

MEMORANDUM

TO: Mike Geisel, City Administrator
FROM: Craig White, Finance Director *CDW*
DATE: January 24, 2017
SUBJECT: Finance and Administration Committee
January 23, 2017

The Finance and Administration Committee met on Monday, January 23, 2017. Those in attendance included: Chair Tom DeCampi, Ward IV; Councilmember Barry Flachsbart, Ward I; Councilmember Guy Tilman, Ward II; and Councilmember Randy Logan, Ward III.

Those also in attendance included: Mayor Bob Nation; Councilmember Barb McGuinness, Ward I; Councilmember Bridget Nations, Ward II; Chris Graville, City Attorney; Mike Geisel, City Administrator; Craig White, Finance Director; Libbey Tucker, Community Services/ Economic Development Director; Matt Haug, Information Technology Director; Vickie Hass, City Clerk; Mary Ann Madden, Recording Secretary; and four members of the public.

Chair DeCampi called the meeting to order at 3:31 p.m.

I. APPROVAL OF MINUTES

Councilmember Flachsbart made a motion to approve the minutes of the November 28, 2016 Committee Meeting. The motion was seconded by Councilmember Logan and **passed** by a voice vote of 3 to 0. (*Chair DeCampi abstained from the vote.*)

Councilmember Flachsbart made a motion to suspend the rules to review Agenda Items II.E. F. and G. after Agenda Item II.A. The motion was seconded by Councilmember Logan and **passed** by a voice vote of 4 to 0.

II. NEW BUSINESS

A. Document Management System

Matt Haug, Information Technology Director stated that because the City has outgrown its traditional file storage system, we need to purchase a Document Management System. Documents within this system will be fully-indexed so that their entire contents will be searchable. This system will help the City be fully compliant in responding to Sunshine Law requests and will also be instrumental in saving a significant amount of Staff time when searching for documents. The MIS Citizens Advisory Committee has reviewed and recommended purchase of the Tyler Technologies Enterprise Content Management System.

The Advisory Committee's recommendation is that \$150,000 be allocated for such a purchase. Mr. Haug noted that the estimated cost for the document management software, licensing, training, and implementation installation is \$110,000; the additional \$40,000 would be used for hardware upgrades, data conversion, additional data storage, and additional back-up hardware if needed. This purchase would be funded out of Fund-Reserves.

Councilmember Flachsbart made a motion to forward to City Council with a recommendation to approve the allocation of \$150,000 from Fund-Reserves for the purchase of the Tyler Technologies Enterprise Content Management System, along with any necessary hardware upgrades, data conversion, data storage, and back-up hardware The motion was seconded by Councilmember Tilman and passed by a voice vote of 4 to 0.

E. Banking Services Recommendation

Mr. Craig White, Finance Director stated that it has been over three years since PNC won a competitive bid process for the City's banking services. Consequently, the City sent out a new RFP to insure that the best services possible are being provided for the City's banking needs. The process resulted in five bids. After working with the three top competitors, all of whom met and exceeded the City's minimum level of services, it is Staff's recommendation to change to Central Bank starting on March 1, 2017.

Councilmember Flachsbart made a motion recommending to City Council that the City engage Central Bank for a two-year contract, as of March 1, 2017, for the City's banking needs. The motion was seconded by Councilmember Tilman and passed by a voice vote of 4 to 0.

F. F&A Citizen's Advisory Committee

As directed at the October 24th Finance & Administration Committee Meeting, Staff has examined the potential reengagement of the Finance & Administration Citizens Advisory Committee (FACAC). Staff recommends reengaging the FACAC Committee to perform specific duties, for which they will provide a report to the F&A Committee. Staff has identified specific duties for the months of November and May for FACAC. As the process evolves, it is anticipated that Council and Staff will identify additional ways to utilize this Committee.

Pending approval of the reengagement of FACAC, the F&A Committee will need to appoint a liaison and fill two vacant positions.

Councilmember Flachsbart made a motion to reengage the Finance & Administration Citizens Advisory Committee. The motion was seconded by Councilmember Tilman.

Discussion followed regarding the process that would be used for appointing new members to the Advisory Committee. It was agreed that Councilmembers should recommend persons for the Committee noting that there is value in nominating individuals from various backgrounds. Other suggestions included posting it in the *Citizens Newsletter* and on the City's website. It was noted that the appointments are Mayoral appointments with three-year terms.

The above motion to reengage the Finance & Administration Citizens Advisory Committee **passed** by a voice vote of 4 to 0.

Councilmember Flachsbart then recommended that the Advisory Committee be increased from seven members to eight members having two members from each Ward.

Councilmember Flachsbart made a motion directing Staff to review the current ordinance pertaining to the Advisory Committee and to make a recommendation to the Committee that would update the membership to eight individuals, having two persons from each Ward. The motion was seconded by Councilmember Tilman and **passed** by a voice vote of 4 to 0.

G. Review of City Council Policies 6-33

Vickie Hass, City Clerk, provided a summary of recommendations to City Council Policies 6-33 as follows:

Elimination Recommended:

Policy No. 7: Minutes - City Council/Standing Committees

It was noted that prior to approval, Staff may release draft versions of meeting minutes to the public or press, when requested, which is in conflict with Policy No. 7.

Policy No. 8: Chamber Luncheons

Policy is not necessary.

Policy No. 11: Definition – Public Hearing/Public Meeting

Policy is not necessary.

Policy No. 12: President Pro-Tem

This policy is addressed in Ordinance No. 2899.

Policy No. 13: Official Picture – Mayor/City Council

Policy is not necessary.

Policy No. 14: City's Annex Policy

This policy is addressed in Ordinance No. 856.

Policy No. 15: Redistricting Committee

Policy is not necessary.

Policy No. 16: Appointment of Vice-Chairperson for Standing Committees

This policy relates to CC Policy No. 1, which has already been eliminated.

Policy No. 17: "New Business" Item Placed on City Council Agendas

Policy is not necessary as the City follows Robert's Rules of Order.

Policy No. 18: City Attorney Serves as Parliamentarian

Policy is not necessary as the City follows Robert's Rules of Order.

Policy No. 19: Staff to Take Minutes at Citizen Committee Meetings

This policy is addressed in *City Policy CC No. 3 Membership-Non-Statutory Committees*.

Policy No. 20: Riverboat Gambling Issue

Policy is not necessary.

Policy No. 21: Staff Attendance at Work Sessions

Policy is not necessary.

Policy No. 27: City Council Meetings

This policy is addressed in Ordinance No. 528.

Policy No. 28: Police Reserve Officers Pool Passes

The City no longer has Reserve Officers.

Policy No. 33: Planning Commission Candidates

This policy will be combined with *City Policy CC No. 24 Interviews – Statutory Committee Nominees*.

Revisions Recommended:

Policy No. 9: Return of City Property

Minor revisions recommended.

Policy No. 22: First/Second Readings of Legislation

This policy will include information found in *City Policy PL No. 1 Reading of Re-zoning Ordinances*, which will be eliminated.

Policy No. 24: Interviews – Statutory Committee Nominees

This policy will include information found in *City Policy CC No. 33*, which has been recommended for deletion.

Policy No. 26: Non-Statutory Board/Commission/Committee Membership

This policy will include information found in *City Policy FA No. 38 Executive Sessions*, which will be eliminated.

Policy No. 29: Executive Session

This policy will include information found in *City Policy FA No. 35*, which will be eliminated.

No Changes are recommended for the following policies:

- Policy No. 6: Expense Reimbursement Policy – Mayor/City Council
- Policy No. 10: City Council Record of Proceeding
- Policy No. 23: Expressing Individual Opinions
- Policy No. 25: Temporary Liquor Licenses
- Policy No. 30: Development Review Process for Ordinance Amendments in Planned Districts
- Policy No. 31: Legal Expenses
- Policy No. 32: Staff Communications with Elected Officials

Councilmember Flachsbart made a motion recommending to Council to accept Staff's recommendations on those policies that should be eliminated, revised, and have no changes. The motion was seconded by Councilmember Tilman.

Councilmember Logan had questions regarding Policy No. 22 *First/Second Readings of Legislation*, Policy No. 24 *Interviews – Statutory Committee Nominees*, and Policy No. 29 *Executive Session*.

Policy No. 22 states that two readings will be held the same evening for legislation pertaining to “urgent matters” – Councilmember Logan asked if “urgent matters” could cover contracts and agreement renewals. City Administrator Mike Geisel replied that it depends on the circumstances.

With respect to Policy No. 24, Councilmember Logan referenced the second paragraph of the policy and questioned why it specifically calls out the Planning Commission separately from the other Statutory Committees. City Clerk Vickie Hass stated that the language regarding the Planning Commission comes from City Policy CC No. 33, which has been recommended for deletion. Mr. Geisel also pointed out that the policy regarding Planning Commission candidates had just recently been issued as of 7/18/2016.

Regarding Policy No. 29, Councilmember Logan referred to the third bullet point which states: *When and how to release the results of votes held in Executive Session will be discussed by City Council and the information released accordingly* and questioned whether the language is specific enough. City Attorney Chris Graville suggested that the language be worded *that any vote shall be released per Section RSMo 610*.

Councilmember Logan made a motion to amend the original motion to accept Staff's recommendations, with the exception of Policy No. 24 and Policy No. 29, and direct Staff to review those two policies. The motion was seconded by Commissioner Flachsbart and **passed** by a voice vote of 4 to 0.

The vote on the original motion, as amended, passed by a voice vote of 4 to 0.

Councilmember McGuinness requested copies of all the updated Council policies.

B. Lynn Dull Request for Emails

Chair DeCampi introduced Lynn Dull as a resident of Ward IV. He explained that there has been an ongoing issue and subsequent case in the City's Municipal Court with respect to Ms. Dull's trash cans and the configuration of her property as it pertains to the City ordinance relating to trash cans being in view from the street. Ms. Dull has requested email information between former Councilmember Connie Fults and Prosecuting Attorney Tim Engelmeyer, which has been denied.

City Attorney Chris Graville stated that once Ms. Dull's request was denied, she filed a complaint with the Attorney General's Office. Consequently, Mr. Graville explained the City's position to the Attorney General and has not heard from the Attorney General since then. Under City ordinance, Ms. Dull is allowed to ask the Council to consider the release of the requested emails. City Attorney Graville stated that the Attorney General has accepted the City's position that the requested emails are confidential. And while Ms. Dull still wants these emails, it is the City Attorney's position and advice to Council that they should not be released.

Because he had to leave the meeting, Councilmember Flachsbart summarized his opinion on this matter. He stated that it is his belief that: (1) a councilmember can have confidential communication with any of the City's attorneys; (2) such confidentiality cannot be breached unless the subject councilmember decides to breach it; and (3) the Council should not make available confidential documents for another councilmember. Consequently, he would vote against any release of confidential documents.

(Councilmember Flachsbart left the meeting at this point.)

Ms. Dull felt that the Prosecuting Attorney should not be discussing any case with anyone.

Discussion followed regarding emails between city officials and legal counsel.

Councilmember Logan indicated his agreement with Councilmember Flachsbart's comments and stated that he would not vote to release the emails. Councilmember Tilman stated he depends on the counsel of the City Attorney and looks for the City Attorney's guidance on this issue.

City Attorney Graville pointed out that Ms. Dull has a disagreement with the City's application of the ordinance with respect to her property. He suggested that Council consider looking at the ordinance in its application to Ms. Dull's property and determine if how it was applied to her property is the intent of the ordinance. Because of the configuration of her property, trash cans placed on either side of her house are viewed from the street.

Ms. Dull added that the ordinance states that the trash cans should not be seen from the street the house faces and explained that they are not seen from the street that her house faces. She feels that because her house is on a corner is irrelevant.

During discussion, it was noted that this matter had been brought before the Planning & Public Works Committee but because the prosecutor decided not to pursue the court case, the Committee did not feel the ordinance should be changed at that time.

Chair DeCampi made a motion to refer this matter back to the Planning & Public Works Committee for review of the ordinance in question. The motion was seconded by Councilmember Logan and passed by a voice vote of 3 to 0.

C. Term Limits For City Elective Office

Chair DeCampi stated that constituents and councilmembers have asked him about the potential benefits of having term limits at the municipal level for the City Council and Mayor. He then asked City Attorney Graville for information on the process of how term limits could be imposed.

Mr. Graville stated that Chesterfield, as a third-class city, only has those powers given to it by the State Legislature, which sets forth the candidacy requirements for individuals running for Mayor or City Council. There are no regulations pertaining to imposing term limitations. The City Attorney's position at this time is that the City does not have the statutory authority to put term limits in place. He suggested that the matter could be discussed with State legislators whereby a new statute for third-class cities would have to be created, or an existing statute would have to be modified, in order to allow term limits.

(Mayor Nation left the meeting at this point.)

Discussion ensued whereby City Attorney Graville pointed out that there are three different types of third-class cities, but he was unable to determine how many of these are comparable to Chesterfield. Councilmember Tilman indicated that he would be interested in having this information provided.

Chair DeCampi stated he wanted to bring this matter to everyone's attention for possible future discussions. He noted that when an incumbent is on a ballot, he/she is generally unopposed, but when a seat is vacant, a number of residents file to run. He also pointed out that only 39 people in the City's history have served on the Council.

Chair DeCampi made a motion to postpone the matter of term limits indefinitely. The motion was seconded by Councilmember Tilman and passed by a voice vote of 3 to 0.

D. Former City Attorney Rob Heggie Waive Attorney-Client Privilege

City Attorney Chris Graville stated that there is an ongoing investigation for a story being written by the Post-Dispatch regarding the Doorack property. The reporter has been in contact with former City Attorney Rob Heggie, who has asserted attorney-client privilege in response to questions from the reporter. Councilmember McGuinness had asked that this matter be referred to the F&A Committee to consider having Council release Mr. Heggie from that attorney-client privilege. If the Council were to consider waiving the attorney-client privilege in the Doorack matter, City Attorney Graville advised that it be done by written resolution specifying informed consent. Such resolution would not compel Mr. Heggie to provide any information.

Councilmember Tilman made a motion directing City Attorney Graville to draft a resolution, to be presented to the full Council, specifying informed consent releasing Judge Heggie from his attorney-client privilege on the Doorack matter. The motion was seconded by Chair DeCampi.

Councilmember Logan stated that the resolution should be restricted to the Doorack property and restricted to items during the timeframe in question.

Councilmember Nations expressed her concern that it is asking a lot of a lawyer to waive his attorney-client privilege. She felt it could cause concern for any of his clients, along with negatively affecting his reputation if he waives this privilege.

Councilmember Logan stated he would vote to forward this matter to Council but he does not plan to vote for it at the Council meeting.

The above motion passed by a voice vote of 3 to 0.

H. Other

Councilmember McGuinness asked for the following:

- Clarification on Proposition P regarding the dome matter and whether the City has the authority to purchase land and then rent it out. She also suggested that a public meeting be held regarding this matter.
- Information on the consultant the City will be using to review the City's wages and benefits.
- The possibility of changing the name of the "Older Adult Task Force" to "Senior Adult Task Force".

Councilmember Tilman asked for an update on where the City is in the process of the wage and benefits review.

It was agreed that the requested information could be provided by email from City Administrator Mike Geisel and then a decision would be made as to whether it should be added to a future agenda.

With respect to the Older Adult Task Force, it was noted that the definition of "older adult" varies from 50-60 years while "senior adult" does not refer to persons in their fifties.

III. UNFINISHED BUSINESS

The *Unfinished Business* portion of the meeting was not reviewed.

- A. Business License Overview**
- B. City Attorney, Prosecuting Attorney, and Municipal Judge Reform**
- C. Review of City Code: Ordinances 3082 – 3089**
- D. Review of City Code: Chapter Two Administration – Volume 3**

IV. ADJOURNMENT

The meeting was adjourned at 4:50 p.m.