

SUMMARY MINUTES

CHARTER REVIEW COMMISSION – December 10, 2015

Chairperson Cleora Magee called this regular meeting of the Flint Charter Review Commission to order at 6:32 p.m.

Roll Call

The recording secretary took roll call.

Present: John Cherry, Cleora Magee, Heidi Phaneuf, James Richardson, Marsha Wesley and Brian Williams.

Absent: Charles Metcalf and Victoria McKenzie

Vacant: Brian Larkins' seat

Also in attendance: Thomas Donnellan, 1972 Charter Review Commission Attorney.?????

Minutes of Previous Meeting

Minutes from the October 8, 2015, meeting were included but not voted on.

Special Presentation to the Commission: Ms. Magee welcomed students and Advisor Elisabeth Gerber from the Gerald R. Ford School of Public Policy. The students presented their Public Policy Research Report.

Mr. Cherry reminded Commissioners that they had asked the Ford School of Public Policy at the University of Michigan to do research for them in different areas, including political structure, administrative structure, financial best practices. He introduced the students – Corey Ackerman, Caitlin Jacob, Shana Toor, Andrew Floyd and Eric Riley.

Shana Toor: “Thanks so much for having us tonight. We’re happy to be here and to present our research. I just wanted to start off by reiterating what John said, um, and also just noting that we started this research work about eight weeks ago so it’s by no means a comprehensive set of information, but we’re definitely interested in um continuing this work next semester. It’s definitely a work in progress, um, but we’re happy to share our findings with you tonight.

“So, this research was done through looking through academic literature as well as talking to people in Flint, and we’ve split it up based on opportunity areas, which you’ll see there and I’ll talk about more in just a minute, as well as specific policy topics surrounding budget, political structure and administrative departments. And then at the end we’ll also be discussing how to best enforce the charter as well as next steps, like I said, in our further research.

“So, just to define what I mean by opportunity areas, opportunity areas are broad themes that we found in our research for areas of improvement in Flint and they definitely relate to building upon foundations already laid out in the city. So, our first one is information. So, there’s a informational disparity between government officials, which limits their ability to make informed decisions and plan for long-term growth, and we recognize that transparency is essential for public faith in government, but is made difficult without shared access to relevant information.

“So, for example, there’s been a mismatch of information on occasion between the mayor and city council regarding issues of budgeting. So, for the opportunity area of professionalization we found that the authority of professionals and administrators depends on approval of political officials um and so day to day governance is often politicized. For example, when professional appointees are accountable to a certain political body, it’s often difficult to prioritize certain goals and um effectively govern.

“Cooperation is one of our larger themes within the opportunity areas, especially because it relates so much to both information and professionalization. You can’t really have one without having the other two. Um, so they tie in fairly well with each other. Improving information access and increasing professionalization alone are ineffective, like I just said, unless there’s collaboration within government across various issues. Um, and we also found that reduced confrontation within branches of government can lead to more efficient governance.

“And our last opportunity area is size and legacy and we noted when looking at the 1974 charter that many of the political institutions laid out in that charter are, um, not sufficient to serve the city of 2015. And so that’s another broad theme that we found that relates to many of our policy topics that we’re going to discuss.

Andrew Rising: “Thanks so much, Shana. Um, so Shana just articulated [HE’S ASKED TO GIVE HIS NAME] and Shana articulated a lot of the broad opportunity areas, the areas we see for improvement. Um, these are general, just based on our observations alone. I’m going to get into talking about the policy topics, which we see as the methods for addressing each one of those specific opportunity areas.

“So, the first of these would be with the budget process, and it’s just specificity with the budget. Um, we think that the charter can be a place to in trying a mechanism that allows and informed discussion of the budget, and addresses some of those areas for improvement, like information and cooperation. So, currently the budget process in Flint is operating very well, but none of that’s codified in the charter. Um, the charter has a brief, um, section on the budget with not many specifics. So we think to make that happen over and over again, and increase the strength of the charter by codifying things we already do, as well codify a system of cooperation and make sure that when the budget is talked about, it’s talked about inclusively with both the council, the mayor and the administration. We could reference state law in the charter. Um, this would insure that the charter is the go-to place for all information on the budget; it wouldn’t be in two separate documents, but between the state and the city, um, it’d be in one place if people want to learn how the budget process works, it’s all in the charter.

“Um, the Uniform Budget and Accounting Act is specifically-is the bit we want to include into the Charter. Um, otherwise there are different things we can do to make the process more specific within the charter. Um, the charter also already calls for an annual audit. We’d like this to be codified as a presentation to the Council. So, not only does that audit occur every year, but it is presented to the Council where everyone can discuss it openly. And that just makes sure the branches of government are collaborating. Everyone knows what the money is being spent on and how it’s going to be spent in the future. Along with this reporting mechanism, there’s something you might like to consider: um, long-term projections to make sure everyone really in the government is on the same page.

“Um, there are other ways to budget for financial stability, and you include those in the charter. This deals more with professionalization of the budgeting process, the need for information and cooperation. We see this as a way to um a balance between overprescribing, which is something we don’t want to do in the charter, and then really lacking specificity. So, any good things that are currently happen, might not happen in the future unless they’re codified.

“So, with an eye to maintain the flexibility the charter already provides, we suggest that establishing some sort of fund reserve in the charter, but through ordinance – so, through a mandated ordinance, um, a fund reserve balance be established in the future, allowing the city to change that as priorities change. But we codify a current best practice of the city.

“And then finally we’d like to make it more challenging for departments to get approval to spend without-outside of the budget. Right now, it’s a simple majority – we think it makes sense to move to a super majority in this regard. I would just, again, encourage more cooperation within the council, it would force the council to discuss all the issues on the table regarding the budget, um, improve access to information, and make sure professional decisions are made about the spending of the city’s money.

Uh, the mayor and council are another area that we think can improve those opportunities we’ve thought about. So currently the charter grants the mayor power over policy implementation and formulation. And, um, at times like this when the mayor and council and in conflict, if that were to ever happen, it creates a impasse on both the implementation side and the formulation side. So, we’d like to really streamline that role and, um, foster more cooperation and increase the access of sharing information by putting the mayor on the council, as the president of the council. Um, he or she would be the only at-large member of the council, um, indeed the council would really have a responsibility for all of the political duties of the city, not just the executive, but then they’d be involved in the legislative process as well. We think this will cut down on conflict in the future, um, it would force more

cooperation. Currently right now the council has to use subpoena power, um, it's their only power of obtaining information in the charter. But if these were made into a, um, cohesive body politic, with the mayor and the council together, we think that, um, everything can be streamlined – it could be a lot better.

“Um, redistricting we see really as really a issue of size and legacy. We have a-the 1974 charter, which did great things for its time, and was meant to address the problems of 1974 Flint. Since then not only the population, but this, um, distribution of population in the city has changed. And we think that adjusting the number of wards to account for current population levels would better increase citizen representation, just completely rebalance the position. As we're changing the nature of the council by including the mayor, we look to make sure that um in 2015 it represents all the people the way it did in 1974.

“For administrative departments, um, we've seen that the 1974 charter addressed the problems of its time really well. Um, in 1974 there were a lot of bodies created for each responsibility, turf was really divided up, you had several bodies dealing with similar goals, like the, um, Standards of Conduct Board and the Ombudsman and the Human Relations Comm-or Board, um, all deal in some way with ethics and conduct. Um, and whereas that might have been important to Flint in 1974, we have some outside institutions today. Back then that necessitated giving a lot of power to the mayor to cut through some of that red tape and the obstruction. But today we think we can actually fix that problem by allowing the ordinance for the merger of the partners-departments as seen necessary, and by establishing all these departments through mandated ordinance. So, allowing the city the flexibility to remove and add departments without doing a full charter revision or amending the charter.

“The City Administrator and the appointment or removal process is another area. Um, this is big on professionalization – just as we've given the mayor now in our recommendations, the, um, more power over the political system through a seat on the legislature, a voice on the legislature in the executive, we think that there needs to be a clear division between the political, the executive and the legislative, and the professional, um, which would be, um, day to day management of the city as drawn by the City Administrator. So, in order for this position to be a truly professional position, it can't, um, answer to one political position alone. So, whereas the current charter um the mayor is authorized to appoint the City Administrator, we'd like to see a system where the mayor and council together conduct a nationwide search for a qualified candidate based on qualifications, and by a super majority appoint/remove this person. So, this provides some insulation for a City Administrator to really worry about the professional aspect and avoid the politician-politicization of some of the, uh, duties as we could see under our current system.

“So, code enforcement is another huge topic, um, all of our recommendations and our research don't mean much if you can't enforce it. And we thought about that really broadly. Um, but it's something that comes after, when we thought about what we need to do and what the city needs based on its opportunity areas, code enforcement's really been our next step. So, we've got some general things, but we really see it as a next stop as well. The main reason we've been looking at code enforcement and the (?) thing we've seen on how to best enforce the charter, is through a culture of enforcement. And this means that there's a respect for the charter that goes beyond what is just written in the charter – beyond what is just codified. The way we see to do this is to reserve the charter for only obtainable goals – for things that we know can be accomplished, for things that we're not gonna disregard, things that can last for 50 years. This includes things like um, not funding, er, not, uh, outlining too many depar-departments and bodies within the charter itself – maybe taking some of those out and putting them in ordinance. Um, there might be times, for instance, where um certain offices, the uh, need to be unfunded or refunded depending on the priorities of the city at the time. And if those priorities we think could change, we want to leave that out of the charter, put that in ordinance.

“We also like self-reinforcing mechanisms in the charter. So, when we include a process like the audit, and the presentation to council, or dividing up the, um, budget address of the city as a professional duty of the City Administrator, where the State of the City address would be a political duty of the mayor. Things like this that are going to happen yearly that are codified in the charter reinforce the entire charter. Um, when you have a process that happens over and over again, it's a culture of enforcement that starts building.

“Now we also considered we looked at other cities and we considered the idea of punitive measures in the charter, such as making department heads liable for overspending, but we ended up deciding against a lot of these or including them um in our report, because we think it could discourage future candidates. So, we looked at a lot of different areas of charter enforcement, and we’ve really decided that the culture of enforcement is the concrete thing that must be included.

“Now a lot of this depends on next steps, um, because more research into code enforcement and charter enforcement is our number one goal. That’s what we’re going to look at going forward in the future. Uh, there’s also more information as uh John asked us to research earlier about more administrative bodies we could look at, uh, delve deeper into specific bodies like the Civil Service Commission, and boards like that, and then more appointed positions, such as the City Clerk, the City Attorney, um, Chief Financial Officer, other positions that are outlined in the charter currently that we need to take a deeper look at. And we plan to in the next coming months.

“With that I’ll open it up to questions.”

Mr. Cherry asked what materials the students will be providing in the next few weeks.

Mr. Rising said they expect to have a report that details all of their recommendations in a lot more detail compiled soon. He said they’re just waiting for feedback before finalizing it.

Mr. Richardson asked what sources they used for the research that helped them come to their conclusions.

Mr. Rising said the work was divided up by subject area, so each student had different sources.

Caitlin Jacob said for the budgeting process and best practices, they used a combination of current literature and scholarly literature such as journals dealing with municipal finance. She said they also spoke to the current Chief Financial Officer in Ann Arbor and people from the Michigan Municipal League to get a broader perspective of the budget process in the State of Michigan. They also looked at charters from different cities throughout Michigan to see what they included in the charter and what they didn’t and what seems to have worked and what didn’t.

Eric Riley said a lot of research was done through literature reviews and journals. He drew on a research article from Wayne State University that surveyed 236 cities in Michigan by looking at political structure and form of governance. He said they also conducted interviews with City Council members, and next semester they plan to interview former Mayor Woodrow Stanley to get his perspective, which can then be compared to the research.

Mr. Williams wanted to know if it would be the same students next semester. He was told that it would mostly be the same, depending on schedules and graduation dates, and that the faculty advisor will be the same.

Mr. Richardson asked the students to sit in on some of their meetings and discussions – and maybe some advisory committee meetings – to get a flavor of what Commissioners and the public are thinking about and how each is proceeding.

Mr. Rising said they do plan to attend and have been to an advisory committee meeting.

Mr. Cherry asked if they could discuss how some cities create a culture of enforcement.

Mr. Rising: “We see the culture of enforcement as something, um, I mean, in the end it depends on the decision to, um, uphold what’s in the charter and we saw that really deriving from-some cities either include less in the charter or more things are established through ordinance, and, um, the-the higher number-the higher proportion of elements of the charter that are obeyed, they’re more likely-that the rest of it is obeyed – it’s something we kind of observed. Um, what I mean by that is if there’s priorities that might not be able to be accomplished, those usually don’t go in the charter in other cities – those will be established ordinance and the ordinances are something that are amended or fixed later, whereas the charter is, um, more of a sacred document.

“So, in all of our recommendations, that’s something we were trying to gear toward. Um, the other one is putting processes in the charter that happen over and over again. So, outlining the specific detailed way of doing something whether it be an appointment procedure or a procedure for presentation of the, um, audit to the council regarding the budget, when something like that occurs over and over again and it’s detailed in the charter, it’s strengthens the rest of the charter as well. You’re following some of the processes in the charter, you’re more likely to follow the rest of them.”

Mr. Cherry: “So to clarify: you’re saying that making sure that the charter includes things that can be accomplished and then those things that are most important detailing them out? Is that…”

Mr. Rising: “Yeah, detailing them out and detailing out things which, um, are continuously accomplished, which self-reinforce themselves by occurring over time.”

Ms. Toor: “I was-just to add to that, um, thinking about like with the budget process specifically, um, examples are- so being more specific in the budget, um, in the charter, about the process, um, the legal guidelines that the budget process should follow, um, when we talked to people from the Michigan Municipal League and other cities, what we heard also was, um, not creating unrealistic expectations in the charter. So we-in-the-there are other cities in Michigan that have some strict enforcement mechanisms within the charter that are not necessarily followed, specifically related to budget. Some of those were punitive, some of those were otherwise, but, um, those are not followed and so creating unrealistic expectations in the charter makes it harder to enforce. Um, and I think that’s what Andrew was getting at a little bit – putting things in the charter that are not followed makes it easy to ignore other things. So, if you have offices that aren’t being filled, if you have expectations for budget or fund reserves that absolutely have to be-maybe you can’t follow them sometimes even. That makes it easy to ignore simpler, smaller things in the charter. So, making sure that the charter is realistic, um, being detailed, um, but not putting so much detail in it that it locks you into place and creates expectations that in 20 years maybe the city can’t live up to because of, um, unforeseen circumstances.”

Mr. Richardson asked how the Commission will know what is going to be used and what is not going to be used in 10 years, or five years.

Ms. Toor: “I can’t speak to that too broadly but I can say that when we talked, um, when thinking about the budget, um, cause that’s the area that I focused on, we, um, talked over and over about not putting rigid expectations in. So, you won’t-you won’t know exactly, to be honest. But what you can do is think about what are- what allows enough flexibility for a city in the future to stay true to the charter, to stay true to the spirit and the intent of the charter, um, but still maybe maneuver. Um, so for example, that’s why we recommend mandating a level of fund reserve in the charter – make the amount of the fund reserve in an ordinance. Because that can be changed much more easily. And so while you’re saying in-we think in 20 years it’ll still be important to have savings and fund reserves we don’t know in 20 years what that amount will be and we want to give the city flexibility to maneuver that.”

Mr. Cherry: “So, when you say a mandated ordinance, you’re saying something in the charter that says ‘the council shall establish a minimum fund balance for, you know, the general fund,’ or something along those lines.”

Ms. Toor: “Yes. And potentially suggest periodic reviews of that fund balance, um, to insure that it stays realistic and still works.”

Ms. Magee: “Could you go back again to your recommendations on, um, eliminating those boards and commissions. What did you base that on?”

Mr. Rising: “So, we were looking at some of those-we looked at um the current status of some of those boards and commissions and then we looked at um we tried to look at their purpose and origin in the uh previous charter. So, we tried to find some points where their duties might overlap or their missions might overlap, and if they were currently not funded today, our sense, um, our analysis, was that, um, when the responsibilities became, um, too-too

segmented – to small when the turf got carved up like that – it became easy to get rid of one, then get rid of another, um, because they weren't all tied together in one. They-none of them was essential on their own. So, our-our, um, thought process there was not to eliminate some of these bodies, but to maybe fold them together, so it was in a single essential body for a single essential mission.”

Mr. Williams: “For instance...”

Mr. Rising: “For instance, yeah, like the, um, it'd be the office of the Ombudsman currently unfilled and things like the standards of conduct. So both of those have to do with scrutinizing government and keeping people accountable. Um, so both of those-on their own, when they have separate tasks that are both related to the same mission of keeping people accountable, um, might be unfunded at times. When you combine them together, it's an organization that matters enough to the populace and it matters enough to the city and it's crucial enough together that, uh, we would hope in the future it be funded.”

Mr. Williams: “When you did the survey, and I know you say you went to the, uh, the municipal league and stuff like that, but did you go-when you went there and talked to them, did you deal with cities our size, or did you deal with our city because we're-are industrial city, uh, General Motors-type city. Those make a difference – then you can measure those things up of a Grand Rapids-type city. You see what I'm saying?”

Mr. Rising: “Yeah, that makes sense.”

Mr. Williams: “Did you take those things into accountability when you did this?”

Ms. Toor: “Yes, we did think of that. Um, and one of the things that we're gonna provide with the report is a series of examples of charter language in other cities. Um, and we tried to do-we tried to look at a couple different things. So, one we tried to look at cities that were similar to Flint – and exactly the characteristics that you were speaking of – things like population, maybe population loss, deindustrialization, some of the changes Flint has encountered, looking at other cities that have encountered those. Specifically in Michigan and maybe in the Midwest also, um, and then we tried to look at cities of similar size but that maybe had different characteristics but had done innovative things in their charters. So, those are sort of different categories. Um, but we tried-in our report we try to provide information about both. So, cities that are very similar to Flint – what have they done, but also what are some interesting things that have worked in cities of similar size, um, but maybe are a little different from Flint in other ways.”

Mr. Williams: “Okay, thank you.”

Ms. Magee: “Thank you so much for the work you've done thus far and we look forward to future work. Thank you so much for coming and-and, um, we think that what you're doing is a real benefit to the Commission.”

Mr. Cherry noted that the students will email the written report once it's finished.

Public Comment on Agenda

R.L. Mitchell, 759 Linden Avenue

He said he hoped the Commission would stay together and said he thought they should bring in ex-mayor Dayne Walling to get his thoughts.

REPORTS

1. Rules Committee

Mr. Cherry said the committee met today to review six applications for the Commission seat left vacant when Brian Larkin left. He said the committee is recommending that the rules be suspended at the next Commission meeting so that all six can be interviewed.

He made a motion, supported by Mr. Williams, to suspend the rules at the next Commission meeting (Dec. 17) to allow all six candidates to interview for the vacancy. The motion passed 5-1 by the following vote:

John Cherry – Yes
Cleora Magee – Yes
Victoria McKenzie – absent
Charles Metcalf – absent
Heidi Phaneuf – Yes
James Richardson – No
Marsha Wesley – Yes
Barry Williams – Yes

Mr. Cherry said the Rules Committee drafted some questions for the candidates that they will email to Commissioners. He said each candidate will have about 15 minutes.

The Rules Committee Report was accepted by consensus.

2. Finance Committee

Ms. Wesley, the committee's chairperson, passed out a copy of the latest budget, which includes changes from the last meeting. The changes included:

- a. Deleting \$1,000.00 from Rental Costs of Facilities for Forums, and adding \$1,000.00 to Materials, Food & Supplies
- b. Deleting \$491.00 from the Website, and adding \$491.00 to Materials, Food & Supplies
- c. Deleting \$500.00 from Copies, and adding \$500.00 to Materials, Food & Supplies
- d. Deleting \$4,909.00 from Payroll Taxes, and adding \$3,909.00 to Legal Consultant, and \$1,000.00 to Facilitator for Community Meetings

Ms. Phaneuf said the budget looks good, given the constraints of having only the original allocation of \$48,800.00, and "it's great to have the in-kind services."

"But I really feel that we are lacking in our ability to adequately reach out to the community by not having staff that's fully in that position. And I hope that we can continue to find a way to fund raise or reach out to some other sources we haven't thought of, I think we've exhausted all possible remedies at this point, but we still don't have a person dedicated to, um, providing communication with the public. And the legal consultant is absolutely critical – we cannot do this process without the legal consultant – I feel it's just-it's damaging to do a process that doesn't have good community outreach. And as the chairperson for outreach, I really want to continue to drive home the need to have somebody filling that role. We don't have anyone now and I really encourage everyone here and everyone in the audience to please think about ways that we can have somebody play the role for staff for community outreach."

Ms. Magee noted that foundations will not invest in the Commission because of the political aspect. But, she said, there are other businesses and organizations that they could try.

Mr. Williams suggested trying the UAW.

Ms. Wesley also reminded Commissioners that they need to sign up for and take a salary of \$30 per meeting. She said once everyone is signed up, Line item 18 (Commission Member Payment) could change.

Mr. Williams reminded everyone that it is mandatory.

Mr. Richardson said he does not agree that they have to sign up for the money. "I do not want the funds and um I don't want to have to provide information about myself" or have a check cut to him that he would have to declare. He said he doesn't understand how there can be a law requiring someone to take funds from the municipality. He said he will explore the law further.

Ms. Wesley said she thinks they should be able to decline as well, and she too is interested in the exact law that requires payment.

Ms. Magee said the deadline to sign up is Dec. 18.

Mr. Cherry, supported by Mr. Williams, made a motion to approve the budget. The motion passed 5-1 with the following votes:

John Cherry – Yes
Cleora Magee – Yes
Victoria McKenzie – absent
Charles Metcalf – absent
Heidi Phaneuf – No
James Richardson – Yes
Marsha Wesley – Yes
Barry Williams – Yes

The Finance Committee Report was accepted by consensus.

3. Public Outreach Committee

Ms. Phaneuf, the committee's chairperson, read from a handout detailing minutes from the Dec. 7, 2015, Public Outreach Committee Meeting.

She said most of the meeting was spent planning for the next large community meeting, which will be held from 5:30 to 7:30 p.m. January 21, 2016, at Grace Emanuel Baptist Church. The purpose of the meeting, she said, is to educate and inform the citizens, as well as get feedback, introduce them to the Charter Review Commission and discuss form of government.

She said two hours is not enough time for the subject matter and that the discussion will be continued at a public forum that is tentatively scheduled for February 9 at the Flint Public Library. In March, she said, the group will finish discussion on form of government and will begin talking about ward representation.

The next Public Outreach Committee Meeting is scheduled for 6 p.m. Dec. 21, at which time they will discuss materials needed for upcoming community meetings.

Other: January 7, 2016, the advisory committee will meet at Stockton Center to discuss materials needed for the large community meeting on Jan. 21.

Ms. Magee submitted a calendar of meetings for the next three months and will ask for approval at the next Commission meeting. She also mentioned that she spoke to around 50 representatives from various organizations at Job Corps earlier in the day and she gave a radio interview about two weeks ago. She said she is interested in doing more if the opportunities present themselves.

Mr. Cherry, with support from Ms. Wesley, made a motion to accept the Public Outreach Report, which was accepted by consensus.

General Communications/Written Correspondence

None.

Receipts of Petitions

None.

First Readings of Proposals

None.

Second Readings of Proposals

None.

Third Readings of Proposals

None.

Unfinished Business

Ms. Magee told the Commission that four proposals were received in response to the call for legal/research help.

1. Attorney Donnellan
2. Attorney Ryan
3. Attorney Peter Letzmann
4. Banks & Co.

She asked how the Commission wanted to proceed.

Mr. Richardson asked about the candidate who was supposed to do a telephone interview.

Ms. Magee said no interview took place because she did not receive questions from any Commissioners. She said the Attorney is Thomas Ryan, and that Commissioners received his proposal.

Mr. Cherry said to drop Mr. Ryan.

Mr. Williams asked how many of the candidates are from Flint.

He was told just Mr. Donnellan, but that all three remaining candidates have experience working with charters.

Ms. Phaneuf asked to remove Banks & Co. from consideration. She said she was concerned about the professionalism of the individuals who presented to the Commission.

Ms. Magee asked Commissioners to review the materials submitted by Attorneys Donnellan & Letzmann so a decision can be made next week.

Mr. Cherry, with support from Ms. Phaneuf, made a motion to adjourn. The regular meeting was adjourned at 7:30 p.m.

SUMMARY MINUTES

COMMITTEE-OF-THE-WHOLE – December 10, 2015

Ms. Wesley called the Committee-of-the-Whole meeting to order at 7:31 p.m.

Roll Call

The recording secretary took roll call.

Present: John Cherry, Cleora Magee, Heidi Phaneuf, James Richardson, Marsha Wesley and Brian Williams.

Absent: Charles Metcalf and Victoria McKenzie

Vacant: Brian Larkins' seat

Public Comment

None.

Mr. Richardson asked to present an amendment to Proposals 6 and 7, which are Sections 1-404 (Definitions) and 1-501 (Qualifications of Appointed Officers).

“I’m making the proposed amendments this evening to require persons appointed to positions of responsibility for the operations and management of services and activities have the qualifications, the experience and the certifications to per-to perform the duties of their particular positions.

“When I read through the Charter, uh, read through it carefully, I’m struck by how um there is not a-any kind of um of requirements in place about those people who we put in place to do the actual management and operations of the city – that they have the kinds of background and qualifications that are necessary to perform-perform those jobs. And I think that that’s a very important quality that we need to have in those positions where we’re asking people to um have-to operate at times fairly complicated systems, um, and that they have the back ground and information uh to be-to be able to do that. So as I’ve looked at through the charter, the ’74 Charter has what appears to be three categories of appointed positions. The mayor’s executive staff, the department heads and multiple member bodies – those seem to be the groupings that all have-that get appointed. Now the mayor’s executive staff consists of the City Administrator, City Attorney, and three others, if you look at Section 4-202, as amended, you see that those are provided. Now remember that in uh-that when the Charter-when the revision-the electorate decided to revise the Charter, that amendment was approved by the voters that reduced the executive staff down to five. And um and so that’s how I read it – City Administrator, City Attorney and three others to make up those five.

“Then up to 10 department heads can be appointed by the mayor ‘as may be necessary to administer the responsibility of the city for public safety, public works, utilities, parks & recreation, transportation, including aviation, finance, community development and environmental protection (Section 4-203). The position of City Treasurer and City Admin-Assessor are also appointed by the Mayor (Section 4-401). In addition, City Council appoints a City Clerk (Sec. 3-403) and Ombudsman (Sec. 3-501) or department heads.

“The multiple member bodies are boards-Board of Hospital Managers, the Zoning Board of Appeals, the Planning Commission, the Standard of Conduct Board and the Human Relations Commission, are the ones mentioned in the Charter that I found.

Mr. Cherry pointed out that he missed the Board of Review. Mr. Williams pointed out that he missed Civil Service Commission.

So those are all who get appointed. Um, so what I’m really concerned about is um those people who are appointed for responsibility for the day-to-day city administration operations, now I think they’re the ones who need to demonstrate their qualifications and experience. The other appointed officials by the mayor or his/her support staff or the multiple member bodies, will need to be um need to possess the credentials as required if any by the appointing person body or law for the multiple member bodies. So the multiple member body may have some ideas about qualifications that they’re looking for that, uh, position and may want or not want or may have to have qualifications or not have qualifications to serve on any one of those bodies. Um, but what I’m interested in, really, is looking at uh those parts of the-uh, those administrative and operational positions. That’s what I’m trying to get at by making the proposed amendments.

So, the first amendment is in Proposal 6 – is to amend Section 1-404 (Definitions) by adding the following: ‘principal officers are those persons appointed by the mayor to the positions of City Administrator, City Attorney, City Treasurer, City Assessor and department directors, and those appointed by City Council to the positions of Clerk and Ombudsman. So those will become our Principal officers.

Then under Section-I’m proposing to amend Section 1-501 (Qualification of Appointed Officers). See, I’m trying to define appointed officers and I’m saying that-that these appointed officers gotta have the qualifications to do the jobs. So, what I’m saying then is change the title of the section ‘Qualifications of Appointed’ to ‘Principal Officers.’ And change Paragraph A to read “all appointed principal officers of this city shall possess, maintain and document

(adding that into it), the background and experience appropriate to the position. In such instances where official certification or license is required of an appointed principal official for the city, the officer shall be required demonstrate possession of said certificate and-and adding the following language ‘and maintain the certification for as long as they remain in the position.’ Evidence of the background and experience appropriate to the position as well as required certifications shall be presented to City Council. City Council must review the principal officers’ background, experience, certification prior to confirmation of the appointment. The documentation shall be maintained by the city and made available for public inspection.

And then adding in Paragraph C ‘licenses and certificates required of principal officers shall include but not be limited to:

1. The City Administrator shall be a credentialed manager through the International City Managers’ Association or other widely accepted City Manager Association.
2. The City Attorney shall be a member in good standing of the State Bar of Michigan.
3. The City Assessor shall be uh a certified assessor with the State of Michigan.
4. The Director of Finance shall be a Certified Public Accountant.

“That’s my proposal.”

Ms. Magee asked why Mr. Richardson did not include Director of Public Works. Mr. Richardson said it is included because that position is a department head.

Mr. Williams thought a police chief should be a certified police officer or a graduate of a police academy. Mr. Richardson asked him to research and bring back his ideas for police and fire chiefs.

Mr. Richardson said the danger of specifying by position – over time standards change. So, in 10 or 20 years, the standard or expectation for key positions may well have altered in best practices in some way. And when we specify too much in it and don’t leave the specification to the legislative body uh to do as time may require, in time, uh, then we’ve created a problem where to change it you’ve got to amend the charter. If there’s a way to be able to do some of these things without codifying in the charter, I’d rather get at it-at it from, personally, from that perspective. But I’m-I’m trying to balance between, you know, two things where we’ve had an extensive amount of experience in our city of people who are in positions without the qualifications to do them. And the need to have people in positions who are qualified to do them, what the key positions are. Um, it almost gets to be for me a trust issue around, you know, can I trust the legislative bodies to do the right thing.”

Mr. Williams said he agrees with Mr. Richardson but that he is more concerned with the safety of the community and hiring chiefs that have experience or who have come up through the ranks.

Ms. Wesley asked how Human Resources fits into this.

Ms. Phaneuf asked for clarification on ‘City Council must review the principal officers’ background, experience, certification prior to confirmation of the appointment.’

Mr. Richardson said what he visualizes is that the City Council will confirm the appointment after reviewing the appointee’s credentials. And they have to actually see the credentials, he confirmed.

Ms. Phaneuf wasn’t sure if the wording is clear on who would confirm appointments. She said an attorney/researcher is sorely needed.

Mr. Williams said the process could be political – if the Council doesn’t approve the mayor’s appointees, certain streets might not be plowed in the winter or fixed in the summer. Mr. Richardson stated: “What I want is the people who do the appointing – the mayor or Council – that they appoint a person who is qualified for that position and they have to prove that they’re qualified for it.”

But what about Human Resources, said Williams. If the person has to prove they have the credentials, couldn't HR check them?

Mr. Richardson said there are no qualifications for appointees under the current Charter, which means that the City Council and Mayor could appoint anyone they choose, regardless of qualifications.

Ms. Wesley said that goes along with Section 1-603, Forfeiture of Office, for lack of those qualifications. She said maybe that section needs a little more teeth, and that it applies to both appointed and elected officials.

Mr. Richardson asked for debate on "not getting too specific" in the Charter, and leaving the details to Ordinances.

Mr. Cherry pointed out that the current Charter states: "All appointed officers shall possess the background, experience appropriate to the position." He pointed out that many City Administrators were campaign managers first, in this instance, he said, there should be specificity because it's a problem that exists that we have seen over and over again. He said he thinks it's important to keep the language "that the City Administrator shall be certified through the ICMA."

But once we adopt these mandates, we still have to educate the public so if they do not follow the Charter, somebody can object, said Mr. Williams, and they don't know that.

So it might be a good idea to lay out a process by which citizens can make those types of challenges, said Mr. Cherry.

Mr. Williams added: "I think we need a professional at all times in every position of a high-ranking position."

Ms. Magee said she agreed. "Right now we have a water department that's in chaos because there's not that level of experience and certification for the water department, among other things, to function properly. That's something that needs to be included as well," she said, adding that she believes the water department supervisor needs to have some idea of what he/she is doing.

Ms. Wesley said citizens who have attended Public Outreach meetings were adamant that they wanted "some level of certification or licensure where required and expertise of our appointed officials."

Mr. Richardson said he is concerned that they are getting too specific in their language. "There are levels of responsibility that at the level in which the whole division where there's a person responsible for the whole division that's the folks that I think the credentials need to be reviewed by City Council. I don't think City Council should be reviewing every single employee so if the person who is hired to be the chemist at the water department – should they be named in the Charter?"

No, said Ms. Wesley and Mr. Williams.

"No, they shouldn't be named in the Charter," said Mr. Richardson, "but the person who is the director of the department of Public Works is head of the entire area-the whole organizational arena for that I think needs to demonstrate that they have it."

He said that's why he uses the term "Department Director" as a catch-all for future unknown areas where there might be the need for some sort of overall leadership, something that I'm not even aware of at this point that may materialize at some point in 20 years.

Mr. Cherry said he likes the language but it might make sense to add a few numbers. But he suggested that they research it first.

Mr. Cherry, with support from Ms. Magee, made a motion to adopt Mr. Richardson's amendment to Proposal 7 as written, with the understanding that it can be amended in the future too. The motion passed unanimously.

Mr. Cherry, with support from Ms. Phaneuf, made a motion to adopt Mr. Richardson's amendment to Proposal 6. The motion passed unanimously.

Mr. Cherry said he was holding off on sending these to Second Reading until it's determined whether they want to add more qualifications or not.

Mr. Cherry said he wanted to discuss Proposal 8 – the Local Officers' Compensation Commission (I-502), which reads “() established pursuant to law shall continue under this charter to determine the salaries of all elected officials of the city, the compensation of all other officers and employees shall be set forth in a manner determined by law.”

He said around 1970 the Michigan Legislature passed a law that created the Local Officers' Compensation Commission that cities could adopt via ordinance. So, from what he can tell, between 70 and 74, the city by ordinance created a Local Officers' Compensation Commission. And that information was then included in the 1974 charter.

Mr. Cherry said the law basically says: “If you have fewer than 20,000 people, you'll have five people on it. If you have more than 20,000 people, you'll have 7 people on it. And then it goes through and lays out how everything works. He said next time he will bring an amendment to the charter that lays out the similar compensation commission, but changes it slightly.

The two changes he wants to make are:

1. When the LOCC makes a filing/recommendation on how people should be compensated, that it also provide information on what the salaries are in similar positions in similar cities; and
2. State Law now says: “a member or employee of the Legislative, Judicial or Executive branch of city government or a member of the immediate family of a member or employee of the Legislative, Judicial or Executive branch of government, shall not be a member of the Commission. He wants to add that “individuals who work for businesses or organizations that have a contract with the city or ever see a payment from the city for services or goods, in the past 12 months, may not be appointed or maintain membership in the LOCC.”

Ms. Wesley said that also would be applicable under conflict of interest.

Mr. Cherry said he will bring a number of other amendments to the next meeting. Mr. Richardson said he wondered how other communities handle the compensation issue. Mr. Cherry said most have adopted the state law.

Mr. Cherry said under state law, members of the LOCC are appointed to seven-year terms and that they meet every odd year. He read more of the law to Commissioners.

Proposal 8 – LOCC

Proposal 9 – Retirement Benefits

Proposals 11, 12 and 13 –

This Charter Review Commission Committee-of-the-Whole meeting adjourned at 8:15 p.m.

This Charter Review Commission meeting was adjourned at 8:29 p.m.

Respectfully submitted,
Janell Johnson, Secretary