

**THE VILLAGE OF DEXTER
CITY CHARTER COMMISSION
MINUTES OF THE WEDNESDAY, MARCH 26, 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: Jack Donaldson, John Hansen, Phil Mekas, Mary-Ellen Miller, Thom Phillips, Michael Raatz, and James Smith. Excused absences Phil Arbour and Matt Kowalski.

Also present: Courtney Nicholls, Assistant Village Manager and Carol Jones, Village Clerk, Tom Ryan, Charter Attorney, and Donna Fisher, Village Trustee.

C. APPROVAL OF THE AGENDA

Motion James Smith; support Phil Mekas to approve the agenda with the addition of the minutes from the Public Hearing of March 22 and comments from Mary-Ellen Miller, James Smith and Jack Donaldson in the Parking Lot section under Charter Construction.

Unanimous voice vote approval with Arbour and Kowalski absent.

D. APPROVAL OF THE MINUTES

1. Regular Meeting – March 19, 2014
2. Public Hearing – March 22, 2014

Motion Jack Donaldson; support Phil Mekas to approve the minutes with the following corrections:

Page 7, Section 3, changed 2014 to 2013 and Section 5 (b) change 2015 to 2017.

Page 10, under Discussion on Commissioner Smith proposal change tow in the wording one tow-year term to two to read one two-year term.

Unanimous voice vote approval with Arbour and Kowalski absent.

E. PREARRANGED PARTICIPATION

Tom Ryan, Attorney for the Charter Process

F. PUBLIC HEARINGS

None

G. CHARTER CONSTRUCTION

Staff Update Memo

1. Items from the March 22, 2019 Public Hearing

No items were brought forward that require changes to the document.

2. Items from the Attorney

Tom Ryan suggested that the Powers of the City section be broken into three articles:

Article 1 - Boundaries and add the following section on Wards...The city shall consist of one single ward.

Article 2 - General Powers

Article 3 – Organization of Government

3. “Parking Lot” items from the Commissioners

a. Commissioner Smith – requiring a Council Member running for Mayor to resign his or her Council seat; nepotism; and State of the City

From the March 19 meeting...motion James Smith; support Jack Donaldson to revise the wording in Section 12.1 under Elections to read as follows:

A current member of City Council is eligible to run for Mayor only if their current term expires during the year a Mayor is to be elected or if they irrevocably resign their Council position at least seven (7) days prior to the deadline for filing nominating petitions for Mayor. Said resignation shall be absolute and in writing, but shall not take effect until the end of the first Council meeting following the election. Following receipt of said resignation, the City Clerk shall plan to show three four-year terms and one two-year term for the City Council on the ballot for the next regular City election. If the election does not fill all the open positions, filling of vacancies shall be done as stated in Section 2.06 (9c).

Motion James Smith; support Jack Donaldson to table the motion.

Unanimous voice vote approval with Arbour absent.

Motion James Smith, support Jack Donaldson on election eligibility as stated above.

Ayes: Smith

Nays: Donaldson, Hansen, Mekas, Miller, Phillips and Raatz

Absent: Arbour and Kowalski

Motion fails 6 to 1

State of the City Message – Motion Phil Mekas; support Jack Donaldson to add the following to the Mayor’s Powers and Duties (page 4 of the draft)...The Mayor shall present an annual State of the City Message at a time of year as determined by City

Council. The Council may direct that the Message be delivered at a public meeting. The Message shall be distributed to residents using the City newsletter.
Unanimous voice vote approval with Arbour and Kowalski absent.

Nepotism – Employment – Motion Phil Mekas; support Jack Donaldson to add the following regarding appointive office or employment of a relative to the Personnel System section under Administrative Services (page 11 of the draft)...Holding of Appointive Office or Employment by Relative of Elective or Administrative Officer – Unless the council shall by a super majority vote record as part of its official proceedings, a determination that the best interests of the city shall be served, family members of any elective or administrative officer are disqualified from holding any appointive office or employment during the term for which said elective or appointive officer was elected or appointed. This section shall in no way disqualify such family members who are bona fide appointive officers or employees of the city at the time of the election or appointment of said official.
Unanimous voice vote approval with Arbour and Kowalski absent.

b. Commissioner Mekas – prohibiting unfunded liabilities

Motion Phil Mekas; support Jack Donaldson to add the following items under Prohibitions page 5 of the draft...The City is prohibited from entering into new obligations on behalf of the City to provide defined benefit plans, pensions, or defined benefit retiree health care plans for the City Council, the Mayor, the City Manager, officers of the city, appointed employees, union employees, or any other persons working and being compensated by the City.
Unanimous voice vote approval with Arbour and Kowalski absent.

Motion Mary-Ellen Miller; support Thom Phillips to add the following in the appropriate area under Administrative Services...The City of Dexter shall offer to its employees a qualified defined contribution plan.
Unanimous voice vote approval with Arbour and Kowalski absent.

c. Commissioner Arbour – ethics

Motion James Smith; support Thom Phillips to deal with ethics in this city of Dexter Charter.
Unanimous voice vote approval with Arbour and Kowalski absent.

Motion Phil Mekas, support James Smith to include an article on Conflict of Interest in the Charter to read as follows...The use of public office for private gain or the appearance of private gain is prohibited. The City Council shall implement this prohibition by ordinance.
Unanimous voice vote approval with Arbour and Kowalski absent.

Motion James Smith; support Jack Donaldson to amend this section to also include the following...This ordinance shall include a statement of purpose and shall provide for reasonable public disclosure of finances by officials with major decision-making authority over monetary expenditures and contractual and regulatory matters and, insofar as permissible under state law, provide for fines and imprisonment for violations.

Unanimous voice vote approval with Arbour and Kowalski absent.

d. Additional Items from Commissioner Smith

Motion James Smith; support Michael Raatz to title Section 2 of the City Council on page for of the draft as Council Composition, eligibility and Terms and Section 3 of the same page as Powers and Duties of the Mayor; Mayor Pro-Tem and Election Eligibility.

Unanimous voice vote approval with Arbour and Kowalski absent.

Motion James Smith; support Thom Phillips to move the Section on Elections (pages 21-26 of the draft) to follow City Council and come before Administrative Services.

Unanimous voice vote approval with Arbour and Kowalski absent.

Motion James Smith; support Phil Mekas to change of the Section on Transition to Transition from Village to City pages (47-50 of the draft).

Unanimous voice vote approval with Arbour and Kowalski absent.

Motion James Smith; support Phil Mekas to propose the addition of language in the article on Transition to clarify the fact that there will be a City Election and a Village Election conducted at the same time.

Voice vote fails 5 to 2 with Arbour and Kowalski absent.

Motion James Smith; support Phil Mekas to revise the wording First Election under Transition to First City Election.

Unanimous voice vote approval with Arbour and Kowalski absent.

Motion James Smith; support Phil Mekas to propose an addition to Section 9 Council Meetings under Transitions to allow for continued operation of Village Council up to and including the effective date of the charter.

Voice vote fails 6 to 1 with Arbour and Kowalski absent.

e. Items from Commissioner Miller

Comment – to move the City Clerk section in City Council (page 7 of the draft) to Administrative Services.

f. Items from Commissioner Donaldson

Comments – In the Preamble (page 1 of the draft) restricts should be restrictions.

- On page 25 of the draft under Elections, Section 25 – Petitions make d, e, and f sub-sections under c.
- Do we need to have Sections 9 and 10 from the Caro Charter added to the Special Assessments article (page 33 of the draft). Tom Ryan replied that ordinances will cover other items in special assessments.

g. Items from Ms. Nicholls

Ms. Nicholls provided a revamped draft at the end of the meeting.

I. OTHER ITEMS AS REQUESTED BY COMMISSIONERS

None

J. AGENDA PREPARATION FOR THE NEXT MEETING

Next meeting:
Continued Review

K. NON-ARRANGED PARTICIPATION

None

L. ADJOURNMENT

Motion Phil Mekas; support Jack Donaldson to adjourn at 8:42 PM.
Unanimous voice vote approval with Arbour and Kowalski absent.

Respectfully submitted,

Carol J. Jones
Clerk, Village of Dexter

Approved for Filing: _____

VILLAGE OF DEXTER

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MEMO

To: City Charter Commission
From: Courtney Nicholls, Assistant Village Manager
Date: March 29, 2014
Re: Updates

The final draft of the document is complete! The document has been distributed to the Library and Senior Center and is available on the website.

The main change was breaking down the City Council chapter into multiple chapters to mirror the Caro charter. Attached for the Commission's review is the original City Council chapter with references to where the information is in the new draft. There is one section that is not in the updated draft (2.07 Judge of Qualifications) so the Commission will need to discuss whether to add it back in.

Commissioners Miller & Smith and I met on Friday, March 28 for several hours to review the draft and make minor wording adjustments. If anyone is interested in seeing the redline documents please let me know.

The sections have been numbered and consistent tabs and spacing was used to make the document as readable as possible. We have received one written comment with some grammatical suggestions, which is included for your consideration.

Article 2 - CITY COUNCIL (Language taken from NCL Model Charter Article 2)

Second Reading originally done on January 15, 2014 – additional changes made based on attorney's review were added on February 5, 2014 and are outlined in the document below.

Section 2.01 General Powers and Duties: 3.02

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.

Section 2.02

(a) Eligibility: 3.03

Only those who have been registered voters of the city for a minimum of one (1) year prior to the date of the election shall be eligible to hold the office of Council member or Mayor. If a Council member or Mayor is appointed they must be a registered voter of the city for a minimum of one (1) year prior to their date of appointment.

(b) Terms: 3.04

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

(c) Composition: 3.04

The Council shall be composed of 6 members elected by the voters of the city at large in accordance with provisions of Article VI - Elections. The Mayor shall be elected as provided in Section 2.03(b).

Section 2.03

(a) Mayor – Powers and Duties: 3.06

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.

(b) Election: 3.04

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. 3.07

Section 2.04 Compensation; Expenses: 3.05

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.

Section 2.05 Prohibitions: 5.01

(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. 3.08

(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. 3.08

Section 2.06, Vacancies; Forfeiture or Office; Filling of Vacancies: 5.05

(a) Vacancies. The office of a Mayor, or 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, or 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, or
- (2) Violates any express prohibition of this charter, or
- (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.

Upon the occurrence of any of the reasons of forfeiture listed in examples 1 through 4, the City Council shall act at its next regular meeting in accordance with Section 2.07.

- (c) Filling of Vacancies. A vacancy in the office of the Mayor or the City Council shall be filled in the following fashion:

- 5.05
- (1) If the vacancy occurs in the office of Mayor, the Mayor pro tem shall assume the office and duties of the office of Mayor. Depending on the length of term remaining for the vacant office of Mayor, the City Council may elect from its members a new Mayor pro tem.
- (2) Vacancy in Council member offices, shall within 60 days after such vacancy occurs, be filled by appointment of the City Council by a majority vote of the members of Council then in office. The person appointed shall possess the qualifications for the office of Council person and shall hold office until the next regular November city election. If City Council fails to fill a vacancy within 60 days following the occurrence of the vacancy, the city clerk shall within 10 days thereafter notify the county clerk and secretary of state to call a special election to fill such vacancy for the unexpired term of the Councilmember whose office has become vacant pursuant to state law.
- (3) If at any time the membership of the City Council is reduced to less than five, the remaining members may by a majority vote of the members then in Council fill such vacancies until the next regular November city election of the Council members whose offices have become vacant.
- (4) Notwithstanding the foregoing, no vacancy in any elective office shall be filled in any manner if the term of the person whose office has become vacant expires within ninety (90) days after the vacancy occurs.

Section 2.07 Judge of Qualifications:

~~*~~ add this back in?

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.

Section 2.08 City Clerk:

~~7.05~~ 7.05

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.

Section 2.09 Investigations:

6.06

The City Council ~~may shall~~ establish by ordinance the procedure to make investigations into the affairs of the city and the conduct of any city department, office, or agency.

Section 2.10 Independent Audit:

9.09

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 ().

Section 2.11 Procedure:

6.01

(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.

6.05

(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.

6.05

Section 2.12 Action Requiring an Ordinance.

Article 8

In addition to other acts required by law or by specific provisions 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 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 city 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;
- (10) Adopt, with or without amendment, ordinances proposed under the initiative power; or
- (11) Establish a procedure for special assessments.

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

Section 2.13 Ordinances in General

Article 8

- (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 Dexter hereby ordains..." Any ordinance which repeals or amends an existing ordinance or part of the city code shall set out in full 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.
 - (1) No ordinance shall be adopted at the same meeting at which it is introduced, except as identified in Section 2.14.
 - (2) An ordinance may be repealed by reference to its number and title
 - (3) No ordinance shall be enacted, amended or repealed until after publication of the proposed ordinance or amendment or repeal, or summary thereof except as identified in Section 2.14.
 - (4) A public hearing on all proposed ordinances, with a minimum of ten (10) days' notice to the residents, shall be held before an ordinance is considered, except as identified in section 2.14. The public hearing should be advertised as required by section 2.13d.
- (c) Effective Date. Except as otherwise provided in this charter, every adopted ordinance shall become effective at the expiration of 30 days after publication or at any later date specified therein.
- (d) "Publish" Defined. Publishing in a newspaper shall be defined as stated in MCL 691.1051. City Council may also define additional publication locations as they deem necessary.

Section 2.14 Emergency Ordinances.

An emergency ordinance shall:

Article 8

- (a) Be enacted only to meet a public emergency affecting public peace, health, safety or welfare of persons or property;
- (b) Be introduced in the form and manner required for ordinances generally, except that it shall contain, after the enacting clause, a declaration stating that an emergency exists and describing it in clear and specific terms;
- (c) Be adopted at the meeting at which it is introduced by an affirmative vote of two-thirds (2/3) of Council members present and may be given immediate effect upon publication.
- (d) Any emergency ordinance shall also be published in accordance with Section 2.13(d) but not as a requirement for the effectiveness thereof;
- (e) Be in effect for not more than sixty (60) days or may be renewed for an additional sixty (60) days upon the affirmative vote of two-thirds (2/3) of Council members present; and
- (f) Not levy taxes, grant, renew or extend a franchise; regulate the rate charged by any public utility for its services; make or amend a grant; or other special privilege.

Section 2.15 Codes of Technical Regulations

Article 8

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 Section 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 Section 2.16(a).

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

Article 8

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 three 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

Michigan, 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 Dexter 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 Dexter 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 Michigan, or the codes of technical regulations and other rules and regulations included in the code.

Courtney Nicholls

From: Aldred and Gerda <caandgmheyer@teknology.net>
Sent: Saturday, March 29, 2014 10:43 AM
To: cnicholls@dextermi.gov
Subject: City Charter Draft

Some comments from Carl Heyer, 3620 South Downs Dr., Dexter.

I have no issues with the legalese of this document, although, like most governmental publications, it gets a tad wordy. BUT, I am an old school believer in proper grammar, and I object to two areas on Page 4.

In Section 2 (a) Eligibility the last sentence mixes singular and plural verbs, nouns, and pronouns. If a.....is....they...a...their...It makes me wince whenever I hear or read this apparently "accepted change " to our language. Sadly, it even occurs from our church pulpits, and I even wince when I hear it there. I realize that this speech pattern has come about to avoid "sex discrimination" in our grammar, but I still feel that in an official public document proper grammar should be the norm. What you have written in the Draft "may be acceptable", but IT AIN'T RIGHT!

In Section 3 (a) Mayor in line 5 I believe it should read "assign agenda items...". I think this was probably just a typo.(assigns).

Thanks for listenin', Carl