Meeting of the Ad Hoc Charter Review Committee
City of Novi
Tuesday, April 16, 2013 at 4:30 PM
Mayor’s Conference Room - Novi Civic Center - 45175 W. Ten Mile Road

Call to Order: Mayor Gatt called the meeting to order at 4:30 p.m.

Roll Call: Mayor Gatt, Council Member Casey, Council Member Wrobel, City Manager Pearson, City Clerk Cornelius, David Landry, Fil Superfisky

Also Present: Tom Schultz, City Attorney

Motion by Council Member Casey, seconded by Council Member Wrobel: To approve the minutes of the regular meeting of April 8, 2013. Motion carried unanimously.

Chapters for review

A) Chapter 7 - City Legislation

Mr. Schultz stated that Chapter 7 review was mainly about publication and process for ordinances. He said in order for an ordinance to become effective, it has to be voted on by Council and then published. He pointed out that some of the proposed changes to Section 7.5 were to take out specific rules regarding publication and refer to Section 15.2 Publication and mailing of notices or State Law. Mayor Gatt asked if one ballot question would cover all of the issues the Committee wanted to address regarding publication. Mr. Schultz said it was possible, but ultimately up to the Attorney General.

Mr. Schultz said the penalties outlined in Section 7.4 were typical in 1977 however now it's outdated. He said the proposed change to that Section would allow penalties to be prescribed in an ordinance when adopted by Council instead of a blanket penalty through Section 7.4.

Council Member Wrobel asked why Section 7.5 specified that ordinance amendments must be posted in three public places. Mr. Schultz said it wasn’t State Law.

Council Member Wrobel asked about Section 7.6(b) and if an affirmative vote of five members of the Council was still necessary. Mr. Schultz said that was unusual to require a supermajority. Mr. Pearson said it came out to 71% of the Council and that was somewhat high. He suggested that regarding the adoption of the budget in Section 8.5, they could state that if the Council doesn’t adopt the budget by the specified deadline with a vote of five, they can adopt it by a majority vote after the deadline. Mr. Landry said he has seen circumstances where the requirement of five votes has been abused in order for certain projects to get pushed through. He said it often happens with newly elected members because there is a tremendous pressure to keep a promise to the voters about certain topics. He added he would be in favor of changing it to four votes. Mr. Superfisky said he didn’t understand why they would require five votes. He would support changing it from five votes to four. Also, he felt that they would get pushback from the newspaper specifically regarding the publication issue. City Clerk Cornelius and Council Member Casey agreed the numbers...
of votes required should be four. **The Committee agreed to put the issue of Section 7.6(b), changing the number of votes from five to four for a variety of items including appropriation, on the list of items to be considered as a Charter Amendment.**

City Clerk Cornelius began discussion of Section 7.5 by explaining that the legislature has taken up the issue of publication and potentially allowing publication on the internet instead of in newspapers. Mr. Schultz said there are still State Laws pertaining to the Planning Commission notices that would still require publication in a newspaper regardless of whether the Charter removes newspaper publication. He added that a lot of individual laws would have to be changed to completely eliminate newspaper publication. City Clerk Cornelius said the legislature is asking for communities to compile information about publication costs and added that the City of Novi spent over $25,000 just on publications. Mr. Schultz said the Charter could be changed to eliminate newspaper publication, but the City would still have to abide by State Laws if they specify publication in a newspaper. Mr. Landry suggested they change the number of postings in public places from three to two. **The Committee agreed to put the issue of Section 7.5, posting a copy of publications in two public places, on the list of items to be considered as a Charter Amendment.**

Council Member Casey asked if the Committee wanted to look at making a change to Section 7.8(a), the requirement that a petition shall be signed by not less than fifteen percent (15%) of the registered electors. Mr. Landry said he thought that requirement was acceptable. Mr. Pearson said he felt they shouldn’t lower the threshold. The consensus was to leave that section as is.

Mr. Landry pointed out that the last sentence of Section 7.4 seemed to conflict with Sections 5.4 and 6.7(c). Mr. Schultz said his interpretation was that Section 7.4 didn’t apply until after Section 5.4 was addressed.

Mr. Pearson said the new language in Section 7.4 provided a penalty for the violation of the Charter itself. Mr. Schultz said Chapter 7 is about ordinances and it made sense to have a provision for Charter violation. He said they could amend Chapter 15 to say what the penalty is since it shouldn’t always necessarily be a misdemeanor. He said if the language stays the way he proposed, Chapter 15 has a section for Penalties for misconduct in office. Mr. Pearson said they needed a penalty defined in the Charter regardless so that it is easy to change like an ordinance. Mr. Schultz agreed and said they needed to clarify what violations result in, for example Section 8.5 if the budget isn’t adopted in time.

**B) Chapter 8 - General Finance**

Mr. Schultz addressed the potential changes to Chapter 8. Section 8.5 discussed the adoption of the budget and if it wasn’t adopted by the third Monday in May, the Charter violation penalty would be addressed in Chapter 15. Section 8.6 touched on the supermajority again. Section 8.10 regarding the Audit was just to clarify language
because our current audit process has the auditors auditing reports, not individual accounts.

Mr. Schultz said the proposed changes included the removal of the current Section 8.10 regarding withdrawal of funds. He said the warrant system currently used is outdated and prohibits checks from being issued in a timely manner. He said the budget serves as appropriation of funds. He said the Council could probably get rid of the use of a warrant system without a Charter Amendment by doing a resolution. Mr. Pearson said the language was outdated and ignores new technology. He said by supplying Council with an appropriation report instead of the warrant for review, it was more realistic. The Committee agreed to put the issue of removing Section 8.10 Withdrawal of Funds on the list of items to be considered as a Charter Amendment.

Follow-up from previous meetings

A) Revisions to Chapter 4

Mr. Schultz said he adjusted the proposed wording for Sections 4.4 and 4.5 regarding compensation. Mayor Gatt suggested they change the wording to say “paid in monthly installments” to avoid any confusion.

Mr. Schultz said he adjusted phrasing in Section 4.6 regarding the administrative plan.

B) Revisions to Chapter 5

Mr. Schultz said he adjusted the wording in Section 5.2 to specify nepotism only applied to full-time employees.

Section 5.3 was discussed. Proposed changes included Section 5.3(a)(3) to clarify that the Mayor shall excuse an absence of a council member and Section 5.3(b) to clarify that the Council shall declare a vacancy on a Board or Commission and that the chair of a Board or Commission shall determine whether an absence is excused. The Committee agreed to put Section 5.3 on the list of items to be considered as a Charter Amendment.

C) Revisions to Chapter 6

Mr. Schultz said the changes to Chapter 6 were to make it in accordance with the Open Meetings Act. The changes to Section 6.1 allowed the Council to set meetings annually. Mr. Pearson suggested the wording be changed to “by the Monday” instead of “on the Monday” to allow leniency for holidays and other scheduling conflicts.

Section 6.2 changes were to conform with the Open Meetings Act since it doesn’t specify that 24 hours’ notice be given.

Mr. Pearson proposed they reschedule the Tuesday, April 23rd meeting to Monday, April 22nd. The Committee agreed to the change.
ADJOURNMENT - The meeting was adjourned at 5:35 p.m.

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Robert J. Gatt, Mayor       Cortney Hanson, Deputy City Clerk

Date approved: April 22, 2013