

**THE VILLAGE OF DEXTER
CITY CHARTER COMMISSION**

Wednesday, January 22, 2014

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

COPELAND BOARD ROOM – 7714 ANN ARBOR STREET

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

B. APPROVAL OF AGENDA

C. APPROVAL OF THE MINUTES

1. Regular Meeting – January 15, 2014

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

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.

None

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 III – Administrative Services (continued from January 15)

H. OTHER ITEMS AS REQUESTED BY COMMISSIONERS

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

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I. AGENDA PREPARATION FOR THE NEXT MEETING

Charter Commission Attorney Tom Ryan will be attending on January 29.

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 Adopted
Preamble	December 11, 2013
Article 1 – Power of the City	January 8, 2014
Article 2 – City Council	January 15, 2014

**THE VILLAGE OF DEXTER
CITY CHARTER COMMISSION
MINUTES OF THE WEDNESDAY, JANUARY 15, 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 Copeland Board Room located at 7714 Ann Arbor Street in Dexter, Michigan.

B. ROLL CALL: Phil Arbour, John Hansen, Matt Kowalski, Mary- Ellen Miller, Thom Phillips, Michael Raatz, and James Smith. Excused absence – Jack Donaldson and Phillip Mekas.

Also present: Donna Dettling, Village Manager; Courtney Nicholls, Assistant Village Manager; and Carol Jones, Village Clerk.

C. APPROVAL OF THE AGENDA

Motion James Smith; support Phil Arbour to approve the agenda for January 15, 2014.

Unanimous voice vote approval with Donaldson and Mekas absent.

D. APPROVAL OF THE MINUTES

1. Regular Meeting – January 8, 2014

Motion James Smith; support Mike Raatz to approve the minutes of the Regular Meeting of January 8, 2014 as amended with the addition of the month of March listed in item I – Other Items, scheduling of meetings.

Unanimous voice vote approval with Donaldson and Mekas absent.

E. PREARRANGED PARTICIPATION

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

F. PUBLIC HEARINGS

None

G. CHARTER CONSTRUCTION – SECOND READINGS

1. Discussion of: Article II – City Council
Motion Mary-Ellen Miller; support Phil Arbour to bring forward Article II – City Council which is provided on separate pages in the packet for discussion.
Unanimous voice vote approval with Donaldson and Mekas absent.

The following changes were proposed:

2.02 (a) Eligibility

Change to read - Only voters registered for a minimum of one (1) year prior to 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.

2.02 (b) Terms – *add Elections following Article VI*

2.02 (c) Composition – remove the words Alternative II

2.06 (b) Forfeiture of Office – *add or to the end of number 1 and number 2.*

2.06 (c) Filling of Vacancies

(2) Separate the word councilmember to become council member in the first and seventh line, separate the word councilperson to become council person in the fourth line and replace village with city in the second line.

(4) Change the placement of a comma to read “Notwithstanding the foregoing, no vacancy in any elective office...”

2.12 Action Requiring an Ordinance

(5) Change the to a.

2.13 Ordinances in General

(b4) Change to read as follows: The public must be given a ten (10) day notice of a public hearing on all proposed ordinances except as identified in Section 2.14.

(bd) Change to reference the state law - if the state law regarding publications changes, the charter will not have to be updated.

2.15 Codes of Technical Regulations

(1) Replace the word wall with the word well.

2.16 Authentication and Recording: Codification; Printing of Ordinances and Resolutions

(b) Codification - change ten years to three years and change city code to City Code.

(c) Change city code to City Code

Motion James Smith; support Phil Arbour to approve the Second Reading of Article II – City Council as amended.

Unanimous voice vote approval with Donaldson and Mekas absent.

H. CHARTER CONSTRUCTION – FIRST READING

1. Discussion of: Article II – Administrative Services (continued from January 8)

Motion James Smith; support Mike Raatz to approve the first reading of Section 3.01 – Administrative Officers Generally

The administrative officer of the city shall be the City Manager, City Clerk, City Treasurer, City Assessor and City Attorney. The council may by ordinance or resolution, establish such additional administrative officers or departments, or combine any administrative officers or departments, in any manner not inconsistent with law or this charter, and prescribe the duties and compensation thereof as it may deem necessary for the proper operation of the city department.

Unanimous voice vote approval with Donaldson and Mekas absent.

Motion Matt Kowalski; support James Smith to approve the first reading of Section 3.02 – Personnel System

(a) All Appointment and promotions of city officers and employees shall be made solely on the basis of merit and fitness demonstrated by a valid and reliable examination or other evidence of competence.

(b) Consistent with all applicable federal and state laws, the city council may provide by ordinance for the establishment, regulation and maintenance of a merit system governing personnel policies necessary to effective administration of the employees of the city's departments, offices and agencies, including but not limited to classification and pay plans, examinations, force reduction, removals, working conditions, provisional and exempt appointments, in-service training, grievances and relationships with employee organizations.

Unanimous voice vote approval with Donaldson and Mekas absent.

Motion Phil Arbour; support James Smith to approve the first reading of Section 3.03 – City Manager - Appointment; Compensation

(a) The City Manager shall be the chief administrative officer of the city. The council shall appoint him or her on the basis of education, ability, training and experience.

(b) The council shall appoint a city manager within one-hundred eighty (180) days after any vacancy exists in such position. The council may appoint an interim manager during the prior of a vacancy in the office. **Will be modified to reflect a six month initial period with a six month extension allowed with Council approval.**

(c) The city manager, with the consent and approval of the council, may designate an administrative officer or employee of the city to act as city manager if he or

she is temporarily absent from the city or unable to perform the duties of his or her office.

(d) The council shall set the City Manager's compensation as part of the employment agreement.

To be voted on at the January 22 meeting.

I. OTHER ITEMS AS REQUESTED BY COMMISSIONERS

J. AGENDA PREPARATION FOR THE NEXT MEETING

1. Move forward with Article III – Administrative Services.

K. NON-ARRANGED PARTICIPATION

None

L. ADJOURNMENT

Motion Matt Kowalski; support James Smith to adjourn at 8:32 PM.
Unanimous voice vote approval with Donaldson and Mekas absent.

Respectfully submitted,

Carol J. Jones
Clerk, Village of Dexter

Approved for Filing: _____

****Areas that have been modified to match our current practices or to match the Commission's past discussions are in bold text.**

Article 3

ADMINISTRATIVE SERVICES

For Section 3.01 – Section 3.03 see the minutes of January 15, 2014

Section 4.04 City Manager – Function and Duties

- (a) The city manager shall be responsible to the council for the proper management and administration of the affairs of the city, and shall appoint and remove employees of the city, and shall make recommendations to the council relative to the appointment and removal of administrative officers of the city as referenced in 7.1. He or she shall set employees compensation within the pay plan adopted by the council, and shall supervise and coordinate the work of all of the administrative offices and departments of the city except the work of the city clerk, city treasurer and city assessor as dictated by state constitution or statute. The city management shall be the main point of communication and dissemination of information from the city attorney.
- (b) The city manager shall see that all laws and ordinances are enforced, shall prepare and administer the annual budget under policies formulated by the council, shall have the budget control responsibility, and shall keep the council advised as to the financial condition and needs of the city. The city manager shall furnish the council with information concerning city affairs and prepare and submit such reports as may be required or which the council may request. The city manager shall make recommendations to the council relative to all agenda items, except as directly related to his or her employment. Subject to any employment ordinance of the city, he or she shall employ or be responsible for the employment of all city employees and supervise and coordinate the personnel policies and practices of the city. The city manager or his/her authorized representative shall establish and maintain a central purchasing service and the city manager shall act as purchasing agent for the city.
- (c) The city manager shall attend all meetings of the council with the right to be heard in all council proceedings but without the right to vote. The city manager shall possess such other powers as may be granted to or required of him or her by the council, so far as may be consistent with the provisions of law. The city manager shall establish any rules necessary to carry out any of the foregoing duties.
- (d) The city manager shall perform such other duties in connection with the office as may be required by law, ordinances or the city council.

Section 3.05 City Manager – Removal

The city manager serves at the pleasure of the city council and may be removed by an affirmative vote of not less than four (4) of its members. *****current village ordinance requires a vote of five (5) members**

Section 3.06 City Clerk

- (a) The city clerk shall be the clerical officer of the council and shall keep its journal in English. The city clerk shall keep a record of all actions of the council at its regular and special meetings and shall certify all ordinances and resolutions adopted by the council. **The clerk shall be appointed by the Village Manager with advice and consent of council.** The appointment shall be made on the basis of education, ability, training and experience.
- (b) The city clerk shall have the power to administer all oaths required by law and by the ordinances of the city and shall be the custodian of the city seal, and shall affix the same to documents required to be sealed. The city clerk shall be the custodian of all papers, documents, and records pertaining to the city, which are not entrusted to some other city officer or department by city charter, ordinance or law. All records of the city shall be made available to the general public in compliance with the Freedom of Information Act, MCL 15.231 to 15.246. He or she shall give the proper officials ample notice of the expiration or termination of any official bonds, franchises, contracts or agreements to which the city is a part and shall notify the council of the failure of any officer or employee required to take an oath of office or furnish any bond required of him or her. The clerk shall be the chief election officer for the city.
- (c) The city clerk shall perform such other duties in connection with the office as may be required by law, the ordinances or resolutions of the council, or by the city manager.

Section 3.07 City Treasurer

- (a) The city treasurer shall have the custody of all moneys of the city and all evidences of value or indebtedness belonging to or held in trust by the city. The city treasurer shall keep and deposit all moneys or funds in such manner and only in such places as **allowed by the investment policy adopted by council**, and shall report the same to the city manager. **The treasurer shall be appointed by the Village Manager with advice and consent of council.** The appointment shall be made on the basis of education, ability, training and experience.
- (b) The city treasurer shall have such powers, duties and prerogatives in regard to the collection and custody of state, county, school district, city taxes and other taxing entities' money as are provided by law.
- (c) The city treasurer shall disburse all city funds in accordance with provisions of law and this charter.
- (d) The city treasurer shall establish and maintain a general accounting plan which will conform to such uniform accounting standards as may be required by law.

- (e) The city treasurer shall perform such other duties in connection with the office as may be required by law, the ordinances or resolutions of the council, or by the city manager.

Section 3.08 City Assessor

- (a) The city assessor shall possess all the power vested in and shall be charged with the duties imposed upon the assessing officer of a city by law. **The assessor shall be appointed by the Village Manager with advice and consent of council.** The appointment shall be made on the basis of proper certification by the state assessor's board, education, ability, training and experience.
- (b) The city assessor shall make and prepare all regular and special assessment rolls in the manner prescribed by law or ordinances of the city.
- (c) The city assessor shall perform such other duties as may be prescribed by law or the ordinances of the city, or by the city manager.
- (d) The city assessor shall be secretary of the Board of Review.

Section 3.09 City Attorney

- (a) The city attorney shall act as legal advisor and be responsible to the council. The council shall appoint him or her on the basis of education, ability, training and experience.
- (b) The city attorney shall be the legal advisor and counsel for the city.
- (c) The city attorney shall prepare or review ~~all~~ ordinances, regulations, contracts, bonds, and other such instruments as may be required by this charter, the council, or the city manager and shall promptly give his or her opinion as to the legality thereof.
- (d) The city attorney shall prosecute ordinance violations and shall represent the city in cases before the courts and other tribunals. In such instances as the council shall direct, he or she shall defend officers and employees of the city in actions arising out of the performance of their official duties.
- (e) Upon the city attorney's recommendation, or upon its own initiative, the council may retain special legal counsel to handle any matters in which the city has an interest, or to assist the city attorney.
- (f) The city attorney shall perform such other duties in connection with the office as may be prescribed by this charter, the council or by contractual agreement.
- (g) The city attorney shall comply with the Michigan Rules of Professional Conduct.

Section 3.10 Police Protection and Fire Protection

- (a) The council shall provide for, establish and maintain police protection to enforce all laws, ordinances, and codes of the city through the creation of a police department, public safety department or by contracting police services by intergovernmental agreement.
- (b) The council shall have power to enact such ordinances and to establish and enforce such regulations and enter into intergovernmental agreements as it shall deem necessary to guard against the occurrence of fires in the city and to protect the property and persons or inhabitants of the city against the occurrences of fires and against accident or damage resulting therefrom. For this purpose the council may provide for, establish and maintain a fire department within the administrative division of the city.
- (c) If the city operates its own police and/or fire department, the police chief and/or fire chief shall be appointment by the city manager, with advice and consent of council, on the basis of education, ability, training and experience. The city manager shall supervise these department chiefs and have the authority of dismissal.

Section 3.11 City Planning Commission; Zoning and Zoning Board of Appeals

- (a) The council shall maintain a city planning commission in accordance with and having all the powers and duties granted by the provisions of law relating to such commissions, and this charter including but not limited to the Michigan Planning and Enabling Act 33 of PA 2008 as amended MCL 125.3801 et seq., and all other intergovernmental planning and zoning statutes which it deems beneficial to the health, safety and general welfare of the city.
- (b) The council shall maintain a zoning ordinance in accordance with the provisions of the Michigan Zoning Enabling Act, Act 110 of PA 2006, as amended MCL 125.3101 et seq. relating to such ordinances and this charter. The ordinance shall provide that zoning be coordinated with the work of the city planning commission.
- (c) The members of the Planning Commission and Zoning Board of Appeals shall be appointed by the mayor subject to confirmation by the council and shall be residents of the city. Their appointment, functions and duties shall be in accordance with statute and city ordinance.

Section 3.12 Zoning Administrator

The zoning administrator shall enforce the city zoning ordinances and will receive functional and administrative supervision from the city manager. The zoning administrator shall be appointed by the city manager, after consultation with the city council, on the basis of education, ability, training and experience. The city manager shall supervise and have the authority of dismissal.

The Administrator or his or her designee shall:

- (a) Issue all notices and orders to insure compliance with zoning ordinances and recommend prosecution as necessary;

- (b) Process all applications related to zoning compliance, site plans, special land use permits, zoning variances ~~and certificates of occupancy~~
- (c) Prepare documents, agendas, and supporting information for the planning commission and zoning board of appeals meetings;
- (d) Assess all fees authorized by state statute, city ordinance or city resolution and;
- (e) Perform all other duties as may be prescribed by state law, the ordinances and resolutions of the city council or as directed by the city manager.

Section 3.13 Other Public Authorities, Boards or Commissions

- (a) The council may create such entities as may be needed for the public health, safety and well-being of the city.
- (b) The council may enter into agreements to establish those public authorities, joint boards and commissions, cooperative agreements, and other similar entities and arrangements as may be permitted by law that they determine to be in the interests of the city.