

**THE VILLAGE OF DEXTER
CITY CHARTER COMMISSION
MINUTES OF THE WEDNESDAY, JANUARY 8, 2014 MEETING**

A. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:30 PM by Chairman Hansen at the Dexter Senior Center located at 7720 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. Excused absence – Phillip Mekas and Thom Phillips.

Also present: Donna Dettling, Village Manager; Carol Jones, Village Clerk; Tom Ryan, Attorney for the Charter Commission; and Sean Ottoman and his mother.

C. APPROVAL OF THE AGENDA

Motion Jack Donaldson; support Mike Raatz to approve the agenda for January 8, 2014.

Unanimous voice vote approval with Mekas and Phillips absent.

D. APPROVAL OF THE MINUTES

1. Regular Meeting – December 18, 2013

Motion James Smith; support Mike Raatz to approve the minutes of the Regular Meeting of December 11, 2013 as presented with a request in future minutes to include “Minutes” at the top of the page and number the pages.

Unanimous voice vote approval with Mekas and Phillips absent.

E. PREARRANGED PARTICIPATION

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

Written Correspondence received from Victor Michaels. Mr. Michaels was thanked by the Commissioners present for his comments and they will take this information under advisement.

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.

January 8, 2014

Motion Jack Donaldson; support James Smith to open second reading and open discussion on Article I – Powers of the City

Unanimous voice vote approval with Mekas and Phillips absent.

Discussion followed on 1.02 – Boundaries and the use of the condemnation clause.

Motion Jack Donaldson; support Phil Arbour to approve Article I – Powers of the City for the City of Dexter Charter.

Unanimous voice vote approval with Mekas and Phillips absent.

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.

From January 8, 2014

Motion Phil Arbour; support Jack Donaldson to re-open Section 2.06 (a) and (b) and amend the language on (b) to include the following:

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.

Unanimous voice vote approval with Mekas and Phillips absent.

Motion Mike Raatz; support Matt Kowalski to refer Section 2.06 (c) to Attorney Ryan to draft this item into the most efficient language.

Unanimous voice vote approval with Mekas and Phillips absent.

Motion James Smith; support Phil Arbour to approve the first reading of Section 2.12 – Action Requiring an Ordinance.

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 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 the 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.

Unanimous voice vote approval with Mekas and Phillips absent.

Motion Mike Raatz; support Phil Arbour to approve the first reading of 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 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. (Referred to Donna Dettling, Village Manager to draft language that the Village currently uses.)

(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. (Referred to Attorney Tom Ryan to write)

Unanimous voice vote of approval for part (a) and part (c) with Mekas and Phillips absent.

Motion Phil Arbour; support Mike Raatz to approve the first reading of Section 2.14 – Emergency Ordinances.

An emergency ordinance shall:

(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.

Unanimous voice vote approval with Mekas and Phillips absent.

Motion Matt Kowalski; support Phil Arbour to approve the first reading of Section 2.15 – Codes of Technical

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.

Unanimous voice vote approval with Mekas and Phillips absent.

Motion Jack Donaldson; support Mary-Ellen Miller to approve the first reading of 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 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.

Unanimous voice vote approval with Mekas and Phillips absent.

Motion Jack Donaldson; support Matt Kowalski to postpone until the January 15 meeting discussion on Article III – Administrative Services.

Unanimous voice vote approval with Mekas and Phillips absent.

I. OTHER ITEMS AS REQUESTED BY COMMISSIONERS

1. Consideration of: Draft Budget

Motion Mike Raatz; support Phil Arbour to accept the Budget Memo provided by Assistant Village Manager Courtney Nicholls.

Unanimous voice vote approval with Mekas and Phillips absent.

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

Motion Phil Arbour; support Mike Raatz to schedule meetings for February and March for the dates of Wednesday, February 5, 12, 19 and 26 and Wednesday, March 5, 12, 19 and 26 beginning at 6:30 PM.

Unanimous voice vote approval with Mekas and Phillips absent.

J. AGENDA PREPARATION FOR THE NEXT MEETING

1. Move forward with Article III – Administrative Services using the Jonesville draft.

K. NON-ARRANGED PARTICIPATION

None

L. ADJOURNMENT

Motion Phil Arbour; support Mary-Ellen Miller to adjourn at 8:34 PM.

Unanimous voice vote approval with Mekas and Phillips absent.

Respectfully submitted,

Carol J. Jones
Clerk, Village of Dexter

Approved for Filing: January 15, 2014