

MINUTES

CHARTER COMMISSION

May 19, 2005

Moment of Silence

Pledge of Allegiance

Roll Call; Approval of Agenda

Commissioners Present: Chairman Allan Krans, Vice Chairman Phyllis Woods, David Landry, Charles Mone, Charles Reynolds, David Bibber, Wil Boc, Tom Dunnington, Gary Gilmore.

Boc moved seconded by Landry to approve the agenda. Woods stated motion #32 is missing C3-2. This item now will become 8-A on this agenda Chairman Krans stated. He continued at the last meeting we used motion #35 for #32; now #35 will be substituted for #32L. The motion was passed by all.

Approval of Minutes

Gilmore moved seconded by Landry with all in favor.

5. Motion to Include in the Preliminary Report an Amendment to C1-3; Motion #2005-10-L-PR (Ward Boundaries) (Reynolds)

Reynolds moved seconded by Dunnington with all in favor on a vote of 9-0.

6. Motion to Include in the Preliminary Report an Amendment to Article 2: Motion #2005-11A-L-PR (Elections) (Reynolds)

Reynolds moved seconded by Gilmore with all in favor on a vote of 9-0.

7. Motion to Include in the Preliminary Report an Amendment to C3-1; Motion #2005-38-L-PR (Number of Councilors) (Gilmore)\

Gilmore moved seconded by Landry to increase the council to 11 members; motion passed on a vote of 6-3 with Boc Bibber and Krans opposed.

Dunnington moved seconded by Landry to recess at 7:20 pm for a half hour in order to set the VCR up for taping the meeting with all in favor.

At 8:00 pm Krans called the meeting back to order.

8. Motion to Include in the Preliminary Report an Amendment to C3-2; Motion #2005-18A-L-PR (Training) (Gilmore)

Gilmore moved seconded by Landry; motion passed on a vote of 6-3 with Boc,

Bibber and Dunnington opposed.

-A- Motion to Include in the Preliminary Report an Amendment to C3-6; Motion #2005-35 (as substituted for Motion #32 on 5-12-2005) (Council Salary) (Gilmore/Reynolds)

Reynolds moved seconded by Gilmore; motion passed on a vote of 6-3 with Boc, Woods and Krans opposed.

9. Motion to Include in the Preliminary Report an Amendment to C3-3; Motion #2005-30-L-PR (Deputy Mayor) (Gilmore)

Gilmore moved seconded by Dunnington; motion passed on a vote of 6-3 with Reynolds, Bibber and Krans opposed.

10. Motion to Include in the Preliminary Report an Amendment to C3-4; Motion #2005-31-L-PR (Residency) (Gilmore)

Gilmore moved seconded by Landry to lower the residency requirement from 2 years to 1 year; motion passed on a vote of 6-3 with Reynolds, Bibber and Mone opposed to the 1 year requirement.

11. Motion to Include in the Preliminary Report an Amendment to C3-7; Motion #2005-12-L-PR (Meetings) (Reynolds)

Reynolds moved seconded by Mone; motion failed on a vote of 5-4 with Boc, Bibber, Dunnington and Krans opposed.

12. Motion to Include in the Preliminary Report an Amendment to C3-11; Motion #2005-24-L-PR (Council Powers & Duties) (Krans)

Krans moved seconded by Landry; motion passed on a vote of 9-0.

13. Motion to Include in the Preliminary Report an Amendment to C4-2; Motion #2005-26-L-PR (School Board At Large) (Gilmore)

Reynolds moved seconded by Landry to table to later tonight; motion passed on a vote of 8-1 with Woods opposed.

Gilmore moved seconded by Landry to reconsider; motion passed on a vote of 5-4 with Boc, Bibber, Dunnington, Woods and Krans in favor of reconsidering.

Woods moved seconded by Gilmore to approve amendment on language that was distributed; (see motion in file # C4-2 School Board). Motion to amend failed on a vote of 3-6 with Krans, Woods, Mone Dunnington, Boc and Bibber opposed.

Motion to send to the preliminary report failed on a vote of 5-4 with Krans, Boc, Bibber and Reynolds opposed.

14. Motion to Include in the Preliminary Report an Amendment to C4-6; Motion #2005-28-L-PR (School Board Salary) (Krans)

Gilmore moved seconded by Woods; Reynolds noted the word in the first line of motion is "*amount*" instead of "*account*"; motion passed as corrected on a vote of 8-1 with Woods opposed.

15. Motion to Include in the Preliminary Report an Amendment to C5-1; Motion #2005-14A-L-PR (Manager Contract) (Krans)

Gilmore moved seconded by Landry; Bibber moved to amend to delete the last paragraph also to delete the name and salary with Gilmore seconding the motion. Motion to amend passed on a vote of 6-3 with Woods, Mone and Krans opposed to the amendment. Main motion passed on a vote of 8-1 with Krans opposed.

Krans stated they will take a short recess at 9:10 pm with all in favor.

Motion to Include in the Preliminary Report an Amendment to C5-3; Motion #2005-15-L-PR (Manager Removal) (Reynolds)

Reynolds moved seconded by Landry to strike two words "for cause". Boc has a point of order that we may need to amend. Gilmore moved seconded by Boc for a friendly amendment to change the language to a super majority, it was noted that this motion is tied to other amendments. Motion to amend passed on a vote of 8-0 with Mone out of the room. Main motion passed as amended on a vote of 7-2 with Boc and Bibber opposed.

Motion to Include in the Preliminary Report an Amendment to C5-5; Motion #2005-17-L-PR (Manager) (Reynolds)

Reynolds moved seconded by Landry; motion passed on a vote of 8-1 with Krans opposed.

18. Motion to Include in the Preliminary Report an Amendment to C5-10; Motion #2005-19A-L-PR (Legal Officer) (Reynolds)

Reynolds moved seconded by Landry; Mone moved to amend seconded by Gilmore. There was no copy of the amendment for the clerk. The wording of amendment is "*Section 5-10 - There shall be a chief legal officer of the city, who shall be appointed by the city manager, subject to the approval of a majority of the council, who shall serve as legal advisor to the council, the manager and all city departments, officer and agencies, shall represent the city in all legal proceedings except in cases as other provisions may be specifically made by the city manager and/or the council and shall perform any other duties prescribed by this charter or by ordinance*". (19A-L-PR) The amendment failed on a vote of 4-5 with Krans, Woods, Dunnington Boc and bibber opposed. Vote on the main motion before the amendment failed on a vote of 5-4 with Dunnington, Boc, Bibber and Krans opposed.

19. Motion to Include in the Preliminary Report an Amendment to C6-3; Motion

#2005-21-L-PR (Budget) (Reynolds)

Reynolds moved seconded by Landry; after much discussion that this item was taken from the "model charter" motion failed on a vote of 5-4 with Boc, Bibber, Dunnington and Krans opposed.

20. Motion to Include in the Preliminary Report an Amendment to C6-3; Motion #2005-20A-L-PR (Line Item) (Krans)

Gilmore moved seconded by Landry; then Reynolds moved seconded by Dunnington to amend to delete "if necessary" with all in favor of the amendment. Motion passed as amended with all in favor.

21. Motion to Include in the Preliminary Report an Amendment to C7-2; Motion #2005-22-L-PR (Merit Plan) (Reynolds)

Reynolds moved seconded by Landry; motion passed on a vote of 8-1 with Boc opposed.

Motion to Include in the Preliminary Report an Amendment to C11-4; Motion #2005-40-L-PR) (Ethics) (Gilmore)

Gilmore moved seconded by Woods; motion passed on a vote of 9-0.

23. Motion to Include in the Preliminary Report an Amendment to C11-5; Motion #2005-41-L-PR (Removal) (Gilmore)

Gilmore moved seconded by Boc; motion passed on a vote of 9-0.

24. Motion to Include in the Preliminary Report an Amendment to C11-10; Motion #2005-29-L-PR (Periodic Review) (Woods)

Woods moved seconded by Boc; motion failed on a vote of 3-6 with only Landry, Gilmore and Woods in favor.

Boc stated as a point of order we should take a vote to go past 10 pm. Reynolds seconded the motion to go until 10:30 pm to finish the motions with all in favor.

New/Old Business

Gilmore moved seconded by Boc to remove item #13 from the table. Motion passed on a 9-0 vote. Gilmore moved to amend with the language that was distributed (see tabled item #13). Boc state point of order this is a substantial change and a brand new motion, Krans stated he will allow it. Reynolds seconded the motion. Vote on the amendment failed on a 3-6 vote with Krans, Woods, Mone, Dunnington, Boc and Bibber opposed. Main motion failed on a 5-4 vote with Reynolds, Krans, Boc and Bibber opposed. Mone stated point of order so we are going back to the original wording.

Woods moved to reconsider item #7 as she voted in the affirmative and really intended to vote against it. Krans seconds the motion to reconsider. Gilmore is opposed to the reconsideration.

Krans stated we will need 5 votes to adopt Motion #38, Reynolds is puzzled where we are going with this as no one has come in and said anything and he has not seen anything happen in the last couple of hours, he is disappointed in her convictions, Boc admires her and says who are we to judge her reasons. Motion failed on a vote of 5-4 with Gilmore, Landry, Mone, Reynolds and Dunnington in favor.

Gilmore moved to reconsider Motion #16 with Boc seconding the motion. Vote on the reconsideration of the city manager removal passed on a vote of 9-0. Gilmore moved to amend from 7 to 6 with Landry seconding. Motion passed on a 7-2 vote with Boc and Mone opposed. Main motion as amended passed on a 8-1 vote with Boc opposed.

Adjourn

Krans stated the next meeting will be on Tuesday, May 31, 2005 to review the preliminary draft language. Boc stated he will be out of the country. Krans continued there will be a public hearing on June 9th and he will work with the City Clerk to draft the preliminary report so it can be sent out in early June.

Boc moved seconded by all to adjourn at 10:30 pm with all in favor.

Submitted by

Judy Gaouette, City Clerk

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