

SUMMARY MINUTES

CHARTER REVIEW COMMISSION – October 8, 2015

Chairperson Cleora Magee called this regular meeting of the Flint Charter Review Commission to order at 6:35 p.m.

Roll Call

The recording secretary took roll call.

Present: John Cherry, Brian Larkin, Cleora Magee, Victoria McKenzie, Charles Metcalf, Heidi Phaneuf, James Richardson, Marsha Wesley and Barry Williams.

Also in attendance: Assistant City Attorney David Roth, City Councilman Eric Mays, former Senator and 1972 Charter Review Commissioner Joe Conroy, and Thomas Donnellan, 1972 Charter Review Commission Attorney.

Pledge of Allegiance

Mr. Richardson led the Pledge of Allegiance.

Minutes of Previous Meeting

No minutes were provided.

Special Presentation to the Commission: Ms. Magee welcomed former Senator and 1972 Charter Review Commissioner Joe Conroy.

Mr. Conroy: “Thank you very much. I appreciate the opportunity. Uh, last week we had a little crisis in the family, a little health crisis, so I-I took care of that instead. Uh, I did want to come because I want to thank you for having ran for this job, fought-fought it out in the streets for, uh, the vote to get you selected. Uh, and, uh, I know that’s quite an endeavor. So, it’s-it tells me that you’re good citizens and that we as a community should appreciate that.

“The, uh, the document itself is something that, uh, we kind of, um, uh, went through bit by bit. I think our meetings were limited to two hours and, uh, when the two-hour clock struck we were gone. That is, the bell rang. So, limit the-the time was-it was pretty productive in our case. I don’t know how it would fit with you folks. There’s a lot of things to go over obviously. Uh, but I want to share a story with you on how I became interested in the change of the Charter.

“We have a son who is just 50, he’s a lawyer and he’s an engineer and he’s an entrepreneur. And he and I were downtown at the bridge and we noticed how-or he noticed how, um, polluted the waters were. And, uh, of the Flint River. This was a lot of years ago. And, uh, so I said-and then we went and we had lunch on Court Street – there was a restaurant there right next to where the expressway stopped. So the-the I-475 was built from the Grand Blanc 75, I guess you’d call it, up to Court Street and it stopped. And it had stopped for years. So he said – he’s 12 years old – he said ‘dad I think I want to go down and see who makes that decision.’ So, we came down to the city office here – at that time it was a city manager form of government. And there was a gentleman, quite a prestigious person, Tom Kay, thought well by, particularly the corporations and the banks and-and people who aren’t as active anymore in this community. And so I-I told Tom, I said, ‘listen, we just got a couple of questions for you. And, um, and Kevin will indicate what they are.’ So he told them about the river being polluted and that it would seem to me that the city ought to do something about it. That that dam was-was ready to give in and, uh, still hasn’t but still is ready. Um, and then the other-the other question was ‘why did the City of Flint-or why did whoever it was stop the expressway from going further than Court Street?’ And, uh, because I had told him, and he had seen in Grand Rapids, that they’d all done their expressways and development was well underway – hotels and businesses and the like. So Tom Kay, prestigious city manager at the time, said ‘don’t bother me kid. Uh, I worry every Monday night about the City Council and my job.’ So I thought that was a pretty bad thing to say, number one, to say to some young student, who had a little foresight. But, you know, worse yet for the future of the City of Flint that-that-that he was constrained by the City Council, in his opinion, um, to make big decisions.

“So don’t let-don’t let, uh, your decisions, uh, get in the way of the possibility of progress in this community. And I’m not suggesting to you which kind of form of government to have, but that was one lesson we did learn. And-and we’ve had some problems with some of the-the Mayors that we’ve had, there’s no doubt about that. But, uh, I think we do need leadership in this community. It’s been under siege for the last several years, um, bound by the State of Michigan and-and a lack of-of income. Now when I was first serving in the House of Representatives, there were 83,000 UAW members in this community – 83,000. Today if there are 7,000, uh, I’ll eat your hat. And all of those 7 (7,000) aren’t in this city. And as I drive through the various parts of the City of Flint, uh, the north side, the east side, uh, parts of-other parts of the city, it’s a disaster. So, somebody has to start managing this in a way that is efficacious and also is productive. And you’ve gotta give the diagram for them to act. You’ve got to give them that outline. And that’s what this Charter is.

“So, part of the thing that I did and I can share that with you just briefly is every night before a meeting, I had somebody here at this microphone that was agreeable to the chairperson of the, uh, commission, who spoke about something about Flint. And, uh, so you want to embrace the community, you want to embrace leadership people if you can, whether it’s your minister or whether it’s the person that has a business or whoever it is, you need to get them involved in this. Because otherwise it’s not gonna happen – you’re stringing this process in a way that you’re gonna have to maintain some interest. So somebody on this commission or somebody or some people are going to have to do a lot of that work.

“And I know that the Flint Journal isn’t-isn’t able or isn’t available as much as it was when-when we were here. Uh, when I was here we had an article every week on the Charter. Sometimes we wrote it; sometimes they wrote it. But they used it if we wrote it, and we read it if they-if they wrote it. So, it kind of helped build some momentum for the ideas that you wanna implant in this document. The, uh-that was very effective. I think now you’re probably talking about the Internet and about electronic stuff that I’m not all that familiar with. You prob-you probably are. Uh, but you need to get that stuff out and it-it needs to be read and responded to by the people that use that Internet. You still have some union papers, you have some church-churches that you can have somebody write, uh, information on that you can stick on the, uh, windshield of those church-going members. There’s a lot of different ways you can still do it. But I don’t think that the Flint Journal – and I’m not being critical – I’m just saying, uh, the last time I knocked on doors in the City of Flint I didn’t see any Flint Journals at the door from 3 to 5 o’clock in the afternoon. Uh, and so a long time ago that wasn’t the case. You need to find a different way of communicating and I’m sure that you can do it. There’s some people here that if-got good brains and-and we’re confident that you’ll do well. But it’s a-it’s a meeting after meeting after meeting effort. And, uh, we’re hopeful that you’re-you’re successful. The city does rely on you. And after the state gets out of your hair, or out of the hair of the city, I believe that you are the ones that are gonna put this, uh, diagram together that will help us all prosper in the future. Thank you very much.”

There were no questions for Mr. Conroy.

Public Comment on Agenda

Allahjawan Reeder (Mott Middle College): “One thing I just wanted to say was like, something about like the youth, like people my age they don’t really know who you’all is in particular. So, I felt like you’all should like try to come to the-I mean not-I don’t know like you’all should come to the schools or something to see the kids cause they-like if I go to 100 kids in my school and ask do they know you’all I’m pretty sure a lot of em will say ‘no’ – the mass majority of em. And I feel like that’s our-I feel like they think our voice doesn’t really mean nothing cause they don’t even know who they talking to. That’s just something I wanted to say.”

Mr. Williams asked if there is a platform for speakers at his school.

Mr. Reeder: “It’s people there that will work with you cause we have a lot of gatherings and stuff and we have public speakers come down a lot and they’ll be willing-I mean they’ll be open to let you’all come and speak if you’all really wanted to.”

Mr. Richardson said his committee has discussed a lot of different options for outreach, but never thought once about going into the high schools and bringing the student body in to participate.

Councilman Eric Mays: “Good evening. Um, I know I’ve been trying to keep up with you guys and you get distracted and elections of activities, water issues, and so forth and so on. But I heard you were meeting tonight and then I peeked my head in at the end over there at the University of Michigan. So, I’m gonna continue to watch the process. And I wanted to say that I think it’s getting time for the committee to start dealing with articles and making proposals and changes. I know that you know in a ideal world you wanna do a lot of outreach to the community, but sometime I get my work done better in my room by myself. And so I’m gonna urge this, um, group, uh, to start doing the work and looking at the, uh, articles and communications. And I’m gonna sound like a repetitive robot when I say over the years that I’ve looked at the, um, charter and understand it. I’ve looked at the Mayor’s office, strong Mayor, I understand manager form, I’ve looked at appointees, political appointees, people who are qualified. The charter addresses some of that stuff. In the personnel section you’ll see people shouldn’t get approved by the council just to get approved. You can determine should all of them be approved by the council. Should all of them have certain qualifications. But then I would go a step further and say this: This is the repetitive part – manager form, strong Mayor form, should council people have certain qualifications other than 18 years old and get the most votes. Should they be part-time, full-time. It’s something to that group there that in my opinion is gonna turn this whole wheel. And I think right now that’s one of my big dilemmas and that’s one of your big dilemmas as you move through the process I’ll give you some specifics on that. But I’m eager to continue to watch and see when you’ll start making decisions. Some stuff will come from the public outreach, but I really firmly believe that it’s gonna come a time when you’ll gone have to just make some tough proposals and decisions. And then reach out again, thank you.”

REPORTS

1. Finance Committee

Ms. Wesley, the committee’s chairperson, presented the minutes from the September 28, 2015, meeting. She said the meeting was a blended one with Public Outreach and Finance discussing budgetary changes to present to the Mott Foundation at a meeting scheduled for October 12, 2015. She said her summary of the meeting includes a spreadsheet that shows what the CRC approved versus some of the more pressing needs that they will submit to Mott. She said in preparing the new budget, the financial needs of the CRC were reduced by about \$10,000, which are reflected in the last two columns of the budget presented.

Ms. Wesley said they also discussed preparing job descriptions for two of the positions the CRC is seeking: Administrative Assistant and Commission and Outreach Coordinator.

2. Public Outreach Committee

Ms. Phaneuf, the committee’s chairperson, reported that around 50 people attended the CRC kick-off event at the University of Michigan on September 26, 2015. She included a handout with ideas submitted by attendees on what government should look like, what the qualities of good government are, and thoughts about the current charter.

Other highlights included:

1. Charter Review Advisory Committee – Ms. Phaneuf noted that 18 people attended the first meeting where the thoughts and ideas of those attending the kick-off event were discussed. She said the next meeting is scheduled for November 5, 2015, at Bethel United Methodist Church.
2. Social Media – The CRC Facebook page has a link to the Commission’s survey.
3. Newspapers – Ms. Phaneuf pointed out that an article written by Ms. Magee and Mr. Cherry will appear in the Flint: Our Community, Our Voice publication this month, and a similar article will also appear in the CPSA Courier.

4. Survey – The survey was distributed at the kick-off session, is available on Facebook and will soon appear on the City of Flint Web site as well.

She said the next Public Outreach Committee meeting is scheduled for 6 p.m. Monday, October 19, 2015, at City Hall.

GENERAL COMMUNICATIONS

Ms. Magee noted that the CRC received a letter from the Flint Planning Commission describing its function and duties as Chairman Robert Wesley had promised.

FIRST READING OF PROPOSALS

Mr. Cherry read through the proposals:

Proposal No. 1 – the city name; Proposal No. 2 – boundaries; Proposal No. 3 – form of government; Proposal No. 4 – powers of the city; Proposal No. 5 – liberal construction; Proposal No. 6 – definitions; Proposal No. 7 – qualifications of appointed officers; Proposal No. 8 – compensation of officers and employees; Proposal No. 9 – retirement benefits; Proposal No. 10 – oath of office; Proposal No. 11 – Ordinances required in the public interest; Proposal No. 12 – forfeiture of office and removal for cause; Proposal No. 13 – conflict of interest; Proposal No. 14 – intergovernmental relations; Proposal No. 15 – rulemaking procedure; Proposal No. 16 – compilation of rules, policies and procedures; Proposal No. 17 – hearing procedure; and Proposal No. 18 – preamble and declaration of rights.

Mr. Cherry said the first 17 proposals are reproductions of the first 17 sections in Article 1 of the current charter.

Mr. Richardson said Proposal No. 18 contains some amendments to the preamble and the declaration of rights that he wrote. “What I’m proposing is an amendment to the preamble that comes from the National Civic League’s Model City Charter. And there are reasons to suggest that the amendment will enable us to function under state law and clarifies that in many ways. The Declaration of Rights – there are some amendments that I have proposed to add into some of those declaration of rights.”

Ms. Magee made a recommendation to move the proposals to Committee-of-the-Whole.

MOTIONS & RESOLUTIONS

Ms. Wesley proposed that invoices that need to be paid be given to the Finance Committee for approval before the items are presented to the Clerk’s Office by the Chair or Finance Committee Chair. Mr. Williams seconded.

Ms. McKenzie said she thought the items should be brought before the entire Commission to be voted on as part of the record.

The recording secretary informed the Commission that the Clerk’s Office plans to standardize finances/invoices and have them paid after a resolution is approved by the entire body.

The issue was tabled until the next meeting.

OLD BUSINESS

FORD SCHOOL OF PUBLIC POLICY

Mr. Cherry was able to procure eight students, who will work under the direction of Professor Gerber, to help out the Commission via a proposal he submitted to the Gerald R. Ford School of Public Policy in Ann Arbor. On Oct. 9, Mr. Cherry will meet with the students to parcel out assignments associated with the proposal. Some duties of the

students, who will work 8-9 hours per week, will be interviewing Commission members and attending meetings. Mr. Cherry reiterated that the students will be working free-of-charge to the Commission.

NEW BUSINESS

Upcoming Commission and Committee Meetings

Ms. Magee noted that each Commissioner has a calendar of meetings through December.

Commissioners asked about using a committee room for the Committee-of-the-Whole meetings. They were told that moving to other rooms or other locations in the community is an additional burden for Videographer Paul Herring, as he would have to tape on portable cameras and transfer the information later.

Mr. Cherry, supported by Mr. Larkin, made a motion to adjourn.

This Charter Review Commission meeting was adjourned at 7:14 p.m.

Respectfully Submitted,
Janell Johnson, Secretary

CHARTER REVIEW COMMISSION COMMITTEE-OF-THE-WHOLE

Chairperson John Cherry called this regular meeting of the Flint Charter Review Commission Committee-of-the-Whole to order at 7:17 p.m.

He noted that a new chairperson will be named for each successive Committee-of-the-Whole meeting. He reiterated that the purpose of the meeting is to review proposals, particularly the 18 proposals that were introduced previously this evening regarding the preamble and Article 1.

Mr. Cherry said commissioners were free to discuss any of them.

Ms. Phaneuf said Proposal 7 – Qualifications of Appointed Officers – was discussed at the Advisory Committee meeting and also at the Kick-Off Meeting. She said those in attendance felt that elected and appointed officials need to be held accountable and that they need to be qualified in order to serve in those roles. She said she believes there should be additional work on this proposal.

Mr. Larkin said he heard the same types of comments on Proposal 7, but he wondered “how do we balance between saying everything we could possibly want from each position and overprescribing and then leaving the latitude and space for it to be appropriate 40 years later?”

When asked, City Attorney Roth said department heads include City Attorney, Police Chief, Fire Chief, and Public Works Director, and that there are some qualifications that are more specific in other areas of the Charter.

Mr. Richardson was concerned about Section B, which states that “every person serving at the pleasure of the Mayor, City Council or multiple membered body shall, within three months after the date of appointment, possess the same qualifications for office as those required for the Mayor.”

Mr. Williams said he thought that was for out-of-towners who maybe didn't have all their credentials lined up and needed time to get them, and for residency, which at that time meant living in the City of Flint.

Mr. Roth was asked about residency and he said there is a State Act – the Residency of Public Employees – Act 212 of 1999 – that restricts certain governmental entities from requiring individuals to reside within certain geographic areas or specified distances or travel times from their place of employment as a condition of employment or

promotion. The Act does not prohibit a public employer from requiring, by collective bargaining agreement or otherwise, that a person reside within a specified distance from the nearest boundary of the public employer. However, the specified distance shall be 20 miles or another specified distance greater than 20 miles.

Ms. Magee said there are job descriptions for appointees that the Commission may want to look at.

Ms. Phaneuf said she would like to add evaluations/performance reviews to the criteria to determine how the person is performing his/her job and she would like to see the evaluations done in open meetings before the community.

She and Mr. Larkin talked about transparency in the process but Mr. Cherry said he didn't know how honest an evaluator would be if the public is watching as it may reflect badly on the evaluator if his/her employee was not doing a good job.

Ms. Phaneuf then asked "how do you determine that appointed officers do possess that background and experience that they need? And then later if they're not doing what they need to be doing, then what?"

Mr. Richardson wondered also who should do the evaluation of the qualifications. Is it the person who hires him/her or is it a responsibility of the Mayor or Council, or whoever makes the appointment, to vet the person.

Once a person is hired, he/she has already shown that he/she has the qualifications to do the job, said Mr. Williams. After that, he said, it's up to the Mayor and City Council to determine the job he/she is doing, in an open meeting.

Ms. McKenzie said that Section 4-301, Personnel, discusses evaluations.

Ms. Phaneuf related a story about a Parks Director who was hired by the City of Flint who had never run a Parks Department before. There were some challenges with his performance, she said, and he was finally let go. But it took a while, she said. The upshot is that there is now no Parks Department.

Mr. Larkin said the Commission will run into challenges if it tries to determine what departments are mandatory since many of those decisions are based on budgetary factors. He also wondered how the Commission could insure that department heads are qualified for their positions.

Mr. Richardson pointed out that everybody has to have an application whether they're appointed by the Mayor or not. So these applications should go before somebody, some committee to say 'these people are qualified.' And then the Mayor could appoint a person that he wants out of that selected list of people who are qualified.

But Mr. Williams pointed out that the Mayor can choose anyone he wants, whether he/she is qualified or not.

Ms. Magee said each appointee has a job description that is more detailed than the description previously discussed (that "every person serving at the pleasure of the Mayor, City Council or multiple membered body shall within three months after the date of appointment possess the same qualifications for office as those required for the Mayor.")

Mr. Metcalf said he believes "we can take away some of these appointees. We all know that when the Mayor has 10 appointees, he's trying to give somebody a job that's helped him in his campaign. So maybe those 10 appointees don't need to be there. Maybe he needs one or two."

Mr. Williams pointed out that the position is still there though and it has to be filled.

Mr. Larkin noted that some of the problems would be solved if there was a process for appointing and removing department heads and other Mayoral choices.

Mr. Williams agreed, using the example of the Parks Director who was not qualified. “Plug that little hole up where even if the Mayor appoints somebody, he or she has to be qualified. That’s it,” he said.

Mr. Cherry pointed out that in the November 2014 election, the number of Mayoral appointees was reduced to five.

If there is someone who is not experienced, who or what then plugs the hole, asked Ms. Magee.

And what’s the confirmation process, asked Ms. Wesley.

Mr. Williams said he thought that duty should go to the City Council – the Mayor appoints someone and the council then makes sure he/she is qualified.

Mr. Richardson pointed out that the Charter already states that the Mayor can make appointments WITH COUNCIL APPROVAL.

But just as politics becomes a part of the process for the Mayor, politics may enter for council members as well, said Mr. Cherry.

“What we’re looking for is a consequence if the Charter is not followed,” said Mr. Richardson.

“I think it just needs some rewording,” said Ms. McKenzie before the Commission moved on to another topic.

Mr. Metcalf asked to discuss Declaration of Rights, No. 2 – Proposal 18.

He read from the Preamble: “City officials shall pledge themselves to assure residents clean and safe neighborhoods, safe and decent housing, job opportunities and clean air. Our city officials aren’t doing a thing,” he said. “They are completely letting down the citizens of Flint.”

Mr. Metcalf said when he ran for his position on the Commission he talked about tax money going for city jobs to people who live in the city. “20 miles from Flint is not even close to living in the city,” he said. “That’s a cop-out for somebody to go to Grand Blanc or some nice neighborhood.”

But the question was asked “do we run the risk of not getting a qualified person? Some of the jobs will go unfilled if they do not wish to live in the city.”

And it is state law, said Ms. Magee.

But Mr. Metcalf is concerned that entry-level jobs are being taken by people who live outside Flint, when Flint residents could use the jobs.

“I think our whole hiring practice in Flint is not very good and I, as a senior in high school I started working for DPW, and I saw the nepotism and I saw where folks came from and the number of people in one family – fathers, uncles, grandfathers, mothers, daughters and so on all working for the City of Flint.”

But, said Ms. Wesley, “I don’t think we can supersede law.”

Mr. Metcalf responded with “well, we’re gonna have to supersede something if we’re going to make Flint a decent place to live, and if we’re going to have a Charter that means something to the City of Flint. So we have a Charter and the citizens of Flint still aren’t being looked at seriously because job opportunities and appointments are done out of friendship and other things.”

Mr. Williams pointed out that the 20 miles is State Law and “there’s no sense in arguing that unless we want to change the State Law.”

“We need to start a process for changing the law in some of these things,” responded Mr. Metcalf. “We’re just gonna keep going on and going on.”

Mr. Williams said he agrees with Mr. Metcalf, but that fight was going on way back in the 70s.

“And there was new people coming in from out of town wanting to be on the police department and at the time that law wasn’t in effect,” he said. “And then they were arguing about that. And then pretty soon a group of people got involved in stretching that. And they got it approved. So that’s what you’re gonna have to do. An outside group is gonna have to say ‘hey, this is what we want. We want to be able to hire people within our community that thinks and likes our community.’ But until that happens, we can do all what we wanna do and send it-and the Governor has to look at this. And they’re going to kick that back automatically because we’re saying something about the State Law in it.”

Mr. Metcalf asked Roth if it’s possible to put something in an application that says “preference given to city residents.”

Mr. Roth said, “That’s something I’ll have to look up for you, but I’m quite certain that you can’t require that. I mean I would be happy to look into it and research it and issue a written opinion, but I’m quite certain that’s something you cannot do.”

Mr. Williams said the argument at the time is that Flint didn’t have qualified individuals.

Mr. Metcalf said he can see going outside the city for certain positions, like a City Manager, a Fire Chief, a Police Chief and so on. “But there are a lot of positions in Flint that, to me, are just given away. And there ought to be people in Flint for certain entry-level jobs that those jobs can stay in Flint. And we talk about our tax base – well, if our tax money is going out of Flint and if people with those jobs are going out of Flint, we’re never gonna have a tax base. I know I’m rambling but this has been a thorn in my behind for a long time.”

Mr. Larkin asked what the purpose is for the Declaration of Rights.

Mr. Richardson: “Well, it’s interesting, um, there are some municipalities that have a Declaration of Rights and there are some that don’t. When you look at the national Civic League Model City Charter piece, there’s a discussion about inclusion of a Declaration of Rights. And some feel it’s a way for the city to be able to establish some high level expectations of how we’re expecting government to behave and what we’re expecting it to be able to do – that there are high-level goals, if you will, to work towards achieving. They’re directed towards ways in which to direct the city to how it will deal with and interact with the citizens of the city. So, it’s kind of a high-level playing piece.

“Now, Detroit, for example, has a Declaration as part of their Charter. But, for example, Saginaw does not,” he continued. “Nor does Ann Arbor. So it’s up to the individual city to have-if they want to have a Declaration of Rights. I think there’s some advantages to having a Declaration of Rights because it sets an expectation we have of all those who are elected to office and who work for the city about how they’re going to interact with and how they’re going to treat the citizens of the city, and how we view everybody. So it’s really kind of like-it’s also a description of what work we expect a city to do. And that’s why I’ve brought it forward cause I think that the original Declaration of Rights was really pretty good because it does set out some high-level expectations, particularly in the area of human rights and how we treat each other. And I thought there were just some areas that could just use some tweaking in various terms to add a little more strength to them. And I added those in in those areas that I thought that were important from my perspective, specifically clean and safe neighborhoods, safe and decent housing, access to safe drinking water – are all, I think, important pieces. Safe roadways, walkways – all of those are things we expect the city to be able to do. In addition, I thought that there needed to be some strength given to equal protection for all people within the city and added into it that no person shall be denied the enjoyment of civil or political rights or be discriminated against in the exercise thereof because of race, color, creed,

national origin, age, disability, sex, sex orientation, gender expression or gender identity. I took that right from the Detroit Declaration as well. And I found it interesting that it wasn't in our charter to begin with. So I added that in."

Ms. Phaneuf asked about religious protection. Mr. Richardson said he missed it, but will add it.

She referred to Mr. Metcalf's previous comments about residency and noted that there is a State Law that dictates where employees can live. She pointed out that it costs a lot of money to live in the City of Flint. "I pay more insurance than my parents, the cost of living is higher, and that's a disincentive to live here," she said. She asked if the Commission could provide an incentive, and consider it like a cost-of-living increase. She said she was just throwing the idea out for discussion.

Mr. Williams pointed to Article 1, 601 – the Oath of Office. "It says that once you're hired in or appointed you're going to follow the Charter. It's simple," he said. "So for those who are not following the charter, what do we do?"

A number of people mumbled "they're supposed to forfeit their office."

Ms. Phaneuf asked Mr. Cherry about Proposal 12, Item B, No. 2 – violations of any provisions of this Charter are punishable by forfeiture, which means that the City Council can remove any elected or appointed official. "And then if they don't," she said, "the citizens basically can approach the City Council to force them to hold a hearing."

On Proposal 18, Ms. McKenzie asked why the first part of the original preamble was scratched off – the part that says "we, the people of the City of Flint, in order to guarantee equality, freedom, justice and effective government to each of our City's residents do hereby adopt this Charter."

Mr. Richardson: "I took it off because as I read in the National Civic League's Model Charter about what are the elements that the city needs to claim in order to be able to have the broadest ability to govern under the state laws, that that Preamble needed to have a statement in it that enabled the city to be able to use all of the powers that are provided for under State Law and under the Home Rule Act. And we needed-in following then the National City's thoughts there to have in it all of the elements that would enable us to be able to do that. So it's not so much an objection to what the person wrote originally, the intent on my part was to make sure when we declare what we are doing that we are reaching out and getting all of the authority – the city has all of the authority that it can possibly obtain – to be able to function. So, we the people of the City of Flint, under the constitution and laws of the State of Michigan, in order to secure the benefits of local self-government and to provide for an honest and accountable government, do hereby adopt this Charter, and confer upon the city the following powers, subject to the following restrictions and prescribed by the following procedures and governmental structures, etc. And that's why I put that in there. When you look at the Preamble at other cities it's quite similar to this particular one that I added in here. I thought it needed to be updated and brought into compliance so that we could have all the benefits provided by Home Rule."

Ms. McKenzie said, "I think that after the wording 'and regional cooperation,' a semi-colon could be added so that it reads 'professional management, strong political leadership, citizen participation and regional cooperation; in order to guarantee equality, freedom, justice and effective government to each of our city's residents we do hereby adopt this Charter.' I feel that's important for the citizens to know – that we are looking at their rights as a person and as citizens of Flint. So I'm requesting that that be placed back in."

She also wondered if the word "transparent" can be added to the phrase: "for an honest, *transparent* and accountable government" in Sentence 1, Line 3 of the Preamble.

Ms. Phaneuf agreed with Ms. McKenzie's proposed changes.

Ms. McKenzie also asked about the 3rd Declaration of Rights that talks about equality for all persons. "You have sex and sexual orientation." Should the first word "sex" be deleted? It seems like it's redundant, even though it came out of the Detroit Charter. Should it be age, disability and sexual orientation?"

She was told that sex refers to man or woman and sexual orientation refers to partner preference (man and man or woman and woman). It was also pointed out that gender expression/gender identity are personal preferences, not biological ones.

Since the Declaration of Rights was crafted by a Flint Public Schools student 40 years ago, Mr. Larkin suggested maybe finding another high school student to help the Charter Commission draft a new one.

Mr. Richardson said since the state will be reviewing the Charter once it's finished it is important to make sure that the Charter contains an appropriate statement to identify the rights of the people of the City of Flint.

Ms. McKenzie said she thinks Mr. Richardson achieved that in what he wrote and that she has no problem with his wording. She would just like to have the words added in that she referred to earlier.

"Well, you can put it in. You don't have to ask for it – you can put it in," said Mr. Richardson.

Mr. Larkin asked about the process for changing a proposal.

Mr. Cherry said proposals can be amended or new proposals can be introduced.

"The Rules say that once a proposal is introduced it becomes the property of the entire body," said Mr. Richardson. "And the body can then do anything it wants with it. So if some part of the body wants to make a change to it, they can make that change."

Mr. Larkin said that when a Commissioner is comfortable with a particular proposal, he or she can make a motion to send it to second reading, with or without changes, and, once seconded, a vote is taken.

Ms. Phaneuf asked to discuss Proposal 12, B2 – "how we would potentially enforce it if a elected or appointed official was not meeting their qualifications. But here's the kicker – it just says, under B1, 'that they lack at any time the qualifications required by law or this Charter.' So it's like a vague statement and is something that is open to interpretation. And it seems to be it's that same level of 'open to interpretation' that keeps this from being actually used... somebody could challenge it and say 'well, I feel I do have the qualifications required in this Charter. Cause it just says vague statement over here to vague statement over here.' So it just seems like there's-this might be that point where we're trying to figure out how to hold that level of accountability but it's just not strong enough language. We need something more."

Mr. Metcalf asked Ms. Phaneuf what she proposes and she said she would have to think about it.

Mr. Cherry said, "We could require some professional qualifications with certain positions – you could need to be a member of the association for City Managers, for example, in order to be appointed to that position." Or, city attorneys could be required to be members of the State Bar.

Mr. Larkin read from the Charter: "In such instances where official certification or license is required of an appointed officer, the city's officer shall be required to demonstrate possession of said certificate or license."

"Doesn't that address that?" he asked.

Mr. Richardson said his questions are "who should set the requirements for these positions. – should it be done by the Legislative body of the city or who should do that. I'm not sure it should be set in the Charter because we're looking for a document that will last for a long time. And qualifications for particular positions change over time. I'd like to see what establishing those qualifications are, to be done legislatively or by the administration, one or the other. But folks gotta have those qualifications. I don't quite know how to get there but there oughta be qualifications."

Ms. Phaneuf asked to discuss Proposal 13 – Conflict of Interest

She said the concept as written is good, but she thinks it could be strengthened and that maybe an ethics statement could be added.

Mr. Cherry said Commissioners might want to consider defining conflict of interest.

Mr. Richardson agreed that the statement as written looks “pretty weak.”

Councilperson Eric Mays chimed in with “if you really understand that Charter, and I’m enjoying listening to you guys, but when they enacted that Charter in the areas you’re talking about, whether it was a mistake or not, they told the Council after the enactment of the charter in ‘74 to put the meat on it by enacting Ordinances, to go with that and to further define it. The Council over the years has not put certain Ordinances in place. It is some Ordinances in place that further defines the conflict of interest so when you really read the stuff you’re talking about – I’m enjoying the conversation – but you’re right, people didn’t put further Ordinances in place to put the teeth in and when you violate them Ordinances you violate the Charter because they hook on to that Charter.”

Mr. Richardson asked Mr. Mays if there is an Ethics Statement in the Ordinances.

Mr. Mays replied, “Not like it should be but the people and the authors told em to do some of that and some of that is missing and it should be updated and strengthened and now you gotta decide – that’s why I’m enjoying what you’re saying – it’s certain people didn’t do further what they told em to do.”

Mr. Cherry said the weakness in not defining enough in the Charter itself is the City Council and Mayor can change Ordinances. So, if the political situation arises in which the conflict of interest, or whatever issue it is that is on here, doesn’t agree with-the Ordinance itself does not agree with what they want to do they can always change the Ordinance.

Ms. McKenzie said she thinks Commissioners should read the Charter amendments that were passed out previously.

Mr. Roth said the online version of the Charter and City Code also have all the amendments. He said he will search the Ordinances for information on conflict of interest, but pointed out that Commissioners can search the online database as well.

Ms. Phaneuf pointed out that Proposal 11 – Ordinances Required for the Public Interest – says “the city shall adopt by Ordinance such standards for the conduct of public affairs as deemed necessary and proper.”

She also discussed No. 10E in that same proposal: “the Standards of Conduct Board shall review at least annually any reports, registrations, statements, declarations or any other documents required to be filed under Ordinances adopted by the city under this section. My question is how is that going? Are there reviews on an annual basis?”

Mr. Donnellan said the Standards of Conduct Board hasn’t met for years. He pointed out that the seven-member board consists of Chief Legal Officer, City Clerk, Ombudsman, and four residents unanimously nominated by members and appointed by the Mayor. The Council has no role in this, he continued, however, the Council selects the City Clerk and the Ombudsman. He said he thinks the Ethics Board stopped meeting about the year 2000.

Ms. Phaneuf said, “We need to do something about this proposal. It’s inadequate.”

Mr. Richardson said, “What we have to do something about is getting people to follow this thing and the consequences of not.”

Ms. McKenzie, supported by Mr. Larkin, made a motion to adjourn. The voice vote was unanimous.

This Charter Review Commission meeting was adjourned at 8:34 p.m.

Respectfully submitted,
Janell Johnson, Secretary