

IV.G

Memorandum

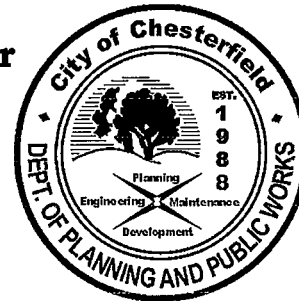
Department of Planning, Public Works & Parks

To: Michael G. Herring, City Administrator

From: Mike Geisel, Director of Planning,
Public Works and Parks

Date: 7/12/2011

Re: Citizen Advisory Committees



As you know, the Department of Planning, Public Works and Parks was directed to review the composition and charge of the Landmarks Preservation Commission and the Historical Commission. On a parallel tract, the City has contracted with Sullivan publications to review the Chesterfield City Code for the purpose of reformatting and updating it to a current searchable platform. As a result of these two efforts, we discovered a number of committees that have been created by ordinance. Some continue to exist, some no longer exist, and some have veered off into other directions. Inasmuch as we are currently seeking to improve our published code and make it more accessible to the public, I believe it is an appropriate time to reconsider our strategy relative to the creation and codification of such committees.

Citizen committees provide a valuable product to the City. They provide insight and additional community input that staff cannot duplicate. They perform as a sounding board and serve as a professional resource for specific topics. However, **it is my belief that such committees, unless mandated by State statute or due to some other legal need of the City, should not be created by ordinance and therefore not codified in the City Code.** Codifying such committees creates a legal obligation and establishes a formal and inflexible description of the composition and performance for these committees that is inconsistent with the ongoing purpose and need for them to provide advisory functions to City Council.

The State of Missouri mandates a select number of Committees or Boards for third class cities. They are 1) **Planning Commission**, 2) **Board of Adjustment**, and 3) **Police Personnel Board**. In addition, we are required to establish and maintain the 4) **Human Rights Commission** in order to qualify for participation in the Community Development Block Grant program. I believe that these Committees provide unique and essential functions related to due process. They are required to ensure that specific actions follow established and proper procedures. They are also established to provide for reasonable appeal and recourse for aggrieved parties.

As such, these, and only these committees should be established by legislation. Only those committees which are mandated by State Statute or legal necessity should be uniquely and specifically created by ordinance, thereby permanently incorporated into the City Code. Other committees, can and should in my opinion, be formally established by City Council policy and approved by voice vote. Such committees could either be permanent or ad hoc, as conditions warrant. Policy documents can be as specific or vague as is appropriate for the purpose and duration of the committee. However, each policy establishing a committee should provide a description of the mission, composition, limitations and description of responsibilities. The recent revisions incorporated into the Landmarks Preservation Committee's ordinance should be a boilerplate description of the limits on scope and activities for most committees. I've provided a sample policy document based upon the original ordinance which established the Chesterfield Transportation Commission in 1996. **This sample policy could be used to standardize the essential information associated with the mission, membership, and function of any citizen advisory committee.**

There are multiple committees that have been created for specific or temporary purposes, but were done by ordinance. In essence, ad hoc committees or those committees that serve intermittent functions are now specifically identified, described, and mandated by City Code. Such committees include, but are not limited to: Chesterfield Transportation Commission, Finance and Citizens Advisory Committee, Landmarks Preservation Commission, and the Public Works Citizens Advisory Group. Committees such as these should not be afforded legal status. In my opinion, they should not be created by ordinance, such that they are legally required and their functions are prescribed by law. Such inflexibility does not serve the City's purposes and creates unnecessary volumes of City Code. As provided, any change in their codified composition, direction, or procedure would require repeal and revision to an ordinance, involving multiple meetings and perhaps even public hearings.

To be clear, this recommendation is not to suggest that any committees are to be eliminated. It is simply my recommendation that these advisory committees be removed from the City Code; their form, function, and composition be formally set forth in a consistent policy document approved by City Council. Policies are subject to review and can be changed by City Council at their discretion. Ordinances, however, require a much more formal and drawn out purpose. Policies do not carry the force of law and the City would not, therefore, subject itself to violations of law due to an ad hoc committee which no longer exists.

As such, it is **my recommendation that only those committees which are mandated by the State of Missouri should be established by legislation.**

Michael G. Herring
Citizen Advisory Committees
July 12, 2011
Page 3

Only those committees which are mandated by State Statute or legal necessity should be uniquely and specifically created by ordinance, thereby permanently incorporated into the City Code. Other committees can or should simply be formerly established by formal City Council policy, and approved by voice vote. Such committees could either be permanent or ad hoc, as conditions warrant. Policy documents can be as specific or vague as is appropriate for the specific purpose and duration of the committee. However, each policy establishing a committee should provide a description of the mission, composition and description of responsibilities. The recent revisions incorporated into the Landmarks Preservation Committee's ordinance should be a boilerplate description of the limits on scope and activities for most committees.

I therefore request that you consider this recommendation and if you concur, please place on the first available committee agenda for Council consideration. If you have any questions or require additional information, please advise.

attachment

✓
JMH
7/12/11

**CITY OF CHESTERFIELD
POLICY STATEMENT**

SUBJECT **Transportation Committee**

DATE 9/16/1996

**DATE
REVISED**

ISSUED

CHESTERFIELD TRANSPORTATION COMMITTEE

Established

The City of Chesterfield hereby establishes the "Chesterfield Transportation Commission."

Mission of the Commission

The mission of the Commission shall be to develop and encourage alternative modes of transportation within the City of Chesterfield; to improve regional mass transit options available to the Chesterfield community; to improve the quality and capacity and existing transportation infrastructure; to improve transportation access to further develop employment opportunities in Chesterfield; to identify opportunities for regional cooperation for transportation improvement; to provide the Public Works/Park Committee and City Council with informed recommendations concerning transportation issues; to identify and pursue funding sources to accomplish this mission; to enhance recreation and tourism; to project short and long term transportation needs in Chesterfield, and such other matters as may come before the Commission and such other matters as the Commission may determine are essential for it to consider in carrying out its mission.

Membership

The Mayor shall appoint with the concurrence of a majority of the City Council thirteen (13) members to the Chesterfield Transportation Committee which will be made up of the following:

- Five (5) residents at large;
- Two (2) citizens from each of the four (4) wards to be nominated by the Mayor with the approval of a majority of those elected to the City Council;

To serve as ex-officio members shall be the following:

- Liaison from Public Works/Parks Committee of the City Council;

- City Administrator;
- Director of Planning;
- Director of Public Works/City Engineer;
- Superintendent of Parks, Recreation and Art.

Members of the Chesterfield Transportation Commission shall not represent themselves as city officials, nor state any position as a city official without the knowledge and consent of the Planning and Public Works Committee of City Council.

Any item from the Chesterfield Transportation Commission that requires approval of the City Council shall be placed on the Planning and Public Works agenda prior to placement on the City Council agenda.

Terms

The individuals appointed to this Commission shall serve a three-year term. However, the initial appointments shall be staggered so that three (3) appointments shall expire each year starting in 1997 as determined by the City Council.

Thereafter, other than the citizens chosen from each Ward, all other members of the Commission shall be selected by their representative organizations and forwarded to the Mayor, who shall, in turn, forward the same to the City Council for review and approval. The terms of office shall coincide with the initial date of the approval of this division.

Meetings

A quorum shall consist of more than half (1/2) of the number of appointed members.

All decisions or actions of the Chesterfield Transportation Commission shall be made by a majority vote of those members present and voting at any meeting where a quorum exists.

Meetings of the Chesterfield Transportation Commission shall be held at City Hall unless otherwise authorized by the City Administrator or the Planning and Public Works Committee.

Meetings of the Chesterfield Transportation Commission, regardless of their location, are considered public meetings and therefor agendas shall be posted in accordance with City of Chesterfield procedures and Sunshine Law requirements.

All meetings of the Chesterfield Transportation Commission shall be open to the public except as allowed by State law.

No member of the Chesterfield Transportation Commission shall vote on any matter that may materially or apparently affect the property, income, or business of that member and shall abide by any other City policies as to conflict of interest.

No action or vote shall be taken by the Chesterfield Transportation Commission regarding any property without prior notification and approval from said property owner.

The Chesterfield Transportation Commission shall notify the City Administrator or Staff Liaison of any property they are made aware of which is subject to any application, request, or no

Eligibility

No elected officials or full or part time employee of the City of Chesterfield shall be considered for appointment to the Commission.

Powers and Duties

The Chesterfield Transportation Commission shall have the following powers and duties:

- a) To adopt its own by-laws and procedural regulations, provided that such regulations are consistent with this policy and the Revised Statutes of the State of Missouri.
- b) To investigate and recommend encourage alternative modes of transportation within the City of Chesterfield
- c) To investigate and recommend improvements to the quality and capacity of existing transportation infrastructure
- d) To improve transportation access to further develop employment opportunities in Chesterfield
- e) To identify opportunities for regional cooperation for transportation improvement
- f) To provide the Public Works/Park Committee and City Council with informed recommendations concerning transportation issues.
- g) To identify and pursue funding sources to accomplish this mission.
- h) To enhance recreation and tourism.

- i) To project short and long term transportation needs in Chesterfield.

Appropriation of funds

The City may from time to time appropriate funds, in its discretion, for the Commission that will enhance the general welfare and benefit of the City as a whole.

RECOMMENDED BY:

_____ **Department Head**

_____ **Date**

_____ **City Administrator**

_____ **Date**

APPROVED BY:

_____ **City Council**

_____ **Date**

