

MINUTES OF MEETING

DEARBORN CHARTER COMMISSION

Mayor's Conference Room

Tuesday, March 07, 2006

Chairman Bazzy called the meeting to order at 5:50 p.m. A roll call was taken. Present were: David Bazzy, Mary M. Bugeia, Stephen S. Dobkowski, Jr., Paula Hamilton-Stokes, Thomas Patrick Korte, Mary K. Petlichkoff, Ganelle Shooshanian, and Raymond Thomas Trudeau. Absent: John Jay Hubbard. Also present: Lola Isiminger, Deputy City Clerk and Debra Walling, Corporation Counsel.

Chairman Bazzy asked if anyone had any questions on the minutes from the meeting from February 21, 2006.

Commissioner Shooshanian stated that the minutes from the prior meeting were approved "as amended" and asked if it was possible to include the actual amendments in the minutes rather than just stating as amended.

Commissioner Petlichkoff stated that normally when minutes from a previous meeting are approved, the minutes would simply state "as amended" and the Commissioners would receive a copy of the minutes that were amended.

Commissioner Bazzy stated that as long as it is noted in the minutes that they are approved "as amended" there is no need to include the actual amendments in the minutes.

A motion was made by Commissioner Trudeau and seconded by Commissioner Shooshanian to accept the minutes of the February 21, 2006 meeting. The motion passed unanimously.

The Commission resumed their discussion on **Section 6.12 Defaulters to the city.**

Debra Walling distributed information regarding the definition of the word "default" along with copies of the wording that was contained in previous charters from 1929 and 1942 as it pertains to this section. She also

distributed copies of the discussions from the last charter Commission that relate to this particular provision.

Discussion was held regarding the definition of the word “default”.

Commissioner Shooshanian asked that since the Commission has a common understanding of the word “default” does the Commission need to be more specific.

Commissioner Trudeau stated that the Commission could be specific by removing the word “default” and inserting “anyone who fails in fulfilling a contract, agreement, or duty especially a financial obligation”.

Commissioner Petlichkoff stated that in reading a lot of different city charters, that this is a very common language that is used in just about everything including the state constitution.

A motion was made by Commissioner Trudeau and supported by Commissioner Korte to table Section 6.12 Defaulters to the city, until the meeting of March 21, 2006 to give the Commissioners more time to study the section and come back with recommendations and suggestions which can be discussed and voted upon at that time. The motion passed unanimously.

A motion was made by Commissioner Petlichkoff that Section 6.2 Qualifications of elective officers, which the Commission amended previously to read as follows:

No person shall become a candidate or hold elective office under this charter unless that person is a resident for one year, has never been convicted of a felony and is a registered voter of the City.

be amended to read as follows:

No person shall become a candidate or hold elective office under this charter unless that person is a resident for one year, has never been convicted of a felony **within the preceding 20 years** and is a registered voter of the City.

Debra Walling stated that when this section was previously discussed in January, it was brought to the Commission's attention that there is an attorney general's opinion dated February 6, 1980, that states that the charter of a city or village may contain a provision barring a person convicted of a felony from eligibility to an office within the local governmental unit and such a charter provision would not violate the constitution. This case did not have a restriction of any time frame such as 20 years.

Commissioner Petlichkoff asked Debra Walling if the Commission would be safe with the correction that was originally made. Debra Walling affirmed Commissioner Petlichkoff's question. Commissioner Petlichkoff withdrew the motion to amend Section 6.2.

Discussion was held on **Section 7.2 Salaries of the council.**

The Commission reviewed copies of the reports from the Local Officials Compensation Commission dated February 25, 1999 and February 24, 2005.

Chairman Bazzzy stated this section should be updated to include the current salaries that council members are receiving.

Commissioner Dobkowski state that he had read that the council members were attending as many as 140 meetings. He asked how the council could have 140 meetings.

Debra Walling explained that with study sessions, budget hearings, special meetings, and regular meetings, 140 meetings are possible.

Commissioner Dobkowski questioned if 90 meetings a year, as were recommended by the L.O.C.C., were a fair number of meetings.

Debra Walling explained that the L.O.C.C. wanted to balance compensating council members for how much time they put in without encouraging too many meetings.

A motion was made by Commissioner Korte and supported by Commissioner Bugeia that the first and second paragraph of **Section 7.2 Salaries of the Council** which currently reads as follows:

Each member of the Council shall receive an annual salary of four thousand eight hundred dollars except the council president who shall receive six thousand dollars annually.

All council members shall also receive fifty dollars per public meeting of the Council attended for no more than eighty meetings per calendar year. Four members of the Council shall constitute a quorum, which shall be required to qualify as a paid public meeting of the Council.

shall be amended to read as follows:

Each member of the Council shall receive an annual salary of **fourteen thousand four hundred nine dollars** except the council president who shall receive **seventeen thousand two hundred sixty-seven dollars** annually.

All council members shall also receive **eighty-five dollars and thirteen cents** per public meeting of the Council attended for no more than **ninety** meetings per calendar year. Four members of the Council shall constitute a quorum, which shall be required to qualify as a paid public meeting of the Council.

The motion passed unanimously.

Discussion was held on paragraph five of this section. The Commission thought that since the phrase “excluding police and fire employees” was taken out of other sections of the charter that the phrase should also be taken out of this section.

Debra Walling explained that instead of removing the phrase, the best option would be to replace the word “excluding” with the word “including”. She explained that in the City’s pension plans, general employees and police and fire have separate plans. She suggested the same treatment for the other section previously discussed. (Section 6.8)

Commissioner Shooshanian questioned if paragraph six needed to be included in the current charter. This paragraph would have applied to the 1979 charter.

Debra Walling explained that this paragraph was intended to prevent tensions for new council members, and with the L.O.C.C.'s recommendation, council members are currently included in the pension plans.

Chairman Bazy recommended that this paragraph be omitted. Leaving the paragraph in would be contrary to what has currently been established by the L.O.C.C.

A motion was made by Commissioner Bugeia and supported by Commissioner Korte to delete the following paragraph from **Section 7.2 Salaries of the Council:**

Only those members of the Council participating in the City of Dearborn Employees Retirement System as a member of the Council prior to the adoption of this charter may continue in that retirement system. (deleted).

The motion passed unanimously.

A motion was made by Petlichkoff and supported by Commissioner Bugeia that paragraph five of **Section 7.2 Salaries of the Council** which currently reads as follows:

Effective July first of each year the Council may adjust its base salary by a percentage not to exceed the average percent of increases or decreases in salary paid to the general employees of the City excluding police and fire employees for the preceding twelve months.

shall be amended to read as follows:

Effective July first of each year the Council may adjust its base salary by a percentage not to exceed the average percent of increases or decreases in salary paid to the general employees of the City **including** police and fire employees for the preceding twelve months.

The motion passed unanimously.

A motion was made by Commissioner Shooshanian and supported by Commissioner Petlichkoff to make no changes to the last paragraph of **Section 7.2 Salaries of the Council**. The motion passed unanimously.

Discussion was held on **Section 7.3 Judge qualification of members**.

A motion was made by Commissioner Shooshanian and supported by Commissioner Korte to make no changes to **Section 7.3 Judge qualification of members**. The motion passed unanimously.

A motion was made by Commissioner Bugeia and supported by Commissioner Hamilton-Stokes to make no changes to **Section 7.4 Organization of the council**. The motion passed unanimously.

A motion was made by Commissioner Trudeau and supported by Commissioner Hamilton-Stokes to make no changes to **Section 7.5 Regular meetings of the council**. The motion passed unanimously.

A motion was made by Commissioner Trudeau and supported by Commissioner Hamilton-Stokes to make no changes to **Section 7.6 Special meetings of the council**. The motion passed unanimously.

A motion was made by Commissioner Bugeia and supported by Commissioner Korte to make no changes to **Section 7.7 Business at special meetings**. The motion passed unanimously.

Discussion was held on **Section 7.8 Meetings of the council to be public**.

A motion was made by Commissioner Korte and supported by Commissioner Petlichkoff to make no changes to **Section 7.8 Meetings of the council to be public**. Roll call on the motion was as follows: Yeas: Bazy, Bugeia, Hamilton-Stokes, Korte, Petlichkoff, Shooshanian, and Trudeau (7). Nays: Dobkowski (1). Absent: Hubbard (1). The motion was adopted.

Chairman Bazy called a recess at 7:10 p.m. The meeting reconvened at 7:20 p.m. Present at roll call were Commissioners Bazy, Bugeia, Dobkowski, Hamilton-Stokes, Korte, Petlichkoff, Shooshanian, and Trudeau. Absent: Hubbard.

Discussion continued with **Section 7.9 Rules of order.**

A motion was made by Commissioner Bugeia and supported by Commissioner Shooshanian to make no changes to **Section 7.9 Rules of order.** The motion passed unanimously.

A motion was made by Commissioner Petlichkoff and supported by Commissioner Shooshanian to make no changes to **Section 7.10 Restriction on powers of the council.** The motion passed unanimously.

A motion was made by Commissioner Trudeau and supported by Commissioner Bugeia to make no changes to **Section 7.11 Attendance at council meetings.** The motion passed unanimously.

A motion was made by Commissioner Petlichkoff and supported by Commissioner Korte to make no changes to **Section 7.12 Official newspaper.** The motion passed unanimously.

A motion was made by Commissioner Bugeia and supported by Commissioner Shooshanian to make no changes to **Section 7.13 Publication of council proceedings.** The motion passed unanimously.

A motion was made by Commissioner Bugeia and supported by Commissioner Trudeau to make no changes to **Section 7.14 Investigations.** The motion passed unanimously.

A motion was made by Commissioner Trudeau and supported by Commissioner Shooshanian to make no changes to **Section 7.15 Depositories of city funds.** The motion passed unanimously.

A motion was made by Commissioner Bugeia and supported by Commissioner Shooshanian to make no changes to **Section 7.16 Annual appropriation; collection and return of taxes.** The motion passed unanimously.

A motion was made by Commissioner Petlichkoff and supported by Commissioner Korte to make no changes to **Section 7.17 Penalties.** The motion passed unanimously.

A motion was made by Commissioner Petlichkoff and supported by Commissioner Bugeia to make no changes to **Section 8.1 Public peace, health and safety**. The motion passed unanimously.

A motion was made by Commissioner Korte and supported by Commissioner Petlichkoff to make no changes to **8.2 Streets and alleys**. The motion passed unanimously.

Discussion was held on **Section 8.3 Licenses**

Chairman Bazy asked Corporation Counsel how the different licenses and fee schedule was determined.

Debra Walling stated that there are certain things that the City cannot license because of state laws. There are ordinances on all the fees and when changes are made to an ordinance, there are two readings of the new ordinance along with discussion and public input. Whoever is requesting the change in a fee must justify that the amount being charged bears a direct relationship to the cost of the service that is being provided.

A motion was made by Commissioner Shooshanian and supported by Commissioner Korte to make no changes to **Section 8.3 Licenses**. The motion passed unanimously.

Discussion was held on **Section 8.4 Rights as to property**.

Commissioner Trudeau stated that he would like to add “any purchase or sale of real property with a value of more than one million dollars shall be approved by the electorate”.

Commissioner Bugeia stated that anything outside of the City should be voted upon not just more than five miles as the Charter currently states.

Chairman Bazy stated that there is a time that the City needs to move forward on a piece of property in order to be able to go forward in their negotiations with other vendors.

Abed Hammoud suggested that if something needed to go to the electorate, that instead of setting a dollar amount, the figure could be based upon a percentage of the City’s annual budget.

A motion was made by Commissioner Trudeau and supported by Commissioner Dobkowski to add the phrase “any purchase or sale of real property with a value of more than one million dollars shall be approved by the electorate” to **Section 8.4 Rights as to property**. Roll call on the motion was as follows: Yeas: Dobkowski and Trudeau (2). Nays: Bazy, Bugeia, Hamilton-Stokes, Korte, Petlichkoff, Shooshanian, (6). Absent: Hubbard (1). The motion failed.

Discussion continued with Commissioner Bugeia questioning why the current charter states that the purchase or sale of real property located more than five miles outside the city limits must be approved by the electorate. She stated that any purchase or sale of property outside the city limits should be approved by the electorate.

A motion was made by Commissioner Bugeia and supported by Commissioner Korte that **Section 8.4 Rights as to property** which currently reads as follows:

The Council shall have the power to acquire for the City by purchase, gift, condemnation, lease, construction and to make alterations to all structures and property, real and personal, necessary for the proper performance of the operations of the City. Any purchase or sale of real property located more than five miles outside city limits shall be approved by the electorate.

Shall be amended to read as follows:

The Council shall have the power to acquire for the City by purchase, gift, condemnation, lease, construction and to make alterations to all structures and property, real and personal, necessary for the proper performance of the operations of the City. Any purchase or sale of real property located outside city limits shall be approved by the electorate. (Deleting the five mile restriction)

The motion passed unanimously.

Said Deep stated that the reason that if the city needed to purchase a piece or parcel of land to extend some city property that is over the border, it

is kind of silly to go to the voter. That is probably why the current charter contains the five mile stipulation.

A motion was made by Commissioner Shooshanian and supported by Commissioner Petlichkoff to reconsider the vote on removing the five mile stipulation from **Section 8.4 Rights as to property**. The motion passed unanimously.

A motion was made by Commissioner Petlichkoff and supported by Commissioner Shooshanian to leave **Section 8.4 Rights as to property** as it currently reads in the 1979 charter. The motion passed unanimously.

A motion was made by Commissioner Shooshanian and supported by Commissioner Korte to make no changes to **Section 8.4 Rights as to property**. The motion passed unanimously.

A motion was made by Commissioner Bugeia and supported by Commissioner Shooshanian to make no changes to **Section 8.5 Trusts**. The motion passed unanimously.

A motion was made by Commissioner Petlichkoff and supported by Commissioner Trudeau to make no changes to **Section 8.6 Penalties**. The motion passed unanimously.

Chairman Bazy indicated that the agenda for the next meeting scheduled for March 21, 2006 will contain a review of Section 6.12, Chapter 9 and Chapter 10.

The Commission discussed upcoming meeting dates which conflict with other meetings or legal holidays and decided that the meetings scheduled for July 4, 2006 and August 8, 2006 be cancelled.

Chairman Bazy stated that Commissioners Bugeia, Dobkowski, Hamilton-Stokes, and Petlichkoff have volunteered to spend time with the Board of Ethics to make recommendations for **Section 3.4 Board of ethics**.

A motion was made by Commissioner Trudeau and supported by Commissioner Korte to adjourn.

The Charter Commission meeting adjourned at 8:13 p.m.

Approved:

S/David Bazy
Chairperson

Attested:

S/Kathleen Buda, CMC
City Clerk