

**THE VILLAGE OF DEXTER
CITY CHARTER COMMISSION**

Wednesday, December 4, 2013

******* 6:30 pm – Regular Meeting *******

CREEKSIDE CAFETERIA – 2615 BAKER

A. CALL TO ORDER

B. ROLL CALL

C. APPROVAL OF AGENDA

D. APPROVAL OF THE MINUTES

1. Regular Meeting – November 18, 2013

E. PRE-ARRANGED PARTICIPATION

Pre-arranged participation will be limited to those who notify the Village office before 5:00 p.m. the Monday preceding the meeting, stating name, intent and time requirements. This section is limited to 5-minutes per participant or 10-minutes for group representatives. This section will also include presentations by invited guests/consultants and written communications received by the Commission.

F. PUBLIC HEARINGS

None

G. CHARTER CONSTRUCTION – FIRST READINGS

Discussion of each chapter of the draft charter. When general agreement is reached it will be presented in its final version under "second readings".

1. Consideration of: Using the National Civic League Model Charter as a Template
2. Discussion of: Charter Preamble
3. Discussion of: Powers of the City

H. CHARTER CONSTRUCTION – SECOND READINGS

Discussion and consideration of the final version of the chapter.

I. OTHER ITEMS AS REQUESTED BY COMMISSIONERS

1. Consideration of: Agenda Template

"This meeting is open to all members of the public under Michigan Open Meetings Act."

www.DexterMI.gov

2. Consideration of: Rules of Procedure

3. Discussion of: Draft Timeline to the November 2014 Election

J. AGENDA PREPARATION FOR THE NEXT MEETING

K. NON-ARRANGED PARTICIPATION

Those addressing the Commission will state their name, and address. This section is limited to 5-minutes per participant or 10-minutes for group representatives.

L. ADJOURNMENT

Adjournment will be at or before 8:30 p.m. unless a continuation is ordered by a majority vote of the Commission.

**VILLAGE OF DEXTER
CITY CHARTER COMMISSION
REGULAR MEETING
MONDAY, NOVEMBER 18, 2013**

SWEARING IN CEREMONY

Prior to the meeting the following Charter Commissioners were sworn in by Carol Jones, Village Clerk

Philip Arbour, Jack Donaldson, John Hansen, Matt Kowalski, Phillip Mekas,
Mary-Ellen Miller, Thom Phillips, Michael Raatz, James Smith

CALL TO ORDER

The meeting was called to order at 6:35 pm at the Dexter Senior Center located at 7720 Ann Arbor Street in Dexter, Michigan.

Commissioners present: Philip Arbour, Jack Donaldson, John Hansen, Matt Kowalski, Phillip Mekas, Mary-Ellen Miller, Thom Phillips, Michael Raatz, and James Smith

Also present: Courtney Nicholls, Assistant Village Manager; Carol Jones, Village Clerk; Tom Ryan, Village City Attorney, Trustee Jim Carson, Trustee Joe Semifero, residents and media.

The Commission determined that a discussion of schedule was necessary before the selection of a Chair and Vice Chair.

Wednesday evenings worked the best for all Commissioners. The meetings will be held at 6:30 p.m. Confirmed dates are December 4, 11, 18 and January 8, 15, 22, 29.

SELECTION OF COMMISSION SECRETARY

Motion by Arbour, seconded by Smith to appoint Carol Jones as the Commission Secretary.

Motion carried unanimously

SELECTION OF CHAIR/VICE CHAIR

Commissioner Smith nominated John Hansen as Chair.

Motion by Smith, seconded by Arbour to close the nominations.

Motion carried unanimously

Commissioner Mekas nominated Phil Arbour as Vice Chair.

Motion by Donaldson, seconded by Smith to close the nominations.

Motion carried unanimously

Motion by Smith, seconded by Mekas to appoint John Hansen as Chair and Phil Arbour as Vice Chair.

Motion carried unanimously

DISCUSSION

The Commissioners introduced themselves to each other and provided basic personal details.

Cityhood Attorney Tom Ryan introduced himself and spoke about his experience with the City of the Village of Clarkston, Village of Oxford and a Charter Revision in Big Rapids. He explained that because the Village has been functioning so much like a City the process will involve converting the current structure into the draft Charter. Decisions will also need to be made regarding what should go into the Charter and what should be adopted as an Ordinance. Ordinances are easier to modify when necessary so are better for certain operational matters.

Chair Hansen suggested having a meet and greet with the Village Council prior to their next meeting on November 25, 2013.

Items for the next agenda will include a calendar setting out deadlines based on a November 2014 vote, draft by-laws and a review of the templates provided in the Model Charter to determine whether the Commission wants to utilize them.

ADJOURNMENT

Motion Smith, seconded by Arbour to adjourn at 7:55 pm.
Motion carried unanimously

Respectfully submitted,

Courtney Nicholls
Assistant Village Manager, Village of Dexter

Approved for Filing:

VILLAGE OF DEXTER

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MEMO

To: Charter Commission
From: John Hansen, Chair & Courtney Nicholls, Assistant Village Manager
Date: November 22, 2013
Re: Item Updates

G – 1: The Commission has been provided with a copy of the National Civic League’s Model City Charter. Is the Commission in agreement that they would like to use this as the template moving forward?

G – 2 & 3: If the Commission agrees to use the Model Charter the first two sections, Preamble and Power of the City, are included for discussion.

I – 1: This item will be discussed early in the meeting. The Commission is asked to review and approve the agenda template.

I – 2: Draft Rules of Procedure are included for the Commission’s review. Areas where a decision of the Commission is needed are in bold text.

MODEL CITY CHARTER, EIGHTH EDITION, SECOND PRINTING PREAMBLE TO THE CHARTER

Introduction.

A preamble typically consists of three elements: an identification of the source of authority for the charter, a statement of the action that is to be taken, and a declaration of the intent of the charter. The source of authority for a city charter is the state constitution or statutory law. The action that is to be taken is the adoption of the charter. The declaration of the intent of the charter comprises subjective statements (not enforceable by law) that underscore or illuminate the characteristics of a municipality, such as the values of the city, lofty goals, or even the "personality" of the drafting commission. Charters within the same state often use the same language in their preambles; the type of language used and the manner in which issues are addressed often provide a glimpse of regional characteristics.

PREAMBLE

We the people of the [city/town] of _____, under the constitution and laws of the state of _____, in order to secure the benefits of local self-government and to provide for an honest and accountable council-manager government do hereby adopt this charter and confer upon the city the following powers, subject to the following restrictions, and prescribed by the following procedures and governmental structure. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation, diversity and inclusiveness and regional cooperation.

Commentary.

Source of Authority

Identification of the source of authority tends to be standard: "We the people of Your City, under the constitution and laws of the state. . . ."

Occasionally, however, the source of authority is embellished with descriptive elements that reflect valued characteristics of the community. Two examples follow:

"We the people of Your City, with our geographical and cultural diversity. . . ."

"Treasuring the many wonders of our unique environment and realizing that the power and duty to govern and protect this region is inherent in its people, we the citizens of Your City. . . ."

Action Taken

The standard phrasing for the action statement is "do hereby adopt" or some variation. Following are two examples of action taken by the source of authority:

. . . do hereby adopt this charter."

. . . do hereby adopt this home rule charter."

Intent

This can be the most creative section of the preamble (and of the charter itself). The standard beginning of the intent section is: "By this action, we . . ." An expression of objectives, goals, purposes, and/or values typically follows. The intent section can contain merely a reference to home rule or self-determination, or it can contain a combination of purposes, goals, values, and even civic aspirations. Preambles typically reflect values such as self-determination, diversity and inclusiveness, justice, equality, efficiency, responsiveness, citizen participation, and environmental stewardship. Diversity and inclusiveness references should address the right of every individual to equal opportunities and establish nondiscrimination rules. Examples follow.

"By this action, we:

provide for local government responsive to the will and values of the people and to the continuing needs of the surrounding communities. . . ."

secure the benefits of home rule, increase citizen participation reflecting rights or equal opportunity of the broad diversity of the city, improve efficiency and effectiveness, and provide for a responsible and cooperative government. . . ."

"each individual shall have an equal opportunity to participate fully in the economic, cultural and intellectual life of the city and to have an equal opportunity to participate in all aspects of life..."

"discrimination is prohibited based on race, color, religion, national origin, gender, age, sexual orientation, gender expression, marital status, military status or physical or mental disability..."

establish a government which advances justice, inspires confidence, and fosters responsibility. . . ."

Preambles should contain all three elements. The intent section at the least should contain a reference to home rule or self-determination (very few do) and could suggest elements of contemporary governing values such as regional cooperation, economic vitality, diversity and inclusiveness, comprehensive representation, strong community leadership, and citizen participation.

Article I POWERS OF THE CITY

Introduction.

A charter should begin by defining the scope of the city's powers. It should address the context in which such powers operate, including the effect of state law and the desirability of cooperation with other localities.

Section 1.01. Powers of the City.

The city shall have all powers possible for a city to have under the constitution and laws of

this state as fully and completely as though they were specifically enumerated in this charter.

Commentary.

The city should lay claim to all powers it may legally exercise under the state's constitution and laws.

Nevertheless, some cities, particularly smaller ones, may not wish to exercise all available powers. Cities may restrict their own power: (1) by specific provisions in the appropriate parts of the charter; (2) by ordinance, since the section does not require that all the powers claimed be exercised; or (3) by inaction—i.e., failure to exercise powers. The powers of the city may also be limited by state or federal court decisions.

This section insures that the city claims the entirety of the grant of authority available to it from the state. Through this means, the charter is restricted from embracing less in its terms than the constitutional home rule grant allows or from containing an inadvertent omission or ambiguity that could open the door to restrictive judicial interpretation. This is the most that the charter can do as the extent of the powers available to the city will depend on the state's constitution and statutes and judicial decisions.

The general powers provision of a charter must be tailored to the law of each state. The courts of some states do not give effect to a charter statement of powers expressed in general terms. Instead, they require that the charter enumerate all of the powers claimed. The words "as fully and completely as though they were specifically enumerated in this charter," at the end of § 1.01, cannot be used in a charter in a state that requires the enumeration of powers.

Charter drafters should carefully study their state's law on local government powers before using this *Model* provision. To reduce the likelihood of restrictive judicial interpretation, a section like § 1.02 below should accompany this section.

Questions of restrictive court interpretation aside, and assuming that a state's law does not require an enumeration, this section may be utilized effectively under any of the existing types of home rule grant, as well as that of the *Model State Constitution* (6th Edition, 1968) published by the National Municipal League. It may be used regardless of whether the home rule grant appears in a constitution, optional charter law, or other general enabling act.

Section 1.02. Construction.

The powers of the city under this charter shall be construed liberally in favor of the city, and the specific mention of particular powers in the charter shall not be construed as limiting in any way the general power granted in this article.

Commentary.

A charter should encourage courts to interpret the powers of the city as broadly as possible. Such a provision discourages a restrictive interpretation of the general powers statement in § 1.01. If the charter enumerates powers, this section may prevent courts from interpreting the list of specific powers as evidencing intent to exclude other or broader powers.

Section 1.03. Intergovernmental Relations.

The city may participate by contract or otherwise with any governmental entity of this state or any other state or states or the United States in the performance of any activity which one or more of such entities has the authority to undertake.

Commentary.

This section empowers the city to participate in intergovernmental relationships—to receive assistance from the federal, state, and other local governments, to be represented in regional agencies established under federal or state law or intergovernmental agreements, and to perform jointly with any other governmental jurisdiction any function which any of the participating jurisdictions may perform alone.

The nature of intergovernmental relations is rapidly changing. Most cities are an integral part of a region. In that regard, engaging in cooperative intergovernmental relations is fundamental to the effective functioning of a city and the region of which it is a part. Although the purpose of engaging in intergovernmental relations is primarily to further the ends of the city, the health of the region should also be of concern to the city.

Superior state statutes (such as a general powers provision), which cannot be altered by a charter provision, may govern an intergovernmental relations provision. States may enact these on an *ad hoc* basis, each dealing with a particular project, program, or regional or metropolitan agency. With intergovernmental agreements becoming more common, states may have general intergovernmental authorizing statutes or constitutional provisions. For example, New Hampshire state law provides:

N.H.R.S. Title 3, Chapter 53-A:1 Agreements between government units.

Purpose. – It is the purpose of this chapter to permit municipalities and counties to make the most efficient use of their powers by enabling them to cooperate with other municipalities and counties on a basis of mutual advantage and thereby to provide services and facilities in a manner and pursuant to forms of governmental organization that will accord best with geographic, economic, population, and other factors influencing the needs and development of local communities.

If states have neither specific nor general authorization, charter drafters should look for court opinions on intergovernmental agreements in the state. Courts may provide guidance on the extent of a city's power to cooperate with other governments in the absence of enabling state legislation.

Specific legislation on intergovernmental agreements often involves political questions and considerations of state constitutional and statutory limitations on cities' financial and borrowing powers. In joint federal-municipal projects involving substantial sums, state legislative control over municipal powers, coupled with restrictive judicial doctrines, may require specific state legislative approval.

VILLAGE OF DEXTER – CITY CHARTER COMMISSION

RULES OF PROCEDURE

The Commission shall operate in accordance with the Michigan Open Meetings Act, the Home Rule City Act and follow Roberts Rules of Order and all other pertinent laws.

The Commission shall elect a Chair and Vice-Chair. The Chair shall preside at all meetings. In the absence of the Chair, the Vice-Chair shall preside. In the absence of the Chair and Vice-Chair, the members present shall select an acting Chair. The Village Clerk shall be the Clerk of the Commission and shall keep the minutes of its proceedings. The staff liaison will serve in the Village Clerk's absence.

The Commission shall adopt a schedule of regular meetings. Special meetings may be called as necessary by the Chair. The meeting time/date/location shall be posted as required by State Law.

Five members of the Commission shall constitute a quorum. A quorum must be present for official business to be conducted. The affirmative votes of five members shall be required for the adoption of any motion. Voting shall be by voice vote unless the Chair calls for a roll-call vote, or if any two members request a roll call vote.

The Commission shall be the sole judge of the qualifications of its members and may by affirmative vote of six members, remove a member for nonfeasance, malfeasance or misfeasance, as defined by law. A vacancy on the Commission, whether due to resignation or removal, shall be filled by the Commission. ***The Commission will not be required to fill the vacancy unless the membership of the Commission falls below seven/eight members.***

To fill a vacancy the Commission will advertise the opening via the Village e-mail update, Facebook page and website. Applications will be received and reviewed by the Commission. A nomination and selection process will occur at the Commission meeting. The affirmative vote of five members shall be required to fill a vacancy.

To fill a vacancy the Commission will offer the position to the next highest vote getter in the Commission Election. If none of the candidates are able to serve, the Commission will advertise the opening via the Village e-mail update, Facebook page and website. Applications will be received and reviewed by the Commission. A nomination and selection process will occur at the Commission meeting. The affirmative vote of five members shall be required to fill a vacancy.

Two opportunities for public comment will be provided on each agenda. Any person speaking before the Commission shall provide their name and address. To speak under pre-arranged participation (5 minutes for an individual, 10 for an individual representing a group) a person shall make the request to the Village Offices by 5 p.m. on the Monday before the meeting. Any person may speak under non-arranged participation for 5 minutes for an individual or 10 minutes for an individual representing a group.

The Commission shall select the election date that the draft Charter is presented to the voters. The Commission shall provide the manner of nominating the candidates for the first elective officers provided in the proposed charter. The Commission shall also determine the date of the first city election and do and provide other things necessary for making the nominations and holding the election.

DRAFT

Roberts Rules

Motion	Can interrupt a person in debate?	"Second" Required?	Debatable?	Amendable?	Vote Needed.	Reconsider Vote?
Main Motion	No	Yes	Yes	Yes	Majority	Yes
I MOVE TO ... or I MOVE THAT... The MAIN MOTION Introduces Business or states a proposal for the Assembly's action. Has the Floor when no other Motion is pending. It must have a second or is lost.						
Adjourn	No	Yes	No	No (I)/Yes (II)	Majority	No (I)/Yes (II)
I. I move we ADJOURN until (time) and (place) or, simply, II. I move we ADJOURN. Terminates Meeting or Session. May additionally state Time and Place of the next meeting if not already provided. IN EMERGENCIES (for Assembly's safety) Chair may declare the ADJOURNMENT.						
Recess	No	Yes	No	Yes	Majority	No
I move we RECESS until (time) in order to (purpose). Intermissions as for meals, counting ballots, etc. If carried, RECESS begins immediately. When program provides, a 2/3 vote may change it. Business resumes at the same point.						
Question of Privilege	No	No	No	No	Presiding Officer	No
I rise to a QUESTION OF PRIVILEGE. Relates to the rights of one Member, or to Assembly's comfort, disturbance, conduct, etc. Must be urgent to interrupt Business, which resumes as soon as the matter is successfully addressed. Common rights include convening to executive session during discussion of a specified topic.						
Orders of the Day	Yes	No	No	No	Presiding Officer	No
I call for the ORDERS OF THE DAY. Demands conformance to Announced Order of Business (agenda), Special Orders or Program. To be used when a deviation from the main order of business is noticed. Can be used if no Privileged Motion (ADJOURN, RECESS, QUESTION OF PRIVILEGE, ORDERS OF THE DAY) is pending. A 2/3 negative vote prevents proceeding to the Orders of the Day.						
Table a Motion	No	Yes	No	No	Majority	No
I move the QUESTION BE LAID ON THE TABLE. (Also referred to as TABLING THE MOTION). If carried, the Main Motion and those pending to it (amendments) are LAID ASIDE (for more pending business) until later in the meeting, or at the next one. A TABLED MOTION may later be TAKEN FROM THE TABLE.						
Call the Question	No	Yes	No	No	2/3	No
I call for THE PREVIOUS QUESTION. (Also referred to as CALLING THE QUESTION). CALLING THE QUESTION refers to only the immediate Motion, unless "all Motions" is specified when stated. If CALLING THE QUESTION carries, Debate stops at once for voting. As with any Motion, the Member CALLING THE QUESTION must have the floor (i.e. be recognized by the Presiding Officer) when the Motion is made. An unrecognized "I CALL FOR THE QUESTION" voiced by an Member is inappropriate and should not be considered. The assembly voting on CALLING THE QUESTION is voting whether or not to immediately vote on the Main Motion. Although debate on the motion stops, Members may ask parliamentary questions or request reading of the motion prior to voting on CALLING THE QUESTION.						
Limit Debate	No	Yes	No	Yes	2/3	Yes
I move to LIMIT DEBATE to (length of time) or I move that DEBATE be stopped at (time). A motion to LIMIT DEBATE or to stop DEBATE applies only to the immediate Motion unless "all Motions" is specified when stated. Debate on the motion is stopped until the DEBATE time is voted on.						
Postponed Temporarily	No	Yes	Yes	Yes	Majority	Yes
I move the QUESTION BE POSTPONED until (time). Delays further action on the Motion until 1) The next Meeting, 2) A specified time (e.g. 3PM), or, 3) After a certain event (e.g. an agenda item).						
Postponed Indefinitely	No	Yes	Yes	No	Majority	Passes - Yes Fails - No
I move the QUESTION BE POSTPONED INDEFINITELY. Used to reject the MAIN MOTION. If the vote carries, the MAIN MOTION is killed for that meeting. If lost, the MAIN MOTION is again open to DEBATE.						
Refer to Committee	No	Yes	Yes	Yes	Majority	Yes
I move the matter be REFERRED TO A COMMITTEE. Halts debate on a main Motion and refers the matter to a Committee for further consideration. The motion may also specify the Committee to which the matter is referred. If no appropriate Committee exists, the motion can be REFERRED TO A COMMITTEE to be appointed by the Presiding Officer. or direct the Committee to report their recommendations at a specified time (e.g. at the next Meeting).						

Roberts Rules

Motion	Can interrupt a person in debate?	"Second" Required?	Debatable?	Amendable?	Vote Needed.	Reconsider Vote?
Amend the Motion	No	Yes	Yes	Yes	Majority	Yes
I move to AMEND THE MOTION by... Ways to AMEND include 1) An insertion or addition at the Motion's end, 2) Strike out consecutive words, 3) Strike out and insert, and 4) Substitute a new paragraph.						
Amend the Amendment	No	Yes	Yes	No	Majority	Yes
I move to AMEND THE AMENDMENT by... Ways to AMEND AN AMENDMENT include 1) An insertion or addition at the Amendment's end, 2) Strike out consecutive words, 3) Strike out and insert, and 4) Substitute a new paragraph.						
Point of Order	Yes	No	No	No	Presiding Officer	No
I rise to a POINT OF ORDER. Means: "There has been a breach of Rules or Decorum" and must be made when the breach occurs. It is in order anytime when Bylaws, etc are violated.						
Appeal Chair's Decision	Yes	Yes	Yes	No	Majority	Yes
I APPEAL FROM THE DECISION OF THE CHAIR (State Appeal) Used when it is thought that the Chair made a wrong decision. Must be made immediately after decision and is settled by Vote.						
Suspend the Rules	No	Yes	No	No	2/3	No
I move to SUSPEND THE RULES in order to/that... A proposal to temporarily waive the parliamentary RULES OF ORDER the specific purpose also being stated.						
Object to Motion	Yes	No	No	No	2/3	No
I OBJECT to the CONSIDERATION of this Motion. Used to avoid consideration of an embarrassing irrelevant or contentious MOTION. Should be made before there is any Debate. If passed, the Motion will not be discussed for the remainder of the Meeting.						
Division of the Assembly	Yes	No	No	No	Presiding Officer	No
I call for a DIVISION OF THE ASSEMBLY. Verifies by a Rising Vote (i.e. a count beyond reproach) a vote just taken by Voice or Hand.						
Parliamentary Inquiry	Yes	No	No	No	Presiding Officer	No
I rise to a PARLIAMENTARY INQUIRY. (state Inquiry). INQUIRIES are addressed to the Chair.						
Request for Information	Yes	No	No	No	Presiding Officer	No
I rise for INFORMATION (state question) REQUESTS FOR INFORMATION are addressed to the Chair.						
Withdraw Motion	No	No	No	No	General Consent	Passes - No Fails - Yes
I REQUEST LEAVE TO WITHDRAW my motion. A WITHDRAWAL is made by a Member before the Motion is stated or with... General Consent before the Main Motion Vote is taken.						
Take from Table	No	Yes	No	No	Majority	No
I move to TAKE FROM THE TABLE the Motion that... Again picks up for consideration a motion which was TABLED. May be used after some other BUSINESS has intervened, but not later than the next Meeting.						
Reconsider the Vote	No	Yes	Yes	No	Majority	No
I voted with the prevailing side# of the Motion (repeat motion) and move to RECONSIDER THE VOTE. A Member who voted on the prevailing side of a Motion already voted on has changed their mind and feels a revote may have a different outcome. A variation is: I voted with the prevailing side# of the Motion (repeat motion) and move to RECONSIDER AND HAVE IT ENTERED ON THE MINUTES. The Main motion is then considered unresolved and will be voted upon at the next Meeting.						

Draft City Charter Timeline

First Meeting November 18, 2013

Scheduled Meetings December 4, 2013

December 11, 2013

December 18, 2013

January 8, 2014

January 15, 2014

January 22, 2014

January 29, 2014

Dates below represent the latest suggested timeline to complete the tasks in time for the November 2014 ballot.

Final Public Hearing/Town Hall Meeting – Week of May 12, 2014

To Attorney General for Review – June 1, 2014

Petitions due for the election of 3 Village Trustees (could also include new City Officials) - August 12, 2014

Ballot language to Washtenaw County Clerk – August 26, 2014

Election – November 4, 2014