

MEMORANDUM

TO: Members – F&A Committee
FROM: Michael G. Herring, City Administrator
DATE: March 29, 2016
SUBJECT: Minutes – 3-28-16

The Finance and Administration Committee met on March 28, 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; Director of Public Services Mike Geisel; Finance Director Craig White; and Interim City Attorney Harry O'Rourke. Those also in attendance included: Mayor Bob Nation, Councilmember Barbara McGuinness, Ward I; Councilmember Bridget Nations, Ward II; Councilmember Mike Casey, Ward III; Councilmember Connie Fults, Ward IV; Management Analyst James Mello Jr and 2 members of the public.

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

1. Approval of Minutes from February 22, 2016

Chairperson Flachsbart asked if there were any comments or changes to the February 22, 2016 F&A Committee Minutes. Hearing none, Chairperson Flachsbart 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. Report from Sub-Committee Reviewing City Ordinances

Director of Public Services, Mike Geisel, advised that the designated sub-committee met and performed a word by word review comparing the Official City Code to Ordinances #7, 8 and 11 as was directed by the full committee. However, as was separately directed, Staff and Legal Counsel conducted a comprehensive review of the entire Administration Chapter of the City Code. Chapter Two of the City Code provides the full framework for administration of the City. While the complete review of Chapter Two will be provided separately, the aforementioned sub-committee of the F&A Committee recognized that the content of Ordinances #7, #8, and #11 were incorporated into Chapter Two.

Accordingly, other than limiting the sub-committee review to the narrow text of these three ordinances, there were clearly related provisions in Chapter Two of the City Code that could impact, or should at least be considered in conjunction with any review of Ordinances #7, #8, and #11. Mr. Geisel noted that Ordinance 398, passed in 1990, was the original codification ordinance and included a relatively few number of discrepancies when compared to the originally adopted ordinances – specifically Ordinances #7, 8, and 11. The nature, intent, and source of these changes could not be determined by the sub-committee. Mr. Geisel stated that his presentation would include any and all differences

between original ordinances and the codification – including language changes, additions, or omissions.

Councilmember DeGroot made a motion that all recommendations voted on by the Committee regarding agenda items 2a and 2b be deferred and reviewed by the new Finance and Administration Committee as appointed after the upcoming April 2016 elections. Councilmember Grissom seconded the motion. A voice vote was taken, with a unanimous result 4-0, and the motion was approved.

Mr. Geisel proceeded with a presentation about the sub-committee findings, citing several considerations for the Committee to act on at the conclusion of his presentation. After Mr. Geisel had presented an overview of the discrepancies, the Committee began discussion on specific proposed reconciliation options.

Chairperson Flachsbart made a motion to recommend that staff draft language for review by Interim City Attorney Harry O'Rourke draft language to repeal Section 9 of Ordinance 7, leaving only the guiding State Statute (RSMO 77.450) as the governing law. Mr. Geisel suggested that staff would draft the legislation to be reviewed by Interim City Attorney O'Rourke, and Chairperson Flachsbart amended his motion accordingly. During discussion, it was clarified by Mr. O'Rourke that Section 9 of Ordinance 7 was not in conflict with 77.450, and could be harmonized with it if it was left in place. Several hypothetical situations were discussed and interpreted through various iterations of both state law and Section 9 of Ordinance 7. Councilmember Hurt seconded the motion. A voice vote was taken, with a unanimous result 4-0, and the motion was approved.

Chairperson Flachsbart made a motion to recommend an ordinance to reconcile both Section 9 of Ordinance 8 and City Code Section 2-74 to read "The Administrator shall be the Chief Administrative Officer of the City and shall serve as the Chief Administrative Assistant to the Mayor. He shall be responsible for the administration and management of the business and employees of the City subject to the direction and supervision of the Mayor and City Council. To that end, he shall have the following duties and powers: ...". Councilmember Hurt seconded the motion. General discussion ensued about a balance of power between the Office of Mayor and the City Council as well as potential conflicts in directives given by the Mayor and/or City Council. A voice vote was taken, with a unanimous result 4-0, and the motion was approved.

Chairperson Flachsbart made a motion to reconcile Section 9(c)1 of Ordinance 8 and City Code Section 2-74(3)(a) to refer to a "City Council", removing "aldermanic" language. The motion was seconded by Councilmember DeGroot. A voice vote was taken, with a unanimous result 4-0, and the motion was approved.

While considering a reconciliation, between City Code Section 2-82 and Section 17 of Ordinance 8, which dealt with who designates a temporary City Administrator during the City Administrator's absence, a discussion ensued about the timeframe by which approval would be needed, or in the instance of longer terms of absence, a greater level of approval.

Councilmember Grissom made a motion to recommend that a reconciliation between City Code Section 2-82 and Section 17 of Ordinance 8 state that the City Administrator shall appoint a temporary City Administrator in the event of absence, and, in the event that the absence is expected to last 5 or more consecutive business days, such an appointment would require the consent of the Mayor. Councilmember Hurt seconded the motion. Discussion continued about the level of involvement the Mayor should or should not have in these temporary appointments. A voice vote was taken, with a result of 3-1 with Councilmember DeGroot voting against the motion, and the motion was approved.

Chairperson Flachsbart made a motion to recommend amending City Code Section 2-5 to read that Notice of Claim prior to institution of suit for damages against the City be sent to both the Mayor and City Administrator. Councilmember Grissom seconded the motion. A voice vote was taken, with a unanimous result 4-0, and the motion was approved.

Chairperson Flachsbart made a motion to recommend that Council strike the sentence of City Code Section 2-29 reading "The Mayor shall execute on behalf of the City all contractual and legal documents approved by the City Council." Councilmember DeGroot seconded the motion. During discussion, Councilmember DeGroot asked Chairperson Flachsbart and Mayor Nation, both of whom had or presently are serving as Mayor, how they felt about striking the language and both agreed they had no issues. A voice vote was taken, with a unanimous result 4-0, and the motion was approved.

Councilmember Grissom made a motion to recommend that Staff develop language to replace Section 2-47 of the City Code to reflect current practices of scheduling regular meetings. Councilmember DeGroot seconded the motion. A voice vote was taken, with a unanimous result 4-0, and the motion was approved.

Mr. O'Rourke confirmed that there was no conflict with State Statute on Rule 1 of City Code Section 2-50. No action was taken.

Chairperson Flachsbart made a motion to recommend the elimination of Rule 3 of City Code Section 2-50. Councilmember DeGroot seconded the motion. A voice vote was taken, with a unanimous result 4-0, and the motion was approved.

Chairperson Flachsbart made a motion to recommend that the Council consider the all recommendations to reconcile Section 9 of Ordinance 8 and City Code Section 2-74 at the same time and to include consistent language with regard to the City Administrator's accountability to the Mayor and City Council. Councilmember Grissom seconded the motion. A voice vote was taken, with a unanimous result 4-0, and the motion was approved.

After discussion regarding City Code Section 2-80, Chairperson Flachsbart asked Mr. Geisel to develop more specific recommendations for changes to the language.

Councilmember Grissom made a motion to recommend that City Code Section 2-91 be modified to remove the existing termination language regarding the City Clerk and replace it with: "The City Clerk may be removed from office by the City Administrator with the approval of Council." Chairperson Flachsbart seconded the motion. During discussion, it was confirmed that State Statute does not have any governing language regarding termination of a City Clerk. A voice vote was taken, with a unanimous result 4-0, and the motion was approved.

3. Further Inputs on Ordinances

Chairperson Barry Flachsbart asked if there were any additional inputs. There was no discussion or input.

4. Update on Changes to the Elected Officials' Email Retention

Finance Director Craig White explained that, per previous Council direction, the email retention policy for Elected Officials had been extended to seven years.

Councilmember Hurt inquired what the retention policy for employees was, and was informed that employee emails are retained for 30 days with exceptions made for manually archived emails. Director of Public Services.

Chairperson Flachsbart made a motion to request that the MIS Citizens Advisory Group review the time component (30 days) for employee e mail retention and the technology used for storage and retrieval. The motion was seconded by Committee Member Hurt. A voice vote was taken, with a unanimous result 4-0, and the motion was approved.

5. Policies versus Code/Ordinances Input

Chairperson Flachsbart asked for any additional input on the topic, and heard none.

6. New Business

The Committee had no new business to discuss.

7. Adjournment

The meeting was adjourned at 7:17 pm.