

City Commission Workshop on the City Charter June 11, 2020

The Mayor and all Commissioners were present. City Staff present included the City Manager, Asst. City Manager, City Attorney, City Clerk, Asst. City Clerk, and the City Chief of Police. Members of the now retired Charter Review Committee present were Christine Elnistky, Lisa Martin and Tom Preston.

PUBLIC PARTICIPATION:

Five members of the NSB Residents' Coalition, Inc. spoke in favor of the proposed City Charter and its Preamble. The speakers specifically spoke in favor of Article V – Sustainability, a new section of the proposed Charter. Article V speaks to Environmental Stewardship, Zoning Goals, Historic Preservation and the sale, lease, trade or gifting of Public Land and Structures; Article VII – Citizens Participation; and advocating that the Charter vote be presented as a single question on the Nov. 3 ballot (also recommended by the Charter Review Committee).

Two speakers voiced concern on including Section 5.04 – requiring a vote prior to the lease, sale, trade, or gifting of public lands – citing that the proposed section is too cumbersome and would restrict the duties of the City Commission. The speakers also stated their desire to have the City Charter appear on the ballot as separate questions defining some of the major changes. Speaker, Palmer Wilson, submitted a 13-page summary following his review of the proposed charter. ([Read Comments](#))

A final speaker stressed the importance of educating the public about the proposed charter prior to voting on Nov. 3.

CHARTER REVIEW DISCUSSION:

The [Draft Revised Charter document](#), with underline for additions and strike through for deletion, was used by the Commission for discussion as follows.

- The City attorney is to provide language for all date-specific references throughout the Charter to add that a date can be affected due to emergencies.
- The Commission had no objection to the inclusion of a Preamble though Commissioner Sachs questioned if the charter lives up to the goals of the preamble.
- ARTICLE I – ESTABLISHMENT OF POWERS – no objection or comments by Commission.
- ARTICLE II – CITY COMMISSION – After discussion, the Commission requested the following:
 - 2.03 – add that all performance reviews are public.
 - 2.05 – City Attorney to prepare clarifying language as to no other compensation and use bullets instead of letters for document consistency.
 - 2.06 – renumber 2.07 for clarity.
 - 2.07 – renumber 2.06 for clarity. The definition of excused absence is addressed in City Rules of Procedure
 - 2.08 – add language for slipping of dates due to emergencies.
 - 2.09 – Remove “and for this purpose may subpoena witnesses, administer oaths, take testimony, and require the production of evidence.”
 - 2.13 – change “public meeting” to “public event”

- ARTICLE III – CHARTER OFFICERS
 - 3.01 –Appointment and Removal - Add section 3.02c to Section 3.01 for consistency in removal of Charter Officers.
 - 3.03(a) – Duties - add language for use of special counsel
- ARTICLE IV – FINANCIAL MANAGEMENT
 - 4.06 – Independent Audit - Change obtaining competitive bids for financial auditors from every 5 years to every 10 years.

ARTICLE V – SUSTAINABILITY

The Commission spent a great deal of time discussing this Article which is new and not included in the current charter. Commissioner Kolody advised he had provided his comments to the Commissioners and to each member of the Charter Review Committee. All Commissioners agreed that this Article should be a part of the proposed City Charter, but that changes are necessary. The Commissioners will bring their recommendations to the June 18 City Charter Workshop. In addition, Staff was directed to edit the Article taking into consideration legal issues and existing Comprehensive Plan Items and Ordinances.

These are some of the comments made during the meeting:

- ➔ 5.01 – Environmental Stewardship - Concerns were expressed as to the definition of “shall enact”. A request to add sea level rise was mentioned.
- ➔ 5.01(a) - change to remove “draining into the aquifer”
- ➔ 5.01(b) - change to broaden run-off areas to include additional water area. Commissioner McGuirk was concerned that the use of “best practices” could be detrimental to small businesses. Commissioner Kolody felt best practices were a guideline and Ordinances could accommodate small business and residential property concerns. Mayor Owen agreed with the wording of “best practices.”
- ➔ 5.01(d) – remove or change the non-allowance of septic tanks to a goal. Commissioner Hartman suggested this is an item to focus on at the State Level.
- ➔ 5.01(e) – Discuss incentives and disincentives for using septic tanks.
- ➔ 5.02 – Zoning Goals -Commissioners again expressed concern over the definition of “shall enact” and asked for different language from Staff for June 18 meeting.
- ➔ 5.03 – Historic Preservation - Remove reference to Code Enforcement Section as it may change in the future. Change language to support the expansion of historic districts.
- ➔ 5.04 – Sale, Lease, Trade or Gifting of Public Land and Structures. All Commissioners agreed this section was impractical for the smooth workings of the City. Several suggestions were made such as designating properties that would fall under this section and criteria for public vote on this issue.

ARTICLE VI – ELECTIONS- Move to Article 11 for Clarity

- 6.05 – Nomination and Election - Take out the word zone wherever it appears before “Commissioner”.

ARTICLE VII – CITIZENS PARTICIPATION

- 7.03 – Charter Review - change five (5) years to ten (10) years
- 7.05(1) – General Authority for Initiative and Citizen Referendum - No commission consensus was reached as Commission was split on omission/inclusion of item with Commissioner Kolody and McGuire wanting removal.
- 7.05(2) The City attorney advised that State law contains a specific list of exceptions that does not allow ordinance recall. She will add the list to this item.

ARTICLE VIII – UTILITIES COMMISSION

This will be a topic for review at the June 18 meeting with a UC representative present. The City attorney advised she is working with UC attorney agreed to language regarding sale of public land. The Commissioners were encouraged to submit questions to the UC so they may be prepared to answer at the upcoming meeting.

ARTICLE IX – MISCELLANEOUS PROVISIONS

No changes

A discussion was held to determine how Commissioners want to present the Charter to the voters – a single questions requiring a yes or no vote to adopt the City Charter in total, as amended; or a number of questions more specific to the types of changes recommended.

The City Attorney advised that each ballot question cannot contain more than 75 words. She also requested that the Commission provide her with the the ballot question(s) by June 23 so she can prepare the proper ballot wording for the Commissions vote on Aug. 14.

[Current City Charter \(2014\)](#)

[Read the proposed City Charter, as recommended by the Charter Review Advisory Committee](#)