

CHARTER REVIEW MINUTES

October 22, 2013

City Attorney Tom Cloud called the meeting to order at 6:00 p.m.

ROLL CALL – Sheandolen Dunn

Present: Peggy Brooks, Cathy Gabany, Bob Wyatt, Wayne Harper, Gail Funk

Wayne Harper expressed apologies to the Committee regarding not being able to meet previously due to family circumstances. He expressed appreciation for the Committee's understanding.

City Attorney Cloud stated he wanted to go through the entire Ordinance and address any concerns with each line item and vote on whether to recommend these items to the City Council for further action, or not. Everyone has been provided a copy of the Ordinance.

Charter Member Harper stated he found a few items he wishes to discuss. We missed a couple of sections regarding "administrator" which needs to be corrected to reflect "gender neutral" status.

Charter Member Harper also mentioned the correction of "Town" being stricken and insert "City". This was discussed previously, but a few were missed.

City Attorney Cloud indicated those sections mentioned would be corrected.

City Manager Jackson stated these corrections do not have to be a Charter change, but would be corrected through Municode.

Charter Member Harper asked a question in regards to C-7(b) *Mayor-Council Member: Vice Mayor The Mayor and Vice Mayor shall be rotated by a majority vote of the Council* - Page 9. If one of the Council members runs unopposed, can there be a "write in? Is the rotation mandatory?

City Attorney Cloud responded, No. There will always be 5 members. Rotation is voluntary and by a majority of the Council.

Discussion ensued.

SECTION 2. CITY NAME CHANGE; MODIFICATION TO ARTICLE I, §§ C-1 AND C-2, ARTICLE VI, §§ C-24.B AND C-29, ARTICLE VII, § C-31, AND ARTICLE X, § C-42.

Article I, §§ C-1 and C-2, Article VI, §§ C-24.B and C-29, Article VII, § C-31, and Article X, § C-42 of the Polk City Charter are amended to change the name of the City to "Polk City"

C-1 – YES

SECTION 3. TWO APPRAISALS REQUIREMENT; MODIFICATION TO ARTICLE I, § C-2.C. Article I, § C-2.C of the Polk City Charter is amended as follows:

C-2 – YES

SECTION 4. DELETION OF “TOWN;” MODIFICATION TO ARTICLE III, §§ C-5 AND C-12, ARTICLE V, §§ C-18, C-20, C-21, ARTICLE VI, §§ C-23, C-25, AND C-26, ARTICLE VIII, §§ C-35, C-36, C-37 AND C-38. Article III, §§ C-5 and C-12, Article V, §§ C-18, C-20 and C-21, Article VI, §§ C-23, C-25 and C-26 and Article VIII, §§ C-35, C-36, C-37 and C-38 of the Polk City Charter are amended as follows:

Pages 3-9 - YES

SECTION 5. MAYORAL ROTATION; MODIFICATION TO ARTICLE III, § C-7.B. Article III, § C-7.B. of the Polk City Charter is amended as follows:

C-7 - YES

SECTION 6. REMOVAL OF AUTOMATIC COST OF LIVING INCREASES TO COUNCIL COMPENSATION; PROVIDING COMPENSATION INCREASES MUST BE ADOPTED BY ORDINANCE; MODIFICATION TO ARTICLE III, § C-8. Article III, § C-8 of the Polk City Charter is amended as follows:

C-8 – YES

City Attorney Cloud stated there is a COLA increase in the Charter right now and we are changing by this section to say that the compensation of Council members may change from time to time by Ordinance. Section 6, pages 9 and 10.

Charter Member Funk asked if the correction was made to reflect \$50 instead of \$550.

City Attorney Cloud stated he would make the correction.

City Manager Jackson asked since the Council has been receiving a COLA...should the current amounts be in the Charter?

City Attorney Cloud suggested retake a vote get rid of the “5” in the \$550 and it would change the \$50/month and the \$100/month to reflect whatever the amount is today.

All were in favor.

Discussion ensued.

SECTION 7. PROHIBITION OF MUNICIPAL NEPOTISM; CREATION OF ARTICLE III, § C-10.F. Article III, § C-10 of the Polk City Charter is amended as follows to add new language as F:

Charter Member Harper asked if Section 7 governs what our concerns were when we first started about the Mayor and the City Manager cohabitating.

City Attorney Cloud responded, Yes, there are Ethics Opinions regarding “shacking up with someone”.

Charter Member Funk disagreed, and after her research, would be concerned if we had same sex relationships, not being married, a lot of different situations are not covered in section seven. Small town not considered.....election could be eliminated. You would be taking away from what Nepotism is, in fact, choosing a relative over someone that is not qualified.

City Attorney Cloud stated this is aimed at more than that.

Charter Member Brooks stated when she first started reading this if our former City Manager and former Mayor had followed the Charter, they would not have gotten by with what they did. It spelled out exactly who was supposed to be involved, what needed to be done and who they needed to speak to.

City Attorney Cloud stated there are so many things that happen and that may be one of them.

Charter Member Funk stated they married after the fact.

City Attorney Cloud stated there is no perfect way to address this issue.

Discussion ensued regarding the former Mayor and former City Manager.

City Attorney Cloud stated Section F can be amended.

Charter Member Funk shared information she retrieved from Wikipedia regarding Nepotism and further discussed Don and Cori and asked where were the people of Polk City during all of this. I realize I am a thorn in some people's side, but I come to all the meetings and ask my questions and have continual questions and be certain that things are going the way they should. At what point do we tell our citizens if they are related that they cannot participate. Look at my situation, would I run for City Council? I honestly don't know! I will be paying over \$6,300 in taxes on my new home and over \$2,200 to the City of Polk City and the person living down the street that may be paying \$100 in taxes has the same right to be represented. At what point do we tell them that this right is being taken away. Does this become a American Civil Liberty Union issue. I am involved and have a background with which I can offer things. Now you're going to say all these things are not acceptable. How many people ran for Council? We had no

election the last two times. How many people did we get to volunteer for this Charter Committee? At the Mayor's Forum, we could not even get 5 people. This is a dangerous thing to put in. I think we need to be more engaged in what happens, get these documents and be reading. Anything can still happen...relative or not. If two or three people have an agenda anything can happen. I would remove this.

City Attorney Cloud shared information about the Ponder Family in Madison County and how this family ran that County for 105 years...they dominated every election.

City Attorney Cloud addressed the issue as best he could.

Charter Member Harper referred back to page 6 regarding "Recall". If someone is doing something they have no business, can there be a Recall?

City Attorney Cloud responded, Yes.

Discussion ensued.

City Attorney Cloud stated he would continue researching this and make sure there is nothing that causes a problem constitutionally and if so, I have to bring that to the Council.

Vote: 3 - in favor of the proposition; 2 - Not in favor of the proposition

Vote was unanimous to forward to City Council.

SECTION 8. DELETION OF FIVE-DAY NOTICE; MODIFICATION OF ARTICLE IV, § C-13.C. Article IV, § C-13.C. of the Polk City Charter is amended as follows:

C-13 – YES

SECTION 9. REVISION OF VOTE NECESSARY TO CHANGE CITY MANAGER COMPENSATION; MODIFICATION OF ARTICLE V, § C-19.C. Article V, § C-19.C. of the Polk City Charter is amended as follows:

C-19 – YES

SECTION 10. CREATING REQUIREMENT THAT CHARTER REVIEW COMMITTEE MEMBERS BE RESIDENTS; MODIFICATION OF ARTICLE X, § C-42. Article X, § C-42 of the Polk City Charter is amended as follows:

C-42 – YES

SECTION 11. PROPOSED BALLOT LANGUAGE. The questions to be submitted to the electors shall appear on the ballot.

Charter Amendment #1 - YES
Charter Amendment #2 - YES
Charter Amendment #3 - YES
Charter Amendment #4 - YES
Charter Amendment #5 - YES
Charter Amendment #6 - YES
Charter Amendment #7 - YES
Charter Amendment #8 - YES
Charter Amendment #9 - YES

City Attorney Cloud stated it is not necessary to vote on the abovementioned items.

City Attorney Cloud concluded his presentation regarding the proposed Ordinance for the Charter Review and opened the floor for any further discussion.

Charter Member Funk stated looking back over some other issues, I know Districting was a major concern. I am aware that Wayne Harper took a tour with Mayor LaCascia. Wish we could have all gone on that tour.

My research is listed below:

632 plotted lots in MOSN – 330 of those in phases 1-4 are in the Polk County
302 plated lots are attached to Polk City
41 developed at this point
261 left
55 lots are owned by single owners and are definitely investors
35 lots (additional developed) Extra value lots and bringing little money to Polk City.

10 owners live outside the United States
161 lots are unaccounted for and 35 of these are owned by MOSN Corporation

Building Permits

In 2011 - 3 single family homes built
5 were accessory structures
2012 – 2 family homes
15 accessory structures
Not additional voters

In 2013 – 14 single family homes
With 5 accessory structures

The majority we're talking 25 to 19 single family homes. Of that, if we took all 302 there would be 604 voting citizens. When we talk about individual districting, we only have 41 registered voters, which is only 16.5% of the developed lots. If we had given districts or if we had gone in that direction, we would have given interest to 16.5% of the people living there, which means we would, as citizens living in Polk City, have had less

representation than an entire district there. These are the kinds of things that are very important when making these type decisions. It takes time, passion and determination. Without having documentation as to why we are doing this, is dangerous.

Charter Member Harper stated in regards to districts, Polk City is going to grow.

Charter Member Funk addressed another concern with Charter Member Bob Wyatt's comment regarding being on the Charter Committee and having homes in Polk City, but not living in them. We'd love you to annex into Polk City.

Charter Member Wyatt responded he has no problem, but I choose to be there. I live on an airport, and airplanes.

Charter Member Funk asked can he still live in Polk City?

City Manager Jackson responded he is not contiguous to the City.

City Attorney Cloud stated we are not voting on Redistricting.

Discussion ensued.

ADJOURNMENT- 7:55 pm

Sheandolen P. Dunn
Assistant to the City Manager

Tom Cloud
City Attorney