



**CHARTER COMMISSION**  
**Columbia Heights Public Library, 3939 Central Ave NE**  
**Thursday, April 20, 2023**  
**7:00 PM**

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**MINUTES**

**CALL TO ORDER**

**ROLL CALL**

Members present: Matt Abel, Ramona Anderson, Kathy Ahlers, Larry Betzold, Ben Harris, Cliff Johnson, Veronica Johnson, Carolyn Laine, Frost Simula, Gregory Sloat, Susan Wiseman, Wolid Ahmed.

Members Absent: Excused: Bill Hugo, Unexcused: Nick Zeimet

Also Present: City Attorney Jim Hoeft, Interim City Manager Kevin Hansen, Council Liaison Rachel James

**GUEST**

Introduction of Interim City Manager Kevin Hansen

**STATUS OF MEMBERSHIP**

1. Appointment of Commissioner Wolid Ahmed.

**APPROVAL OF AGENDA**

Motion by Able. Second by Anderson. Motion passed, unanimous.

**APPROVAL OF MINUTES**

1. Motion by Wiseman to accept January 19, 2023 minutes provided by Commission Secretary. Second by Veronica Johnson. Discussion. Ayes: 4, Nays: 7, Abstain: 2. Motion failed.
2. Motion by Able to table unrequested January 19, 2023 minutes by city clerk. Second by Ahmed. Motion passed.

**CORRESPONDENCE**

1. A notification that Commissioner Ahmed has been appointed and sworn in was received.

2. An email from Commissioner Cliff Johnson asking why the meeting had been moved from the Public Safety building to the Public Library was received.
3. A memo from outgoing City Manager Kelli Bougeois making a case for changes to the charter regarding the Mayor's term and police oversight (See Attachment C) was received.

#### **OLD BUSINESS**

(None)

#### **NEW BUSINESS**

1. Brief review of our rules (See Attachment A)
2. Hearing on changes to mayoral term and police oversight
  - a. Motion by Laine to remove management of the police department from the mayor's role and change the mayor's term from 2 years to 4 years (See Attachment B). Second by Ahlers. Discussion. Question called by Simula. Ayes (6): Betzold, Ahlers, V. Johnson, Laine, Wiseman, Simula, Nays (7): Harris, Smith, Abel, C. Johnson, Ahmed, Sloat, Anderson. Motion failed.
  - b. Motion by Ahlers to remove management of the police department from the mayor's role. Second by Wiseman. Discussion. Question called by Able. Ayes (6): Betzold, Ahlers, V. Johnson, Laine, Wiseman, Simula, Nays (7): Harris, Smith, Abel, C. Johnson, Ahmed, Sloat, Anderson. Motion failed.

#### **ADJOURNMENT**

Motion by Able. Second by Cliff Johnson. Motion passed, unanimous.

**Submitted by:** Frost Simula, Commission Secretary

## Attachment A

# RULES COLUMBIA HEIGHTS CHARTER COMMISSION

1. The **officers** of the commission shall be a president, vice-president, and a secretary, who shall be elected by a majority of the entire commission.
  - a. Election of officers shall be held at the commission meeting each January.
  - b. An election may also be called, with seven (7) days written notice, by petition of any five (5) members of the commission.
  - c. Upon a vacancy in any office, that office shall be filled by election at the next meeting of the commission.
  - d. For all duties herein listed, the vice-president shall serve as the president in the president's absence.
2. In all deliberations of the commission, any of its permanent or special committees or when it functions as a committee of the whole, except as specified herein, **Robert's Rules of Order, Revised**, shall apply.
3. The full commission shall act as a committee of the whole. **Special committees** may be appointed from time to time when deemed necessary by the commission.
  - a. Committee assignments shall be made by the president, with majority approval of the entire commission.
  - b. Each committee shall have a chair, who shall be appointed by the president, with majority approval of the entire commission.
  - c. Each committee shall consist of not less than three (3) members.
  - d. Commission members may serve on more than one committee but cannot chair more than one committee at any given time.
  - e. All reports from a committee shall be in writing. Copies of committee reports shall be mailed to each member of the commission not less than seven (7) days prior to the next commission meeting at which the committee report is to be considered.
4. The commission shall meet at least every quarter. Special **meetings** shall be limited to specific matters and held at the call of the president or by the secretary upon receipt of a petition of any three (3) members of the commission. The meetings must be preceded by a written notice at least seven (7) days prior to the meeting.
5. The **agenda** of the commission meeting, except for special meetings, shall be as follows:

a. Commission administrative matters, i.e., minute's approval, appointments of committees, and committee chairs, etc.

b. Introduction of proposed amendments.

c. Reports from committees, including proposed amendments for their first reading.

d. Proposed amendments before the commission for their second reading.

6. **Proposed amendments** may be presented to the commission by any member of the commission. The proposed amendment shall be **in written form with copies available** for each member of the commission. A majority vote of the commission members present shall decide what action is to be taken on the proposed amendment.

7. Committees, including the committee of the whole, **reviewing a proposed amendment** are charged with the duties of investigating, clarifying, and drafting the proposed amendment in proper form for inclusion in the charter. Specially appointed committees are also to consider its merit and can either report it back to the commission positively or negatively or with no recommendation.

8. If the **committee refers a proposed amendment** to the commission negatively, the commission can by majority vote of the members present:

a. Send it back to the same committee for further consideration,

b. Take no action, which would, in effect, defeat the proposed amendment, or

c. Consider it as the committee of the whole.

9. If the **committee** does not report a proposed amendment to the entire commission **within ninety (90) days**, the commission can, by majority vote of the members present:

a. Consider it as the committee of the whole, or

b. Take no actions, thereby leaving it in the same committee.

10. The commission, acting as the committee of the whole, has the same responsibilities as any other committee. A proposed amendment can be considered by the committee of the whole on the same day it is introduced. Favorable **consideration by majority vote of the commission of a proposed amendment shall constitute the first reading** of the amendment.

11. When a specially appointed committee refers a proposed amendment to the commission positively, it is given its first reading and can be debated.

12. A proposed amendment cannot be given its **second reading** for **at least ten (10) days after its first reading**. The proposed amendment shall be deemed approved with direction for a public referendum or recommended to the City Council for amendment by a unanimous vote of the Council, by a vote constituting a majority of the entire commission following its second reading.

13. If the City Council decides not to amend the charter under the provisions of Section 12, the commission can reconsider the proposed amendment, and by a majority vote of the entire commission, the proposed amendment can be passed with directions for a **public referendum**.

14. In order to transact business of either the commission or any of its committees, a **quorum** must be present which will consist of **a simple majority** of the members.

15. All meetings of the commission and any of its committees shall be **open to the public**.

16. The commission, acting as the committee of the whole, can conduct **public hearings** on proposed amendments.

17. The above **rules can be only suspended or amended by a two-thirds vote** of the members present.

18. Rulings on motions: The president, or acting president, may rule on all motions and controversies raised by members. Such **rulings by the president** are final unless the ruling is challenged by a member. If any ruling is challenged, the presiding officer will immediately take vote of the members. A 'yea' vote sustains the ruling by the presiding officer and a 'nay' vote overrules the ruling of the presiding officer. The outcome will be determined by a simple majority of the voting members.

19. Quorum: Members who wish, **may have their vote(s) recorded** at the time of the vote as part of the minutes of the meeting as taken by the secretary.

(Revised  
5/10/2012)

## Attachment B

Motion to amend the Charter regarding the mayor's role, amending Sections 7, 10 and 53 of the Charter to read:

**Section 10. THE MAYOR.** The mayor shall be the presiding officer of the council, and shall exercise all powers and perform all duties conferred and imposed upon the mayor by this charter, the ordinances of the city, and the laws of the state. A president pro tempore shall be chosen who shall serve as president in the mayor's absence, and who shall, in the mayor's absence, exercise all powers and perform all duties conferred and imposed upon the mayor by this charter, the ordinances of the city and the laws of the state. In the absence of both the mayor and the president pro tempore, the council member with the most seniority (as determined by consecutive uninterrupted years of service to date) shall exercise and perform said powers and duties. The mayor shall ~~have the appointment, control, and direction of all police officers of the city, and shall~~ be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the governor for the purposes of the military law. In the event of a vacancy in the office of mayor, whether by death, resignation, or any other cause, the council shall order a special election to fill the vacancy for the unexpired term except in the case of a recall, the vacancy shall be filled in the manner provided by this charter. **(Ordinance No. 1389, passed April 26, 1999)**  
**(Ordinance No. 1086, passed June 11, 1984)**

**Section 53. POWERS AND DUTIES OF THE CITY MANAGER.** Subject to the provisions of this charter and any regulations consistent therewith which may be adopted by council, the city manager shall control and direct the administration of the city's affairs, ~~except that the police department and the enforcement of the laws pertaining to said department shall be under the sole control of the mayor.~~ The city manager's duties shall be:

- (a) To see that this charter and the laws, ordinances and resolutions of the city are enforced;
- (b) To appoint and, except as herein provided, remove the city clerk, all heads of departments, and all subordinate officers and employees in the departments, all appointments to be upon merit and fitness alone;
- (c) To exercise control over all departments and divisions of the city administration created by this charter or which may be hereafter created by the council except as herein provided;
- (d) To attend all meetings of the council, with the right to take part in the discussions but having no vote; but the council may at its discretion exclude the city manager from meetings at which the city manager's removal is considered;
- (e) To recommend to the council for adoption such measures as the city manager may deem necessary for the welfare of the people and the efficient administration of the city's affairs;
- (f) To keep the council fully advised as to the financial condition and needs of the city, and to prepare and to submit to the council the annual budget;
- (g) To prepare and to submit to the council for adoption an administrative code

incorporating the details of administrative procedures, and from time to time to suggest amendments to the same; and

- (h) To perform such other duties as may be prescribed by this charter or required of the city manager by ordinances or resolutions adopted by the council. **(Ordinance No. 1086, passed June 11, 1984)**

**Section 7. ELECTIVE OFFICES.** The council shall be composed of a mayor and four council members who shall be qualified electors, and who shall be elected at large in the manner hereinafter provided. The four council members shall serve for a term of four years and until their successors are elected and qualified. The Mayor shall serve for a term of ~~two~~four years and until a successor is elected and qualified. The council shall be judge of the election of the mayor and council members. **(Ordinance No. 1466, passed December 15, 2003) (Ordinance No. 1300, passed April 10, 1995)**

**Attachment C**

**MEMORANDUM**

**To: Charter Commission**

**From: Kelli Bourgeois, City Manager**

**Date: April 12, 2023**

**RE: Recommended Charter Amendments**

As you may know, I am leaving my position as city manager for Columbia Heights effective tomorrow. Before I leave, I wanted to share a couple Charter amendment suggestions I ask that you consider. I understand both of these items have been considered in the past but given the changes we have seen in the size and complexity of municipal operations I feel they both warrant consideration and action at this time. I discussed both these items with the Mayor and Council at their April Work Session so they are aware I of my recommendations as well.

**MAYOR OVERSIGHT OF THE POLICE DEPARTMENT**

The first item is amending Sections 10 and 53, removing the Mayor from overseeing the Police Department and making that a duty of the City Manager. I have the utmost respect for our current Mayor and the past Mayors I have worked for in Columbia Heights and this is not meant to be a slight to Mayor Márquez Simula or our previous Mayors. I believe with the complexities involved in policing in today's world as well as the fact that most of the duties outlined as the Mayor's role in Charter are delegated by Statute or Rule to the Chief Law Enforcement Officer (the Police Chief), and finally that any decision that impacts the budget must be made by the full City Council, the Mayor is ineffectual as the overseer of the Police Department.

In addition, given these restrictions on the Mayor's ability to act as the Charter states, I believe it puts the Mayor in a potentially contentious and unfair position with the public because the expectation is that the Mayor has carte blanche to do the will of the public whereas, the Mayor's hands may be tied due to the Statutory and budget constraints identified.



I recommend the Charter draft an Ordinance to be adopted by the City Council amending Sections 10 and 53 of the Charter to read:

**Section 10. THE MAYOR.** The mayor shall be the presiding officer of the council, and shall exercise all powers and perform all duties conferred and imposed upon the mayor by this charter, the ordinances of the city, and the laws of the state. A president pro tempore shall be chosen who shall serve as president in the mayor's absence, and who shall, in the mayor's absence, exercise all powers and perform all duties conferred and imposed upon the mayor by this charter, the ordinances of the city and the laws of the state. In the absence of both the mayor and the president pro tempore, the council member with the most seniority (as determined by consecutive uninterrupted years of service to date) shall exercise and perform said powers and duties. The mayor shall ~~have the appointment, control, and direction of all police officers of the city, and shall~~ be recognized as the official head of the city for all ceremonial purposes, by the courts for the purpose of serving civil processes, and by the governor for the purposes of the military law. In the event of a vacancy in the office of mayor, whether by death, resignation, or any other cause, the council shall order a special election to fill the vacancy for the unexpired term except in the case of a recall, the vacancy shall be filled in the manner provided by this charter. **(Ordinance No. 1389, passed April 26, 1999)**  
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**Section 53. POWERS AND DUTIES OF THE CITY MANAGER.** Subject to the provisions of this charter and any regulations consistent therewith which may be adopted by council, the city manager shall control and direct the administration of the city's affairs, ~~except that the police department and the enforcement of the laws pertaining to said department shall be under the sole control of the mayor.~~ The city manager's duties shall be:

- (i) To see that this charter and the laws, ordinances and resolutions of the city are enforced;
- (j) To appoint and, except as herein provided, remove the city clerk, all heads of departments, and all subordinate officers and employees in the departments, all appointments to be upon merit and fitness alone;
- (k) To exercise control over all departments and divisions of the city administration created by this charter or which may be hereafter created by the council except as herein provided;
- (l) To attend all meetings of the council, with the right to take part in the discussions but having no vote; but the council may at its discretion exclude the city manager from meetings at which the city manager's removal is considered;
- (m) To recommend to the council for adoption such measures as the city manager may deem necessary for the welfare of the people and the efficient administration of the city's affairs;

- (n) To keep the council fully advised as to the financial condition and needs of the city, and to prepare and to submit to the council the annual budget;
- (o) To prepare and to submit to the council for adoption an administrative code incorporating the details of administrative procedures, and from time to time to suggest amendments to the same; and
- (p) To perform such other duties as may be prescribed by this charter or required of the city manager by ordinances or resolutions adopted by the council. **(Ordinance No. 1086, passed June 11, 1984)**

## **MAYOR TERM OF OFFICE**

The second item I'd like to ask you to consider is amending the Charter to change the mayoral term from two years to four years. Currently, the four councilmember terms are staggered 4 year terms with two seats open each election, and the mayor term is a 2 year term that is open at each election. It would make sense to change the mayor term to a four year term to 1) make it consistent with the other councilmember terms, and 2) to make the position more effective and reduce staff time needed to onboard a new mayor. Again, this is not meant to disparage our current or former mayors at all.

Columbia Heights operates as a weak mayor form of government whereby the Mayor has no more power than any other Councilmember when it comes to votes and actions of the city council. However, the Mayor does have administrative, ceremonial, and procedural duties the other Councilmembers don't have. I would estimate generally it takes a new Mayor a full year to learn their roles and functions and to hit a rhythm with staff. Currently, with a two year term that only leaves one year of the term for the Mayor and staff to work highly efficiently and effectively together. Then add in having to campaign for another election less than one year later it is a lot to ask of a part time elected official.

Staff feels changing the mayoral term to a four year term would be beneficial to staff, the community and to the person serving as Mayor. It provides continuity, efficiency, and stability that can be lost when Mayors change over every two years. With that, I recommend the Charter draft an Ordinance to be adopted by the City Council amending Section 7 of the Charter to read as follows:

**Section 7. ELECTIVE OFFICES.** The council shall be composed of a mayor and four council members who shall be qualified electors, and who shall be elected at large in the manner hereinafter provided. The four council members shall serve for a term of four years and until

their successors are elected and qualified. The Mayor shall serve for a term of ~~two~~ four years and until a successor is elected and qualified. The council shall be judge of the election of the mayor and council members. **(Ordinance No. 1466, passed December 15, 2003) (Ordinance No. 1300, passed April 10, 1995)**

A note on the adoption and implementation of these charter amendments should they move forward. The mayoral oversight of the police department can be adopted by the Council via the standard Ordinance process and this would be effective following publication in the newspaper:

- Initial charter action to make the amendment;
- A second motion by Charter Commission to amend the charter;
- City Council first reading of an Ordinance amending the Charter;
- If the first reading is approved by a 5/0 vote, then a second reading of the Ordinance;
- If the second reading is approved by a 5/0 vote, then the ordinance is published in the newspaper and effective 30 days after publication.

Per State Statute, changing the mayoral term from two to four years requires a different implementation timeline. The general Ordinance review process is the same as above however the ordinance doesn't become effective until the next election which would be held in 2024 for the mayoral term beginning in 2025. Therefore, the current Mayoral term would remain two years and expire the end of 2024.

Thank you for taking the time to consider my recommendations. Although I won't be on staff in Columbia Heights when the Charter Commission discusses these recommendations, I would be happy to discuss my thoughts with you at any time. Otherwise, I wish you the best and appreciate the time and effort you all put into making Columbia Heights the wonderful city it is!