



MEMORANDUM

DATE: February 5, 2024

TO: Mayor and Council Members

FROM: Jared Fears, Council Member

Cc: City Manager, City Clerk, City Counselor

SUBJECT: Charter Change Observations

Following the presentation by the Charter Review Commission, Councilmember McCandless and I began meeting to discuss the recommended changes in an effort to better understand them and to prepare for our February 8 meeting for the entire Council to discuss. In these meetings we had the City Counselor attend to provide us a better understanding and we asked the City Clerk to keep minutes for us.

The following is offered to you in an effort to improve our meeting on the 8th and give you some of the information we both discussed and learned to hopefully make our discussion on the 8th more efficient. Nothing here is an attempt to minimize the importance of the discussion of all the Council on this important item but is intended to provide you with information we uncovered in our process.

General

In general, we were very pleased with the work of the commission and had very few areas in which we disagreed with their approach and/or suggestions. We did not endeavor to wordsmith their redline version with very few exceptions but tried instead to keep our discussion at a high level. Where we did find any wording suggestions, we passed those on to the City Counselor for inclusion in whatever the Council ends up with. Because we agreed with

the bulk of the changes recommended, this memorandum primarily addresses those areas in which we had concerns or thought the entire council should discuss in greater detail.

Regarding ballot language and items, we believe there should be three ballot items for the citizens to vote on. These are as follows:

1. Language question to update the language and move much of the Charter language to the City Code.
2. A question regarding the primary – see comments below
3. A question to address the Public Utility question in Section 3.7 to specifically state no public utility will be sold without a vote of the people

Recommendation Memorandum

Regarding the memo from Jacqueline Sommer to the Council with recommendations dated December 21, 2023 we would offer the following:

- We do not believe a change in the boundaries are in order given we recently changed those boundaries following the 2020 Census
- We agree with the commission to not address the number of Councilpersons at this time
- Jeremy has researched the best way to handle the addition of items to the City Code assuming changes are approved. He is suggesting we take one of two actions:
 - Pass the code changes with an effective date of a week following the election so that should the items not pass we can have a special meeting to reverse those code changes
 - Create all the code change ordinances and have a special meeting immediately following the election to add it to the code
 - Councilmember McCandless and I are in favor of the first option as it will send the message to the community that we have done our work ahead of time and are prepared for the possible changes
- In general we are not in agreement that the Primary be removed from the charter. We would prefer a provision that if a person got more than 50% of the votes they then would not have to go to a general election but would be seated following the general election. We know this will need further discussion.
- Other recommendations made by the Commission are addressed in the paragraphs that follow.

Article 1

As we reviewed the language added by the Commission regarding Public Engagement we found that language to be excessive and cumbersome. Councilmember McCandless visited with Ms. Sommer to get better understanding regarding where that language came from and found it came from Model Cities language but that they were not committed to the language as much as the concept. Following that, we visited with the City Manager who requested other language

from contacts he has. We think the we should include the first part of the Model Cities language as follows and leave the rest out.

Section 1.4. Roles of Public Engagement in Local Government. The city shall treat public engagement as an integral part of effective and trusted governance.

The city shall treat engagement as an endeavor that includes face-to-face meetings, virtual interactions, and other online communications.

The departments of city government shall encourage collaboration in public engagement efforts with other government jurisdictions and authorities, major stakeholders, community-based organizations, civic groups, and individual residents.

The city shall establish new institutional structures or adapt existing structures to oversee, support, coordinate, track, and measure engagement on an ongoing basis. These structures can include:

- (1) Council committees that include residents and other stakeholders
- (2) Departments or administrative positions
- (3) Public engagement commissions
- (4) Community advisory boards (CAB), including boards designated to address the concerns of specific populations.

Article 2

- We agreed that Council Powers should be put in the City Code.
- Regarding the Internal Auditor, Section 2.11 stated the Internal Auditor no less frequently than annually shall evaluate the efficiency and performance of all city functions... We believe that instead of “all” it should state “as directed by the Audit and Finance Committee”.
- Section 2.24 – we felt this should state the Code should be “updated no less than annually”
- Section 2.26 – we suggested striking the word “all”

Article 3 – No suggested changes

Article 4 – we believe the council should discuss and consider the removal of a residency requirement for the Municipal Court Judge. We also believe the Council should ratify the Mayor’s appointment.

Article 5 – We thought it might be best if the budget part of the Code/Board of Ethics report to the Audit and Finance Committee.

Article 6

- As stated earlier, we felt the idea of a primary and/or majority vote at primary needs to be discussed further and should be a separate question on the ballot.
- Jeremy was going to clarify some language regarding the process of picking up packets to be included prior to the section on turning in packets.

- Jeremy was going to clarify the language around tax delinquency etc. so that it includes rental property and any fees owed to the City.

Article 7 to 14 – No suggested changes