

City of Independence
2022 Charter Review Commission
Wednesday, March 30, 2022
Annex Conference Room
6335 Selig Dr.

Minutes

Present:

Chris Walchanowicz
Deena Rini (Chairperson)
Noelle Ostrowski
Dayna DePerro Milligan
Chad Vancure
Kenn Synek (Co-Chairperson)
Debra Cooper
Tim Lesh
Chris Mudra
Brad Chelko

Meeting called to order:

Meeting was called to order by Chairperson Rini at 6:00 p.m.

Approval of Minutes: 3/23/22:

Chairperson Rini asked if there were any suggested changes to the Minutes of the March 16, 2022 meeting.

Mr. Lesh referenced Page 5, Paragraph 2, last sentence, saying he believed that comment was made by someone else in the room as he does not recall making the comment. Mr. O'Brien suggested replacing Mr. Lesh's name with [unknown].

Vice Chairman Synek moved, with a second by Mr. Walchanowicz, to amend the Minutes of the March 16, 2022 meeting as suggested.

Chairperson Rini called for approval of the minutes via roll call. ROLL CALL: MOTION CARRIED 8/1 (VOTING YEA: Mr. Walchanowicz, Ms. Ostrowski, Ms. DePerro Milligan, Mr. Synek, Ms. Cooper, Mr. Mudra, Mr. Chelko, and Ms. Rini. VOTING NAY: Mr. Lesh.).

A poll was taken on each Section of the Charter to determine whether the section should be presented to City Council, with priority levels of high, medium, and low. High priority items will be discussed with Council, low priority items will not be discussed with Council, and medium priority items will need further discussion from the Commission to make a determination.

	Priority		
	H	M	L
Article 2. The Council			
Section 1. Composition and Term			
o Staggered terms for city council. Top 3 finishers get a 4 year term, 4th place finisher gets a 2 year term	5	4	1
▪ Vice Mayor position would be replaced by a President of Council	*	*	*
▪ President of Council would be decided by a majority vote of the members of Council	*	*	*
- Section 2. Organization and Term			
o If 4 year terms for council, then any candidate who has completed 10 or more consecutive years of service on Council shall be ineligible to run for re-election in the next general election	*	*	*
o Council to consist of 5 members elected from each of the City's 5 precincts and 2 at-large members.	0	0	10
▪ Alternative: create X number of ward seats on council with (7-X) at-large seats	0	0	10
o Reduce number of council seats from 7 to 5	1	0	9
- Section 4 Vacancy in Council			
o Codify in charter that, in the event of a vacancy, the highest finisher in the most recent general election shall be appointed to fill the vacancy	0	4	6
o Council seat filled by a temporary replacement with an unexpired term greater than 2 (or 1?) year(s) and 90 days shall be submitted to the voters during the next general election	*	*	*
- Section 5 Council Meetings			
o Codify in charter that meetings shall be available for public inspection at all reasonable times virtually or in-person	4	4	2
- Section 6 Ordinances and Resolutions			
o Codifying in the charter a 15-day public notice period prior to council voting on any ordinance	0	4	5
o Codify in the charter what constitutes "emergency" legislation that can avoid the public notice period	2	4	4

Article 3. The Mayor	Priority		
	H	M	L
- Section 1. Term of Office			
o Eliminate term limits for Mayor	5	1	4
▪ Alternatively, change limit from 2 consecutive terms to 3 consecutive terms	6	2	2
o If no candidate for Mayor receives greater than 50% of the vote, then there would be a runoff election on the first Tuesday in December.	2	4	4
▪ Alternatively, if 3 or more candidates file to run for Mayor, then a primary election would be held in September. Top 2 finishers in the September primary move on to the November general election	5	4	1
- Section 4. Veto Power of the Mayor			
o Lower the threshold for Council override of Mayoral veto from 5 votes to a simple majority	0	3	6
- Section 6. Appointment, Qualifications, Duties and Removal of Chief of Police and Fire Chief			
o Section 6(b)(1) and (2) – Increase the experience requirement from 5 years to 10 years	0	3	6
o Codify in the charter a preference to promote from within	1	0	9
o Specify a certain minimum rank that must be achieved in order for a person to be considered as a candidate for Police Chief or Fire Chief	0	4	6
o All appointments need the consent of council and Council should have more authority over any disciplinary actions for employees that are not union represented.	1	0	9
- Section 7. Absence or Vacancy in Office of Mayor			
o If a vacancy occurs with greater than 2 years and 90 days remaining in the Mayor’s term, an election shall be held in the next general election to fill the unexpired term	1	9	0

	Priority		
	H	M	L
- Article 4. Administrative offices, Departments, Boards and Commissions			
- Section 2. Finance Director			
o Section 2(a) Election, Term of Office and Vacancy – eliminate elected position and replace with a person appointed by the Mayor with the consent of a majority of the Council.	3	6	1
• Alternatively, the appointee is selected by a majority of Council	5	4	1
o If Finance director becomes an appointed position, removal of finance director would follow same requirements as removal of police chief or fire chief	9	0	1
o Section 2(b) Qualifications and General Duties – change qualifications to state “at least five (5) years' experience in governmental accounting or finance”	0	4	6
o Section 2(c)(5). Purchasing and contracts – increase the bid threshold from \$15,000 to \$xx,xxx (need to determine amount)	3	3	4
▪ Alternatively, raise the limit to equal the state limit of \$50,000, or a fixed percentage of the state maximum (need to determine %)	1	6	3
o Section 2(c) Purchasing and contracts – add new section to create a special no bid category related to ransomware / cyber attacks	2	4	4
- Section 4. Service Director			
o Change requirement for removal of service director to match those for the removal of the police or fire chief as set forth in Article III, Section 6(d). (Removal would require consent of 5 members of Council)	1	1	8
- Section 5. Planning Commission			
o (C) Zoning Ordinances - Adding language to address concerns some committee members have regarding ordinances such as “variances must or shall comply with ordinances.”	1	1	8
o (D) Zoning of Lands for Multiple Family Dwellings, and Attached Single-Family Dwellings or Cluster Subdivisions			
▪ Regarding notice of public hearing, replace “newspaper of general circulation” with a mode of communication that better reflects today’s technology	5	3	2
▪ Adding verbiage such as “quality control standards” for multifamily dwellings.	0	3	7

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|---|--|----------|----------|----------|---|---|---|
| <ul style="list-style-type: none"> - Article 12. Oath of Office <ul style="list-style-type: none"> o Move Oath of Office to the beginning of the Charter. | <table border="0"> <tr> <td style="text-align: center;">H</td> <td style="text-align: center;">M</td> <td style="text-align: center;">L</td> </tr> <tr> <td style="text-align: center;">1</td> <td style="text-align: center;">0</td> <td style="text-align: center;">9</td> </tr> </table> | H | M | L | 1 | 0 | 9 |
| H | M | L | | | | | |
| 1 | 0 | 9 | | | | | |

*items will be combined with Section 1, Point

The following sections were removed from consideration:

Article 2

Section 2

Section 4, Point 1

Section 6, Point 1

Article 3

Section 4

Section 6

Article 4

Section 2, Points 3 and 4

Section 4

Section 5, Points 1 and first subpoint of Point 2

Article 12

In review of the low priority items, Vice Chairman Synek suggested Article 3, Section 1, Point 2 be removed from consideration. The Commission unanimously agreed.

The following sections were tied and open to further discussion:

Article 2

Section 6

Point 2

Codify in the charter what constitutes “emergency” legislation that can avoid the public notice period

Mr. Walchanowicz asked for clarification on what defines emergency legislation. Mr. O'Brien said an emergency allows Council to move forward immediately because the legislation has been declared an emergency. This has procedural and substantive effect in that if Council declares an emergency any referendum on the ordinance is prevented.

Most ordinances take effect in 30 days, the time set forth in the City Charter. This allows residents time to accumulate signatures requesting the item be put on the ballot for a vote. In an emergency situation the ordinance takes effect immediately, without the 30-day grace period.

City Council is required to declare what the emergency is in the verbiage of the legislation, showing the reason for declaring an emergency.

Mr. Walchanowicz added in the past 27 months he believes 90-95 percent of emergency proceedings were due to economic development situations where something needed to be passed quickly.

Mr. Lesh brought up the point that there are times Council members don't feel they receive information on proposed legislation in a timely manner, limiting their ability to review it.

Discussion ensued concerning examples of items passed in emergency versus a normal passage of legislation.

Another vote was held, with the parameters of only high or low, to break the tie. The Commission voted unanimously to consider this section low and remove Article 2, Section 6, Point 2 from consideration.

Article 3

Section 7

If a vacancy occurs with greater than 2 years and 90 days remaining in the Mayor's term, an election shall be held in the next general election to fill the unexpired term

Another vote was held, with the parameters of only high or low, to break the tie. The Commission voted 5/4 to consider this section high and move forward with Article 3, Section 7.

Article 4

Section 2

Point 1

Section 2(a) Election, Term of Office and Vacancy – eliminate elected position and replace with a person appointed by the Mayor with the consent of a majority of the Council.

Mr. O'Brien reminded those on the Commission the implication would be you could go outside of the city to recruit potential candidates for the position.

Ms. Ostrowski clarified that Mr. Blaze suggested this change be forwarded to Council.

Another vote was held, with the parameters of only high or low, to break the tie. The Commission voted 7/0 to consider this section high and move forward with Article 4, Section 2, Point 1.

Point 4, Subpoint 1

Alternatively, raise the limit to equal the state limit of \$50,000, or a fixed percentage of the state maximum (**need to determine %**)

Another vote was held, with the parameters of only high or low, to break the tie. The Commission voted 7/2 to consider this section high and move forward with Article 4, Section 2, Point 4, Subpoint 1.

Mr. Lesh brought up the five-year budget, and the City has a lot of money that needs to be spent on supplies, equipment, et cetera. He believes the City is at a point where they need to watch how the City's money is being spent. With that said, he doesn't support increasing the limit. Especially since it was increased in the past few years.

Debate was postponed until voting on all sections has completed.

Point 5

Section 2(c) Purchasing and contracts – add new section to create a special no bid category related to ransomware / cyber attacks

Another vote was held, with the parameters of only high or low, to break the tie. The Commission voted 5/4 to consider this section high and move forward with Article 4, Section 2, Point 5.

Vice Chairman Synek proposed removing Article 2, Section 5:

Codify in charter that meetings shall be available for public inspection at all reasonable times virtually or in-person.

Vice Chairman Synek explained there are copious open meetings rules and laws, public meeting laws. He doesn't believe there is anything that can be added to the City Charter that would enhance, improve, or change the existing laws.

Vice Chairman Synek moved, with a second by Ms. Ostrowski, to remove Article 2, Section 5 from consideration. The Commission agreed and the item was removed.

Mr. O'Brien addressed the group, saying he believes the wording of this suggestion may be incorrect. Currently there is case law that set the manner and means of meetings which affect Charter communities. If the City of Independence was not a chartered community, they would be required to abide by 121.22, the Open Meetings Act. The General Assembly, in response to the pandemic, temporarily changed the Act to allow for meetings to be held virtually instead of in public. This change was temporary and will expire in July.

Some of the chartered communities rewrote the City Code and allow for virtual meetings. Therefore, currently the City of Independence has an ordinance allowing for virtual meetings. Should the Supreme Court choose to challenge this, Mr. O'Brien would prefer the language be included in the City Charter instead of only a codified ordinance.

Mr. Lesh clarified including this in the City Charter would eliminate Council members attending meetings in person, to which Mr. O'Brien agreed. Therefore, a Council member would be able to attend City Council meetings remotely for an indefinite period of time, from anywhere in the world.

Mr. Walchanowicz agreed, saying he believes if you are an elected official for the City of Independence you should be physically present in the City of Independence. Should a resident need their elected official to meet with them in person, the official needs to be able to do so.

Mr. O'Brien agreed with Mr. Lesh, but made the point that virtual meetings aren't only for elected officials. These meetings also benefit residents who cannot attend public meetings. Currently residents are able to attend but not participate in virtual meetings.

Mr. Lesh suggested not be broad, that it could be specific to resident attendance. However, Council needs to be available and present for the constituents.

Chairperson Rini called for a vote on reconsideration of this Section. The Commission voted unanimously to remove the Section from consideration.

High Priority Items:

Article 2

Section 1. Composition and Term

- Staggered terms for city council. Top 3 finishers get a 4 year term, 4th place finisher gets a 2 year term
 - o Vice Mayor position would be replaced by a President of Council
 - o President of Council would be decided by a majority vote of the members of Council

Vice Chairman Synek suggested all these points be viewed as one package, to the agreement of the Committee.

Article 3

Section 1. Term of Office

- Eliminate term limits for Mayor
 - o Alternatively, change limit from 2 consecutive terms to 3 consecutive terms
 - o Alternatively, if 3 or more candidates file to run for Mayor, then a primary election would be held in September. Top 2 finishers in the September primary move on to the November general election

Mr. Lesh reminded those on the Commission the last the subject of mayoral terms limits was considered was 2014, at which time it was not recommended by the Charter Review Commission, nor City Council, and was not passed by voters in an election.

Section 7. Absence or Vacancy in Office of Mayor

- If a vacancy occurs with greater than 2 years and 90 days remaining in the Mayor's term, an election shall be held in the next general election to fill the unexpired term

Article 4

Section 2

- Section 2(a) Election, Term of Office and Vacancy – eliminate elected position and replace with a person appointed by the Mayor with the consent of a majority of the Council.
 - o Alternatively, the appointee is selected by a majority of Council
- If Finance director becomes an appointed position, removal of finance director would follow same requirements as removal of police chief or fire chief
 - o Alternatively, raise the limit to equal the state limit of \$50,000, or a fixed percentage of the state maximum (**need to determine %**)

Section 5

(D) Zoning of Lands for Multiple Family Dwellings, and Attached Single-Family Dwellings or Cluster Subdivisions

- Regarding notice of public hearing, replace “newspaper of general circulation” with a mode of communication that better reflects today’s technology
 - o Regarding notice of public hearing, replace “newspaper of general circulation” with a mode of communication that better reflects today’s technology

Vice Chairman Synek explained while he likes this suggestion, and believes it is something in need of addressing, he wonders at the necessity of going through the process of a campaign to place it on the ballot. Ms. Ostrowski said she agreed with his point, however she asked shouldn't the City try and be more up to date.

Mr. O'Brien said the City currently sends out direct mailers when items are going to be put on the ballot. Practically speaking the City posts this information on the City's website, in all major buildings, and notify adjacent property owners via mail. Mr. O'Brien said he believes the City does a good job publicizing, however he isn't aware how well the residents capture the information.

Discussion ensued concerning how the process will move forward with Council, and suggestions on how many items to present.

It was agreed to continue discussion on the remaining high priority topics at the next scheduled meeting. Mr. O'Brien reminded the Commission the deadline for submission of their written report to Council is May 5, 2022.

The suggestion was made by Mr. Lesh to remove the item. It was unanimously agreed to remove Article 4, Section 5 from consideration.

Discussion ensued concerning term limits for the Mayor and Council.

Vice Chairman Synek offered to shrink the list down to pertinent topics for the next meeting.

Motion to Adjourn: Meeting ended at 7:23 p.m.

Chairperson Deena Rini

These minutes are unapproved as of
release date 4/5/2022.