

## *SUMMARY MINUTES*

### **CHARTER REVIEW COMMISSION – July 23, 2015**

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

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

**Also in attendance:** Thomas Donnellan, the attorney who guided the Charter Review Commission in 1972, and 8<sup>th</sup> Ward City Councilperson Vicki VanBuren.

#### **Pledge of Allegiance**

Mr. Cherry led the Pledge of Allegiance.

#### **Minutes of Previous Meeting**

Commissioners were given minutes from the July 9, 2015, meeting, prepared by Ms. Wesley.

#### **Roll Call**

The recording secretary took roll call.

#### **Public Comment on Agenda**

Mr. Donnellan spoke about the draft Rules of Procedure. He said he only just received a copy, but that he had heard that the Rules were going to specify that proposals pass with more than a majority.

Mr. Richardson advised him to look at Rule 46 – “Super Majority vote on proposals” – on page 15.

Mr. Donnellan: “It may not be the right way to deal with this. I think the attitude that the commission has of trying to make sure that everybody’s voice is heard and everybody’s position is known ahead of time...taking that into consideration is a very good approach. But the super majority may not be the way to go about it.”

He described what he was talking about in terms of “third rails,” a phrase from his childhood derived from the electric third rail on a train. He said the phrase has drifted into politics – social security is known as a political third rail because no one in Congress will touch it. He said taxes are also considered to be a third rail.

Mr. Donnellan: “I think a better way of dealing with this is to highlight some issues, which you will decide in advance. Some of those issues, I think, would be the powers of the mayor and, I think, anything to do with the Council is probably a third rail because it would be something that people would have strong feelings about. The Ombudsman is a third one and there may be others.”

He added issues that probably would not create problems or controversy include ordinances and referendums.

Mr. Donnellan: “Now, I think the experience of Lansing in the mid-70s is illustrative – Lansing had taken away the mayor as a member of the Council and they had the rest of the council split up – half of them (four) were elected at large and four by wards. And those each had strong support in the public, too. And they wound up submitting the charter to the vote of the people three times before it was adopted because the mayor being elected at large and not being a member of the council left only eight and so they tried to have a majority of council elected at large and less than a majority elected by ward. And that didn’t work. The voters turned it down. Then they tried it the other way. The voters turned it down again.

“So, finally they wound up keeping it four and four. And so they can’t have a simple majority by the way the charter works. But the members of the charter commission were flexible – they wanted to get something that the public would support and this would be the only thing that they could support. So, I think this is your goal throughout – I think you should try to follow that and highlight anything that has that tendency to be a third rail and make sure that you-with the majority rule being the way that you go about it. Make sure that it’s the considered position of a majority of the commission. So that’s my suggestion to you, rather than having a super majority. The law is a majority and it’s the best way known that will give you the center of gravity of the commission. And then the question is whether you can bring all the commissioners along with that position. And if you can’t bring them along, then you have to examine the positions they have and see where you can split the (difference), if that’s a possibility, or what you can do to make sure that you are correctly perceiving the will of the people of the City of Flint.”

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## **REPORTS**

### **1. Finance Committee**

Ms. Wesley, the committee’s chairperson, presented the minutes from the July 13, 2015, meeting.

Among the highlights:

1. Administrative Assistant – the committee will begin to formulate a Job Description for an Administrative Assistant to support the secretarial, scheduling and organizational needs of the CRC. Expected duties are making arrangements for meeting spaces, support for meetings and posting of notices. It was estimated that an Administrative Assistant would cost approximately \$20,800 per year (\$20/hour @ 20 hours a week for 52 weeks).
2. A meeting with city leaders – Mayor Dayne Walling, City Administrator Natasha Henderson and City Council President Joshua Freeman – is proposed to find out what the CRC budget will be, and if it includes the \$10,000 budgeted in FY2015. If the city will not support an increase in the 2016 budget, will it offer assistance in raising additional dollars (i.e., assistance in writing proposals for funding)?

Ms. Wesley also presented minutes from the July 20, 2015, meeting.

Among the highlights:

1. Administrative Assistant – Ms. Magee shared information with the Finance Committee that the CRC may be able to obtain an Administrative Assistant through Americorps, which the city utilizes in some departments. Ms. Wesley said Ms. Magee will meet with Natalie Pruitt, the contact for Americorps, on Monday, July 27, 2015, to discuss the types of skills and duties expected of a CRC Administrative Assistant. The cost for such a person would be free or at a substantially reduced wage.
2. Meeting with Administrator – Natasha Henderson’s secretary will schedule a meeting for her with Ms. Magee, Mr. Cherry and Ms. Wesley to discuss the budget requests.
3. Printing – The City Clerk’s office will provide a draft of the CRC Letterhead with City Seal and Mission Statement, and a disc with pictures of Commissioners; also, the 1974 Charter booklet will be printed by Mott Community College.

In new business, Ms. Wesley noted concerns to be communicated to City Administrator Henderson:

1. The need for a municipally trained and knowledgeable attorney who is experienced in the interpretation and writing of a charter (budgeted at 16 hours a month at \$175 per hour).
2. The need for a municipal governance consultant who would provide guidance and research (budgeted at 32 hours a month at \$100 per hour).
3. A decision on whether the \$10,000 from the FY2015 budget carries over into the next year.

She also noted that Mr. Williams asked Councilman Eric Mays if there was discussion at the City Council's last Finance Committee meeting on the CRC budget. Mr. Mays stated that he was not present for that portion of the agenda, but that he would support an amendment to the CRC budget.

The next Finance Committee meeting is scheduled for 5:30 p.m. August 3, 2015.

### **Commission Motion**

Mr. Williams, supported by Mr. Larkin, made a motion to accept the Finance Committee Report. The motion passed 9-0 by the following vote:

John Cherry – Yes  
Brian Larkin – Yes  
Cleora Magee – Yes  
Victoria McKenzie – Yes  
Charles Metcalf – Yes  
Heidi Phaneuf – Yes  
James Richardson – Yes  
Marsha Wesley – Yes  
Barry Williams – Yes

## **2. Public Outreach Committee**

Ms. Phaneuf, the committee's chairperson, presented the minutes from the July 15, 2015, meeting. She noted that the GoDaddy website and email services discussed at the last meeting will be too costly for the CRC in the long run. She said she will set up a meeting with the Clerk's Office, Information Technology, the City Attorney's Office and the Public Information Officer to coordinate these services.

Other highlights included:

1. Website – Ms. Phaneuf will talk with city staff next week.
2. Web domain name – Ms. Phaneuf will talk with city staff next week.
3. Facebook page – Ms. Phaneuf noted that the Facebook page is up and running.
4. Email services – Ms. Phaneuf will talk with city staff next week.
5. Business cards – Ms. Phaneuf said that phone numbers, email addresses and photos of commissioners are needed to get started on the cards.
6. Video recordings of CRC meetings – Ms. Phaneuf quoted prices she received from Living Under Studios (\$100 per meeting) and Spectacle Productions (\$55-\$75 per hour). She said the committee will contract with Living Under Studios unless Spectacle Productions agrees to match the cost of \$100 per meeting.
7. Advisory Committee – Ms. Phaneuf noted that the roles and responsibilities of an advisory committee have been defined.
8. Mailbox – Ms. Phaneuf advised the group that they have a mailbox in the City Clerk's Office, Room 201C.
9. Letterhead – As with business cards, phone numbers and email addresses are needed, she said.
10. Staff/Consultant Support – Ms. Phaneuf noted that the CRC will need a facilitator for the September Kick-Off Meeting and administrative staff who can help program events.
11. Printed copies of the 1974 Charter – Ms. Phaneuf told the group that the charter will be sent to the printer for reproduction along with letterhead and business cards.

Ms. Phaneuf said that the Strategies for Public Outreach are pretty much the same as before with a few exceptions:

1. She said the committee tentatively decided on Saturday, September 26, 2015, from 10 a.m. to noon in the University of Michigan-Flint Michigan Rooms, for the Kick-Off Meeting, which would be a community-wide meeting for residents to describe the type of government they would like to have.
2. It was suggested that in addition to Department Heads and Elected Officials that the CRC reach out to the city's Planning Commission.

The body decided that meetings with Department Heads, Elected Officials and former Charter Commissioners will be scheduled for August and September.

### **Commission Motion**

Ms. Wesley, supported by Mr. Cherry, made a motion to accept the Public Outreach Committee Report. The motion passed 9-0 by the following vote:

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

### **OLD BUSINESS**

1. **Potential presentations to the Commission**
  - a. Mayor Deidre Waterman, City of Pontiac

Commissioners were told that there has been no response from Ms. Waterman.

- b. Michigan Municipal League

Mr. Cherry offered two dates for the training from the MML – Friday, July 31, 2015 or Friday, August 14, 2015. He said the training would last most of the day, from approximately 8 a.m. to 4 p.m. By consent, commissioners chose August 14, 2015, for the training.

3. **Rules Committee**

Mr. Cherry gave commissioners a copy of the first draft of the "Rules of Procedure, City of Flint Charter Commission," which was modeled after a Grand Rapids Charter Commission.

He talked about the sequence of events for Proposals, which are all matters intended to become part of the revised charter.

The sequence is as follows:

1. Introduction, first reading by title, reference to the Committee of the Whole by the Chairperson, and ordered written and distributed.
2. Consideration and report in Committee of the Whole
3. Second reading and public comment at a Charter Review Commission meeting.

4. Reference to the Committee of the Whole for further consideration, and report by the Committee of the Whole.
5. Third reading and public comment at a Charter Review Commission meeting.
6. Passage of proposal to be included in tentative proposed charter.
7. Vote to refer tentative proposed charter to Committee on Style and Drafting.
8. Report of tentative proposed charter from the Committee on Style and Drafting, with public comment.
9. Final passage of complete tentative proposed charter, which is then sent to the State of Michigan for review.

He pointed out that a Committee of the Whole is a special meeting just for evaluating proposals where all commissioners are in attendance, but that it is separate and apart from meetings of the full commission.

Commissioners went through some of the procedures, such as the invocation (only if an audience member wishes to), how votes are taken (voice vote or roll call), abstentions and conflicts of interest, how to fill commission vacancies, and who would be chairs and vice chairs of the Committee of the Whole. The document also lists the Order of Business for Commission meetings.

In reference to Mr. Donnellan's earlier concerns, Mr. Cherry said the chapter on "super majority" needs further discussion, but as written, the document states that two-thirds of the nine commissioners would need to approve any proposal that would be included in the charter, and for the final passage of the proposed charter. He and Mr. Larkin thought a vote of 6-3 or 7-2 would be more of a consensus and would ease any appearance of impropriety since four of the Commissioners live in the same Ward.

Prior to the meeting, Assistant City Attorney David Roth suggested to members of the Rules Committee that they add in three items that Committee members took out. Mr. Richardson said they were removed because the Committee felt they were redundant. The suggestions made by Mr. Roth include:

1. No commissioner shall be entitled to abstain from voting in any roll call unless the commissioner shall have stated their intention to abstain before voting starts. He or she may voluntarily state his or her reasons for such abstention. Upon any announcement of any intention to abstain, the commissioner making such an announcement, upon request of two commissioners, may be required to state his or her reasons.
2. Miscellaneous – Mr. Roth suggested adding in a paragraph about reading of papers – that when the reading of papers is called for, the commission, by majority vote of commissioners present and voting, shall determine without debate whether or not the paper shall be read.
3. The attorney suggested that Commissioners establish a procedure for elections of officers if the Charter Review Commission goes beyond one year or if someone becomes incapacitated.

Mr. Cherry pointed out that filling vacancies is also addressed in the Home Rule City Act. He and Ms. McKenzie said the Rules Committee will reconsider Mr. Roth's ideas, but that they would like to hear his explanations for wanting the three rules added.

No vote was taken on the Rules Committee draft as it will also be discussed at the August 13 and August 27 CRC meetings. Ms. McKenzie asked Commissioners to please read the document and present questions either by email or at the next two meetings.

This Charter Review Commission meeting was adjourned at 8:10 p.m.

Respectfully submitted,  
Janell Johnson, Secretary