



AGENDA
SPECIAL COMMITTEE-OF-THE-WHOLE MEETING
Chesterfield City Hall – Conference Rm. 101
690 Chesterfield Parkway West
Tuesday, July 7, 2015
5:30PM

- I. CALL TO ORDER** – Mayor Bob Nation

- II. ROLL CALL** –City Clerk Vickie Hass

- III. DISCUSSION** - Re: City Council Committees – Michael Herring, City Administrator

- IV. OTHER** – Mayor Bob Nation

- V. ADJOURN** – **Executive Session** (Closed Meeting)- RSMo 610.021 (1) (3)
 - A. Litigation**

 - B. Personnel Matters**

- VI. ADJOURNMENT**

NOTE: City Council will consider and act upon the matters listed above and such other matters as may be presented at the meeting and determined to be appropriate for discussion at that time.

Notice is hereby given that the City Council may also hold a closed meeting for the purpose of dealing with matters relating to one or more of the following: legal actions, causes of action, litigation or privileged communications between the City's representatives and its attorneys (RSMo 610.021(1) 1994; lease, purchase or sale of real estate (RSMo 610.021(2) 1994; hiring, firing, disciplining or promoting employees with employee groups (RSMo 610.021(3) 1994; bidding specification (RSMo 610.021(11) 1994; and/or proprietary technological materials (RSMo 610.021(15) 1994.

Michael Herring

From: Harry O'Rourke <horourke@smhhlaw.com>
Sent: Friday, June 26, 2015 12:29 PM
To: Michael Herring
Subject: Special Meeting of City Council & Committee of the Whole

Mike,

You're probably already arranging for this, but I want to make sure that we give notice of two separate meetings on July 7th. The first notice would be for the meeting of the Committee of the Whole Council. The second notice would be for a special meeting of the City Council. Notice for each should be made according to the normal procedures for giving notice of meetings pursuant to law. *EXCLUSIVE SESSION*

Under Roberts's Rules of Order Newly Revised, (Sec. 512 et seq) a Committee of the Whole acts as an ordinary committee, and has the same status and powers of regular committees – that is to make recommendations to the Council on the topics discussed. Votes taken by the Committee of the Whole are not final decisions of the Council. The Council would have the ability to deliberate further and take final action at a regular session. Votes at the Special Meeting of the Council, however, will have final and full authority of the Council, and therefore should be distinct from the Committee of the Whole.

The Council referred the issue of committee assignments to a Committee of the Whole Council. In addition, the Mayor requested a special meeting of the Council to discuss Jeff Brooks. These should be done separately (could be one right after the other) – and each meeting will need proper notice under pursuant to Section 610.020 R.S.Mo. (the sunshine law) – and each meeting will need to be called to order and adjourned separately in order to avoid violating the sunshine law.

Let me know if you have questions about this.

Thanks,

Harry.

HAROLD V. O'ROURKE
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OFFICE OF THE CITY ADMINISTRATOR

TO: Mayor/City Councilmembers/City Attorney
FROM: Michael G. Herring 
City Administrator
DATE: July 1, 2015
RE: Council Committees

As you know, a **SPECIAL COMMITTEE-OF-THE-WHOLE MEETING** has been scheduled for **Tuesday, July 7, at 5:30pm**. The purpose of this meeting will be to discuss the process by which City Council Committees are established and how said Committees function, in recognition of the conflicts that currently exist between the practice previously followed by City Council and the specifics of Section 13 of Ord. No. 12, which was originally adopted by City Council, on June 1, 1988.

Section 13 (A), or Ord. No. 12, specifies that the FIVE Committees listed below, were officially established:

- Community Development and Neighborhood Preservation
- Community and Public Relations
- Finance
- Public Improvements
- Public Safety and Health

Section 13 (B) specifies that the Mayor shall appoint THREE City Councilmembers to each Committee and shall designate one of those Councilmembers as the Chairperson. It further states that the Mayor and the "Treasurer" will serve as ex-officio members of each Committee.

When I was hired and came on board, in July, 1988, I was asked to prepare a recommendation for how City Council Committees could be established and function. The FOUR STANDING COMMITTEES of City Council, which I recommended and City Council adopted, have evolved and been modified, over the years, as circumstances have warranted. In fact, in recognition of this, Ord. No. 12 was amended TWICE, in 1990 and 1992, to reflect a decision by City Council to reduce the number of Committees to FOUR and to change their names. Rather than summarizing the various names selected and used by City Council, over the years, the current names of those Committees are as follow:

----Finance and Administration
----Parks and Recreation
----Planning and Public Works
----Public Health and Safety

I would suggest that ONE ADDITIONAL CHANGE be made, by changing the name of the “Parks and Recreation” Committee to “Parks, Recreation and Arts” Committee.

What has never been “officially” changed is Section 13 (B) of Ord. No. 12.

Again, as a part of my initial recommendations, each current Committee has FOUR members, which includes one Councilmember, from each of the City’s four Wards. Each Councilmember serves on two Council Committees and no two Councilmembers from the same Ward shall serve on the same Committee. Each Ward shall have ONE Councilmember serving as a Chairperson. The Chairperson has evolved to currently be that person who will be standing for re-election, the following April. The point being that, as Chairperson, that Councilmember will make Committee reports/recommendations, at City Council meetings. Additionally, both the Mayor and City Administrator currently serve as ex-officio members of each Council Committee.

While a check of the MINUTES from early in the City’s history will confirm that the Mayor submitted the Committee assignments/Chairpersons to City Council for a vote, I can confirm to you that it was done with the knowledge/input of all City Councilmembers. Subsequently, as confirmed by City Council meeting MINUTES, the President Pro Tem of City Council assumed this responsibility and has, for a majority of the years since incorporation, coordinated this process. This all happens immediately following each April’s election, at which time the President Pro Tem’s recommendations have been submitted to City Council for a formal vote. A formal vote is also taken, at that same time, regarding the incoming President Pro Tem of City Council.

So, given the CONFLICTS noted above, it would seem appropriate, to clarify the process and to avoid confusion going forward, that City Council make specific decisions and vote on the following:

- **Names of the City Council Committees?**
- **Number of City Councilmembers serving on each Committee: 3 or 4?**
- **Process by which Council Committee membership is determined:**
 - **One Councilmember/Ward on each Committee with no two Councilmembers serving on the same Committee; or, Committee membership determined unilaterally by the Mayor?**
 - **One Councilmember from each Ward shall serve as a Chairperson; or, Chairpersons unilaterally selected by the Mayor?**
 - **The Councilmember selected as Chairperson shall be that person facing re-election the following April, or unilaterally determined by the Mayor?**
 - **Mayor and City Administrator shall both serve as ex-officio members of each Committee?**

- **Shall the Mayor or the President Pro Tem of City Council coordinate this process?**
- **Shall the recommendations for Committee membership and Council Committee Chairpersons be submitted for a formal vote by City Council, at the first meeting immediately following each City election?**

Other items that could/should be discussed and voted on:

- Other than the Planning/Public Works Committee, what happens if an item receives a 2-2 or 1-3 vote, in Committee? Currently, it is Staff's understanding that those items FAIL and are NOT forwarded to City Council. NOTE: Every Planning Commission recommendation/zoning item discussed by/voted on at the Planning/Public Works Committee, is forwarded to City Council, regardless the vote.
- Currently, an Exec. Session cannot be held at the Council Committee level.....should this "policy" be formalized along with all other items noted above?

If you have any questions or would like additional information, please let me know PRIOR to this SPECIAL CITY COUNCIL MEETING. Again, please mark your calendars for Tuesday, July 7, 2015, starting a 5:30pm.

Five Dollars (\$5.00) and not more than Five Hundred Dollars (\$500.00) or by imprisonment for a period not to exceed three (3) months or by both such fine and imprisonment.

Section 12. Appointment of a Councilman to Fill a Vacancy.

Whenever a vacancy occurs in any elective office, the mayor, or the person exercising the office of mayor, shall cause a special election to be held to fill such vacancy; provided, however, when any such vacancy occurs within six months before the next municipal election, no election shall be called to fill such vacancy, but the same shall be filled by the mayor or the person exercising the office of mayor by appointment; provided however, that the proposed appointee receives a two-thirds (2/3) majority vote from the Mayor and remaining Council members voting jointly.

Section 13. Standing Committees.

A. Establishment. There are hereby established as Standing Committees of the City Council the following:

- (1) Community Development and Neighborhood Preservation;
- (2) Community and Public Relations;
- (3) Finance;
- (4) Public Improvements; and
- (5) Public Safety and Health.

B. Membership-Appointment. Each committee shall be comprised of three (3) Councilman appointed by the Mayor who shall designate one (1) of the members as Chairman. The Mayor shall be an Ex Officio member of all Standing Committees. The Treasurer shall serve as an Ex Officio member of the Finance Committee.

C. Functions. The functions of the various committees shall include, but shall not be limited to:

- (1) Making recommendations to the Council or to the City Administrator, or both, concerning any of the matters within its purview, when requested and also at other times when it appears that the best interest of the City and its residents will be served thereby;
- (2) Formulating, with the assistance of the

ORIGINAL
ORD #12
JUNE, 1988
✓ MBH

BILL NO. 472

ORDINANCE NO. 467

AN ORDINANCE AMENDING ORDINANCE NUMBER 12, SECTION 13.A REGARDING STANDING COMMITTEES OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

Section 1. Ordinance Number 12, Section 13.A is hereby amended by deleting one provision thereto as follows:

Section 13. Standing Committees.

- A. Establishment. There are hereby established as Standing Committees of the City Council the following:
- (1) Community Development and Neighborhood Preservation;
 - (2) Community and Public Relations
 - (3) Finance;
 - (4) Public Improvements; and
 - (5) Public Safety and Health.

Section 2. Ordinance Number 12, Section 13.A is hereby amended by adding one provision thereto as follows:

Section 13. Standing Committees.

- A. Establishment. There are hereby established as Standing Committees of the City Council the following:
- (1) Finance and Administration;
 - (2) Planning and Economic Development;
 - (3) Public Health and Safety;
 - (4) Public Works and Parks.

Section 3. In all other respects, Ordinance Number 12 is in full force and effect.

Section 4. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 16TH day of JULY, 1990.

MAYOR *Jack Leonard*

ATTEST:

Marilyn L. DeMay
CITY CLERK

BILL NO. 672

ORDINANCE NO. 664

AN ORDINANCE OFFICIALLY DESIGNATING THE DEPARTMENT OF PLANNING AND ECONOMIC DEVELOPMENT AS THE DEPARTMENT OF PLANNING.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHESTERFIELD, AS FOLLOWS:

Section 1. This Ordinance hereby officially changes designations and references within the Code and Ordinances of the City of Chesterfield as it relates to the Department of Planning and Economic Development, standing committees, attestation requirements or any other references to the Department of Planning and Economic Development. Said Department shall hereinafter be referred to and designated as the Department of Planning.

Section 2. This Ordinance shall be in full force and effect from and after its passage and approval.

Passed and approved this 16TH day of MARCH, 1992.

Jack Leonard
MAYOR

ATTEST:

Martha L. DeMay
CITY CLERK