

COMMITTEE OF THE WHOLE

January 3, 2024

12:00 p.m.

**Councilman Denny Whayne Conference Room (Busch Building, 4th Floor)
840 Boonville Avenue**

MEMBERS

PRESENT: Matthew Simpson, Derek Lee, Abe McGull, Monica Horton, Callie Carroll, Craig Hosmer, Brandon Jenson*, and Heather Hardinger.

MEMBERS

ABSENT: Ken McClure.

**COUNCIL/
STAFF**

PRESENT: Jason Gage, City Manager; Collin Quigley, Deputy City Manager; Cora Scott, Director of Public Information and Civic Engagement; Melissa Haase, Assistant Director of Public Information and Civic Engagement; Jordan Paul, City Attorney; Jan Millington, Deputy City Attorney; Anita Cotter, City Clerk; and Lauren Fischer, City Clerk Administrative Specialist.

GUESTS: Marta Mieze, *Springfield News-Leader*; Karen Craigo, *Springfield Business Journal*; and Jack McGee, *Springfield Daily Citizen*.

* Attended via Zoom.

Mayor Pro Tem Simpson called the meeting to order at approximately 12:08 p.m., and roll call was conducted. Present: Brandon Jenson, Monica Horton, Abe McGull, Matthew Simpson, Craig Hosmer, Heather Hardinger, Callie Carroll, and Derek Lee. Absent: Ken McClure.

Councilman Hosmer moved to approve the minutes of the December 4, 2023, meeting as presented. Councilman McGull seconded the motion, and it was approved by the following vote: Ayes: Horton, McGull, Simpson, Hosmer, Hardinger, Carroll, Lee, and Jenson. Nays: None. Absent: McClure. Abstain: None.

Mayor Pro Tem Simpson noted the next item of discussion would be the consideration of reappointments to the Police Civilian Review Board. Anita Cotter, City Clerk, provided an overview of the reappointments for consideration by the Committee members. She noted the Committee members had previously appointed the two board members to fill unexpired terms on the Police Civilian Review Board. She noted attendance information was not available for the Committee members to review because the Police Civilian Review Board had not met. She further noted the two board members were eligible for reappointment to serve their first full terms.

Councilman McGull asked what was considered a full term. Ms. Cotter responded a full term would be three years.

Mayor Pro Tem Simpson asked about the status of a previously-appointed board member shown on the list of board members as pending. Ms. Cotter responded the board member had been contacted by the City Clerk's Office but had not taken her oath.

Councilman McGull moved to reappoint Allen Grymes and Lori Muetzel to the Police Civilian Review Board. Councilwoman Hardinger seconded the motion, and it was approved by the following vote: Ayes: Simpson, Hosmer, Hardinger, Carroll, Lee, Jenson, Horton, and McGull. Nays: None. Absent: McClure. Abstain: None.

Mayor Pro Tem Simpson noted the next item of discussion would be the review of the draft ordinance calling for an election for proposed City Charter Section 19.16 revisions. He introduced Jason Gage, City Manager, who provided an overview of the proposed amendments to City Charter Section 19.16 (Exhibit A).

Mr. Gage noted City Charter Section 19.16 addressed conflicts of interest regarding financial transactions with the City. He noted the added language to the proposed amendment in Subsection 1 of City Charter Section 19.16 (Exhibit A) would require City Council to enact, maintain, and review a code of ethics applicable to all elected officials, appointed officers, board members, and employees of the City, no less than every other year.

Mr. Gage discussed the proposed changes to the language in Subsection 4 of City Charter Section 19.16 (Exhibit A) amendment. He noted the proposed changes would require any Councilmember, officer, or board member who violated this section to forfeit their office or their employment. He explained the term "employee" was struck from this section based on the Committee members' recommendation, which had been made during the previous meeting. He further noted disciplinary action regarding the "employee" would be addressed by including language which stated, "any employee who was in violation of this section would be subject to disciplinary action up to and including termination."

Mr. Gage noted the proposed amendment to City Charter Section 19.16 would add language regarding a legal defense against forfeiture of office or termination of employment if a prior written advisory opinion from the City Attorney had been obtained and relied upon in good faith. He explained the City Code had language addressing written advisory opinions, and the proposed language for City Charter Section 19.16 would allow the City Charter to reflect City Code.

Mayor Pro Tem Simpson commented on the Finance and Administration Committee's request to apply a higher standard in the City Charter to City Council, board members, officers, City Managers, and department heads regarding disciplinary action. He asked if the changes to Subsection 4 would be reflected in the employee handbook to make the different standards clear to those with purchasing power. Mr. Gage responded the employee handbook would need to be updated to ensure those who were affected by the changes clearly understood the impact of a violation.

Councilwoman Horton asked if the concerns regarding the definition of “substantial financial interest” had been resolved. Mr. Gage responded draft City Charter Section 19.16 did not include the previously-recommended change to define “substantial financial interest.” Councilwoman Horton asked whether the terms “direct” and “indirect” would still be used in City Charter Section 19.16. Mr. Gage responded affirmatively. He explained the terms “direct” and “indirect” would still be used in City Charter Section 19.16, but depending on the circumstance of the violation, a legal interpretation would be required.

Councilman McGull expressed his gratitude for the hard work completed by staff members to recognize and answer the Councilmembers’ questions regarding draft City Charter Section 19.16.

Councilman McGull moved to approve the draft of City Charter Section 19.16 with the revisions as presented. Councilman Lee seconded the motion, and it was discussed by the Committee members.

Councilwoman Horton asked how the City Charter would be affected if the provisions to define “substantial financial interest” did not align with the definition provided in the State statute. Mr. Gage explained the current City Charter Section 19.16 clarified “any financial interest” would qualify as a violation of this section. He further noted the terms “direct” and “indirect” would refer to the role the person had in the financial interest. Jordan Paul, City Attorney, explained the current City Charter Section 19.16 was more restrictive than the State statute regarding financial interest. He noted the proposed City Charter Section 19.16 amendment would maintain the standard currently used by the City regarding financial interest.

Councilman Jenson noted he had not received the proposed draft of City Charter Section 19.16 and would abstain from voting.

After the discussion, the motion was approved by the following vote. Ayes: Hosmer, Hardinger, Carroll, Lee, Horton, McGull, and Simpson. Nays: None. Absent: McClure. Abstain: Jenson.

Mayor Pro Tem Simpson asked when this item was anticipated to be considered by City Council. Mr. Gage responded the proposed City Charter Section 19.16 amendment would appear on the agenda for the January 8, 2024, City Council meeting.

Councilman Hosmer asked what the cost to the City would be for the election, and if there were other issues to be considered on the April 4, 2024, ballot. Mr. Gage responded the draft City Charter revision for mayoral term and the draft City Charter 19.16 amendment would be included on the ballot for the voters’ consideration. He noted the cost to the City would be approximately \$130,000 to \$140,000, depending on whether other entities had issues listed on the ballot.

Councilwoman Hardinger moved to adjourn. Councilman Lee seconded the motion, and it was approved by the following vote: Ayes: Carroll, Lee, Jenson, Horton, McGull, Simpson, Hosmer, and Hardinger. Nays: None. Absent: McClure. Abstain: None.

With no further business to come before the Committee, the meeting adjourned at 12:25 p.m.

Minutes approved by the Committee of the Whole on November 12, 2024.

Approved by the Committee of the Whole
on 11-12-2024