

DRAFT SUMMARY MINUTES

CHARTER REVIEW COMMISSION – June 11, 2015

Regular meeting of the Flint Charter Review Commission held in the City Council Chambers, 3rd Floor, City Hall on Thursday, June 11, 2015, at 6:30 p.m.

Present: Charter Commission members John D. Cherry, Brian Larkin, Victoria McKenzie, Charles Metcalf, Heidi Phaneuf, James Richardson, Marsha Wesley, and Barry Williams.

Also: City Clerk Inez M. Brown, City Attorney Peter M. Bade, Assistant City Attorney David Roth

Call to Order

Charter Commission Vice Chairperson Cherry called this Charter Review Commission meeting to order at 6:30 p.m.

Pledge of Allegiance

Ms. McKenzie led the Pledge of Allegiance.

Roll Call

The roll call was taken by recording secretary.

Adoption of Agenda

Mr. Cherry asked if there were any revisions to the agenda. Hearing none, Ms. McKenzie, seconded by Mr. Larkin, made a motion to adopt the agenda. The motion passed by a vote of 8:0.

Minutes of the Previous Meeting

Ms. McKenzie, seconded by Mr. Larkin, made a motion to accept the summary minutes. Mr. Cherry noted that he had a discussion with City Clerk Brown and said that she indicated that it was okay to approve the summary minutes and would come back to

prior minutes at the next meeting. With no further discussion, the motion passed by a vote of 8:0.

Public Comments on Agenda Items

There were no speakers who wished to comment on agenda items during the meeting.

Reports – Finance Committee

Ms. Wesley stated that a summary of the Finance Committee meeting was included in the commissioners' agenda packets. She said that City Attorney Peter Bade had presented the committee with a memorandum indicated what happened, including fiscal year 16. There was \$1,000 allocated for supplies and \$47,800 for professional services for FY16. The committee also discussed the City's purchasing ordinance, although they had no copy. They wish to get a copy in order to understand the committee's function as it relates to paying the expenses of the commission and hoped that Atty. Bade would address their concerns in upcoming discussions. It was also discussed at length what would be the specific expenses for the committee. Some expenses are listed in the summary document. The commission understands that attorney and secretarial services provided at no expense, that they are aware of, to the commission. Other recommended staff was discussed, such as an independent attorney with knowledge of and experience in municipal law and the functioning of governance of the city. They also discussed various consultants like someone from the Municipal League to guide the committee through this process so that opportunities to do the best for the city are not missed while going through this process. The Outreach Committee will be in need of media consultants. Other types of expenses discussed include printing and mailing costs, workshops associated with in-house as well as community education. An independent website would need content control and was addressed. The committee adjourned by setting its next meeting for June 22nd at 5:30 p.m.

Mr. Williams had asked to have the Mr. Bade come to the meeting and wondered if it were out of order to have any questions directed to his attention at this time so as not to keep him for the whole meeting. Mr. Williams' financial question was whether or not the commission could hire its own attorney.

Mr. Bade apologized for missing the commission's first meeting due to a scheduling conflict. He went on to say that the commission was allocated \$47,800 for consulting fees and stated that how those funds are spent is up to the commission, but those are the dollars for FY16. If the commission believes it in the best interested to spend those dollars that way, that is fine – but there will be less dollars to spend on something else.

Mr. Bade said that the commission should think long and hard on what they want to do and move forward, but added that it is not his role and he would never tell the group how to allocate its budget. He wants himself and his staff, particularly Assistant City Attorney David Roth, to be a resource for the commission. One approach could be that, when the commission gets to a particular question that may need external advice, they would do so on a piecemeal basis. One of the things that Mr. Bade did when coming into the Legal Department was to move to handle 95 – 98% of the City litigation in-house because of the high expense for outside attorney fees. The City's overall legal expenses in 2000-2001 was approaching \$2 million dollars and is now in the \$7 – 900,000 per year range. He said that if and when the commission engages an attorney at \$150 - \$175 an hour, depending on experience, the meter starts running for every phone call. If the commission has a basic question about the Open Meetings Act, a Freedom of Information Act Request or something along those lines, they don't have to wait for a meeting to inquire. They can send an email to the Legal Department so that Mr. Roth can provide the research to the commission as soon as possible. Beyond Mr. Roth is a staff of 5 attorneys with extensive experience in municipal law who can weigh in. There is also a core group of law students who conduct research for the department. Mr. Bade believes that it is fantastic that the commission has reached out to the Michigan Municipal League as they are an outstanding resource. He went on to say that he respects the commission members, believes that they have a tall order, and wishes the commission well as it's a complex matter that they are taking on. Seeking out sound advice from experienced people is the only way to approach things. Mr. Williams asked about the \$10,000 in the FY15 budget and Ms. Wesley wondered if it was totally gone with the fiscal year ending June 30th. Mr. Bade said that if there was something that the commission wanted to do currently, it would not be an issue. Mr. Williams asked if the \$10,000 could be rolled over into FY16 and Mr. Bade explained that it can't because, as is the case with the Legal Department and all other City departments' budgets, those funds were budgeted and set at an expectation but are not just rolled in and set aside. Mr. Williams wanted to make sure that the \$10,000 for the current fiscal year was still available to the commission since they were only recently sworn in, but would be "gone" after June 30th. Mr. Bade confirmed that the funds would no longer be available at the start of the new fiscal year, July 1st. Mr. Cherry said that there are basically two weeks to spend the funds. Mr. Bade said that it should be an easy process in terms of purchasing as requests can be made through the City Clerk's office and explained that all of the committee's purchases should fall underneath the threshold for requiring City Council and RTAB (Receivership Transition Advisory Board) approval. Therefore, when the commission needs to spend money and votes in favor of doing so, it should be as easy as sending a request. Ms. Wesley asked if that is what the new purchasing ordinance states and Mr. Bade said that he was simplifying it, but yes. City Council approval is required only for purchases of \$75,000 or more – after approval by

the Mayor and City Administrator – with ultimate approval given by the RTAB. That level of approval often results in more time getting things done and the commission won't face that. Mr. Cherry asked if there was a process to request a carry-over from FY15 to FY16. Mr. Bade said that the request could be made through the City Administrator, but it should likely come with a reason and what the funds would be used for. Considering the financial challenges in the City, there are not enough dollars to go around. Mr. Metcalf said that the Outreach Committee discussed the possibility of having some City Charters printed off of the internet as opposed to having them printed or purchased from the Clerk's office. He wondered if the \$10,000 could be used for the Charters. Mr. Williams said that the money could be used for whatever the commission wanted, within reason, that's connected to the commission, e.g. Charter books. Ms. Phaneuf said that they had talked about 1,000 printings of the Charter so that residents would have something to follow while the commission works on it. Mr. Williams asked if the commission could approach outside agencies to solicit funds, like the United Way or General Motors. Mr. Bade said that he couldn't see why not, explaining that the Charter Commission is a statutory entity but it is part of the City of Flint. They would have to work through how that would work, but he didn't see any reason why they couldn't. Ms. Phaneuf asked if the commission spent some of the \$10,000 on contracted services for support before the end of the fiscal year

Discussion Items

(1) Discussion of meeting rules.

Mr. Metcalf said that he hoped to have meetings that reach out to the community and are not held at City Hall every week, but also in churches and community centers. Mr. Williams supported that idea. Ms. Magee asked if there was any reason the Commission could not meet in other places. City Clerk Brown said that since the City Attorney was not present, she couldn't respond from a legal standpoint. But she did not think there would be any issues. She noted that maps of the city were included in the agenda packets

distributed to members that showed ward boundaries and voting sites. Ms. Magee asked that members bring suggestions to the next meeting.

Ms. McKenzie noted that meeting rules for this body need clarification and pointed out that agenda item #18 (How can meetings be established throughout the city) has already been discussed. Mr. Cherry addressed agenda item #7 (Discussion and establishment of committees) and suggested the establishment of a Rules Committee. Ms. Magee said to move to #7 and Ms. McKenzie asked if they were moving the rules to #7 and pointed out agenda item #15 (Process for Rules for the Commission, i.e., Robert's Rules). Ms. Magee said they would look at #15 after discussing #7.

Ms. Phaneuf asked if the agendas moving forward could include a comment time for additional content and information, as well as intentional breaks for conversation and questions from the audience. Ms. Magee said that the concern could be discussed at future meetings because there was already a lot of specific information to digest. But she does support having comment periods throughout the meetings. Mr. Richardson supported what Ms. Magee said because there will be many discussion on many issues. There will need to be give and take, with questions and dialogue on some of the issues. Ms. Magee said that in past discussions, everyone wanted to make sure that the public could come and speak.

Mr. Williams stated that he was confused and asked under which rules the Commission would conduct its meetings. He said that the agenda discussion points were not in chronological order. Mr. Larkin said that they were just beginning a conversation for meeting rules, setting up interaction, and discovering a process for the rules in order to produce a product. The items are separate. A Rules Committee would help to flesh things out to produce said product. He said that there is a distinct difference between the meeting rules and the process for rules for the Commission.

Before moving on, Ms. Magee noted that the Commission can always come back to any item on the agenda and that the City Clerk added all of the discussion items as requested by Commission members, as well as some based on Charter review. The items are in no particular order.

(2) Discussion of meeting dates and creation of a calendar.

Ms. Magee pointed out the list of Flint City Council meeting dates included in the agenda packets. Mr. Cherry asked if Thursdays would work for everyone. Mr. Richardson said that the first Thursdays of the month would be difficult as the Library Board meets then. Ms. Magee suggested the second Thursday in June and July and the first one in August.

Mr. Richardson asked how often the Commission would meet. Mr. Larkin suggested looking at bi-weekly meetings for the full Commission, with Committees meeting on off weeks. Mr. Richardson made a proposal to have full Commission meetings on the second and fourth Thursdays of each month at 6:30 p.m.

Ms. Phaneuf said that these would be the best dates considering everything else. Mr. Williams thought the Commission should meet more than once during the week. Mr. Cherry discussed setting a schedule at that time and having more meetings if needed. Because there is a lot of information to absorb, Mr. Williams believed that not meeting enough would cause deadlines to creep up on the Commission. He broached meeting twice a week for the first six to eight weeks to get things in order, then shifting back. Ms. Magee wondered about Committee meetings between each full Commission meeting. Mr. Williams asked about meeting once a week for the next two months and then cutting back, and Mr. Cherry offered his support. Mr. Metcalf asked how long it took for the 1974 Charter Commission to complete its assignment and Ms. Magee answered eight months, January to November. Mr. Metcalf suggested that this could take six months to three years to get the job done. Mr. Cherry pointed out that the previous Commission was more of a citizen-wide effort and that there was more of a consensus on where to take the city than this Commission has now. There will be more work involved.

Mr. Larkin stated that the current budget for the Commission is spread out over two fiscal years, going from one to the next. There needs to be a committee to focus on the finances. Ms. Magee said that she could attend the first meeting in June, but not the second, and Ms. Phaneuf said that two other members would not be able to make the first one. Mr. Larkin asked if Tuesdays would be as flexible as Thursdays. Ms. Magee said that Tuesdays would not work for her and Mr. Richardson remembered that the Planning Commission meets on Tuesdays. Mr. Williams recommended working with Thursdays for now and Ms. Wesley suggested scheduling just a few meetings now.

Commission Motion

Mr. Larkin, seconded by Mr. Cherry, made a motion to meet every Thursday during June and July at 6:30 p.m. The motion passed by the following vote:

Cleora Magee – No
Victoria McKenzie – Yes
Charles Metcalf – Yes
Heidi Phaneuf – Yes
James Richardson – Yes
Marsha Wesley – Yes

Barry Williams – Yes
John D. Cherry – Yes
Brian Larkin - Yes

Ms. Magee said that all meetings will be posted, with meetings scheduled with time to provide for said postings. Mr. Williams asked about the timeline for postings. City Clerk Brown said that the meetings would have to be posted 24 hours or more in advance of any meeting.

Discussion Items (Continued)

(3) Ground rules regarding speaking to the media or making public statements on behalf of the Commission.

Ms. Magee said that, per the City Clerk, this item should be tabled until the City Attorney or his representative(s) are present.

(4) Introduction of the Open Meetings Act and the Freedom of Information Act.

It was suggested that this item be tabled until the City Attorney is present.

(5) Distribution of Commission member contact information.

Ms. Magee said that this information was included in the agenda packets.

(6) Roles and responsibilities of Chair and Vice Chair.

(7) Discussion and establishment of committees.

Mr. Cherry said that the Chair and Vice Chair should help develop agendas for the Commission's meetings. Ms. Magee said that she would work with the Clerk on agendas. City Clerk Brown stated that it was important to mention that the agenda was developed based on email and dialogue with members.

Mr. Larkin said that they mentioned a Rules Committee and will need to appoint committee chairs. Ms. Magee asked for suggestions on committee types, chairs and membership. Mr. Williams wanted to make sure that there is a committee in place to meet the needs of the community; that there is at least one meeting held each month within the community. Members should talk with the Councilperson of each ward to establish a meeting place.

Ms. Magee said that these committees would need proper names. Mr. Cherry suggested a Public Outreach Committee. Ms. Wesley again mentioned a Budget Committee to consider fiscal year limitations. Ms. Magee said that the Commission would need input from the Finance Department regarding the Commission budget. They won't have the same budget as they did in 1974. Mr. Williams said that along with budget considerations are staff considerations. Mr. Cherry stated that the Rules Committee would govern the processes, while Ms. Magee asked again for other suggestions.

Commission Motion

Mr. Richardson, seconded by Mr. Williams, made a motion to establish a Rules Committee, and Budget and Staff Committee, and a Community Outreach Committee. The motion passed by the following vote:

Victoria McKenzie – No
Charles Metcalf – Yes
Heidi Phaneuf – Yes
James Richardson – Yes
Marsha Wesley – Yes
Barry Williams – Yes
John D. Cherry – Yes
Brian Larkin – Yes
Cleora Magee - Yes

Ms. McKenzie wondered how the Commission can act on a budget without the City Attorney present. Ms. Magee stated that they would have some form of a budget, and Mr. Larkin added that, unlike in 1974, they can engage other finances through partnerships, grants, etc. The group can determine support sources and goals. Mr. Richardson added that he hopes the motion does not exclude future committees.

Discussion Items (Continued)

(8) Budget and staff for Commission.

It was suggested that this item be tabled until the City Attorney is present.

(9) Need for clarification of letter from Gov. Rick Snyder dated April 29, 2015, to Secretary of State Ruth Johnson.

Mr. Richardson said that he was concerned about the letter and had asked for clarification. He read from the letter into the record (Page Two, 2nd ¶, No. 2).

Mr. Richardson: *After study by the Mayor and the City Council, and in consultation with the Receivership Transition Advisory Board, the City shall enact changes in the current charter through charter amendments or charter revision that are consistent with applicable model charters and model charter amendments and in the City's best financial interests.*

Commission Motion

Mr. Richardson, seconded by Ms. Phaneuf, made a motion for clarification from the Governor's office concerning the April 29, 2015, letter from Gov. Snyder to Secretary of State Ruth Johnson concerning amending or revising the City Charter. The motion passed by the following vote:

Charles Metcalf – Yes
Heidi Phaneuf – Yes
James Richardson – Yes
Marsha Wesley – Yes
Barry Williams – Yes
John D. Cherry – Yes
Brian Larkin – Yes
Cleora Magee - Yes
Victoria McKenze – Yes

Mr. Cherry said that when he saw the agenda item, he reached out regarding that particular section. He believed that it was not referring to a specific model charter, but he is open to coming to a discussion and supports the motion. Mr. Williams said that he was surprised to get a letter from the governor telling him what to do as the governor can't plan for him. He has a problem with planning for the city as having a City Manager. He hopes to get the City Attorney involved. The letter is dated April 29th and the Commission was only sworn in the week prior. City Clerk Brown stated that she had only just received a copy of the letter and would get it to the City Attorney the next day.

Ms. Wesley noticed some in the audience nodding approval and reiterated the intention to include public participation. Ms. Phaneuf wondered if it were possible to have the letter available to the public because she knows that they want to see it. City Clerk Brown stated that it might be more appropriate to ask the City Attorney beforehand because she wouldn't want to see things go far from a legal standpoint. Mr. Richardson added that

he received the letter in an email from Mr. Preston at the State. Ms. Magee said they would work to make the letter a part of the public record.

Mr. Richardson wondered how the Commission would make the request for clarification of the letter. Would it be by letter and who would draft said letter? Ms. Magee said that they would first go through the City Attorney's office and move on from there by way of Commission letter. Mr. Richardson said that the Chairperson should send a letter on behalf of the Commission. Mr. Williams suggested a joint letter from the Chairperson and City Attorney's office.

Commission Motion

Mr. Williams, seconded by Mr. Richardson, made an amended motion to say that, based on the City Attorney's interpretation of the Governor's letter, a letter be drafted with the Chairperson and sent through the City Attorney to the Governor on behalf of the Commission.

Mr. Metcalf suggested that the motion be more specific, so Mr. Williams amended this motion.

Mr. Williams then restated the motion to have the City Attorney read the Governor's April 29, 2015, letter to Secretary of State Ruth Johnson and, with his understanding of the letter, speak with the Chairperson for further instructions – as well as that the City Attorney attend the next meeting of the Charter Review Commission. The motion passed by the following vote:

Heidi Phaneuf – Yes
James Richardson – No
Marsha Wesley – Yes
Barry Williams – Yes
John D. Cherry – Yes
Brian Larkin – Yes
Cleora Magee - Yes
Victoria McKenzie – No
Charles Metcalf – Yes

Discussion Items (Continued)

(10) Recording of Commission meetings beyond the written word, i.e., video.

Mr. Cherry suggested clarification. There is the capability to tape record the meetings and submit them to YouTube. City Clerk Brown noted that the current meeting is being recorded. Mr. Cherry wondered if digital copies would be made available and if meetings would be posted to the internet. City Clerk Brown said that she would check with the City's administration. Ms. McKenzie proposed combining agenda items #10 and #17 (Can the Commission set up a Facebook site or something on the City's website/Who would set it up and who would maintain it). Ms. Phaneuf pointed out agenda item #14 (Are proceedings of the Commission going to be on Public Television) as well.

Ms. Magee said that it can't be just a staff person who does the work. Mr. Larkin said that this would be a good idea for the Public Outreach Committee, while Ms. Magee added that it would be for the future outreach committee. Ms. McKenzie said that she was interested in the task of taking care of a website or Facebook page. City Clerk Brown said that she would have a dialogue with those in charge of the City's website the following day. Ms. Phaneuf added that while it was great to have people in attendance at the Commission meeting, not everyone can come but they want to be informed. The Commission needs to reach people in as many ways as possible, with Channel 17 as a first step and other formats like YouTube. They may also want to look at live stream media.

Mr. Richardson pointed out that the Master Planning program was very successful at establishing its own website, adding that a Commission website would be a good start for posting documents and obtaining public comments. They may want to consider something similar to www.imagineflint.com and that one of the named committees can consider working on this project.

(11) How is the Attorney for the Commission selected?

City Clerk Brown said that this item should be tabled until the City Attorney is present. Mr. Cherry stated that he believed that the Commission has the authority to determine its own attorney. Mr. Larkin said that they should be ready to discuss the pros and cons of an independent attorney versus a City Attorney and the expected challenges.

(12) How is the Clerk provided?

Ms. Magee noted that the City Clerk is the Clerk for the Commission.

(13) What is the process of public speaking on the Commission agenda?

Ms. Magee pointed out that they had already decided to add public speaking to the agendas moving forward.

(14) Are proceedings of the Commission going to be on Public Television?

Ms. Magee stated that they had already discussed this item. Mr. Metcalf brought of the idea of meetings being rebroadcast and the importance of live broadcasts.

(15) Process for Rules for the Commission, i.e., Robert's Rules.

Ms. Phaneuf wondered about using Robert's Rules. Mr. Larkin asked if the choice had already been decided or if they were deciding at that time. Mr. Cherry said that the Home Rule City Act gives the Commission the authority to develop its own rules and he and Ms. Magee agreed that the Rules Committee should develop the rules for the Commission.

(16) Process of emails between Commissioners (i.e., Open Meetings Act and Freedom of Information Act requests).

Ms. Phaneuf asked if there were any issues or any rules being broken with the Commission emailing each other, particular regarding agenda items or general communication. City Clerk Brown said that, as a public body, they were ruled by the Open Meetings Act and would need to be careful on communication relative to the Charter. She added that this was not in violation of the current City Charter. The Clerk also pointed out that they would need to go into details concerning what constitutes a quorum of the Commission. There are a number of legal interpretations and it was best to wait until the City Attorney could attend a meeting and address their concerns.

(17) Can the Commission set up a Facebook site or something on the City's website? Who would set it up and who would maintain it?

(18) How can meetings be established throughout the city?

(19) Establishment of a city-wide survey to seek input from the public regarding the City Charter.

(20) Need booklets for Robert's Rules of Order.

Ms. Magee pointed out that some of these items had already been addressed and/or would be looked into further by Commission committees.

Public Comments

Chris DelMorone – Public comments.

(Name) – Bringing ideas to the meetings for all to vote on. Some members are affiliated with certain groups.

Mr. Larkin responded to the speaker's comments by stating that they made some important points and that they will establish committees and a structure. They will address speakers' concerns with a full Commission.

Tony Palladeno – This meeting is history in the making and he is so glad that this is happening. Don't forget about the residents.

(Name) Gilcreast – Thank you for the work you are trying to do. I've been watching all of you and taking notes. This is a good start. You will do a good job. Congratulations. Stay steadfast and know that the community is here to help.

R.L. Mitchell – 1955 in Flint. Robert's Rules and the City Attorney.

Ms. Magee said that the Commissioners goal is to work directly on the City Charter. They will review it and make changes. They will not be addressing the day-to-day operations of the City. They will review the Charter and bring forth any recommendations.

Eric Mays – 1st Ward City Councilperson. I've looked at the Charter for the past 30 years. Understand and have my own interpretation of the Governor's letter and Public Act 436. I've looked at the personalities and makeup of the Commission and know that you all have good hearts and good minds. I look forward to speaking with you all individually. You can all call town hall meetings individually to gather information and ideas. Congratulations.

Quincy Murphy – Congratulation to all of you. Would like to see you follow the City Council by allowing public speakers three minutes to discuss agenda items, with three additional minutes at the end of the agenda for general discussion. You should continue meetings in the Council Chambers until you get your structure in order before venturing out into the community. You need to get input from residents on what they would like to see on agendas and any websites. You may also want to have copies of the City Charter available at meetings because some residents have never seen the document.

Vicki VanBuren – 8th Ward City Councilperson. I agree with Quincy that you need to format your meetings/agendas before community meetings so that you are organized and prepared. I realize that you will face a lot of challenges after having been on the Council

under emergency management for the last year and a half. People voted for the Charter Commission, but they also voted for an Ombudsman and Civil Service Commission and they weren't funded. It seems that the current Charter is being used depending on who it satisfies. You do need clarification of the Governor's letter. You may want to look at Emergency Manager Order No. 3 concerning the City Administrator and her responsibilities as it seems to throw out the Charter. The Charter being ignored may make it seem like you're ignored and spinning your wheels. I know that you have the passion and commitment to want to be successful. Whatever the City Council can do to help, it will.

Adjournment

Ms. Magee thanked the citizens of Flint and added that the Commission would want to have a dialogue with the City Council. Ms. Phaneuf recognized Jason Lorenz for videotaping the meeting. Prior to adjourning, Mr. Cherry asked about a timeline for submission of agenda items for the next meeting. Ms. Magee said that the next meeting would be June 4th, so agenda items should be sent to her no later than Tuesday, June 2nd. She will then forward them to the City Clerk.

Mr. Larkin made a motion to adjourn. This Charter Review Commission meeting was adjourned at 8:09 p.m.

Respectfully submitted,

Davina Donahue, Secretary