

Record of Proceedings

VILLAGE OF MINERVA PARK CHARTER COMMISSION

Minutes of the

May 23rd, 2019

Commission Meeting

Chairwoman Conger called the meeting to order at 6:31 pm.

Roll: Chairwoman Conger, Members Harker, Silverman-Starr, Wolf, Bell, Beeba, Estes, Braskett, Park-Curry, Allison, and Lewis. Member Busick arrived at 6:36pm.

Attending: Council President Schrimpf

Meeting Minutes:

- ❖ Members Park-Curry and Lewis had some notes and corrections on the 5/9/19 meeting minutes.

Safety Commission:

- ❖ Member Beeba reported on her search for Charter provisions regarding the creation and duties of a Safety Commission. She reviewed 15 Charters, none of which had language dealing with a Safety Commission--although several did have provisions dealing with the creation of a Safety Department, which was constituted similarly to the various other municipal departments.
- ❖ Member Estes spoke to the current duties of the Village Safety Committee, and her intention that it be a citizen commission with a Council liaison. It would serve in an advisory capacity.
- ❖ Member Braskett asked if it would be possible to simply adapt the rules from another Commission to apply to the Safety Commission.
- ❖ Member Wolf directed the Commission to the current duties of the MP Safety Committee as enumerated on the Village website.
- ❖ Member Estes and Braskett questioned the Committee duty regarding the handling and reporting of hazardous waste.
- ❖ Member Wolf suggested an additional duty: To hear and address public complaints about Police and Fire.
- ❖ Member Park-Curry asked if the intent was to remove this from the hands of Council and get Village citizens more involved. Member Estes answered to the affirmative, adding that the idea was to alleviate some of the lack of transparency with regards to police and fire.
- ❖ Member Park-Curry asked if the addition of an administrator would raise the level of professionalism and provide for increased transparency. Member Estes replied that she felt it was important to give citizens the opportunity to provide oversight and participation.
- ❖ Member Busick asked if it wouldn't be better to return those powers to Council and allow for a citizen review board?
- ❖ Member Beeba explained that all the municipalities she had reviewed had a Safety Department.

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Safety Director Continued:

- ❖ Member Lewis asked if any of the members had any specific examples of how a more involved Safety Commission would provide for a better public experience. Member Busick noted two occasions--the arrest of a citizen for marking a pothole and the arrest of a citizen for improper seating during a Council meeting. Member Estes added that there was no way to appeal these situations without going directly to legal enforcement.
- ❖ Member Lewis asked if what Member Estes was looking for was a mechanism for public appeal. Member Estes replied that it was.
- ❖ Member Braskett asked if an Safety advisory board would have substantively affected the outcome in the two situations Member Busick provided. Member Estes replied that it would not, but that it would be useful to have individuals capable of addressing community relations between police, fire, and MP citizens.
- ❖ Member Wolf asked how an advisory board would be functionally different than a council of elected Villagers, however a Safety Commission would be different as it would serve in an advisory capacity as well as a body to which citizens could bring concerns. He suggested a small, narrowly-focused Committee--perhaps three citizens and a council liaison.
- ❖ Member Park-Curry asked if this Committee would also be responsible for emergency management. Member Wolf replied that it would.
- ❖ Member Estes asked former Councilors to address Member Braskett's concern that the Committee would not have anything to do. Member Wolf replied that they would, although they wouldn't have the power to make actual law in the Village.
- ❖ Council President Schrimpf explained her research into a Citizen's Committee for Safety, and that, in larger municipalities, they did have such Committees, but that members must submit resumes showing relevant experience. She was in favor of a citizen's group, as it could assist in issues such as Community Policing and discussion of general strategic vision in Safety.
- ❖ Member Harker noted that in Council President Schrimpf's research, most of these were larger municipalities, and asked if the Village would have enough viable, willing candidates.
- ❖ Members Wolf and Estes replied that there were a number of former firefighters, police, lawyers, TSA agents, etc. And filling the positions might not be a problem
- ❖ Member Braskett added that the commission would be helpful in bringing the character of the Village to Minerva Park policing, and could provide an outlet for Village issues as it would be a less political body.
- ❖ Member Park-Curry stated that the current Charter allowed for a Department of Safety. Chairwoman Conger replied that it needed to be redacted.
- ❖ Member Harker asked if it would be helpful to take an informal poll to see which direction the Commission was leaning. Member Park-Curry replied that there were many functions that the Safety Committee performed that a Citizen body could not address.
- ❖ Member Beeba stated that it wasn't necessary to have a Commission added, as everything was working relatively well.

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Safety Director Continued:

- ❖ Chairwoman Conger asked who among the Commission was in favor of adding a safety Commission. Four in favor (Estes, Park-Curry, Wolf, and Lewis), five against (Members Braskett, Bell, Allison, Busick, Silverman-Starr), three abstentions (Chairwoman Conger, Harker, and Beeba).
- ❖ It was decided not to mandate the creation of a Safety Commission (or Director), but to allow the Council to create such a body as needed.

Article IX

- ❖ Member Beeba related, per her discussion with Kim Pulley, that the Village fiscal year was the calendar year, and that all the provisions in Article IX seemed reasonable excepting article 9.03, which could interfere with the carrying of budget surpluses year-to-year. Member Estes added that this could result in a "use-it-or-loose-it" budget.
- ❖ The Commission agreed to strike the language specifically referring to balancing the budget as it could prove problematic.
- ❖ With regards to the references in Section 9.04, which deals with the signatory powers of the Administrator with regards to the agreement and execution of budgets, as it could give the Administrator undue influence over contracting. Chairwoman Conger replied that the intention was to provide checks and balances, not placing the contracting wholly in the hands of the Council.
- ❖ Member Beeba provided language allowing the Administrator to execute on behalf of the Village various contracts, leases, deeds, easements, conveyances, and agreements. Chairwoman Conger asked how this different substantively than a previous section that gave signatory powers to the Administrator. Member Beeba responded that it allowed for proper cross-referencing.
- ❖ Member Beeba also related her conversation with Kim Pulley which put the fiscal officer in charge of various aspects of the budgeting and printing process.
- ❖ Chairwoman Conger and the Commission thanked Member Beeba for all her hard work on behalf of the Charter.

Transitional Language:

- ❖ Chairwoman Conger reappraised the Commission on the various issues inherent in the transitional period, asking Council President Schrimpf what kinds of concerns she had regarding an adequate transition.
- ❖ Council President Schrimpf said that salaries, specifically those of the Mayor and Council were currently up for discussion, and that they are moving forward with the understanding that the Charter wouldn't substantively impact these things. Also, the Ordinance doesn't address whether the position of mayor is part or full-time. She then added that, for all elected officials, the pay that was established in the current election would be the salary for the entire term.

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Transitional Language (continued):

- ❖ Member Wolf replied that pay cannot be changed, but the mayoral term can be abbreviated, adding that he believes an equitable way to handle this would be to truncate the term of the Mayor to one year, allowing for another mayoral election in 2020 under the terms of the Charter. This would allow sufficient time for the Council to address salaries, benefits, etc.
- ❖ Member Park-Curry asked if there are certain years that would be Mayoral election years. Member Wolf replied that there are not, but if there were, the Charter could provide for a 3-year term to get back on the regular election cycle.
- ❖ Council President Schrimpf advised the Commission to check the legality of such a provision. The Commission agreed, as it had already decided to refer this question to Counsel.
- ❖ Member Braskett asked if it would be helpful to mandate that the Council set office hours.
- ❖ Council President Schrimpf stated that a transition of less than a year would be problematic.
- ❖ Member Braskett asked what Council President Schrimpf meant by a year. She replied that there will be a large learning curve, especially with the election of a new mayor. And from an organizational standpoint it could take more than a year.
- ❖ Member Estes asked if the Charter provided for a year for transition, that a year would be exactly as long as it would take (speaking to Parkinson's Law).
- ❖ Member Bell asked if one of the reasons for having a year transition would be to not have to pay the Administrator for the entire year.
- ❖ Council President Schrimpf replied that the only difficulties she saw were potential friction between the Mayor and Council regarding the hiring of an Administrator, and that, if she remained Council President, she would treat the whole process as a project.
- ❖ Member Busick asked if there should be a provision in the Charter that allows for the hiring of an Administrator prior to the hiring of a new mayor, and whether or not there should be a deadline.
- ❖ Member Estes asked Council President Schrimpf if it would be helpful if the Charter gave the Council a hard deadline for the hiring of an Administrator. Council President Schrimpf replied that, with two seats up for re-election, the mix in Council is going to change, and that there might be problems and there might not.
- ❖ Member Wolf added that during the most recent Council session, all six Council members were opposed to the hiring of an administrator.
- ❖ Member Schrimpf suggested the first six months as a reasonable timeframe for the hiring of an administrator.
- ❖ Member Beeba advised Council President Schrimpf to review the portions of the Charter currently posted on the Charter website.

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Budget

- ❖ Chairwoman Conger enquired as to Member Braskett's communications and calculations regarding the Commission Budget.
- ❖ Member Braskett gave a budgetary summary, and count of running costs. The Commission was still operating within its budget, but attorney fees and other expenses were likely to go over budget by the end of the year. He receives each invoice from Counsel in middle of the month after the charges are accrued.
- ❖ Member Braskett asked what might happen if the Commission went over budget?
- ❖ Chairwoman Schrimpf replied that the Council would appropriate more money.
- ❖ Member Estes explained that statutory law requires the Village to handle mailings.
- ❖ Member Braskett added that, with legal fees alone, the Commission was likely to exceed its budget.
- ❖ Chairwoman Conger asked if it would be useful to speak to Council regarding appropriating additional funds in expectation of future Counsel invoices.
- ❖ Member Braskett replied that he would like to know what the expenses are to-date, so that he can more accurately predict what might be required.
- ❖ Member Harker asked if it would be helpful to ask Council for a general estimate of additional costs--given they have performed similar services for other Chartered municipalities.
- ❖ Member Wolf asked what statute required for mailings--whether it needed to go to each elector or each house. A copy is to be provided to each elector, but the Commission felt it would be useful to provide a copy to all voters registered in the upcoming election, as it would include the new M/I development.
- ❖ Member Busick asked if the Commission could check with the Board of Elections to see if there is any way to work around the one-per-electror requirements. There is not.

Future Business:

- ❖ Member Park-Curry will follow up on printing costs.
- ❖ Chairwoman Conger will e-mail Counsel regarding current invoices for May, and a forecast for the month of June when they will be reviewing the Charter. She will also ask about the Mayoral transition, whether Mayoral elections must take place on certain years, and whether the job description can be mandated by Charter.
- ❖ Member Wolf added that he will provide specific language regarding the proposed truncation of the Mayoral term is legal, so as not to make the question overbroad.
- ❖ Member Busick asked if it would be helpful to ask counsel to include a timeline for Administrator.
- ❖ Council President Schrimpf asked for written communication on letterhead as to whether or not salaries could be changed mid-term.
- ❖ Member Beeba asked if it would be helpful to have Council President Schrimpf write the letter herself. But Member Wolf's language seemed to be specific enough.
- ❖ Member Harker moved to adjourn, Member Bell seconded. All in favor.

The Commission meeting adjourned at 8:32pm

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