

**THE VILLAGE OF DEXTER
CITY CHARTER COMMISSION**

Wednesday, January 8, 2014

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

COPELAND BOARD ROOM – 7714 ANN ARBOR STREET

A. CALL TO ORDER/ROLL CALL/PLEDGE OF ALLEGIANCE

Commissioner Mekas is excused

B. APPROVAL OF AGENDA

C. APPROVAL OF THE MINUTES

1. Regular Meeting – December 18, 2013

D. PRE-ARRANGED PARTICIPATION

The Commission would like to encourage public comment while remaining within established time limits. 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. Comments related to public hearings on the agenda will not be permitted at this time. 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.

Donna Dettling, Village Manager – Invited Guest to Discuss Article III

Written Correspondence received from Victor Michaels

E. PUBLIC HEARINGS

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.

None

F. CHARTER CONSTRUCTION – SECOND READINGS

Discussion and consideration of the current draft of the chapter.

1. Discussion of: Article I - Powers of the City

G. CHARTER CONSTRUCTION – FIRST READINGS

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

1. Discussion of: Article II - City Council (continued from December 18)

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

www.DexterMI.gov

2. Discussion of: Article III – City Manager

H. OTHER ITEMS AS REQUESTED BY COMMISSIONERS

1. Consideration of: Budget Memo
2. Consideration of: Scheduling of Meetings into February
Suggested dates February 5, 12, 19, 26

I. AGENDA PREPARATION FOR THE NEXT MEETING

J. 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.

K. ADJOURNMENT

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

List of Draft Chapters Completed

Chapter	Date Voted On
Preamble	December 11, 2013

**THE VILLAGE OF DEXTER
CITY CHARTER COMMISSION
WEDNESDAY, DECEMBER 18, 2013**

A. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 PM by Chairman Hansen at the Copeland Board Room located at 7714 Ann Arbor Street in Dexter, Michigan.

- B. ROLL CALL:** Phil Arbour, Jack Donaldson, John Hansen, Matt Kowalski, Mary- Ellen Miller, Michael Raatz, and James Smith. Absent – Phillip Mekas (Arrived at 6:36 PM) and Thom Phillips (Arrived at 6:37 PM)

Also present: Courtney Nicholls, Assistant Village Manager; Carol Jones, Village Clerk; Tom Ryan, Attorney for the Charter Commission; Jim Carson, Village Trustee; and Ed Francis, Village resident.

C. APPROVAL OF THE AGENDA

Motion Phil Arbour; support James Smith to approve the agenda for December 18, 2013.

Unanimous voice vote approval.

D. APPROVAL OF THE MINUTES

1. Regular Meeting – December 11, 2013

Motion Jack Donaldson; support James Smith to approve the minutes of the Regular Meeting of December 11, 2013 as presented.

Unanimous voice vote approval.

E. PREARRANGED PARTICIPATION

Chairman Hansen introduced Charter Commission Attorney – Tom Ryan

F. PUBLIC HEARINGS

None

G. CHARTER CONSTRUCTION – SECOND READINGS

1. Discussion of: Article I – Powers of the City **from December 18, 2013**

Motion Mike Raatz; support Jack Donaldson to re-open discussion on the Powers of the City and look at additional information to include in this section and to place the new wording of Article I on the next agenda for approval.

Article I – Name, Boundaries and Power of the City

Section 1.01 Name

The Municipal Corporation now existing and known as the Village of Dexter shall continue as a body corporate and shall henceforth be known as and include the territory constituting the City of Dexter, Washtenaw County, State of Michigan, on the effective date of this charter.

Section 1.02 Boundaries

The City shall embrace the territory comprising the existing Village of Dexter on the effective date of this charter and additional tracts of land situated in the Townships of Scio and Webster in the county of Washtenaw as described in a certified copy of the FINAL ORDER OF THE STATE BOUNDARY COMMISSION approving the incorporation of the territory described therein on May 24, 2013, together with such annexations and less such detachments as may be made thereafter. Upon annexation or detachment of territory, the boundaries shall be deemed changed without amendment to this section. The clerk shall maintain and keep available in the clerk's office for public inspection the legal description and map of the current boundaries of the City.

Section 1.03 General Powers

The City of Dexter and its officers shall be vested with any and all powers and immunities expressed and implied, which cities are or hereafter may be permitted to exercise or provide for in their charters under the Constitution and statutes mandated by the State of Michigan. It shall include all the powers of cities as fully and completely as though those powers and immunities were specifically enumerated in and provided for in this charter. In no case shall any enumeration of particular powers or immunities in this charter be held to be exclusive.

Section 1.04 Additional Powers of the City

The city and its officers shall have power to exercise all municipal powers in managing and controlling municipal property and in administering the municipal government, whether such powers are expressly enumerated or not; to do any act to advance the interests of the city, the good government, and prosperity of the municipality and its residents, and through its regularly constituted authority, to pass and enforce all laws relating to its municipal concerns subject to the constitution and laws of the State of Michigan and the provisions of this charter.

Section 1.05 Interpretation of General Powers

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 section.

Section 1.06 Intergovernmental Relations

The city may join with any municipal corporation or with any other unit or agency of government, whether local, state or federal, or with any number of combination thereof, by contract or otherwise, as may be permitted by law, in

ownership, operation, or performance, jointly or by one or more on behalf of all, of any property, facility or service which each would have the power to own, operate or perform separately.

Unanimous voice vote approval.

H. CHARTER CONSTRUCTION – FIRST READINGS

Discussion of: Article II – City Council **from December 11, 2013**

Motion Phillip Mekas; support James Smith to approve for the first reading Section 2.01 - General Powers and Duties which reads as follows:

All powers of the city shall be vested in the city council, except as otherwise provided by law or this charter, and the council shall provide for the exercise thereof and for the performance of all duties and obligations imposed on the city by law.

Unanimous voice vote approval.

Motion Phillip Mekas; support Phil Arbour to approve the first reading of Section 2.02(a) - Eligibility which reads as follows:

Only registered voters of the city by the date of filing of petition shall be eligible to hold the office of council member or mayor.

Unanimous voice vote approval

Motion by James Smith; support Phillip Mekas to approve the first reading of Section 2.02(b) - Terms which reads as follows:

The term of office of elected officials shall be four years elected in accordance with Article VI.

Unanimous voice vote approval.

Motion James Smith; support Phillip Mekas to approve the first reading of Section 2.02(c) – Composition, Alternative I option B which reads as follows:

The council shall be composed of 6 members elected by the voters of the city at large in accordance with provisions of Article VI. The mayor shall be elected as provided in Section 2.03(b), Alternative II.

Unanimous voice vote approval.

Motion James Smith; support Phillip Mekas to approve the first reading of Section 2.03 (a) – Mayor – Powers and Duties to read as follows:

The mayor shall be a voting member of the city council and shall attend and preside at meetings of the council, represent the city in intergovernmental relationships, appoint with the advice and consent of the council the members of citizen advisory boards, committees, authorities and commissions, appoint the members and officers of council committees, assigns agenda items to committees subject to the consent of council, and perform other duties specified by the council. The mayor shall be recognized as head of the city government for all

ceremonial purposes and by the governor for purposes of military law but shall have no administrative duties.

Unanimous voice vote approval

Motion James Smith; support Phil Arbour to approve the first reading of Section 2.03 (b) – Election, Alternative II – Mayor Elected At Large which reads as follows:

At a regular election the voters of the city shall elect a mayor at large for a term of 4 years. The council shall elect from among its members a mayor pro-tem who shall act as mayor during the temporary absence or disability of the mayor.

Unanimous voice vote approval

From December 18, 2013

Motion James Smith; support Mike Raatz to approve the first reading of Section 2.04 – Compensation; Expenses which reads as follows:

The city council may determine the compensation of the mayor and council members by ordinance, but no ordinance increasing such compensation shall become effective until the date of commencement of the terms of council members elected at the next regular election. The mayor and council members shall receive their actual and necessary expenses incurred in the performance of their duties of office.

Unanimous voice vote approval

Motion Jack Donaldson; support Phillip Mekas to approve the first reading of Section 2.05 – Prohibitions which reads as follows:

(a) Holding Other Office. Except where authorized by law, no council member shall hold any other elected public office during the term for which the member was elected to the council. No council member shall hold any other city office of employment during the term for which the member was elected to the council. No former council member shall hold any compensated appointive office or employment with the city until one year after the expiration of the term for which the member was elected to council, unless granted a waiver by the city council.

(b) Appointments and Removals. Neither the city council nor any of its members shall in any manner control or demand the appointment or removal of any city administrative officer or employee whom the city manager or any subordinate of the city manager is empowered to appoint, but the council may express its views and fully and freely discuss with the city manager anything pertaining to appointment and removal of such officers and employees.

(c) Interference with Administration. Except for the purpose of inquires, and investigations under Section 2.09, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.

Unanimous voice vote approval.

Motion James Smith; support Phillip Mekas to approve the first reading of Section 2.06, Vacancies; Forfeiture or Office; Filling of Vacancies, parts a and b which reads as follows:

(a) Vacancies. The office of a mayor, council member or any other elected official shall become vacant upon the member's death, resignation, or removal from office or forfeiture of office in any manner authorized by law.

(b) Forfeiture of Office. A mayor, council member or any other elected official shall forfeit that office if that mayor, council member or other elected official:

- (1) Fails to meet the residency requirements,*
- (2) Violates any express prohibition of this charter,*
- (3) Is convicted of a crime involving moral turpitude, or*
- (4) Fails to attend three consecutive regular meetings of the council without being excused by the council.*

Unanimous voice vote approval.

Motion Phil Arbour; support Phillip Mekas to have Commissioner James Smith prepare a draft of 2.06 c – Filling of Vacancies.

Unanimous voice vote approval.

Motion Phil Arbour; support James Smith to approve the first reading of Section 2.07 – Judge of Qualifications which reads as follows:

The city council shall be the judge of the election and qualifications of its members, and of the grounds for forfeiture of their office. In order to exercise these powers, the council shall have power to subpoena witnesses, administer oaths and require the production of evidence. A member charged with conduct constituting grounds for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspaper of general circulation in the city and by other public media at least one week in advance of the hearing.

Unanimous voice vote approval.

Motion James Smith; support Jack Donaldson to approve the first reading of Section 2.08 – City Clerk which reads as follows:

The city manager shall appoint with advice and consent, an officer of the city who shall have the title of city clerk. The city clerk shall give notice of council meetings to its members and the public, keep the journal of its proceedings and perform such other duties as are assigned by this charter or by the city manager or by state law.

Unanimous voice vote approval.

Motion James Smith; support Jack Donaldson to approve the first reading of Section 2.09 – Investigations which reads as follows:

The city council may make investigations into the affairs of the city and the conduct of any city department, office, or agency.

Unanimous voice vote approval.

Motion Jack Donaldson; support Phillip Mekas to approve the first reading of Section 2.10 – Independent Audit which reads as follows:

The city council shall provide for an independent annual audit of all city accounts and may provide for more frequent audits as it deems necessary. Such audits shall be carried out in accordance with Section ().

Unanimous voice vote approval.

Motion James Smith; support Phil Arbour to approve the first reading of Section 2.11 – Procedure, parts a, b and c which reads as follows:

(a) Meetings. The council shall meet twice a month at such times and places as the council may prescribe by rule. Special meetings may be held on the call of the mayor or of three or more members. Except as allowed by state law, all meetings shall be public in accordance with the open meetings act.

(b) Rules and Journal. The city council shall determine its own rules and order of business and shall provide for keeping a journal of its proceedings. This journal shall be a public record.

(c) Voting. Voting except on procedural motions shall be by roll call and the ayes and nays shall be recorded in the journal. Four members of the council shall constitute a quorum, but a smaller number may adjourn from time to time. No action of the council, except as otherwise provided in the preceding sentence and in Section 2.06(c), shall be valid or binding unless adopted by the affirmative vote of four or more members of the council.

Unanimous voice vote approval.

I. OTHER ITEMS AS REQUESTED BY COMMISSIONERS

1. Consideration of: Draft Budget
No action at this time

J. AGENDA PREPARATION FOR THE NEXT MEETING

1. Move forward with Section 2.12
2. Consideration of: Draft Budget

K. NON-ARRANGED PARTICIPATION

None

L. ADJOURNMENT

Motion James Smith; support Phillip Mekas to adjourn at 8:33 PM.
Unanimous voice vote approval.

Respectfully submitted,

Carol J. Jones
Clerk, Village of Dexter

Approved for Filing: _____

Charter of Dexter Michigan.

E The following is what I Victor
Michaels want in a charter to vote for a city.
Please forward to others. THANK YOU

PREAMBLE

We, the people of the Dexter Michigan, grateful to Almighty God for the blessings of freedom, and earnestly desiring to secure these blessings undiminished to ourselves and our posterity, do ordain and establish this Charter

Charter of Dexter Michigan Article I DECLARATION OF RIGHTS

Document	Type	Description
Article I § 1	Section	Political power.
Article I § 2	Section	Equal protection; discrimination.
Article I § 3	Section	Assembly, b, instruction, petition.
Article I § 4	Section	Freedom of worship and religious belief; appropriations.
Article I § 5	Section	Freedom of speech and of press.
Article I § 6	Section	Bearing of arms.
Article I § 7	Section	Military power subordinate to civil power.
Article I § 8	Section	Quartering of soldiers.
Article I § 9	Section	Slavery and involuntary servitude.
Article I § 10	Section	Attainder; ex post facto laws; impairment of contracts.
Article I § 11	Section	Searches and seizures.
Article I § 12	Section	Habeas corpus.
Article I § 13	Section	Conduct of suits in person or by counsel.
Article I § 14	Section	Jury trials.
Article I § 15	Section	Double jeopardy; bailable offenses; commencement of trial if bail denied; bail hearing; effective date.
Article I § 16	Section	Bail; fines; punishments; detention of witnesses.
Article I § 17	Section	Self-incrimination; due process of law; fair treatment at investigations.
Article I § 18	Section	Witnesses; competency, religious beliefs.
Article I § 19	Section	Libels, truth as defense.
Article I § 20	Section	Rights of accused in criminal prosecutions.
Article I § 21	Section	Imprisonment for debt.
Article I § 22	Section	Treason; definition, evidence.
Article I § 23	Section	Enumeration of rights not to deny others.
Article I § 24	Section	Rights of crime victims; enforcement; assessment against convicted defendants.
Article I § 25	Section	Marriage.
Article I § 26	Section	Affirmative action programs.
Article I § 27	Section	Human embryo and embryonic stem cell research.

NOTE:

The Preamble and Bill of Rights was adapted from the Michigan Constitution

FINANCIAL

This charter puts a limitation on taxes, a balanced budget required, no unfunded liability, no action allowed by the city that puts a lien on citizens property income or other assets. All increases in taxes need to be voted for by 51% of all registered to vote. A vote for annexation of properties require 51% of the number of people eligible to be registered to vote for approval .

TAX SALES

When a home is sold for back taxes the new deed will state that the house has to be owner occupied for forty years. No sales of or auctioning off of more than one home at a time. No block sales of homes.

ELECTED OFFICIALS.

To be an elected official you must be a registered voter in the city of Dexter for the last two years. All elected officials will take an oath to support the charter, The Michigan Constitution, and to attempt to follow the 10 Commandments. They will pledge on there sacred honor to uphold the Declaration of Independence, the Bill of Rights, and the "Laws of Nature and Natures God". "We hold these truths to be self evident that all men are created equal, that they are endowed by their Creator with certain unalienable rights, among these are life, liberty and the pursuit of happiness".

ENVIRONMENT.

This charter will encourage city fathers to protect the land from deterioration, and the purity and safety of the water and keeping the air clean. It will prevent future elected officials from passing any ordinance that deteriorates our land, or the safety and purity of our water and air. It will encourage them to promote Parks and the growing of flowers ,and community and individual gardens. It promotes the continuation of the farmers market.

DEXTER LIBRARY.

This charter recognizes and appreciate the Dexter library as a valuable part of our culture. This charter encourages the future city elected officials to support and encourage the Dexter library as a valuable part of our culture that needs to be preserved in the future.

SERVICE GROUPS.

This charter recognizes and appreciates voluntary service groups as being A valuable part of our culture that needs to be preserved in the future. This charter encourages the future city elected officials to support and encourage them, Groups like the Rotary, Chamber of Commerce,Lions ,Knights of Columbus ,the American Legion, Historical Society,Gordon Hall and many church groups that put on garage sales and dinners and other events that are part of our village culture. This charter encourages elected official to support the giving and growing of food by individuals for groups like,Faith In Action.

VETERANS,

We the people of Dexter in this charter recognize and appreciate our veterans and their families who sacrificed to protect our union our republic and our sovereign state of Michigan and the freedoms that they have fought for and some shed their blood for. This charter calls for future elected officials to acknowledge them and their families sacrifices for our freedoms our union,our republic, and the sovereign state of Michigan. This charter calls on elected officials to support those freedoms, our union, our republic and the sovereign state of Michigan. The Fourth of July parade and Memorial and Veterans Day events.

HOLIDAYS

This charter supports and directs future elected officials to continue their support of traditional holidays and decorations for events like Independence Day, Memorial Day,Veterans Day, Christmas,and Mother and Father's Day.

WISDOM

This charter calls upon elected officials to acknowledge,that this charter is like a contract, a sacred covenant and the Constitution. It calls upon them to acknowledge and consider the following wisdom of our first two presidents.

"Our Constitution was made only for a moral and religious people. It is wholly inadequate to the government of any other."

John Adams ,second president

"All The perplexity's, confusion and distress in America arises, not from defects in the Constitution, not from want of honor or virtues, so much as from the downright ignorance of the nature of coin, credit and circulation."

John Adams,

"Let us with caution indulge the supposition that morality can be maintained without religion. Reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principle."

George Washington

"It is impossible to rightly govern a nation without God and the Bible."

George Washington

Note :

Be at Liberty to copy and forward to others for consideration. The question for us is what kind of people are we and what kind do we want to be ?

Thank you

Victor Michaels

Article 1

POWERS OF THE CITY

Article I – Name, Boundaries and Power of the City

Section 1.01 Name

The Municipal Corporation now existing and known as the Village of Dexter shall continue as a body corporate and shall henceforth be known as and include the territory constituting the City of Dexter, Washtenaw County, State of Michigan, on the effective date of this charter.

Section 1.02 Boundaries

The City shall embrace the territory comprising the existing Village of Dexter on the effective date of this charter and additional tracts of land situated in the Townships of Scio and Webster in the county of Washtenaw as described in a certified copy of the FINAL ORDER OF THE STATE BOUNDARY COMMISSION approving the incorporation of the territory described therein on May 24, 2013, together with such annexations and less such detachments as may be made thereafter. Upon annexation or detachment of territory, the boundaries shall be deemed changed without amendment to this section. The clerk shall maintain and keep available in the clerk's office for public inspection the legal description and map of the current boundaries of the City.

Section 1.03 General Powers

The City of Dexter and its officers shall be vested with any and all powers and immunities expressed and implied, which cities are or hereafter may be permitted to exercise or provide for in their charters under the Constitution and statutes mandated by the State of Michigan. It shall include all the powers of cities as fully and completely as though those powers and immunities were specifically enumerated in and provided for in this charter. In no case shall any enumeration of particular powers or immunities in this charter be held to be exclusive.

Section 1.04 Additional Powers of the City

The city and its officers shall have power to exercise all municipal powers in managing and controlling municipal property and in administering the municipal government, whether such powers are expressly enumerated or not; to do any act to advance the interests of the city, the good government, and prosperity of the municipality and its residents, and through its regularly constituted authority, to pass and enforce all laws relating to its municipal concerns subject to the constitution and laws of the State of Michigan and the provisions of this charter.

Section 1.05 Interpretation of General Powers

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 section.

Section 1.06 Intergovernmental Relations

The city may join with any municipal corporation or with any other unit or agency of government, whether local, state or federal, or with any number of combination thereof, by contract or otherwise, as may be permitted by law, in ownership, operation, or performance, jointly or by one or more on behalf of all, of any property, facility or service which each would have the power to own, operate or perform separately.

(c) Voting. Voting, except on procedural motions, shall be by roll call and the ayes and nays shall be recorded in the journal. _____ members of the council shall constitute a quorum, but a smaller number may adjourn from time to time and may compel the attendance of absent members in the manner and subject to the penalties prescribed by the rules of the council. No action of the council, except as otherwise provided in the preceding sentence and in § 2.06(c), shall be valid or binding unless adopted by the affirmative vote of _____ or more members of the council.

Commentary.

This section sets forth what are, for the most part, standardized and well accepted procedural rules to govern the official action of the council. The frequency of meetings can, of course, be suited to the needs of the particular city. The section contains the important, standard protection that meetings must be public and that a journal of proceedings be kept as a public record. Most states have open meeting laws which specify the circumstances when closed or executive sessions may be held; such meetings are sometimes necessary for effective council functioning. This charter and state law contain ample safeguards to assure open meetings. All council actions require majority vote, except actions to adjourn, to compel attendance of members in the absence of a quorum, and to appoint additional members if the membership falls below a majority of the total authorized membership as provided in § 2.06(c).



Section 2.12. Action Requiring an Ordinance.

In addition to other acts required by law or by specific provision of this charter to be done by ordinance, those acts of the city council shall be by ordinance which:

- (1) Adopt or amend an administrative code or establish, alter, or abolish any city department, office, or agency;
- (2) Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed;
- (3) Levy taxes;
- (4) Grant, renew, or extend a franchise;
- (5) Regulate the rate charged for its services by a public utility;
- (6) Authorize the borrowing of money;
- (7) Convey or lease or authorize the conveyance or lease of any lands of the city;
- (8) Regulate land use and development;
- (9) Amend or repeal any ordinance previously adopted; or
- (10) Adopt, with or without amendment, ordinances proposed under the initiative power.

Acts other than those referred to in the preceding sentence may be done either by ordinance or by resolution.

Commentary.

This section assures that the enumerated types of council action be taken only after compliance with all the procedural safeguards required for passage of an ordinance by the succeeding sections.

Other subjects requiring an ordinance are not mentioned here because the requirement is specifically stated elsewhere in the charter. These include adoption of codes of technical regulations (§ 2.15), appropriation and revenue ordinances (§ 5.06), supplemental and emergency appropriations and reduction of appropriations (§ 5.07), and creation of a charter commission or proposal of charter amendments (§ 8.01).

Council may act via ordinance or resolution on matters other than those enumerated in this section or as required by law or by specific provision in the charter to be by ordinance. This does not preclude motions relating to matters of council procedure, which may involve even less formality than resolutions.

Section 2.13. Ordinances in General.

(a) Form. Every proposed ordinance shall be introduced in writing and in the form required for final adoption. No ordinance shall contain more than one subject, which shall be clearly expressed in its title. The enacting clause shall be "The city of _____ hereby ordains . . ." Any ordinance which repeals or amends an existing ordinance or part of the city code shall set out in full the ordinance, sections or subsections to be repealed or amended, and shall indicate matters to be omitted by enclosing it in brackets or by strikeout type and shall indicate new matters by underscoring or by italics.

(b) Procedure. Any member at any regular or special meeting of the council may introduce an ordinance. Upon introduction of any ordinance, the city clerk shall distribute a copy to each council member and to the city manager, shall file a reasonable number of copies in the office of the city clerk and such other public places as the council may designate, and shall publish the ordinance together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least seven days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time; all persons interested shall have an opportunity to be heard. After the hearing, the council may adopt the ordinance with or without amendment or reject it, but if it is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedures herein before required in the case of a newly introduced ordinance. As soon as practicable after adoption, the clerk shall have the ordinance and a notice of its adoption published and available at a reasonable price.

(c) Effective Date. Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of 30 days after adoption or at any later date specified therein.

(d) "Publish" Defined. As used in this section, the term "publish" means to print in the contemporary means of information sharing, which includes but is not limited to, one or more newspapers of general circulation in the city, and, if available, in a web site: (1) the ordinance or a brief summary thereof, and (2) the places where copies of it have been filed and the times when they are available for public inspection and purchase at a reasonable price.

Commentary.

This section dispenses with the unnecessary and cumbersome requirements of a full reading of all ordinances and publication of their full text both before and after adoption. Distribution of a copy to each council member obviates the need for a full reading. Permitting the printing of a brief summary, together with notice of the times and places where copies are available for public inspection, simplifies publication. Further simplification occurs in §§ 2.14 and 2.15, which contain special provisions for expeditious handling of emergency ordinances and for adoption by reference of standard codes of technical regulations.

The section retains the basic safeguards of a public hearing following notice by publication, and a second publication with notice of adoption. It does not go so far as charters that dispense with publication or that permit adoption at the same meeting at which a non-emergency ordinance is introduced. It retains protective features deemed necessary for full and careful consideration. Section 2.14 provides sufficient leeway for emergency situations.

Section 2.14. Emergency Ordinances.

To meet a public emergency affecting life, health, property or the public peace, the city council may adopt one or more emergency ordinances, but such ordinances may not levy taxes, grant, renew or extend a franchise, regulate the rate charged by any public utility for its services or authorize the borrowing of money except as provided in § 5.07(b). An emergency ordinance shall be introduced in the form and manner prescribed for ordinances generally, except that it shall be plainly designated as an emergency ordinance and shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms. An emergency ordinance may be adopted with or without amendment or rejected at the meeting at which it is introduced, but the affirmative vote of at least _____ members shall be required for adoption. After its adoption, the ordinance shall be published and printed as prescribed for other adopted ordinances. It shall become effective upon adoption or at such later time as it may specify. Every emergency ordinance except one made pursuant to § 5.07(b) shall automatically stand repealed as of the sixty-first day following the date on which it was adopted, but this shall not prevent re-enactment of the ordinance in the manner specified in this section if the emergency still exists. An emergency ordinance may also be repealed by adoption of a repealing ordinance in the same manner specified in this section for adoption of emergency ordinances.

Commentary.

To facilitate timely action, the charter permits an extraordinary majority to introduce and adopt such ordinances at the same meeting. Ordinances passed pursuant to this section may also have an immediate effective date.

Section 2.15. Codes of Technical Regulations.

The city council may adopt any standard code of technical regulations by reference thereto in an adopting ordinance. The procedure and requirements governing such an adopting ordinance shall be as prescribed for ordinances generally except that:

- (1) The requirements of § 2.13 for distribution and filing of copies of the ordinance shall be construed to include copies of the code of technical

- regulations as well as of the adopting ordinance, and
- (2) A copy of each adopted code of technical regulations as well as of the adopting ordinance shall be authenticated and recorded by the city clerk pursuant to § 2.16(a).

Copies of any adopted code of technical regulations shall be made available by the city clerk for distribution or for purchase at a reasonable price.

Commentary.

This provision permits adoption of standard and often lengthy, detailed, and technical regulations, such as building and sanitary codes, by an ordinance which simply incorporates and adopts the code by reference. Publication of the adopting ordinance satisfies publication requirements. The adopting ordinance should indicate the nature of the code. The council is not required to include all such technical codes in the general city code pursuant to § 2.15. This approach minimizes burden and expense while at the same time preserving the essential safeguards of the general ordinance procedure of § 2.12.

Section 2.16. Authentication and Recording; Codification; Printing of Ordinances and Resolutions.

(a) Authentication and Recording. The city clerk shall authenticate by signing and shall record in full in a properly indexed book kept for the purpose all ordinances and resolutions adopted by the city council.

(b) Codification. Within three years after adoption of this charter and at least every ten years thereafter, the city council shall provide for the preparation of a general codification of all city ordinances and resolutions having the force and effect of law. The general codification shall be adopted by the council by ordinance and shall be published, together with this charter and any amendments thereto, pertinent provisions of the constitution and other laws of the state of _____, and such codes of technical regulations and other rules and regulations as the council may specify. This compilation shall be known and cited officially as the _____ city code. Copies of the code shall be furnished to city officers, placed in libraries, public offices, and, if available, in a web site for free public reference and made available for purchase by the public at a reasonable price fixed by the council.

(c) Printing of Ordinances and Resolutions. The city council shall cause each ordinance and resolution having the force and effect of law and each amendment to this charter to be printed promptly following its adoption, and the printed ordinances, resolutions and charter amendments shall be distributed or sold to the public at reasonable prices as fixed by the council. Following publication of the first _____ city code and at all times thereafter, the ordinances, resolutions and charter amendments shall be printed in substantially the same style as the code currently in effect and shall be suitable in form for integration therein. The council shall make such further arrangements as it deems desirable with respect to reproduction and distribution of any current changes in or additions to the provisions of the constitution and other laws of the state of _____, or the codes of technical regulations and other rules and regulations included in the code.

Commentary.

Subsections (a) and (c) of this section state essential procedures for maintaining legally

authenticated records of all ordinances and resolutions and for making them available to the public.

The merits of the general codification provided for in subsection (b) speak for themselves. The *Model* provides for inclusion of pertinent parts of the constitution and state statutes, thus envisioning a city code to which people may turn for all state and local legislation governing the city. This contrasts to the situation still existing in many cities where much of this legislation, particularly state laws of limited application, are nowhere collected and are often out of print, unavailable, or difficult to find.

Article III CITY MANAGER

Introduction.

In the council-manager plan, the city manager is continuously responsible to the city council, the elected representatives of the people.

Section 3.01. Appointment; Qualifications; Compensation.

The city council by a majority vote of its total membership shall appoint a city manager for an indefinite term and fix the manager's compensation. The city manager shall be appointed solely on the basis of education and experience in the accepted competencies and practices of local government management. The manager need not be a resident of the city or state at the time of appointment, but may reside outside the city while in office only with the approval of the council.

Commentary.

Six of the twelve items in the Code of Ethics established by the International City/County Management Association (ICMA) for members of the city management profession refer to the manager's relationships to the popularly elected officials:

Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.

Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement municipal policies adopted by elected officials.

Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with members [of ICMA, i.e., city managers]. Refrain from all political activities, which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body [including the mayor].

Keep the community informed on local government affairs; encourage communication between citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

(The ICMA Code of Ethics can be found online at www.icma.org. The other items in the code refer to the manager's personal and professional beliefs and conduct.)

As a professional administrator, the manager must be trained and experienced in the effective management of public service delivery. The manager must use this expertise to efficiently and effectively execute the policies adopted by the elected city council. Furthermore, the manager's breadth of knowledge and experience in the increasingly complex areas of local government operations obligates him or her to assist the elected council in the policy-making process. The policy role of managers has been central to the definition of the manager's position from the beginning and continues to be readily acknowledged.

Appointment of the manager by majority vote of the entire membership of the council, not simply a majority of a quorum, assures undisputed support for the appointee. Appointment "for an indefinite term" discourages contracting for a specified term or an arrangement that reduces the discretion of the council to remove a manager.

The requirement that the manager be "appointed solely on the basis of education and experience in the accepted competencies and practices of local public management" was added to the Eighth Edition to stress the basic principle of the council-manager form that the manager is a qualified professional executive. The precise level of education and experience required for the manager will vary from one municipality to the other depending on such factors as size of population and finances.

A useful guideline for the minimum qualifications for a city manager would be:

A master's degree with a concentration in public administration, public affairs or public policy and two years' experience in an appointed managerial or administrative position in a local government or a bachelor's degree and 5 years of such experience (for more information see ICMA's voluntary credentialing program at www.icma.org).

While it is preferable for a manager to live in the community during employment, the Model does not require it. This flexible approach allows communities to attract and retain the most qualified individuals and accommodates the problem of housing availability and cost. It also enables two or more communities to employ a single manager.

Increasingly, appointment of the manager involves an employment agreement between the municipality and the manager. These agreements can cover all aspects of the manager's job, including salary, other forms of compensation, duties, performance standards, evaluation, and severance procedures. Employment agreements provide mutual protection for the manager and the local government. However, they are not tenure agreements and do not impede the council's power to remove the manager. A model employment agreement can be found at http://icma.org/documents/icma_model_employee_agreement.doc.

Section 3.02. Removal.

If the city manager declines to resign at the request of the city council, the city council may suspend the manager by a resolution approved by the majority of the total membership of the city council. Such resolution shall set forth the reasons for suspension and proposed removal. A copy of such resolution shall be served immediately upon the city manager. The city manager shall have fifteen days in which to reply thereto in writing, and upon request, shall be afforded a public hearing, which shall occur not earlier than ten days nor later than fifteen days after such hearing is requested. After the public hearing, if one is requested, and after full consideration, the city council by a majority vote of its total membership may adopt a final resolution of removal. The city manager shall continue to receive full salary until the effective date of a final resolution of removal.

Commentary.

This section provides an orderly removal procedure when a manager declines to resign at the request of the council. This section does not protect the city manager's tenure. However, it assures that any unjust charges will come to light and be answered, by providing for presentation to the manager of a statement of reasons for removal in the preliminary resolution and the opportunity for the manager to be heard if he or she so requests. As an additional protection, this section requires a vote of a majority of all the members to pass a removal resolution, thereby preventing a minority from acting as the majority in a quorum.

The council may delay the effective date of the final removal resolution in order to provide for termination pay. When an employment agreement exists between the city and the city manager, termination pay should be covered in that agreement.

Section 3.03. Acting City Manager.

By letter filed with the city clerk, the city manager shall designate a city officer or employee to exercise the powers and perform the duties of city manager during the manager's temporary absence or disability; the city council may revoke such designation at any time and appoint another officer of the city to serve until the city manager returns.

Commentary.

To remove doubt as to the identity of the acting city manager, the manager must designate a city officer or employee to serve as acting city manager during the temporary absence or disability of the manager. The council is free, of course, to replace the acting city manager if it is dissatisfied with performance. The acting city manager is not entitled to the protection of the removal procedure afforded the manager by § 3.02.

Section 3.04. Powers and Duties of the City Manager.

The city manager shall be the chief executive officer of the city, responsible to the council for the management of all city affairs placed in the manager's charge by or under this charter. The city manager shall:

- (1) Appoint and suspend or remove all city employees and appointive administrative officers provided for by or under this charter, except as otherwise provided by law, this charter or personnel rules adopted pursuant

- to this charter. The city manager may authorize any administrative officer subject to the manager's direction and supervision to exercise these powers with respect to subordinates in that officer's department, office or agency;
- (2) Direct and supervise the administration of all departments, offices and agencies of the city, except as otherwise provided by this charter or by law;
 - (3) Attend all city council meetings. The city manager shall have the right to take part in discussion but shall not vote;
 - (4) See that all laws, provisions of this charter and acts of the city council, subject to enforcement by the city manager or by officers subject to the manager's direction and supervision, are faithfully executed;
 - (5) Prepare and submit the annual budget and capital program to the city council, and implement the final budget approved by council to achieve the goals of the city;
 - (6) Submit to the city council and make available to the public a complete report on the finances and administrative activities of the city as of the end of each fiscal year;
 - (7) Make such other reports as the city council may require concerning operations;
 - (8) Keep the city council fully advised as to the financial condition and future needs of the city;
 - (9) Make recommendations to the city council concerning the affairs of the city and facilitate the work of the city council in developing policy;
 - (10) Provide staff support services for the mayor and council members;
 - (11) Assist the council to develop long term goals for the city and strategies to implement these goals;
 - (12) Encourage and provide staff support for regional and intergovernmental cooperation;
 - (13) Promote partnerships among council, staff, and citizens in developing public policy and building a sense of community; and
 - (14) Perform such other duties as are specified in this charter or may be required by the city council.

Commentary.

Although this section equips the manager with the necessary legal authority to discharge administrative responsibilities, the manager's authority may be limited in some states by provisions of state constitutions or laws. The listing of the manager's powers and duties assumes that the manager will not only perform managerial duties in the city's operations but will also have a significant role in the development of policy. There are important policy implications in the manager's duties to prepare and submit the budget; to report on the city's finances, administrative activities, departmental operations and future needs; and to make recommendations on city affairs. The duty to provide staff support for the mayor and council members includes providing information on policy issues before the council.

The expanded duties listed in items 9, 11, and 13 of the eighth edition reflect the complex responsibilities assigned to managers to make the processes of governance work in the community. Constructive interactions among the local government, businesses, non-profits, faith-based and special interest organizations and neighborhood groups define a successful community. In a similar manner, the responsibilities anticipated in item 12 charge the manager with placing each community in the context of its region and promoting both community and regional interests.

VILLAGE OF DEXTER

8140 Main Street Dexter, MI 48130-1092

cnicholls@dextermi.gov

Phone (734)426-8303 ext 17 Fax (734)426-5614

MEMO

To: Charter Commission
From: Courtney Nicholls, Assistant Village Manager
Date: January 3, 2014
Re: Commission Budget

President Keough, Chairman Hansen and staff are recommending the following procedure for Commission expenditures:

Expenditures related to the Charter Commission will be covered within the Village budget. Due to the expected value of the Commission's expenditures, the expenses can be approved by the Village Manager/Assistant Village Manager. Unless the expenditure is more than an incidental expense, no further action from Village Council will be necessary. Council will be kept apprised of the Commission's expenditures via the Charter Commission update that the Assistant Village Manager gives at each Council meeting.

If an opportunity for training arises there is \$500 budgeted in the Clerk's Department that can be used for this purpose. All expenditures must receive prior approval from the Charter Commission.

If a Charter Commissioner has an expenditure that they would like to request it will be placed on the agenda under Item I. Other Items As Requested by Commissioners.