALL ELECTION.

If a majority of the qualified electors voting in such recall election shall vote in favor of the recall, then a vacancy shall exist, regardless of any defect in the recall petition. Such vacancy shall be filled as provided in this Charter.

ARTICLE XI FRANCHISES

Section 11.1 GRANTING OF FRANCHISES.

All public utility franchises and all renewals, extensions and amendments thereof shall be granted only by ordinance. No such ordinance shall be adopted within less than thirty (30) days after application therefor has been filed with the Board of Aldermen, nor until a public hearing has been held thereon. No exclusive franchises shall ever be granted, and no franchise shall be granted for a term longer than twenty (20) years. No such franchise shall be transferable directly or indirectly, except with the approval of the Board of Aldermen expressed by ordinance after a public hearing.

Section 11.2 RIGHT OF REGULATION.

Every public utility franchise, whether it be so provided in the ordinance or not, shall be subject to the right of the Board of Aldermen to:

(1) Repeal or shorten the term of a franchise for misuse or nonuse or failure to comply therewith; or failure to comply with the

provisions of this section and regulations adopted in accordance with this section or with the provisions of the franchise ordinance.

(2) Require proper and adequate extension of plant and service and the maintenance thereof at the highest practical standards of efficiency.

(3) Establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.

(4) Make an independent audit and examination of accounts at any time and require reports annually.

(5) Require continuous and uninterrupted service to the public in accordance with the terms of the franchise throughout the entire period thereof.

(6) Control and regulate the use of the city streets, alleys, bridges and public places, and the space above and beneath them.

(7) Regulate rates, fares, and charges and make adjustments thereof from time to time if the same are not regulated by the state or federal governments.

(8) Impose such other regulations from time to time as it may determine to be conducive to the safety, welfare and accommodation of the public.

Section 11.3 TEMPORARY PERMITS.

Temporary permits for the operation of public utilities or like permits for a period not to exceed two (2) years but subject to being renewed for a period not to exceed one (1) year and subject to amendment, alteration, or revocation at any time by the Board of Aldermen may be granted only by ordinance on such terms and conditions as the Board of Aldermen shall determine. Such permits shall in no event be construed to be franchises or extensions or amendments of franchises.

Section 11.4 OPERATION BEYOND FRANCHISE PERIOD.

Any operation of a public utility by a franchise holder, with the tacit permission of the city, beyond the period for which the franchise was granted, shall under no circumstances be construed as a renewal or extension of such franchise. Any such operation shall at most be regarded as a temporary permit subject to amendment, alteration or revocation at any time by the Board of Aldermen.

ARTICLE XII

LICENSING, TAXATION AND REGULATION OF BUSINESSES, OCCUPATIONS, PROFESSIONS, VOCATIONS AND OTHER ACTIVITIES OR THINGS

Section 12.1 OBJECTS OF LICENSING, TAXATION AND REGULATION.

The Board of Aldermen shall have power by ordinance to license, tax and regulate all businesses, occupations, professions, vocations, activities or things whatsoever set forth and enumerated by the statutes of this state now or hereafter applicable to constitutional charter cities, statutory class cities or cities of any population group and which any such cities are now or may hereafter be permitted by law to license, tax and regulate.

ARTICLE XIII

GENERAL PROVISIONS

Section 13.1 PERSONAL FINANCIAL INTEREST:

Any elected or appointed officer or employee of the city who has substantial financial interest, direct or indirect, as defined by Missouri statutes, in any transaction with the city, shall make known that interest in writing to the Board of Aldermen. Such officer or employee shall refrain from voting upon or otherwise participating as a city officer or employee in the making of any such transaction.

Any city officer or employee who willfully conceals such a substantial financial interest or willfully violates the requirements of this section

shall be guilty of malfeasance in office or position, and shall forfeit his or her office or position. Violation of this section with the knowledge, expressed or implied, of the person or corporation engaged in such transaction with the city shall render the contract or sale voidable by the Mayor or Board of Aldermen.

Section 13.2 POLITICAL ACTIVITY

No city employee shall solicit any contribution for the campaign fund of any candidate for Crestwood city office or take part in the political campaign of any candidate for Crestwood city office. All employees may exercise their right as private citizens to express opinions and if a qualified voter in Crestwood, to sign a nominating petition for any city candidate, and to vote in any city election.

Political affiliation, participation or contribution shall not be considered in making any city employment decision. No city officer, employee or member of a board or commission shall use official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for Crestwood city office. No city officer, employee or member of a board or commission shall directly coerce, attempt to coerce, command, advise, or solicit a city employee to pay, lend, or contribute anything of value to a committee, organization, agency or person for political or electoral purposes of any candidate for Crestwood city office.

Section 13.3 PROHIBITIONS.

(a) ACTIVITIES PROHIBITED.

(1) No person shall be appointed to, or removed from, or in any way favored or discriminated against with respect to any city position, because of race, sex, age, disability, national origin, or political or religious opinions or affiliations, in accordance with applicable state and federal law.

(2) No person who seeks appointment, promotion or retention with respect to any city position shall directly or indirectly give, render or pay any money, service or other valuable thing to any person for or

in connection with such person's test, appointment, proposed appointment, promotion or proposed promotion.

(b) PENALTIES.

Any person who, individually or with others, willfully violates any of the provisions of Section 13.3(a) of this Charter, shall upon conviction, be deemed guilty of a misdemeanor and shall be subject to fine, imprisonment or both as may be provided by ordinance. Any person who violates any of the aforementioned provisions shall forfeit such person's office or employment with the city.

Section 13.4 NOTICE OF SUITS.

No action shall be maintained against the city for or on account of any injury growing out of alleged negligence of the city unless notice shall first have been given in writing to the City Administrator within ninety (90) days of the occurrence for which said damage is claimed, stating the place, time, character and circumstances of the injury, and that the person so injured will claim damages therefor from the city.

Section 13.5 OFFICIAL BONDS.

All officers and employees of the city who receive, disburse, or are responsible for city funds, and such other appointed or elected officers and employees as the Board of Aldermen by ordinance may designate, shall, within such time after election or appointment as may be fixed by ordinance, and before entering upon the discharge of their duties, give bond to the city in such sums and with such sureties as shall be prescribed by ordinance, and subject to approval by the Board of Aldermen, but not less than \$50,000, conditioned upon the faithful and proper performance of their duties and for the prompt accounting for and paying over to the city of all monies belonging to the city that may come into their hands. The city shall pay the premiums on all such bonds.

Section 13.6 INDEMNIFICATION OF CITY OFFICIALS

The Board of Aldermen shall provide for the indemnification of city officials on such terms as shall be set forth by ordinance.

Section 13.7 CHARTER AMENDMENT.

Amendments to this Charter may be framed and submitted to the voters by a commission as provided by law and the Constitution of the State of Missouri for a complete Charter; by the Board of Aldermen or by petition of not less than ten percent (10%) of the qualified voters of the City setting forth the proposed amendment and filed with the City Clerk.

The Board of Aldermen shall at once provide by ordinance that any amendment so proposed shall be submitted to the voters at the next election held in the city not less than sixty (60) days after its passage, or at a special election held as provided for a Charter.

Any amendment approved by a majority of those voting thereon shall become a part of the Charter at the time and under the conditions fixed in the amendment; sections or articles may be submitted separately or in the alternative and determined as provided for a complete Charter.

Section 13.8 CHARTER REVIEW COMMITTEE.

From time to time, but not less 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. The members of the Charter Review Committee shall be appointed by the Mayor with the advice and consent of the Board of Aldermen.

The Charter Review Committee shall consist of at least nine (9) persons, not more than one of whom shall be an elected official of the city with at least two members from each ward. The Charter Review Committee shall, within twelve (12) months of its first

meeting, report to the Board of Aldermen as many amendments to the Charter as it shall deem advisable. The Board of Aldermen shall by ordinance submit such proposed amendments to the voters at the next general election.

Section 13.9 PROOF OF ORDINANCE.

Any ordinance may be proved by a copy thereof certified by the City Clerk under the seal of the city or, when printed and published by authority of the city, shall be received in evidence in all courts, or other places, without further proof of authenticity.

Section 13.10 SEPARABILITY.

If any provision of this Charter is held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstances is held invalid, the application of the Charter and its provisions to other persons or circumstances shall not be affected thereby.

ARTICLE XIV TRANSITIONAL PROVISIONS

Section 14.1 CITY EMPLOYEES.

An employee holding a city position at the time this Charter takes full effect, shall continue to be subject to the personnel code in force on the effective date of the Charter. The Board of Aldermen shall re-enact the city's personnel code promptly following the adoption of the Charter.

Section 14.2 ELECTED AND APPOINTED OFFICIALS.

All persons in elective and appointive positions in the City of Crestwood at the time of the adoption of this Charter shall continue to hold their offices until their successors are elected or appointed and qualified.

Section 14.3 ORDINANCES TO REMAIN IN FORCE.

All ordinances, regulations and resolutions in force at the time this Charter takes effect, which are not inconsistent with the provisions of this Charter, shall remain and be in force until altered, modified or repealed by or under authority of this Charter or ordinance.

Section 14.4 PENDING ACTIONS AND PROCEEDINGS.

No action or proceeding, civil or criminal, pending at the time this Charter shall take effect, brought by or against the city or any office, department, agency or officer thereof, shall be affected or abated by the adoption of this Charter or by anything herein contained.

Section 14.5 CONTINUANCE OF CONTRACTS, PUBLIC IMPROVEMENTS AND TAXES.

All contracts entered into by the city, or for its benefit, prior to the taking effect of this Charter, shall continue in full force and effect.

Public improvements for which legislative steps have been taken under laws existing at the time this Charter takes effect may be carried to completion as nearly as practicable in accordance with the provisions of such existing laws.

All taxes and assessments levied or assessed, all fines and penalties imposed and all other obligations owing to the city which are uncollected at the time this Charter becomes effective, shall continue in full force and effect and shall be collected as if no change had been made.

ARTICLE XV TRANSITIONAL SCHEDULE

Section 15.1 PURPOSE OF SCHEDULE.

The purpose of the following provisions is to promote the orderly transition from the present 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.

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.

Section 15.3 TIME OF TAKING EFFECT.

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.

Section 15.4 FIRST GENERAL MUNICIPAL ELECTION.

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.

CITY OF CRESTWOOD

INTERNAL MEMORANDUM

Office of City Clerk

BALLOT PROPOSITIONS FOR CRESTWOOD CHARTER ELECTION NOVEMBER 7, 1995

Proposition 1

Shall the Charter framed by the Charter Commission of the City of Crestwood be adopted?

☐

Yes

☐

No

Proposition 2

Shall the Charter of the City of Crestwood include the following provision?

"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."

☐

Yes

☐

No

Proposition 3

Shall the Charter of the City of Crestwood include the following provision?

"The Mayor 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 Mayor for three (3) years?"

☐

Yes

☐

No

CRESTWOOD CHARTER COMMISSION

November 8 - 1995 G.L.Bratsch

Hindsight - after the work is done. My reactions following the successful vote by the citizens of Crestwood to accept the Charter.

My personal feelings seem to be somewhat anticlimactic and a little let down now that it's over. It was most enjoyable and personally rewarding that we, the committee, did what needed to be done; did it very well; got it accepted by the people we were serving; and did it with essentially no personal or emotional arguments or hard feelings among/between Commission members.

That's not to say that there weren't differences of opinion. There should have been and there were. Strong at times, but never so personal or overriding that they prevented commonsense from prevailing. The members worked hard and presented their positions/opinions at their article subcommittee assignments. The subcommittees then presented the article and substantiated the various positions for consideration by the entire Commission. This approach seemed to support and maintain an atmosphere for open honest discussion without the pressures that so often cause individuals to take stubborn, hard-stand (lose, lose) positions that leave little or no room for comfortable retreat or compromise. I think most everyone felt their positions were heard and considered. Likewise I don't think anyone ever felt any personal loss of pride as the result of any of our discussions or debates or subsequent decisions as to which position was ultimately accepted by the commission.

Were there any things we could/should have done differently? Certainly the survey! The survey was done too quickly with very little or no thought. In hindsight it's obvious that we just accepted a survey used by another city without considering that city's political "environment" and goals as compared with Crestwood's. As presented, our citizens assumed they were telling us exactly how to do our job (write a Charter). We (at least some of us) "assumed" we were asking for their opinions and feelings and were free to go our merry way. We were wrong! Many of the citizens that responded felt it to be the same as a "binding referendum"!! Several of the commission felt that way too.

The survey was sent to each residence with space for a single response. There were a number of survey respondents who didn't hesitate to tell us that a single response from each residence was a bad assumption on our part. There were two or more voters at most homes and they didn't necessarily agree on a single answer to the survey questions! Our survey didn't recognize that!! Bad!!!

Disappointments?? At least one!! The Commission, to a member, was really surprised and disappointed in the relative lack of public interest throughout the nine months of Charter development and writing. According to the records we had a total of 24 citizen visitors during our 31 Wednesday night meetings. We didn't know how to spark that

apparent lack of interest. We had excellent newspaper coverage from the South County Journal and the monthly Crestwood Newsletter but public apathy prevailed.

A large majority of those 24 citizen visitors that did show up were present to voice their passionate feelings regarding the need for term limits. While the individual commissioner's feelings were to the contrary (12 to 1) the end result was to let the voters decide. The Commission strongly felt that the successful acceptance of the Charter was more important than an emotional issue over term limits. After all, if the citizens wanted term limits they had to pass the charter since fourth class cities cannot have term limits, therefore let them vote separately on the charter and term limits. Their espoused need for term limits appeared to be due to what they felt was an attitude on the part of the Mayor and Board of Aldermen of ignoring their constituents, getting entrenched in office and not being interested in change, new ideas and citizen turnover on boards and committees.

There were a few other issues raised by visitors but each could be addressed by future ordinances if there was enough support. They were not issues that required inclusion in a charter document.

In summary, the Crestwood Charter Commission had thirteen dedicated members that were determined to produce a document that was acceptable to the citizens of the city. They worked hard and had excellent support from the City Clerk, Carol Schneiderhahn; City Attorney, Shulamith Simon; and Acting Recorder Sandy Grave.

* * * * *

For those who are interested, the following information is how the City of Crestwood approached the challenge of becoming a home-rule Charter city.

In 1993 the Mayor with approval of the Board of Aldermen established a Charter Study Committee of twenty individuals to review the pros/cons of home-rule. That committee returned a recommendation to proceed toward becoming a charter city and resulted in an ordinance on June 28, 1994, to provide for an election on the proposition to establish a commission to frame a charter and to elect 13 members to the commission. Eighteen individuals had filed for election, thirteen of which had served on the study committee.

The election was held on November 8, 1994, with 5806 people voting of the 8085 registered. 4220 voted to pursue the framing of a charter for Crestwood. The final election found nine of the study committee elected along with four others who were new to the process, three "dark horse" new comers and a citizen who was a veteran in city elections.

During the first meeting, Dec. 5, 1994, the commission was sworn in and determined the need to get someone from the Missouri Municipal League (MML) to lead the commission through the various requirements, steps and outline of a charter. Gary Markenson, Executive Director of the MML, attended a subsequent meeting of the Commission and led a detailed discussion of major charter issues and Missouri Supreme Court rulings,

outlining some of the potential pitfalls to be avoided. He provided a model charter developed by the MML based on court rulings throughout Missouri.

The second meeting, December 12, resulted in agreement on the approach the commission would take. There were three basic determinations at that meeting that had a major effect on how smoothly the development of the charter went thereafter.

1. Scheduled regular weekly meetings not to exceed two hours unless unusual circumstances required.
2. Agreed to subcommittees of 3-4 members each to develop an initial very rough draft of each of the thirteen articles for the charter. The individual members of the Commission were asked to rank their preferences of four articles.
3. Established a schedule of articles and completion dates that allowed sufficient time for discussion and resolution by the Commission. Two weeks were provided for each article. Time was scheduled for additional review and revision following assembly of a complete charter. Time was also provided for final review by the City Attorney and outside legal counsel.

By the fourth meeting a complete schedule had been established, subcommittee assignments had been made and a survey prepared. The surveys were sent to each residence in the city. 4637 were mailed with 1233 returned for a response of 27%. The results of the survey indicated little or no desire by the citizens to change city operations except possibly for term limits.

By late January everyone had their assignments, a schedule and deadlines. The subcommittees met at times different than the regular weekly meeting to develop the initial drafts of their assigned articles. Members of each subcommittee utilized the MML model charter, the survey results and copies of charters from other Missouri home-rule cities as the bases for the development of their assigned articles. Also, we found that the articles in the basic MML model didn't always fit the needs of Crestwood and had to be expanded and sometimes divided.

Draft copies of the proposed article scheduled for discussion were in the hands of the commission members and City Attorney at least 48 hours before the regular meeting to provide time to read, review and develop individual questions and concerns. As might be expected, the time required for presentation, discussion and agreement varied considerably on each article. The Crestwood City Attorney was present at about half of the meetings during discussion of those articles deemed to need legal presence during discussion and development.

The final Crestwood Charter has fifteen articles. The Commission had the initial draft charter completed by mid June, 1995. All legal reviews were complete by the end of

August with a resolution and ballot wording at the Board of Election Commissioners on September 12, 1995.

The Commission continued to meet each Wednesday throughout October focused entirely on answering any questions from the public. Total attendance and questions in October? None!!

The election on Tuesday, November 7, 1995, was a success. Of 8094 registered voters, 2003 people voted. The charter and term limits were the only items on the ballot.

Shall the Charter be adopted?	yes 1755	no 227
Shall there be term limits for aldermen	yes 1516	no 460
Shall there be term limits for the mayor	yes 1482	no 469

The people have voted; Crestwood is now a home-rule city; elected officials have term limits of three terms of three years each. So be it!!!

The Commission did well!! The objective of a Charter City was met.

Jerry Bratsch
Chairman

Crestwood Charter Commission Members

Jane Armbruster	Ed Lang
LaVerne Cannon	Madonna Laws
Burt Droste	John McGowan
Pat Duwe	Debbie Murray
Tracy Huston	Robert Parsons
Tom Killoren	Robert Theiss