

**THE VILLAGE OF DEXTER
CITY CHARTER COMMISSION
MINUTES OF THE WEDNESDAY, FEBRUARY 19, 2014 MEETING**

A. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30PM 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, Phil Mekas, Thom Phillips, and Michael Raatz. Excused absences Mary-Ellen Miller and James Smith.

Also present: Courtney Nicholls, Assistant Village Manager; Carol Jones, Village Clerk; Tom Ryan, City Charter Commission Attorney; [Shawn Keough, Village President](#); Scott Morrison and Marilyn Raatz.

C. APPROVAL OF THE AGENDA

Motion Jack Donaldson; support Phil Arbour to approve the agenda as presented. Unanimous voice vote approval with Miller and Smith absent.

D. APPROVAL OF THE MINUTES

1. Regular Meeting – February 12, 2014

Motion Phil Arbour; support Michael Raatz to approve the minutes with the following correction:

Page 2, the motion to approve the first reading of Section 1, add James Smith as the support for the motion.

Unanimous voice vote approval with Miller and Smith absent.

E. PREARRANGED PARTICIPATION

None

F. PUBLIC HEARINGS

None

G. CHARTER CONSTRUCTION – SECOND READINGS

None

H. CHARTER CONSTRUCTION – FIRST READING

1. Discussion of: Elections (continued from 2/12/14)

Motion Michael Raatz; support Phil Arbour to approve the first reading of Section 18 – Recount.

A recount of the votes cast at any city election of any office or upon any proposition may be had in accordance with the state statute.

Unanimous voice vote approval with Miller and Smith absent.

Motion Jack Donaldson; support Thom Phillips to approve the first reading of Section 19 – Interim Election Cycle.

Subject to Sections ?? (under Transitions) of this charter, the City Council and Mayor shall be elected. The Mayor shall be elected for a term ending at the first regularly scheduled or special meeting of the council following the date of the city election in 2014. Three (3) city council persons shall be elected for terms ending at the first regularly scheduled or special meeting of the council following the date of the city election in 2014 and three (3) city council persons shall be elected for terms ending at the first regularly scheduled or special meeting of the council following the date of the city election in 2016. At each subsequent election, the Mayor and council persons shall be elected subject to Section 2.?? (under City Council).

Unanimous voice vote approval with Miller and Smith absent.

Motion Phil Arbour; support Matt Kowalski to approve the first reading of Section 20 – Purity of Election; State Lawful and Unlawful Acts.

Voice vote in favor of the motion – one; voice vote to not approve – six; motion fails.

Motion Jack Donaldson; support Michael Raatz to approve the first reading of Section 21 – Recall.

Motion Phil Arbour; support Jack Donaldson to amend this section and use the language provided by Jack Donaldson.

Unanimous voice vote approval with Miller and Smith absent.

Any elected official may be recalled from office by the electors of the City in the manner provided by statute. The temporary vacancy of the recalled official(s) shall be filled in accordance with Section 2.06 (c)(2) and shall be effective until a successor shall be elected under the provision of this Charter.

Unanimous voice vote approval as amended with Miller and Smith absent.

Motion Jack Donaldson; support Matt Kowalski to revise the language in Section 10 – Nominations – Approval of Petitions.

Previously approved language:

The City Clerk shall accept only nomination petitions which conform with the forms provided and maintained by the City Clerk, in accordance with the state deadline before the election and which, considered together, contain the required number of valid signatures of a minimum of 15 and maximum of 25 registered electors for candidates having those qualifications required for the respective elective city offices by this charter. Petitions shall be accepted only when accompanied by an Affidavit of Identity as required by Michigan Election Laws as amended. The City Clerk shall within two (2) business days examine the petitions and investigate the validity and genuineness of signatures submitted and, after the last day specified for receiving and filing nominating petitions, shall certify to the Election Commission the name and post office address of each candidate whose petitions meet the requirements set forth in the election act. The City Clerk shall immediately notify the candidates in writing of the City Clerk's determination. Objections to the City Clerk's determination shall be filed by sworn complaint with the County Clerk or as otherwise provided by state law.

Modified language:

The City Clerk shall accept only nomination petitions which conform to the forms provided and maintained by the City Clerk. The nominating petitions shall be submitted in accordance with the state deadline for filing petitions. The petition(s) shall contain a minimum of 15 and a maximum of 25 registered electors for a candidate having the qualification required for the respective elective city office by this charter. Petitions shall be accepted only when accompanied by an Affidavit of Identity as required by Michigan Election Laws as amended. The City Clerk shall within two (2) business days examine the petitions and investigate the validity and genuineness of signatures submitted and, after the last day specified for receiving and filing nominating petitions, shall certify to the Election Commission the name and post office address of each candidate whose petitions meet the requirements set forth in the election act. The City Clerk shall immediately notify the candidates in writing of the City Clerk's determination. Objections to the City Clerk's determination shall be filed by sworn complaint with the County Clerk or as otherwise provided by state law.

Unanimous voice vote approval as amended with Miller and Smith absent.

Motion Phil Arbour; support Matt Kowalski to approve the first reading of Section 22 - Notice of Election, Acceptance of Office.

Motion Phil Arbour; support Michael Raatz to use Mr. Smith's revised wording of this section.

Unanimous voice vote approval with Miller and Smith absent.

Notice of the election as Mayor or member of City Council shall be given by the City Clerk within five (5) days after the certification of the election by the Board of Canvassers. If within twenty (20) days from the date of notice, such elected official

shall not take, subscribe and file with the City Clerk their oath of office, such neglect shall be deemed a refusal to serve and the elected office shall thereupon be deemed vacant.

Unanimous voice vote approval as amended with Miller and Smith absent.

Motion Phil Arbour; support Jack Donaldson to open discussion on mayoral candidate withdrawing or not withdrawing from city council to run for that office. Discussion followed.

Motion Phil Arbour; support Jack Donaldson to table this item and discussed at a future meeting.

Unanimous voice vote approval with Miller and Smith absent.

Motion Phil Arbour; support Thom Phillips to approve the first reading of Section 23 – Initiative and Referendum Petitions – Generally. (Caro - Section 8.11)

Any ordinance may be initiated by petition, or a referendum on an enacted ordinance may be made by petition as hereinafter provided.

Unanimous voice vote approval with Miller and Smith absent.

Motion Michael Raatz; support Jack Donaldson to refer Section 24 – Petitions for Initiatives and Referendums (Caro - Section 8.12) to Ms. Nicholls to put into proper format.

(a) An initiative or referendum petition shall be signed by not less than ten percent (10%) of the registered electors of the city, as of the date of the last regular city election, and all signatures on said petitions shall be obtained within forty-five (45) days before the date of filing the petition with the City Clerk.

(b) Any such petition shall be addressed to the Council and may be the aggregate of two (2) or more petition papers identical as to contents and simultaneously filed by one (1) person.

(c) An initiative petition shall set forth in full the ordinance it proposes to initiate, and no petition shall propose to initiate more than one ordinance.

(d) A referendum petition shall identify the ordinance or part thereof it proposes to have repealed.

(e) Each signer of a petition shall be a registered elector of the city and shall sign his or her name thereon and after his or her name, the date and his or her place of residence by street and number, or by other customary designation.

(f) To each petition paper there shall be attached a sworn affidavit by the circulator thereof, stating the number of signers thereof, and that each signature thereon is the genuine signature of the person whose name it purports to be, and that it was made in the presence of the affiant.

(g) Such petitions shall be filed with the clerk who shall, within fifteen (15) days, verify the signatures thereon.

(h) If the petition does not contain a sufficient number of signatures of registered electors of the city, the City Clerk shall notify forthwith the person filing such petition and fifteen (15) days from such notification shall be allowed for the filing of supplemental petition papers.

(i) When a petition with sufficient signatures is filed within the time allowed by this section, the City Clerk shall present the petition to the Council at its next regular meeting.

Unanimous voice vote approval with Miller and Smith absent.

Motion Phil Arbour; support Jack Donaldson to approve the first reading of Section 25 – Petitions – Council Procedures, Submission to Electors (Caro – Section 8.13).

Upon receiving an initiative or referendum petition from the City Clerk the council shall, within thirty (30) days, unless otherwise provided by law, either,

- (a) Adopt the ordinance as submitted by initiative petition;
- (b) Repeal the ordinance, or part thereof, referred to by a referendum petition; or
- (c) Determine to submit the proposal provided for in the petition to the electors.
- (d) Should the council decide to submit the proposal to the electors, it shall be submitted at the next election held in the city for any other purpose, or, at the discretion of the council, at a special election called for that specific purpose.
- (e) In the case of an initiative petition, if no election is to be held in the city for any other purpose within one hundred and fifty (150) days from the time the petition is presented to the council and the council does not adopt the ordinance, then the council shall call for a special election within ninety (90) days or as soon thereafter as an election may be permitted by law, from such time for the submission of the initiative petition.
- (f) The result shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by law.

Unanimous voice vote approval with Miller and Smith absent.

Motion Matt Kowalski; support Thom Phillips to approve the first reading of Section 256 – General Provisions; Suspension. (Caro – Section 8.14)

- (a) The presentation to the council by the City Clerk of a valid referendum petition shall automatically suspend the operation of the ordinance in question pending repeal by the council or final determination by the electors.
- (b) An ordinance adopted by the electorate through initiative proceedings may not be amended or repealed for a period of one (1) year after the date of the election at which it was adopted, and an ordinance repealed by the electorate may not be reenacted for a period of one (1) year after the dated of the election at which it was repealed.
- (c) If two (2) or more ordinances adopted at the same election shall have conflicting provisions, the provision in the ordinance receiving the highest number of affirmative votes shall govern.

Unanimous voice vote approval with Miller and Smith absent.

2. Discussion of: Taxation

Motion Michael Raatz; support Phil Mekas to approve the first reading of Section 1 – Power to Tax.

In order to carry out the purposes, powers, and duties of the city government, established by this charter, and subject to state law where applicable, the city may assess, levy, and collect ad valorem taxes, rents, tolls, and excise taxes.
Unanimous voice vote approval with Miller and Smith absent.

Motion Jack Donaldson; support Phil Mekas to table Section 2 – Subject of Taxation until the February 26 meeting.
Unanimous voice vote approval with Miller and Smith absent.

I. OTHER ITEMS AS REQUESTED BY COMMISSIONERS

Chairman Hansen spoke of an invitation to speak to the Cedar residents on march 13 at 4 PM.

J. AGENDA PREPARATION FOR THE NEXT MEETING

Next meeting:
Second Reading on Elections
Continue work on the Taxation Section

K. NON-ARRANGED PARTICIPATION

None

L. ADJOURNMENT

Motion Phil Arbour; support Matt Kowalski to adjourn at 8:35 PM.
Unanimous voice vote approval with Miller and Smith absent.

Respectfully submitted,

Carol J. Jones
Clerk, Village of Dexter

Approved for Filing: February 26, 2014