



## CITY of NOVI CITY COUNCIL

**Agenda Item 1  
August 12, 2013**

**SUBJECT:** Consideration to approve "Resolution Authorizing Submission of Charter Amendment Ballot Proposals to Electors," submitting 5 ballot proposals to update, modernize, and streamline City of Novi Charter to the voters at the November 5, 2013 general election, pursuant to recommendation from the *Ad Hoc* Charter Review Committee.

**SUBMITTING DEPARTMENT:** Manager's Office

**CITY MANAGER APPROVAL:**

**BACKGROUND INFORMATION:**

The Charter Review Committee was established by the City Council by resolution at the March 11, 2013 City Council meeting. The Committee was formed on an *ad hoc* basis to review the current City Charter and identify any language that needs to be revised, updated, or changed. The current Charter, first adopted in 1969, has not been formally reviewed since a revision was approved by the voters in 1977. The charge to the Committee was to evaluate the existing language to determine if changes are needed to make outdated and restrictive language more flexible, fluid, and streamlined and to comply with statutory changes at the state-level.

The Committee is unanimously recommending five specific Charter Amendments be placed on the November ballot to be voted on by the voters. It should be noted that this process is different from a Charter revision, which took place in 1977. A revision is a wholesale change in the charter. This Committee is proposing five separate amendments, which propose language changes to specific language within the Charter while keeping the general plan and scope of the Charter the same. The Charter amendment process is a much narrower process than the Charter revision process.

The committee established their timeline at the first meeting, on March 26, 2013. The Committee would meet weekly, with the goal of having 5-6 ballot questions ready for the November 5, 2013 election.

The Committee met six times between March and May to go through the Charter section-by-section to determine necessary changes. At each meeting the Committee was provided packet information on at least two Charter sections from staff and each member was given the opportunity discuss their ideas for updating those sections. After a discussion took place on each section, the Committee decided whether or not to include the potential amendment in the list of topics to be revisited at a later date. All meetings were open to the public. In an effort to be open and transparent, after each meeting the City of Novi posts all minutes and agenda items for the Charter Review Committee at <http://www.cityofnovi.org/Government/CharterReviewCommittee.asp>.

After reviewing the entire Charter, the Committee at its April 30, 2013 meeting identified 19 areas that could be potentially updated or changed. The City Attorney compiled a list of rough draft ballot questions for items to be considered as a Charter Amendment, totaling 23 draft ballot questions. Please see attached document for full list of the 23 rough draft ballot questions. At the May 14, 2013 meeting, the Committee discussed and voted question-by-question on which amendments should be included

on the November 5<sup>th</sup> ballot. The Committee unanimously decided that 5 areas needed to be addressed through the Charter Amendment process; **Gender Neutrality, Publications, Posting Ordinances, Withdrawal of Funds, and General Administrative Plan.**

Following the May 14, 2013 meeting, City Attorney Schultz worked with the State of Michigan Attorney General's Office to craft the ballot questions to meet State requirements while still addressing the concerns of the Committee. The State requires the ballot questions be 100 words or less and, in neutral language, address the specific language changes being proposed. A "statement of purpose" clarifying the intent of the question can be included as well, but it is included in the 100-word limitation.

**Proposed Ballot Question 1** is a comprehensive change, similar to that undertaken by other communities in the area, that restates the charter in gender-neutral language—removing, for example, the various references to "he," "him," and "his" when identifying the tasks of the various legislative and administrative officials in the City.

**Proposed Ballot Questions 2 and 3** seek to modernize the publication requirements when the City needs to provide notice of some action that has been taken or will be taken. Instead of requiring publication in a newspaper or posting at City Hall, the City would be allowed to post notices on its website or elsewhere, where publication requirements are not already dictated by some state law or other requirement.

**Proposed Ballot Question 4** seeks to update and modernize the City's administrative plan to reflect how City administration actually is conducted; to accommodate the need for flexibility in the provision of services; and to combine related sections in a single description of the administrative plan.

**Proposed Ballot Question 5** deals with the requirement of Section 8.10 of the Charter that requires, in addition to authorization and budget appropriation for spending by Council, two signatures on a "check" drawn on the City's account. This does not reflect the modern approach to payment of amounts due from the City. Eliminating Section 8.10 would remove the requirement for a "check" but not the existing requirements for approval of expenditures and budget appropriations, which will remain in the Charter.

Please see the attached document for ballot language. As the Committee voted unanimously to recommend each ballot question, they are not arranged in any particular order nor are they prioritized in any way.

Under the Home Rule Cities Act, in order for the ballot questions to be placed on the November ballot, City Council must approve the resolution by a 3/5<sup>th</sup> majority vote. Following City Council approval of the ballot language, each question must be submitted to the Attorney General's Office and to the Governor's Office for approval. There is no official deadline to submit the resolution to the Attorney General however; ballot wording of proposals must be certified by the Attorney General by August 27, 2013 to appear on the November 5, 2103 ballot.

**RECOMMENDED ACTION:** Approval of "Resolution Authorizing Submission of Charter Amendment Ballot Proposals to Electors," submitting 5 ballot proposals to update, modernize, and streamline City of Novi Charter to the voters at the November 5, 2013 general election, pursuant to recommendation from the *Ad Hoc* Charter Review Committee.

	1	2	Y	N
<b>Mayor Gatt</b>				
<b>Mayor Pro Tem Staudt</b>				
<b>Council Member Casey</b>				
<b>Council Member Fischer</b>				

	1	2	Y	N
<b>Council Member Margolis</b>				
<b>Council Member Mutch</b>				
<b>Council Member Wrobel</b>				

CITY OF NOVI

OAKLAND COUNTY, MICHIGAN

**RESOLUTION AUTHORIZING SUBMISSION OF CHARTER AMENDMENT  
BALLOT PROPOSALS TO ELECTORS**

At a meeting of the City Council of the City of Novi, Oakland County, Michigan, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2013, at the City Hall, 45175 West Ten Mile Road, Novi, Michigan 48375-3024.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_:

**WHEREAS**, pursuant to Act No. 279, of the Public Acts of Michigan, of 1909, as amended, The Home Rule Cities Act, an amendment to the City Charter may be proposed by the legislative body of the City on three fifths (3/5) vote of the seated members; and

**WHEREAS**, the City Council has determined that it is appropriate to submit Charter Amendments to the electors of the City at an election to be held on November 5, 2013.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the City of Novi City Council as follows:

1. That the following proposition shall be submitted to the electors of the City at an election to be held in the City of Novi on November 5, 2013:

**CHARTER AMENDMENT PROPOSAL 1**

***Statement of Purpose***

The City Charter currently uses, throughout its text, the words "he," "him," and "his" when referring to City officers, officials, and employees. The proposed amendment would revise the full text to refer to such individuals in gender neutral terms.

***Question***

Shall the Novi Charter be amended to restate the entire Charter in gender neutral terms?

2. That the following proposition shall be submitted to the electors of the City at an election to be held in the City of Novi on November 5, 2013:

**CHARTER AMENDMENT PROPOSAL 2**

***Question***

Shall Section 15.2 of the Novi Charter, which currently requires publication of notices, ordinances, and proceedings to be either by newspaper publication or, alternatively, by posting in the office of the Clerk and five other places in the City if the form of publication is not prescribed by Charter or law, be amended to allow publication through one or more of the following: posting in a newspaper, posting on the City's website, or publishing by any other means or methods appropriate to properly inform the general public?

3. That the following proposition shall be submitted to the electors of the City at an election to be held in the City of Novi on November 5, 2013:

**CHARTER AMENDMENT PROPOSAL 3**

***Question***

Shall Section 3.12 of the Novi Charter, relating to notices of election, Section 6.1, relating to Council meetings, Section 7.5, relating to publication of ordinances, Section 8.7, relating to emergency appropriations, Section 8.11, relating to annual audits, Section 9.15, relating to notification of the due date of taxes, and Section 14.1, relating to public utility franchises, be amended to delete references to publication being required by newspaper or posting in certain public places and to replace such language with the requirement that publication shall be "as required by law or this Charter"?

4. That the following proposition shall be submitted to the electors of the City at an election to be held in the City of Novi on November 5, 2013:

**CHARTER AMENDMENT PROPOSAL 4**

***Question***

Shall the Novi Charter be amended to reorganize and restate the existing Section 4.6, which describes the City's administrative plan; to combine the provisions of Section 4.13, which establishes the Finance, Public Safety, and Public Service departments and authorizes the Council to create other departments, with the reorganized and restated Section 4.6 and delete Section 4.13 entirely; to provide in Section 4.6 for the establishment of



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Notary Public  
Oakland County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires: \_\_\_\_\_



JOHNSON ROSATI SCHULTZ JOPPICH PC

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# MEMORANDUM

TO: Charter Review Committee

FROM: Thomas R. Schultz

DATE: May 10, 2013

RE: Rough Draft Questions for Charter Amendments

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Attached is a complete copy of the charter with the proposed changes redlined. Below is a **very** rough, first-pass effort at what the questions might look like.

The purpose right now is not to go over the language of the questions, but rather to rank them and decide which ones to spend some more time crafting for submission to the Attorney General's office. As I indicated, chances are he'll do some heavy editing no matter what we come up with. But these should give a sense of what they might look like as you decide which to pursue.

## 1. **Gender Neutrality**

Although most of the following questions will be phrased in a single question, without a separate statement of purpose, the question with regard to gender neutrality is short enough that a statement of purpose could easily be written to try to avoid the reaction that the Farmington question elicited. A gender neutrality question could therefore look like this:

### ***Statement of Purpose***

The City Charter currently uses, throughout its text, the words "he," "him," and "his" when referring to City officers, officials, and

employees. The proposed amendment would revise the full text to refer to such individuals in gender neutral terms.

***Question***

Shall the Novi City Charter be amended to restate the entire Charter in gender neutral terms?

2. **Publications**

This topic will likely require two questions in part because of the 100-word limitation.

***Question***

Shall Section 15.2 of the Novi City Charter, which currently requires publication of notices, ordinances, and proceedings to be either by newspaper publication or by posting in the office of the Clerk and five other places in the City if the form of publication is not prescribed by Charter or law, be amended to allow publication through one or more of the following: posting in a newspaper, posting on the City's website, or publishing by any other means or methods appropriate to properly inform the general public?

***Question***

Shall Section 3.12 of the Novi City Charter, relating to notices of election, Section 7.5, relating to publication of ordinances, Section 9.15, relating to notification of the due date of taxes, and Section 14.1, relating to public utility franchises, be amended to delete references to publication being required by newspaper or posting in certain public places and to replace such language with the requirement that publication shall be "as required by law or this Charter"?

3. **Council Pay**

This would appear to be possible to accomplish in a single question.

***Question***

Shall Sections 4.4 and 4.5 of the Novi City Charter, which currently provide that a Councilperson be paid \$15.00 per meeting and the Mayor be paid \$20.00 per meeting, respectively, be changed to provide that a Councilperson will be paid \$7,500.00 per year, in monthly installments, and that the Mayor will be paid \$10,000.00 per year, in monthly installments, with a corresponding deletion of Section 5.7, which provides that the salary of an elected officer shall not be changed from the day he



or she is elected until the end of the term of office for which he or she is elected?

4. **Administrative Plan**

This topic will require two questions because of the extensive nature of the subject.

***Question***

Shall the Novi City Charter be amended to delete the existing language of Section 4.6, describing the administrative plan of the City, and replace it with language describing the City Manager, Clerk, Assessor, and Attorney as the appointed officers of the City, the department heads as the administrative officers of the City, and all others as employees of the City; authorizing the Council and the City Manager to establish administrative departments as they deem necessary or advisable; providing the Council may not diminish the duties or responsibilities of the appointed officers of the City; and indicating that the head of the department shall have the power to hire and discharge employees, subject to confirmation by the City Manager?

***Question***

Shall the Novi City Charter be amended to delete Section 4.12, relating to City Treasurer, 4.13 relating to the creation of departments, Section 4.15, relating to Director of Public Safety, and 4.16, relating to Director of Public Service, and to amend Section 4.14 to provide that the Director of Finance shall be the City Treasurer? This Charter Amendment shall be effective only if Charter Proposal "X" also passes.

5. **Nepotism**

***Question***

Shall Section 5.2 of the Novi City Charter, which disqualifies certain relatives of a Councilperson or the City Manager from employment by the City without approval by City Council, be amended to provide that such disqualification applies only to full-time employees?

6. **Vacancies in Office**

***Question***

Shall Section 5.3 of the Novi City Charter, which relates to vacancies in office and provides that an office is considered to be vacate if an elected or appointive office is considered vacant after

a specified number of absences, be amended to provide that the Mayor, rather than City Council, determines whether in a Councilmember's absence from a meeting is excused, and to provide that a vacancy on a Board or Commission may be declared to be vacant by the Council, subject to any other law to the contrary, and that the chair of a board or commission determines whether an absence is excused?

7. **Resignations**

***Question***

Shall Section 5.5 of the Novi City Charter, relating to resignations from office, be amended to include a statement that once a resignation is filed with the City Clerk, it may not be withdrawn?

8. **Open Meetings Act**

***Question***

Shall Section 6.1 of the Novi City Charter, relating to the time and place of regular City Council meetings, and Section 6.2, relating to the time and place of special City Council meetings, be amended to remove specific references to the time or date of holding such meetings and replace that language with a statement that such meeting shall be held "in accordance with the state law governing open meetings"?

***Question***

Shall Section 6.4 of the Novi City Charter, relating to meetings of the City Council, be amended to remove language relating to the right of citizens to be heard at such meetings and the right of the City Council to hold closed meetings and to replace such language with a statement that all City Council meetings will be held in accordance with provisions of state law governing open meetings, which superseded the existing language and also includes such provisions?

9. **Penalties**

***Question***

Shall Section 7.4 of the Novi City Charter, relating to penalty provisions in ordinances enacted by the City Council, be amended to delete language declaring all violations of an ordinance to be a misdemeanor and to replace that language with a requirement that any ordinance passed by the Council shall state whether the violation is a misdemeanor or a civil infraction, and shall also set

forth the punishment therefor in accordance with applicable statute?

10. **Posting Ordinances**

***Question***

Shall Section 7.5 of the Novi City Charter be amended to provide that an ordinance as adopted by the City Council shall be posted in only two public places in the City, rather than three as currently required, and to delete the language requiring publication of an ordinance in a newspaper and to replace it with language stating that publication shall be determined in accordance with Section 15.2 of the Charter or as otherwise allowed by law?

11. **Super Majority**

***Question***

Shall the Novi City Charter, Section 7.6, relating to special procedures for certain Council actions, Section 8.6, relating to budget control and amendments, and Section 10.6, relating to installment payment contracts, be amended to remove the current "supermajority" voting requirement (five out of seven Councilmembers) and replace it with a simple majority (four out of seven Councilmembers) requirement?

12. **Withdrawal of Funds**

***Question***

Shall Section 8.10 of the Novi City Charter, which requires that all funds withdrawn from the City's treasury be drawn pursuant to the authority and appropriation of Council and upon "checks" signed by two officers of the City, be deleted?

13. **Tax Penalty**

***Question***

Shall Section 9.16 of the Novi City Charter, relating to collection of fees for delinquent taxes, be amended to remove language assessing an automatic 4% collection fee for delinquent taxes as of September 1, and replace it with language that assesses only a 1% collection fee applicable as of September 1 and an additional 3% fee as of September 15?

14. **Contested Special Assessments**

***Question***

Shall Section 11.4 of the Novi City Charter, relating to contested special assessments, be amended to remove the statements that a special assessment may be challenged within 30 days after confirmation of the roll by written notice and that an action challenging the assessment may be commenced within 60 days after such confirmation and to replace such language with a requirement that the property owner must appear and protest the assessment at the confirmation meeting and that any action challenging the assessment must be filed within 30 days after the date of confirmation, so that the Charter language will be consistent with the requirements of state law?

15. **Purchases**

***Question***

Shall Section 12.1 of the Novi City Charter, relating to the award of contracts for goods and services, be amended to expressly state that it is within the sole discretion of the City Council to determine who is the lowest competent bidder for a contract with the City, and to remove the requirement that all publicly-bid contracts must be awarded at a regular or special City Council meeting?

16. **Contracts**

***Question***

Shall Section 12.2 of the Novi City Charter, relating to contracts, be amended to remove the requirement that all orders and contracts that have not been approved by the Director of Finance shall automatically be void, and to remove language stating that no contract may be amended after it has been made except by the City Council?

17. **Restrictions on Powers to Lease Property**

***Question***

Shall Section 12.3 of the Novi City Charter, which authorizes a referendum on every lease of City property entered into by the City Council for longer than a three-year period, be removed from the Charter?

18. **Penalties for Violation of Charter**

***Question***

Shall Section 15.11 of the Novi City Charter, relating to penalties for misconduct of office, be amended to add a provision stating that any person found guilty by a court of competent jurisdiction of violating the Charter shall be guilty of a misdemeanor and may be punished by fine not to exceed \$500.00 or imprisonment not to exceed 90 days, or both?

19. **Audit Report**

***Question***

Shall Section 8.11 of the Novi City Charter, relating to the City's annual audit, be amended to remove references to city accounts being audited and a balance sheet statement being prepared and published in a newspaper and to replace such language with language requiring that an annual financial report shall be prepared in accordance with generally-accepted accounting principles and in accordance with the requirements of state law and that such financial report will be subject to an annual independent audit and that such audited financial report shall be made available to the public in the office of the City Clerk, as required by law.

/sls

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