

## **2014 CHARTER AMENDMENTS**

This year the administration and city council are reviewing the City Home Rule Charter for update. There will be public meetings on April 14 @ 6:00 PM, April 29 @ 6:00 PM, and May 8 @ 5:30 PM. Below you will find the topics for discussion and the administration's recommendation for each.

At the recommendation of the mayor, the Council hired Victor Franckiewicz, attorney from Butler, Snow to review the charter, recommend technical changes, and facilitate the discussions for review. Mr. Franckiewicz was a previous Mayor of Bay St Louis and a Mississippi state legislator and has experience with Charter formation and revisions. Mr. Franckiewicz has reviewed the Charter and incorporated his recommendations for changes in the Charter revisions. Also in the changes to be discussed are suggestions from the Administration and Council.

I have reviewed and agree with the technical changes proposed except for the title change from Council Mayor Pro Tempore change to Council President. I think the change is better suited to Council Chairman.

As to the substantive changes, I recommend the following

- Council term limits should remain as two terms. The Mayor is an administrative position and should be given the opportunity to seek three terms. We have four new council members this term. It would be extremely hectic if we had a new Council and Mayor at the same time.
- Council vacancy appointments- I favor changing the appointing authority from the Governor to the Mayor if the Council does not select a member within the prescribed period of time.
- Council salary change- At present the Council can change the salary after new members are elected. This would change that to provide for a change in salary by the Council 90 days before qualifying.
- Prohibit targeting specific employees for salary reduction. Past Councils have used the budget process to force an employee (Director) to quit by reducing or eliminating the funding in that line item. I support the prohibition.

- Open meetings- Requires the Councilmembers upon election to follow the open meetings law. Recommended by Mr. Franckiewicz as clarification of the law and what should be practiced.
- Council agenda- Protect the right of any single Council member to place an item on the agenda. I think this should be a rule of the Council and not in the charter. Each Council should be able to establish their rule.
- Council organization and presiding officer- Allow the Council to change initial organization and elect Chairman by majority vote rather than two thirds vote. I support the change.
- Council selection of City auditor- Require an open selection process. I support a competitive process and the City has used competitive process in the selection in the past.
- Authority to acquirer real estate- Clarify that the authority can be provided in the budget ordinance in lieu of a separate ordinance. If the budget authorizes the money for a specific purchase, I favor the clarification. If it is not in the budget, it should have to go to the Council. This would be more efficient for the City.
- Emergency Powers- Allow temporary suspension of or modification of existing ordinances for limited periods of time during an emergency. I favor the change.
- Electronic Signatures- Allow the mayor to use electronic signatures if authorized by ordinance. I am in favor. We are moving to an electronic age where signatures are permissible and time saving.
- Chief Administrative Officer- Allow but not require the establishment of a CAO position by ordinance. I favor a CAO position for the future.
- Special Attorney for the Council- Allow the appointment of a Special Council to advise the Council under specific circumstances and with four affirmative votes. I do not favor this change. The current City Attorney arrangement allows the City Attorney to represent the law and to provide opinions in instances where the Council and Mayor may disagree. We have hired specific Council where applicable. For instance, Mr. Franckiewicz was hired for the Charter review, a Council responsibility, because of his unique

experience in the area. To give that to the Council will only foster a division between Council and Mayor and will lead to an increase in legal fees that is not necessary.

- Capital Budget- Require disclosure of prior unexpended balances and expressly provide authority to rescind prior authorizations. I believe the Council has the authority under the budget process now and is not necessary as a Charter amendment.
- Professional services and other non-low bid contracting- Establish minimum competitive procurement and process standards for discretionary procurements when state law does not award to the lowest bidder. I favor formalizing the process. We do competitive bidding for selection and it should be in the Charter. I propose that the contracts for service of architects, attorneys, CPAs, engineers or physicians; for the purchase of technical equipment or purchases in excess of the amount specified by state law to be advertised and bid shall be submitted to the Council by the Mayor with the recommendation as to the party to whom the contract is awarded. At the first regular or special meeting of the Council held after receipt of the Mayor's recommendation as to the party to be awarded the contract, the Council shall vote on whether to authorize the Mayor to execute the proposed contract. Such authorization shall require a majority of those members of the Council that are present and voting.

I hope the citizens will take an active role in the process. If you would like more information or would like to speak with me regarding any topic, please call me at 626-1082 or email me at [dvillere@cityofmandeville.com](mailto:dvillere@cityofmandeville.com).

Other topics without recommendation that I would like your feedback-

- Lifetime term limits for Council and Mayor- I do not favor this amendment.
- Council authority to call Mayoral recall referendum- I think it would be difficult to identify specific instances and a process to accomplish this.
- Provide additional Civil Service protection for Human Resource Director. The position was established with the police portion of the job being

under the Civil Service Board and the City side being under the City Council as a Director position. I recommend changing the position to one or the other.

- Charter protection for the City's comprehensive plan- I support this.
- Contingency for Councilmember replacement upon disability- There is a provision for the Mayor and should be a provision for the Council to provide proper representation of the citizens.
- Job tenure for Chief of Police- I do not favor job tenure. Bubby Lyons, as acting mayor, served this city well by asking the legislature to make the Chief of Police a non-Civil Service position and make it an at-will employee reporting to the Mayor. As I talk with Mayors around the State about elected or Civil Service Police Chiefs, I find the most cooperative and successful departments are set up like Mandeville. Covington is looking to do the same as Mandeville.
- Elected Police Chief- Same as above- I do not recommend.
- Automatic authorization of acquiring servitude for capital projects without specific ordinance- currently a servitude is treated as acquiring a city asset and requires an ordinance. The change would allow any servitude required for an approved funded project to be authorized in the project. Typically it does not require any additional funding. It is an agreement with the property owner for the right of the city to construct and place material in ground to facilitate a construction job benefiting our citizens.
- Clarify Council oversight power- I very much support this and hope the discussion clears up some areas of controversy.

Please review this and the main documents sent to you and call me or e-mail me any questions you may have.

Regards,

Donald