

CHARTER REVISION COMMITTEE MINUTES - Final**July 13, 2009**

A meeting of the Troy Charter Revision Committee was held July 13, 2009, at City Hall, 500 W. Big Beaver Road. Chairman Daniel Bliss called the Meeting to order at 3:35 PM.

ROLL CALL:

PRESENT: Maryann Bernardi, Daniel Bliss, Jerry E. Bloom, Shirley Kanoza, William Weisgerber
ABSENT: Mark Solomon, Cynthia A. Wilsher
ALSO PRESENT: Acting City Manager John Szerlag, City Attorney Lori Bluhm, City Clerk Tonni Bartholomew

APPROVE THE AGENDA:

Resolution #CR-2009-07-008
 Moved by Bliss
 Seconded by Kanoza

RESOLVED, That the Agenda for the July 13, 2009 Charter Revision Committee meeting be **APPROVED** as placed on the table.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber
 No: None
 Absent: Solomon, Wilsher

MOTION CARRIED**APPROVAL OF MINUTES: March 20, 2009**

Resolution #CR-2009-07-009
 Moved by Kanoza
 Seconded by Bernardi

RESOLVED, That the Charter Revision Committee Minutes of March 5, 2009 are hereby **APPROVED** as amended.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber
 No: None
 Absent: Solomon, Wilsher

MOTION CARRIED**PROPOSED CHARTER AMENDMENT: Section 3.7 – Election of Mayor Pro Tem**

City Attorney Bluhm gave a brief overview of the proposed amendment. She noted that the amendment was overlooked back in 2005 when the State Law changes tied to Election Consolidation forced Charter amendments to bring the Charter into compliance.

Discussion continued on the impact of the amendment. Member Weisgerber suggested that the election of Mayor Pro Tem be by the electorate. He indicated that he also believes that the members of Council should be elected by Ward.

MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 3.7 – Election of Mayor Pro Tem

Resolution #CR-2009-07-010
Moved by Bliss
Seconded by Bloom

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the Staff Proposed Amendment to Section 3.7, Election of Mayor Pro Tem, as presented, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber
No: None
Absent: Solomon, Wilsher

MOTION CARRIED

PROPOSED CHARTER AMENDMENT: Section 3.10 – City Manager; Appointment and Qualification

Member Kanoza questioned if there is really a problem with the length of time of 120 days or was the issue really with the Council process?

Member Bernardi stated that Councilwoman Beltramini opined in a City Council meeting that they botched it and member Bernardi stated that she agrees with the assessment; but, nonetheless, thinks that there are insufficient days for the process and supports placing the 180 day option before the voters. She noted that the process is much different today than it was when the original Charter language was drafted. She noted that the process often reaches far outside of Troy’s boundaries and there are also many more opportunities in the process; such as the public Town Hall meeting. She said she supports placing the 180 day option before the voters.

Member Bloom noted that he would not like to see the position vacant for that length of time.

Member Kanoza agreed that 180 days it too long. She noted that if the process were extended too long, the public would lose track of what was going on with the process.

Member Bernardi referenced comments made at the Council meeting by Council Member Beltramini. She noted that Council Member Beltramini’s husband works for higher education and they have a process built into the hiring of senior staff members that allows for an extension of a vacancy whenever there is a failed hiring process.

Member Weisgerber questioned what would happen if the Council did not fill the vacancy and how long could a vacancy exist? He suggested that the Mayor take over for a vacant City Manager.

MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 3.10 – City Manager; Appointment and Qualification:

Resolution #CR-2009-07-011
Moved by Bernardi
Seconded by Bliss

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the Staff Proposed Amendment to Section 3.10, City Manager; Appointment and Qualification, as presented referencing the length of time a vacancy in the office of City Manager be increased from 120 days to 180 days, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bernardi, Bliss
No: Bloom, Kanoza, Weisgerber
Absent: Solomon, Wilsher

MOTION FAILED

PROPOSED CHARTER AMENDMENT: Section 3.10 – City Manager; Appointment and Qualification

City Attorney Bluhm gave a brief overview of the proposed amendment. She noted that the State Law changed 9 years ago. She noted that the amendment would mirror State Law. She informed the Committee that should the amendment not be placed on the ballot for voter's consideration or should the ballot question not receive sufficient votes, State Law would be referenced in the Charter and take precedence over the Charter provision.

MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 3.10 – City Manager; Appointment and Qualification:

Resolution #CR-2009-07-012
Moved by Bloom
Seconded by Bernardi

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the Staff Proposed Amendment to Section 3.10, City Manager; Appointment and Qualification, as presented referencing the Residency Requirement for the Troy City Manager, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber
No: None
Absent: Solomon, Wilsher

MOTION CARRIED

PROPOSED CHARTER AMENDMENT: Section 3.10 – City Manager; Appointment and Qualification

Member Bernardi repeated her concerns voiced at the last meeting and indicated that she believes the proposal could result in more elections. She indicated that the amendment could discourage Council Members from running for the office of Mayor. She stated also believes the amendment adds complexity and grows the role of government. Member Bernardi stated that the amendment could result in as many as 6 vacant seats if all Council Members decided to run for the office of Mayor. However removing the Charter requirement entirely could result in only one vacancy and that seat could be filled by an appointment of Council.

Member Bloom indicated that he will be voting “no” as he has come up with a better solution. He noted that intent is to prevent surprises at the filing deadline and to make the process fair. The purpose is to attract good candidates.

Member Kanoza stated that she is a firm believer that Council Members should have to resign his or her position if they wish to seek another elective office. They should give their all either to the position they were elected to serve or 100% as a potential candidate. She does not believe you can do both.

MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 6.2 (g) – Vacancies in Elective Office:

Resolution #CR-2009-07-013
Moved by Bliss
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the Staff Proposed Amendment to Section 6.2 (g), Vacancy in Elective Office, as presented, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bliss, Kanoza,
No: Bernardi, Bloom, Weisgerber
Absent: Solomon, Wilsher

MOTION FAILED

CHARTER REVISION COMMITTEE MEETING SCHEDULE:

Member Bernardi indicated she prefers days, but can be available evenings.

Member Kanoza indicated she is available both days and evenings. She informed the Committee that Member Wilsher prefers evenings.

Member Bloom noted that he is available both days and evenings. He also stated that he will not be available the Month of March.

Member Weisgerber stated he is available at either time.

Chair Bliss stated he prefers late afternoon meetings, but could be available early evenings.

City Attorney Bluhm reminded the Committee that Member Solomon is a professor at Walsh and has evening classes.

MOTION TO INDICATE MEETING SCHEDULE PREFERENCES:

Moved by Bliss

Seconded by Weisgerber

RESOLVED, That the Charter Revision Committee hereby **REQUESTS** that future Committee meetings be scheduled in an alternating fashion, beginning with the next meeting in the evening and then rotating between day and evening meetings.

AMENDMENT:

Resolution #CR-2009-07-014

Moved by Bloom

Seconded by Bernardi

RESOLVED, That the motion be **AMENDED** by **SUBSTITUTING** “**REQUESTS** that” with “**PREFERS that their**”.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber

No: None

Absent: Solomon, Wilsher

MOTION CARRIED

AMENDMENT:

Resolution #CR-2009-07-015

Moved by Bloom

Seconded by Bernardi

RESOLVED, That the motion be **AMENDED** by **INSERTING** “*the second Thursday of the month*” following “alternating fashion”.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber

No: None

Absent: Solomon, Wilsher

MOTION CARRIED

VOTE ON AMENDED MAIN MOTION:

Resolution #CR-2009-07-016

Moved by Bliss

Seconded by Weisgerber

RESOLVED, That the Charter Revision Committee hereby **PREFERS** that their future Committee meetings be scheduled in an alternating fashion the second Thursday of the month, beginning with the next meeting in the evening and then rotating between day and evening meetings.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber

No: None

Absent: Solomon, Wilsher

MOTION CARRIED

CHARTER REVISION COMMITTEE MEETING PUBLIC COMMENT RULES:

Member Bernardi noted that she believes the public should be allowed to address the Committee at both the beginning and end of the meeting.

Member Kanoza noted that the Committee is just an advisory committee and she believes the placement of Public Comment at the end of the agenda is correct.

Member Bloom suggested allowing public comment prior to every item.

Member Bernardi stated she does not understand the relevance of the statement that the "Committee is just an advisory committee". She believes the committee is pretty important. She indicated she agrees that public comment at each item would give the public an opportunity to comment prior to the committee voting.

Discussion continued on the placement of Public Comment on the Committee's Agenda and the length of time individuals would have to address the Committee. It was noted that the length of time could be at the discretion of the Chair.

City Attorney Bluhm advised the Committee that the Open Meetings Act does provide opportunity for committees to set rules for public comment. She cautioned giving the Chair the unlimited authority to establish time constraints, which could appear that the time limit was directed at the substance of the public comment and possibly quash any comment. She recommended that the committee establish a time frame by resolution and to consider adjusting the time frame at the beginning of a meeting if the committee had a large agenda or the large number of individuals wishing to address the committee.

MOTION TO ESTABLISH RULES FOR PUBLIC COMMENT AT CHARTER REVISION COMMITTEE MEETINGS:

Moved by Weisgerber
Seconded by Bloom

RESOLVED, That the Charter Revision Committee hereby **ALTERS** the Charter Revision Committee's Agenda Format to allow for Public Comment at the beginning of the agenda and prior to a vote on any motion that could result in a change to the Charter with the time limitation to be determined by the Chair at the beginning of each meeting.

MOTION TO POSTPONE:

Resolution #CR-2009-07-017
Moved by Kanoza
Seconded by Bernardi

RESOLVED, That the motion to establish Public Comment Rules be **POSTPONED** until the next meeting of the Charter Revision Committee.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber
No: None
Absent: Solomon, Wilsher

MOTION CARRIED

City Clerk Bartholomew to provide the Committee with the City Council's Rules of Procedure Public Comment Section.

MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 6.2 (g) – Vacancies in Elective Office:

Resolution #CR-2009-07-018
Moved by Bloom
Seconded by Bernardi

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the following proposed Amendment to Section 6.2 (g), Vacancy in Elective Office, to be forwarded to City Council for placement on the November 3, 2009 General Election Ballot:

- (g) *Any member of City council who want to run for a City office at the next General City Election shall file an irrevocable letter of resignation that shall be effective no later than the next General City Election, and which shall be filed with the City Clerk no later than 4:00 PM on the 120th day prior to the next General City Election.*

Yes: Bernardi, Bloom, Kanoza, Weisgerber
No: Bliss
Absent: Solomon, Wilsher

MOTION CARRIED

AUDIENCE PARTICIPATION: None.

ADJOURNMENT:

Resolution #CR-2009-07-019

Moved by Bloom

Seconded by Bliss

RESOLVED, That the Charter Revision Committee Meeting of Monday, July 13, 2009 be **ADJOURNED**.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber

No: None

Absent: Solomon, Wilsher

Meeting ADJOURNED at 5:10 PM.

Daniel Bliss, Chair

Tonni L. Bartholomew, City Clerk