

**INFORMATION ON THE PROPOSED
CHARTER AMENDMENTS TO BE PUT BEFORE
CRESTWOOD VOTERS ON
NOVEMBER 7, 2006**

Propositions 4 & 5

Prop 4: Failed (35% Y / 65% N)

Prop 5: Failed (40% Y / 60% N)

Propositions 4 & 5 propose changes in the number of signatures necessary for petitions for Referendum and Initiative petitions {Sec. 9.3(a)} and Recall petitions {Sec. 10.3(a)}. The proposed changes reduce these percentages.

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

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

Section 13.7, "Charter Amendment" is not proposed to change. That petition percentage will remain at ten percent (10%) as set in the original Charter.

Summary of the Percentage Change Issue

The Charter Review Committee recommends that the percentages for the number of signatures necessary for petitions for Referendum and Initiative petitions {Sec. 9.3(a)} and Recall petitions {Sec. 10.3(a)} be reduced.

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

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

Proposition 3 Passed (58% Y / 42% N)

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

Summary of the Censure Issue

The Charter Review Committee recommends that Censure be added to the Charter as a disciplinary tool.

The reasons that a measure of censure is being recommended are:

- 1) Censure would be provided as a warning for less egregious offenses.
- 2) Add another tool of discipline other than forfeiture of office.
- 3) Most Charters include censure as a method of reprimand.

The Charter Review Committee is recommending that Censure be included in the Charter as a method of reprimand that is less drastic than forfeiture of office. The Board of Aldermen can then adopt a Code of Conduct that addresses the specifics of how/when they might use the method of reprimand. The Charter Review Committee felt that although censure should and would be rarely used, the method should exist for conditions that warrant it. It was generally agreed that the minimum procedural standard for imposing forfeiture or censure should be the same as the standard for passing an ordinance. This procedural standard should reflect that such a measure could not take place on a single legislative day, and that it requires a majority vote of the members of the Board of Aldermen. This standard should be spelled out in the Municipal Code as agreed upon by the Board of Aldermen.

Proposition 2 Failed (37% Y / 63% N)

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

Summary of the Term Limit Issue

The Charter Review Committee recommends having the voters decide whether to retain term limits for members the Board of Aldermen, but not the Mayor. The difference was

recognized between term limits for executive positions and term limits for legislative branches. Most other cities in St. Louis County do not have term limits for their Aldermen or Council members. The Charter Review Committee decided to let the voters revisit the issue.

The reasons that term limits might be eliminated are:

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

Proposition 1 Failed (45% Y / 55% N)

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

The ballot language will read:

***Proposition 1:** Shall the following Sections of the City of Crestwood Charter be amended as proposed by the Charter Review Committee: 3.3, 3.10(a), 3.10(d), 3.10(g), 4.4(a), 4.8, 5.1, 5.2(a), 5.2(f), 7.1, 7.2(b), 9.3(b), 10.3(b), 13.8, 15.1, 15.2, 15.3, and 15.4?*

In detail, the changes proposed to these sections of the Charter and which would be authorized by the passing of Proposition 1 are as follows:

Article III – Board of Aldermen

Sec.3.3, Qualifications: Add the sentence, "For purposes of this Section, both seats within a given Ward constitute the same office." This would provide clarification and declare a specific aldermanic position (seat held) – an Alderman cannot run again for the same Ward by declaring that the other Aldermen's seat in that Ward is another seat.

Sec 3.10, Legislative Proceedings: (a) Meetings: Delete the sentence, “In no event shall any meeting of the Board of Aldermen be held outside the city limits.” Under the new revision of the Missouri Sunshine Law, meetings may be held via the internet and telephone conferencing. This eliminates the requirement that no meetings be held outside the city limits. This update is desirable and possible due to advances in technology.

Sec 3.10 (d), Voting: Add the words, “Sections 4.4(a) and 4.4(b) of” in between “provided in” and “this Charter,”. Provides reference to other related sections.

Sec 3.10 (g), Procedure: Add the words, “and approval by the Mayor in accordance with Section 4.4(b).” Clarification of the process of how a bill becomes an ordinance is added {ref to 4.4(b)}.

Article IV – Mayor

Sec 4.4(a), Powers and Duties: Addition of the words “or ordinance” after the word “question” in the first paragraph. Clarification that the Mayor has the power to break a tie vote on an ordinance.

Sec 4.8, City Attorney: Delete the phrase “with no right of appeal”, as it is unnecessary.

Article V – City Administrator

Sec. 5.1, City Administrator: Update language by changing the words from “paid a salary in an amount” to “compensation and other terms and conditions of employment.” “Compensation” would be a more comprehensive term.

Also, remove the phrase, “with no right of appeal”, as it is unnecessary.

Sec 5.2 (a), City Clerk: Delete the phrase, “and who shall be a civil service employee”. This will remove the requirement that the City Clerk be a civil service employee and the employee rank could be treated as other department heads are. This provision does not change the status of the City Clerk; it only authorizes the Board of Aldermen to make this change by ordinance if it chooses to do so.

Sec. 5.2 (f), Budget and Capital Program: Change “five year plans” to “three year plans.” This should provide for more accurate financial projections.

Article VII – Financial Procedures

Section 7.1, Fiscal Year: Change “July” to “January” and “June” to “December”.
This updates the Charter to the current practice.

Section 7.2, Budget (b) Capital Program: Change “five year period” to “three year period.” This should provide for more accurate financial projections.

ARTICLE IX – Initiative and Referendum

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

ARTICLE X – Recall

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

Article XIII – General Provisions

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

Article XV – Transitional Schedule

These revisions are proposed in order for the Charter to reflect that the 2006 update is taking place.

(Note to readers: To help readers of this document see and understand these proposed revisions in Section 15, the proposed new language is italicized and the current Charter language which is proposed to be changed is stricken through. These formats have only been used in this document to help the reader see the proposed changes; the formats would not be used in the Charter.)

Sec. 15.1, Purpose of Schedule

Revise to read:

The purpose of the following provisions is to promote the orderly transition from the ~~present current provisions to the amended provisions of the Charter.~~
government of the City of Crestwood, Missouri, to the new government provided

~~for in this Charter and to inaugurate the new government under the provisions of this Charter.~~ The provisions of this Article shall constitute a part of this Charter only to the extent and for the time required to accomplish that aim.

Sec. 15.2, Election to Adopt Charter

Revise to read:

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

Sec. 15.3, Time of Taking Effect

Revise to read:

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

Sec. 15.4, First General Municipal Election

Delete this section in its entirety. It was only relevant to the initial draft of the Charter and should be eliminated.
