

MEMORANDUM

TO: Members – F&A Committee
FROM: Michael G. Herring, City Administrator
DATE: February 23, 2016
SUBJECT: Minutes – February 22, 2016

The Finance and Administration Committee met on February 22, 2016. Those in attendance included: Chairperson Barry Flachsbart, Ward I; Council Committee Member Elliot Grissom, Ward II; Council Committee Member Dan Hurt, Ward III; Council Committee Member Bruce DeGroot, Ward IV; City Administrator Mike Herring; Finance Director Craig White; Director of Public Services Mike Geisel; and Interim City Attorney Harry O'Rourke. Those also in attendance included: Mayor Bob Nation, Councilmember Barbara McGuinness, Ward I; Councilmember Mike Casey, Ward III; Councilmember Connie Fults, Ward IV; Management Analyst James Mello Jr; Michelle Bock, Financial Advisor; Christopher Graville, Attorney and 17 members of the public.

Chairperson Barry Flachsbart called the meeting to order at 5:30 p.m.

1. Approval of Minutes from January 25, 2016

Chairperson Flachsbart asked if there were any comments or changes to the January 25, 2016 F&A Committee Minutes. Hearing none, Councilmember Hurt motioned to approve the Minutes. Councilmember DeGroot seconded the motion. A voice vote was taken, with a unanimous result 4-0, and the motion was approved.

2. 2008 Certificates of Participation Refunding

Finance Director Craig White briefly described the City's opportunity to refund the 2008 Certificates of Participation which would save the Park's Sales Tax Fund approximately \$300,000 through the debt's maturity in 2028. This refunding would reduce the annual debt service obligations without extending the life of the debt.

Councilmember Grissom clarified that the refinancing rates were based off of Chesterfield's strong AAA bond rating and the increased demand of municipal bonds in general.

Councilmember Hurt asked if potential savings from early payment of the debt were evaluated. Michelle Bock confirmed that such opportunities were considered but did not yield the best savings for the City at this time.

Chairperson Flachsbart motioned to forward the refinancing recommendation to Council for approval and that it be read twice at the next meeting to expedite this time sensitive effort. Councilmember DeGroot seconded the motion. A voice vote was taken, with a unanimous result 4-0, and the motion was approved.

3. Review of all City Ordinances

Chairperson Flachsbart explained that, based on concerns raised by State Representative Sue Allen, Attorney Christopher Graville had performed an analysis of the City Ordinances' compliance with Missouri State statutes.

At this time, Mr. Graville began his presentation which he summarized in an attachment, and fielded several questions from the meeting attendees.

Councilmember Hurt clarified that while Chesterfield codified ordinances state that the City Administrator is accountable to the Mayor, it does not state that the City Administrator is ONLY accountable to the Mayor and, in fact, is also accountable to the Council as a whole.

Councilmember Fults clarified that the Mayor, though holding supervisory authority over the City Administrator, cannot issue directives in conflict or violation of previous Council decisions.

Councilmember DeGroot asked Mr. Graville to clarify the phrase "subject to review" in the context of the Mayor's supervision of the City Administrator being "subject to review of the Council". Mr. Graville clarified that this meant the Mayor was accountable to the Council for directives given to the City Administrator.

Mr. Graville stated that the Chesterfield Municipal Code is not in direct conflict with any existing State Statute.

A general discussion amongst the Councilmembers ensued regarding the process for the Council to appoint a temporary City Administrator and the assignment of City Administrator duties if the position is vacant.

Chairperson Flachsbart raised concerns that, as a result of codification, there may have been unintended alterations to City Ordinances. He distributed a summary sheet of his concerns and recommended actions.

Chairperson Flachsbart motioned that a senior member of the City staff designated by the City Administrator, the Mayor and outside legal counsel take three tasks with regards to Ordinances 7, 8 and 11 and submit a report from the identified individuals at the next Committee meeting:

- 1) Investigate as to whether any changes were made to these Ordinances during the codification process. If any are found, then prepare proposed changes to the codification that would return the code to the language of the original ordinances.

- 2) Investigate as to whether any provisions of these ordinances conflict with City Policy. If any conflicts are found, then prepare proposed policy changes to return Policies to the language of the original Ordinances.

- 3) Investigate as to whether any provisions of these Ordinances are not being followed correctly. If any instances are found, then propose policies, procedures, rules and/or practices to implement that ensure the original Ordinances are followed in the future.

Councilmember DeGroot seconded the motion.

Councilmember DeGroot motioned for an amendment to include Chairperson Flachsbart as a member of the investigating sub-committee identified and remove the need to consult with outside counsel. Councilmember Grissom seconded the motion. A voice vote was taken, with a unanimous result 4-0, and the motion was approved.

There was no further discussion on the motion as amended. A voice vote was taken, with a unanimous result 4-0, and the motion as amended was approved.

Chairperson Flachsbart stated that in the future, the Mayor and City Administrator should take steps to ensure that codification efforts should not change language of underlying ordinances.

City Administrator, Michael Herring, clarified what exactly the codification process is, the 3rd party's nature and role in the process, as well as the importance of codification.

A member of the public cited specific sections of ordinances and past codification language, inquiring if there was intent to alter the original language of the original Ordinances. Then-City Attorney Doug Beach was in attendance and clarified that there was no attempt or intention to repeal or alter any of the specific ordinances mentioned.

4. Discussion Regarding City Attorney, Municipal Judge, and City Prosecutor Ordinance

Chairperson Flachsbart summarized the ordinance followed by a brief discussion.

Chairperson Flachsbart motioned that the proposed ordinance be forwarded to Council for consideration. Councilmember Grissom seconded the motion. A voice vote was taken, with a unanimous result 4-0, and the motion was approved.

5. Discussion Regarding Expansion of Financial Information on Chesterfield's Website

Finance Director, Craig White, reviewed the additions and revisions made to the financial information on the City's website since the last meeting. This included the addition of the number of budgeted employees that occupy each position, a schedule with the salaries of each City employee (identified by position rather than name), and a summary of employee benefits. It was also noted that the webpage with financial documents has been named the "Financial Documents Center."

Councilmember Hurt indicated that he supported Staff's decision to include the length of service for the highest 12 compensated employees only. He noted that these individuals/positions could be identified due to their job title but thought it was appropriate to omit this information for other employees.

There were no additional requests for information to be added or modified.

6. Discussion Regarding Overtime Tracking

Finance Director Craig White recapped prior discussions with the F&A Committee regarding the tracking of overtime. He summarized the major reasons for overtime expense which consisted of

Police staffing for large local events and grant funded activities, Parks special events and programming when part-time summer help is not available, and Street Maintenance work to clear roads during inclement weather. A significant portion of these costs are offset by event fees, user charges, and reimbursement grants.

Mr. White proposed a schedule tracking historic, annual and monthly department overtime expenses. Councilmember Grissom recommended that such information would be useful, as part of the Financial Updates, on a quarterly, rather than monthly basis.

Councilmember Hurt suggested that overtime attributed to individual employees be added to the schedule of individual salaries discussed in item #6 above.

7. Revision of Current E-Mail Retention Policy Regarding Elected Officials

Chairperson Flachsbart made a motion that the time constraint for retention of Elected Official emails be removed, pending advisement to the contrary from Information Technology Staff. Councilmember DeGroot seconded the motion. A voice vote was taken, with a unanimous result 4-0, and the motion was approved.

8. Next Meeting/Adjournment

The next meeting is scheduled for March 28, 2016.

Members of the public raised questions about a potential \$17,000 legal bill. Councilmember Flachsbart stated that, as far as he was aware, the City had not received such a bill and that he had recently made specific inquiries regarding it.

The meeting was adjourned at 7:25 PM.