

DEARBORN CHARTER COMMISSION
Mayor's Conference Room
Tuesday, March 20, 2007

Chairman Bazzy called the meeting to order at 5:52 p.m. A roll call was taken. Present were: David Bazzy, Mary M. Bugeia, Paula Hamilton-Stokes, John Jay Hubbard, Thomas Patrick Korte, Susan Moran, Mary K. Petlichkoff, Ganelle Shooshanian and Raymond Thomas Trudeau. Absent: None. Also present: Kathleen Buda, City Clerk, and Kim Craig, Assistant Corporation Counsel.

Chairman Bazzy asked if anybody had any comments on the minutes from March 06, 2007.

Commissioner Trudeau stated that it appears to him that both of the last two meetings were included in the minutes of March 06, 2007. He stated that on page 3, the third paragraph, this was a statement that was made at the meeting held on March 13, 2007.

Chairman Bazzy stated no, that was a statement that he had made at the meeting held on March 06, 2007. He further stated that he made that comment the week after the closed meeting that didn't occur. There was a meeting to have a closed meeting that did not occur and there were a lot of personal things that went back and forth and so he made that statement at the meeting held in the Mayor's Conference Room on March 06, 2007. At the meeting of March 13, 2007, we started that meeting by getting right into Chapter 11.

Commissioner Bugeia stated that on page 37 the Commission had approved Section 11.2 and did include "with the approval of Council" and it is not in the minutes. It is in the update that Lola Isiminger provided of all the things that had been approved through March 06, 2007. The first paragraph should say "there shall be established a Civil Service Commission of five members. The Commission shall appoint a Human Resources Director in accordance with the terms of this Charter with confirmation by City Council."

Chairman Bazzy stated that is what he had in his notes.

Lola Isiminger, Deputy City Clerk, addressed the Commission. She stated that she believes what happened is that when she did the update for the Commissioners, she went from the notes that she had made and her notes did include that amendment. When she typed the minutes for the meeting, she listened to the tape and during the final reading before the Commission voted on the amendment the change was not included in the actual final reading. That is why it was not included in the minutes.

Kathleen Buda, City Clerk, stated that it is a simple explanation that is easily resolved.

Chairman Bazzy asked Commissioner Bugeia if she would like to make a motion to amend the minutes.

Commissioner Bugeia stated that there were 8 yeas and 1 nay on that motion. With the approval of the 8 people that voted for it we should add the words “with confirmation by City Council.”

Commissioner Petlichkoff stated that she believes there is something else missing in this section. She further stated that it should read, “There shall be established a Civil Service Commission of five members to administer the provisions of this chapter. The Commission shall appoint a Human Resources Director in accordance with the terms of this Charter with the approval of City Council.”

Commissioner Moran stated that when we voted on this, we voted on what Lola had written in her minutes. She stated that she did not have her notes updated to include the changes either.

Chairman Bazzy stated that his notes had “with the approval of City Council.”

Commissioner Petlichkoff stated that she had the amendments on her notes also. She stated that she immediately went home and made the changes on her computer from the notes that she had made.

Chairman Bazzy stated that he does not see a point to have this come back to a vote unless there are members here saying that they are against the way that this was originally amended to read. He further stated that other

Commissioner's notes coincide with his notes in terms of City Council approval.

Commissioner Shooshanian stated that the whole discussion was on whether it would be the Mayor or the City Council that would approve the appointment.

Commissioner Moran stated that when it was read, it was read the way that Lola has it in her minutes. If we are approving what was read, that was what was voted on.

A motion was made by Commissioner Bugeia and supported by Commissioner Shooshanian to amend page 37 of the minutes from March 06, 2007 changing Section 11.2 to read as follows:

There shall be established a Civil Service Commission of five members to administer the provisions of this Chapter. The Commission shall appoint a Human Resources Director in accordance with the terms of this Charter with the approval of City Council.

All officers and employees of the City shall grant to the Commission or its authorized representative free access to premises and records under their control and shall furnish them such facilities, assistance or information as may be required to carry out the provisions of this Chapter.

Upon roll call the motion was adopted as follows: Yeas: Bazy, Bugeia, Hamilton-Stokes, Hubbard, Korte, Petlichkoff, Shooshanian, and Trudeau (8). Nays: Moran (1).

A motion was made by Commissioner Bugeia and supported by Commissioner Petlichkoff to approve the minutes of March 06, 2007 as amended. The motion passed unanimously.

Chairman Bazy stated that the Commission would continue with Section 11.8 of the Charter.

Marge Powell, Civil Service Chairperson, asked if she could address the Commission. Ms. Powell stated that she would like to discuss a subject that they had previously discussed briefly. She stated that it is of such

importance to the future of the City that it merits further discussion. The subject is the departmental status of Human Resources. As Commissioner Bugeia said at the last meeting, Human Resources services all aspects of City government and therefore there should be a permanent place for it in the City Charter. She stated that she knows that the Commission is not dealing directly with outsourcing but, she has to mention it to discuss this subject. She further stated that if Human Resources is given to the City Council to create as an ordinance department, she knows of at least two Councilmembers who would outsource the entire department immediately unless they have recently changed their minds. Outsourcing Human Relations makes no sense at all. As you know, the Human Resources Department used to be called the Personnel Department and that's what it deals with, the personnel of the City. Most of the personnel for the City works right here at City Hall. If they don't work in City Hall then they still work at the City of Dearborn. To have people in Southfield, Livonia, or any other city dealing with our personnel is ludicrous. In addition to the negatives of outsourcing, Human Resources should be a Charter department because that supports the independence of the Civil Service Commission. Finally, we should ensure the effectiveness of the Civil Service Commission by providing a Human Resources Department in the Charter. This department and the Civil Service Commission have worked together effectively for 65 years. She stated that she strongly urges the Commission to keep the Human Resources Department as a Charter department.

Commissioner Hubbard stated that he believes that this particular department can stay in the Charter particularly because of the integrity that is involved here with personnel. He stated that if he was Mayor or Councilman he would like to have a strong supportive worker in his department or the City that was a friend of his. However, he would much rather prefer an employee had something on the ball, was productive, and did something good for the City. He stated that he would support leaving this Civil Service Department of Human Resources in the City Charter along with the Civil Service Commission. He stated that he does disagree that the Department of Human Resources has to be akin to the Civil Service Commission because the independence of the Commission dictates that they must make opinions and stand by them and not be beholden to the Director or the Department of Human Resources.

Ms. Powell stated that the Civil Service Commission is not beholden to the Human Resources Director or the rest of the department. The Civil

Service is only beholden to itself. She stated that she would like to also point something out that she believes is important. The reason she believes these Councilmembers that she spoke of became down on Human Resources is because they recommended people for positions in City government and those people were not hired. They were not hired because Human Resources was following the rules of the Civil Service Commission.

Commissioner Petlichkoff stated that Ms. Powell is only talking about two out of seven. Five are the majority who have not made those kinds of statements. She stated that she has been at Council meetings where the two Councilmembers have made statements under the cuff as they have with many things over the years. Councilmembers come and go, so do personnel within the community, who are really beholden to the community. The citizens of this City are the stakeholders who the employees interact with. She stated that she has a big problem with protecting one department which should be able to defend itself with the City Council and the Mayor's office as to its importance and validity in being maintained and being able to be recognized if they are doing their job properly as an established ordinance department. We protected Civil Service so that they could oversee the hiring and firing of every employee that still is maintained. We want that integrity maintained. It doesn't matter who is looking at the job seekers. The Civil Service Commission will still have that final authority as to who becomes certified and goes forward. You will still have the interaction with the City department heads, with the Mayor and with the Council and maintain that connection. We also have maintained a department director so that we have somebody within our community who has our best interest at heart, as we did with all the others. Finance also deals with every department and interacts with every department. There isn't one department over another that doesn't essentially interact with many of the other departments or some kind of responsibility or accountability to the community as a whole. She further stated that they have not attempted to protect and the commission has not seen them coming in trying to defend their single department as has occurred with the Human Resources Department. She stated that she believes if the job is being done well and the system is working fine there shouldn't be a problem. Just because there are two Councilmembers currently who may have made statements in the past, it does not negate the other Councilmembers or the Mayor's office who hopefully will have the ability to look over the departments and determine how they need to be organized, structured, what they can utilize, and what needs to be changed. We are giving way too little credit to those individuals because of a couple

who have made statements in the past for whatever reasons that they will not do their job to insure the community's acceptance of the way their staff is responsive to the City needs.

Commissioner Hamilton-Stokes stated that what she didn't hear last week and what she didn't hear tonight is that Civil Service, Human Resources, is an employee based department. It is imperative that this room, this hallway, this door, or these people are there forever for the employee. We have fewer and fewer and fewer employees doing more and more work. The guarantee of Civil Service is wonderful. The guarantee of someone to run things is wonderful. The department is a real anchor and the employees care deeply about it and the department cares deeply about the employees. It's not a political process between the employee and the department.

Commissioner Petlichkoff stated that City Council will probably maintain it as such.

Commissioner Hamilton-Stokes stated that she is not that confident that they will defend the employee the way Human Resources defends them today. That department will fight to the death for the employee. That is why they are there.

Commissioner Trudeau stated that he would be the first one to admit that over the years the City had benefited by having the Personnel Department which became the Human Resources Department and the Civil Service Commission. He further stated that he believes they have done an outstanding job. That does not mean that it has to be a charter position. We are not changing anything really. What the Commission is doing is what he believes their main object is, sitting here through all these meetings and that is to give the Administration and the Council the powers that they are going to need to face the problems they are going to face in the future. If we leave anything in the Charter there, we are going to cause problems. They are not going to have the flexibility they might need to make the best decisions. We are not outsourcing anything here with this Commission. We are simply giving the Administration and the Council the ability to administer the way they see fit.

Commissioner Hamilton-Stokes stated that the employees aren't a City problem, they are the City backbone.

Commissioner Trudeau stated that there are many cities that operate without this in their Charter. They get along fine. He further stated that the Commission is not throwing anybody overboard with this. They are not being cast aside.

Chairman Bazzy stated that interestingly enough, he has heard over and over again that the Commission is eliminating departments. The Commission does not have that call. The way to eliminate departments is not to fund them. If you want to eliminate departments, City Council doesn't fund them, you can have them in title all you want, but there aren't any departments. That's how you eliminate departments. That's how businesses eliminate departments. They are not funded in the next fiscal year and that is how cities can eliminate departments. He stated that he has looked through this Charter and he has looked through many others. What he found was a Charter that was written with a lot of "catch" items in here with a lot of distrust and disservice. Everything was thrown in here because obviously there was either distrust in a really strong mayoral government pattern or some other issues. So, everything was put in here for a significant amount of protection which may have fit in the 70's. He further stated that he has heard people say that you cannot write a Charter for a down year. The Commission is not writing a Charter for a down year. They are writing a Charter for a fiscal long period and fundamentally, priorities of cities and municipalities have changed and states have changed and monies have changed. The State is not in a cycle, it's in a change. The City is not in a cycle, it's in a change. Everybody that thinks three years from now Ford Motor Company is going to be at a 22% market share and GM is going to be at 35, then he would like some of those hallucinations too because he would like to live in that fairy tale world. He stated that he lives in a real world and we have to live in a real world here. In Chapter 13, the Commission is going to have a major address. The major address is "do we allow the City to go back to the original millage rate that has been pecked away little by little as it has gone down." It's a tough decision for the Charter let alone for the City to have to go back out to the public who is already reeling from high gas prices and high food prices. Everything that you touch costs more and then to go to the citizens and say "in order to keep some of the services you have, not even all of them, we are going to need to fund more money here because we have less State money, and we have less money coming in from taxes."

Chairman Bazzy further stated that he sees a lot of opposition to a department that he views slightly different than others but still

charismatically the same way. There is some misinformation that he doesn't like. He stated that Commissioner Moran gave him an email that came in and talked about \$400,000 for an audit. That wasn't an audit of the department. Let's be honest, it was an audit to completely relook to see if Human Resources could be outsourced and what the cost would be. This is a much different audit than one for practices and principles. That is misinformation.

Valerie Murphy-Goodrich, Human Resources Director addressed the Commission. She stated that it was actually a request that she had made last May to the National Academy of Public Administration.

Chairman Bazy stated that it was not for a minor audit of her department. It was for an audit to outsource the whole thing. Correct?

Ms. Murphy-Goodrich stated that the proposal was quite large and she stated that she understands, as she is sure Chairman Bazy does, that the cost of an audit will vary according to what the scope is. She stated that she does not believe yet that they have really had many discussions related to scope. But, that was legitimately a proposal that she had made last May. The proposal was priced at that level. That was the information that she provided.

Chairman Bazy stated that it was significantly different than what would be an audit of policy and procedure.

Ms. Murphy-Goodrich stated that she does not know what the audit of policy and procedure would be.

Commissioner Petlichkoff stated they do not therefore have an accurate figure on that type of audit.

Chairman Bazy stated that he spent a lot of time dissecting that and the number that he had is much closer.

Commissioner Moran stated that she requested the information. It wasn't given to her. She had asked if there had been an audit and if we go back to the email from Councilman Darany, there was a gap between \$100,000 and \$400,000 in his estimate also. She stated that she is just saying that this is a second opinion.

Ms. Murphy-Goodrich stated that it was an audit that she was actually requesting and it was a proposal that she discussed with Mark Guido about a year ago.

Chairman Bazzy stated that at one time somebody had come in and said that they would like an audit included within this Chapter or whether or not it belongs in there or doesn't belong there. It is a whole other issue that can be taken up if they want to move on with this. That is a whole other issue that we do not need to delve into.

Commissioner Bugeia stated that regarding an audit, she believes that the Council, in the present Charter, can request a performance audit of any department that they want. She stated that she does not think that the Commission needs to write it in.

Chairman Bazzy stated that is the challenge he gave back to someone in a conversation today.

Commissioner Bugeia stated that actually what Commissioner Petlichkoff had said about the Council people come and go is really what makes her uncomfortable. If the Commission allows the Human Resources Department to become an ordinance, to her ordinance means temporary, it can be changed in a year's time, in two years time or four years time. We do have seven Council people elected and some of them would be novices when they come in and it's a learning curve on any Board. Should they have to decide every four years whether or not there has to be a Human Resources Department? She stated that she does not think it is being protected in the Charter. She believes it is guaranteeing continuity.

Commissioner Trudeau asked why it would have to be renewed every year.

Commissioner Bugeia stated that is what an ordinance is.

Commissioner Trudeau stated no. It remains until it is changed.

Chairman Bazzy stated that it does not have to be renewed. It would have to come to a vote to take that ordinance out. It really has an eternal life and it actually has a life longer than this Charter in terms of theoretically the

Charter could change 12 years after this one is approved but the ordinances or ordinance departments stay until someone takes them out. Unless there is a sunset clause in the ordinance and there are not many ordinances that have a sunset clause in them.

Commissioner Trudeau stated besides that, the Mayor has a veto which would require a super majority. If the Council decided by vote to take it out of the ordinance, then the Mayor could override it with a veto. It would then require a super majority of the Council to have it stay.

Commissioner Bugeia stated that they have more confidence in an ordinance than she does. She stated that she believes they should move on to something else.

Ms. Powell stated that she understands leaving Police and Fire in the Charter, but why was the Legal Department left as a Charter department if Human Resources can't be.

Commissioner Trudeau stated that he didn't believe that it was. He would like to revisit it, he doesn't see any reason for it to remain a Charter department.

Commissioner Petlichkoff stated that they have discussed wanting to revisit that.

Commissioner Trudeau stated that he doesn't think that any of the departments should be in the Charter.

Commissioner Petlichkoff stated that they are discussing revisiting the Legal Department. This is still a work in progress and everything is still going to probably be revisited a final time.

Chairman Bazy stated that he has a significant amount of notes on why he wants to do that; but, in all honesty, these are completely separate entities. He further stated that they have spent an inordinate amount of time on this Chapter.

Jeanette Day, retired Assistant Director of Human Resources, addressed the Commission. She stated that a lot of things change over the years, but some employees have been here 30, 35 and 40 years. They have

been here a long time. To have their operations, all the things that go along with running a Human Resources Department could get very disruptive if somehow someone else was going to come in and change the operation. The City has gotten much smaller but the laws, the regulations have gotten much more complicated everything from ADA to family leave, all of that. If someone isn't on top of that all the time, things can slip in the cracks and you can have things happen that will be very, very costly. She further stated that she was with the City when the Department of Justice came in and if it wasn't for the fact that this department operated right down the line, clean as a whistle, the Department of Justice probably looked at every single piece of paper that they had. The Department was under them for seven years reporting. They were used as an example in southeastern Michigan as a way to run a department. All of their hiring practices, everything. She believes that it is credited to the fact that it is a department and it operates with a great deal of integrity and a little bit of independence. You get a lot of pressures from the outside, but if you follow the rules you're okay. She stated that she doesn't know if you can have that in another type of setting.

Commissioner Petlichkoff stated that would be the argument to present before Council to protect the department as an ordinance department.

Commissioner Bugeia stated that someone would have to put that on their agenda first. Why should they have to reconstruct it every single year?

Commissioner Petlichkoff stated that it is not going to be reconstructed.

Commissioner Trudeau stated that it doesn't have to be. It will be there forever. There are ordinances that have been on the books that have never changed for many, many, many years and never been acted upon.

Commissioner Petlichkoff stated that there are ordinances that have never been looked at or never been revisited, they just exist.

Chairman Bazzy stated that ordinance departments do not have to be revisited every year. They don't have to ever be revisited.

Dr. McLennan stated that they can be revisited whenever the Council wants to revisit them.

Commissioner Petlichkoff stated they can be and these things are read publicly and everybody is able to go to a Council meeting to step up and argue their case and the community can be interactive with this if anything were to come about. There are seven individuals on the Council, not two, not three.

Chairman Bazzy stated that the Commission has beat this forever. There are opinions one way, there are opinions the other, eventually we will get to a point where there is a vote and we are starting to rehash old opinions for multiple meetings. The Commission needs to continue on with Section 11.8 which really doesn't have anything to do with it except for the duties of the Human Resources Director.

A motion was made by Commissioner Bugeia and supported by Commissioner Moran that Section 11.8 which currently reads:

The Human Resources Director shall act as secretary to the Commission, and shall carry out the functions of the personnel department under the direction of the Commission.

be amended to read:

The Human Resources Director shall act as secretary to the Commission, and shall carry out the functions of the ~~personnel department~~ **Human Resources Department** under the direction of the Commission.

Upon roll call the motion failed as follows: Yeas: Bugeia, Hamilton-Stokes, Hubbard, and Moran (4). Nays: Bazzy, Korte, Petlichkoff, Shooshanian, and Trudeau (5).

A motion was made by Commissioner Korte and supported by Commissioner Trudeau that Section 11.8 which currently reads:

The Human Resources Director shall act as secretary to the Commission, and shall carry out the functions of the personnel department under the direction of the Commission.

be amended to read:

The Human Resources Director shall act as secretary to the Commission, and shall carry out the functions ~~of the personnel department~~ **necessary to fulfill the Human Resources provisions** under the direction of the Commission.

Upon roll call the motion was adopted as follows: Yeas: Bazy, Bugeia, Hamilton-Stokes, Hubbard, Korte, Petlichkoff, Shooshanian, and Trudeau (8). Nays: Moran (1).

A motion was made by Commissioner Bugeia and supported by Commissioner Trudeau that Section 11.9 remain as currently written.

The motion passed unanimously.

A motion was made by Commissioner Korte and supported by Commissioner Bugeia that Section 11.10 remain as currently written.

The motion passed unanimously.

Commissioner Petlichkoff stated that in Section 11.11, the section that she deleted and rewrote the wording happens to come from the Michigan Compiled Laws. The City of Wyandotte uses similar terminology and the City of Houston, Texas also uses this terminology. This is pretty much right on mark with what is in the State Constitution. She believes that it clarifies and leaves no gray areas and is more easily understood for the public as to what can and cannot be done.

Commissioner Trudeau asked Kim Craig, Assistant City Attorney, if she sees any problems with the changes.

Ms. Murphy-Goodrich stated that she believes that the language is actually from the Pendleton Act.

Ms. Craig stated that she believes that the deleted language and the proposed language would cover the same type of misconduct.

Commissioner Petlichkoff stated that she felt it was easier for the public to understand.

A motion was made by Commissioner Trudeau and supported by Commissioner Korte that Section 11.11 which currently reads:

No person in the classified service or seeking admission thereto shall be appointed, promoted, demoted, dismissed, or in any way favored or discriminated against because of sex, race, national origin, political or religious opinions or affiliations. No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment held or made under the provisions of this chapter or in any manner commit or attempt to commit any fraud preventing the impartial execution of such human resource provisions or of the rules and regulations made thereunder. No person seeking appointment to or promotion in the classified service of the City shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with the test, appointment, proposed appointment, promotion or proposed promotion.

No member of the Commission shall continue in such office after becoming an officer of any political party or a member of any local, state or national political party committee, nor take any part in the management, operation or conduct of any political party or political campaign. Any person in the classified service violating any of the provisions of this section shall be subject to the disciplinary action of the Commission in addition to any other penalties provided in this chapter.

be amended to read:

No person in the classified service or seeking admission thereto shall be appointed, promoted, demoted, dismissed, or in any way favored or discriminated against because of sex, race, national origin, political or religious opinions or affiliations. ~~No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any test, certification or appointment held or made under the provisions of this chapter or in any manner commit or attempt to commit any fraud preventing the impartial execution of such human resource provisions or of the rules and regulations made thereunder.~~ **No person, officer or employee shall willfully or corruptly, by**

himself or in cooperation with one or more persons, defeat, deceive or obstruct any person in respect to his/her right of examination, or corruptly or falsely mark, grade, estimate or report upon examination or proper standing of any person examined or aid in so doing, or willfully or corruptly make any false representation concerning the same or concerning the person examined, or willfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined, being appointed, employed, promoted or reinstated. No person seeking appointment to or promotion in the classified service of the City shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with the test, appointment, proposed appointment, promotion or proposed promotion.

No member of the Commission shall continue in such office after becoming an officer of any political party or a member of any local, state or national political party committee, nor take any part in the management, operation or conduct of any political party or political campaign. Any person in the classified service violating any of the provisions of this section shall be subject to the disciplinary action of the Commission in addition to any other penalties provided in this chapter.

The motion was adopted unanimously.

A motion was made by Commissioner Korte and supported by Commissioner Bugeia that Section 11.12 remain as currently written.

The motion passed unanimously.

Commissioner Korte stated that if Section 11.13 remains, the Civil Service Commission would be the only function of government that would be able to retain its own attorney. He stated that he does not believe that any department should be able to go out and hire counsel without going to the City Council for approval.

Commissioner Shooshanian stated that the Civil Service Commission would have to go before City Council to get the money to hire outside counsel anyway.

Ms. Craig stated that they would have to go before Council if the cost was greater than \$20,000. She further stated that she has not ever seen this happen. However, they would still have to follow the procurement procedures and get authority to spend the money.

Commissioner Trudeau stated that since they would have to go before Council anyway, this section should be removed from the Charter.

Commissioner Hamilton-Stokes stated that the only way that Human Resources would get an attorney was if the City's attorneys were representing their opponent.

Ms. Craig stated that she could not represent against the City.

Chairman Bazzy stated that it could happen if the City was going against the Commission for something that happened.

Ms. Craig stated that it may happen if the City thought that the Commission had exceeded their control, so the City would sue them and get an injunction preventing them from doing whatever they wanted to do. It would be the City vs. the Civil Service Commission.

Dr. McLennan stated that he cannot think of an instance where this has ever happened.

Commissioner Hubbard stated that if it is not in the Charter, there is nothing that says they can't do it anyway.

Ms. Powell stated that she does not see any reason not to leave it in the Charter. She believes that it is another way of giving the Commission its independence.

A motion was made by Commissioner Trudeau and supported by Commissioner Hubbard to remove Section 11.13 in its entirety from the Charter.

Upon roll call the motion was adopted as follows: Yeas: Bazzy, Hamilton-Stokes, Hubbard, Korte, Petlichkoff, Shooshanian, Trudeau (7). Nays: Moran (1). Abstain: Bugeia (1).

Ms. Murphy-Goodrich stated that someone had made reference to the ability of all the other commissions to engage legal counsel.

Chairman Bazzy stated yes, as a commission, if there is a conflict with a City attorney who can no longer represent them, they have the same right that any other commission would have to go out and get independent counsel to do whatever they need to do.

Ms. Murphy-Goodrich asked if this independent counsel would be at City expense or not.

Chairman Bazzy stated that it would be dependent on getting the Council to approve or not approve it. That would be for anybody in the same position. Each case would be independent of what the Council decided. He further stated that he believes that is where it belongs. Fundamentally, he believes that money belongs to the guys that are responsible for spending all of the money. Council is the people that are responsible for spending all of the money.

Ms. Murphy-Goodrich stated that she noted that the language does include at City expense.

Commissioner Korte stated that in Section 11.14 it reads “The Human Resources Director shall be responsible for the implementation of collective bargaining contracts.” Is this current protocol? What role does the labor negotiator play in this?

Ms. Craig stated that she negotiates the contracts. In the capacity of hearing grievances, the Human Resources Department does that which would be an example of them implementing a contract. She further stated that she believes that payroll has taken on a lot of this function because they administer the benefits. It has pretty much went over to payroll, implementing the benefits part but still, with regard to hearing grievances and making those kind of decisions, that would be the Human Resources Department.

Ms. Murphy-Goodrich stated that on a day to day basis, they are continually being asked by individuals throughout the City for information and interpretation about the contracts that they have. It is a day in, day out, substantial responsibility for herself and others on the department staff.

Chairman Bazzy stated that he believes that this would be the case. He believes that Human Resources is inundated in labor issues, and wording of contract vs. practice of contract.

Ms. Murphy-Goodrich stated that they get lots of questions regarding precedent and what has actually occurred in particular instances.

Commissioner Trudeau stated that this is a very important function to government or business or whatever. We are allowing the Mayor to designate a chief labor negotiator for the City without requiring any qualifications for that position. Is that wise?

Commissioner Bugeia stated that it says “with the advice and consent of the Counsel.”

Chairman Bazzy stated that there is a check and balance there. They are not allowed just to pick anybody.

Commissioner Korte asked Ms. Craig if she was the Chief Labor Negotiator.

Ms. Craig stated yes.

Commissioner Trudeau stated that this was not always the case.

Ms. Craig stated no, in the past it was Dr. Archer.

Commissioner Trudeau stated that he has no problem with Ms. Craig’s qualifications but, the Mayor does not have to pick her.

Ms. Craig stated that she has been doing this since 1992 along side Dr. Archer.

Commissioner Trudeau stated that they are not writing this for the current Administration, they are writing this for generations to come.

Chairman Bazy stated that he would be more concerned if it didn't have the consent of the Council in there. He stated he would be more concerned if just the Mayor picked the person and they served at the pleasure of the Mayor to negotiate.

Commissioner Trudeau stated that they do the same things with other departments and yet require them to have a background and experience in that field. This does not require that. This is a very important function. It also doesn't say whether it is a paid position or an honorary position.

Commissioner Bugeia suggested changing it to read the "qualified" chief labor negotiator.

Commissioner Trudeau asked if it would be an employee.

Commissioner Shooshanian asked if it was ordinarily an employee.

Ms. Craig stated that it doesn't have to be an employee. For example, Dr. Archer was retired and was retained in a part-time capacity to perform these duties. Prior to that, it was Richard Cox who was the Human Resources Director and Chief Labor Negotiator.

Commissioner Petlichkoff asked if there was something in the description as to what the City has to pay.

Ms. Murphy-Goodrich stated that when Ms. Craig was appointed as Chief Labor Negotiator, she received a raise. Some cities go through the Michigan Municipal League because they have had an individual who is trained as a legal negotiator so they contract with that individual. Some cities contract with other attorneys.

Chairman Bazy stated that Dr. Archer obviously contracted some type of pay arrangement when he was doing it on a consultant type basis.

Ms. Craig stated that she believed that Dr. Archer was being paid \$40,000 per year and it was approved by Council.

Commissioner Korte asked if it would be prudent to have the Human Resources Director as the Chief Labor Negotiator.

Dr. McLennan stated that it wouldn't be wise to have a Human Resources Director negotiating a contract and at the same time hearing the grievances. There would probably be a lot of objection and you might have a different perspective that might prejudice the negotiations. With the present situation, negotiations proceed in a way that is amicable but certainly not cozy.

Ms. Murphy-Goodrich suggested that they insert the word "qualified" into this section.

Commissioner Trudeau asked what "qualified" would mean.

Ms. Murphy-Goodrich stated that she believes that the Mayor would be able establish qualifications. In actual practice, there are job descriptions and they could easily develop a job description for Chief Labor Negotiator as well.

Commissioner Trudeau stated that currently there is not a description. The Commission is not coming up with what they are really looking for.

Commissioner Petlichkoff stated that they are not doing that with any of the other department either. They already know that they are established, and they are not putting into the Charter those qualifications of any other department head. We say that they have to be qualified but do not include a job description.

Commissioner Shooshanian asked when Ms. Craig was given the responsibilities of being Chief Labor Negotiator and received a raise for it, was there something that got her the raise and the job. Did she have experience in doing this?

Ms. Craig stated that since 1992 she was a part of the team that negotiated the contract. For twelve years before she became Chief Labor Negotiator I was involved in the process and knew exactly what to do.

Commissioner Trudeau stated that by just adding "qualified" to that section it would mean that he could have a peanut stand with one employee who he negotiated a contract for and he would be experienced.

Commissioner Shooshanian asked Commissioner Trudeau if he honestly thought that the Mayor would appoint someone without any experience.

Ms. Murphy-Goodrich stated that with the stakes involved in terms of labor relations, she is sure the Mayor understands what would be at stake if he by chance appointed someone who was not qualified.

Chairman Bazzy asked if the Michigan Municipal League have a set of qualifications that exist for negotiators.

Ms. Murphy-Goodrich stated yes.

A motion was made by Commissioner Korte and supported by Commissioner Trudeau that Section 11.14 which currently reads:

The Mayor shall have overall responsibility for the labor relations functions of the City. The Mayor shall designate the chief labor negotiator for the City with the advice and consent of the Council. The chief labor negotiator shall serve at the pleasure of the Mayor as negotiator and shall represent the City in collective bargaining. Collective bargaining contracts shall become effective when ratified by the City Council in accordance with law. The Human Resources Director shall be responsible for the implementation of collective bargaining contracts.

be amended to read:

The Mayor shall have overall responsibility for the labor relations functions of the City. The Mayor shall designate the chief labor negotiator for the City with the advice and consent of the Council **who shall be qualified as defined by the Michigan Municipal League.** The chief labor negotiator shall serve at the pleasure of the Mayor as negotiator and shall represent the City in collective bargaining. Collective bargaining contracts shall become effective when ratified by the City Council in accordance with law. The Human Resources Director shall be responsible for the implementation of collective bargaining contracts.

The motion passed unanimously.

A motion was made by Commissioner Korte and supported by Commissioner Petlichkoff that Section 11.15 remain as currently written.

The motion passed unanimously.

Chairman Bazy called a recess at 7:03 p.m. The meeting reconvened at 7:20 p.m. Present at roll call were Commissioners Bazy, Bugeia, Hamilton-Stokes, Hubbard, Korte, Moran, Petlichkoff, Shooshanian and Trudeau.

Chairman Bazy stated that they would continue with Chapter 12.

A motion was made by Commissioner Hubbard and supported by Commissioner Korte that Section 12.1 remain as currently written.

The motion passed unanimously.

A motion was made by Commissioner Korte and supported by Commissioner Hubbard that Section 12.2 remain as currently written.

The motion passed unanimously.

Chairman Bazy stated that they had talked about changing Section 12.3.

Commissioner Petlichkoff stated that in Michigan Election Law where it talks about signatures required on nominating petitions, it states “this section does not apply to a city if the City Charter provides for a different method of nominating candidates for public office.” The numbers that are given in Michigan Election Law does have reference to maximum and minimum numbers according to City population at the last census. She asked if we do not have to follow those guidelines because of the sentence in the other portion.

Kathleen Buda, City Clerk, stated that this is her understanding. She further stated that she has had to take out petitions three times and as a candidate would obtain her own signatures. She stated that she knows that people who have run for the office of Mayor and Council will let their friends circulate the petitions, which is fine and good. If this is changed to the State requirements according to population level, those friends would be

called upon. According to our population the required number of signatures is 600-1,000. This is too large of an amount. She further stated that it would take forever to check all of those signatures.

Chairman Bazzy stated that 100 seems awful low.

Commissioner Petlichkoff asked if they could come up with a happy medium.

A motion was made by Commissioner Trudeau and supported by Commissioner Hubbard that Section 12.3 remain as currently written.

The motion passed unanimously.

Commissioner Moran suggested that the date be changed in Section 12.4.

Commissioner Bugeia asked if it could just say “every four years.”

Commissioner Petlichkoff stated that you have to have a starting point and how would you know when the four years would occur.

Chairman Bazzy asked when they currently expire.

Commissioner Hubbard stated that they should make it clear and simple. Once this Charter is adopted, the terms of office shall end as already prescribed.

Chairman Bazzy asked if they could find out when the current Commissioner’s term expires. He stated that they would move over this section until they could get the information as to when the current term expires.

A motion was made by Commissioner Korte and supported by Commissioner Trudeau that Section 12.5 remain as currently written.

The motion passed unanimously.

A motion was made by Commissioner Hubbard and supported by Commissioner Korte that Section 12.6 remain as currently written.

The motion passed unanimously.

Ms. Craig stated that in Section 12.7 it says that you can't attach political material or literature to City property. She further stated that they would like to add that you can't distribute political literature within 100 feet of a City building. This would be consistent with the State law that sets the polling limits. Apparently there have been problems with people coming right up to buildings and trying to distribute their political materials.

Commissioner Korte suggested that the section be amended to read, "No sign, literature or other political material which advocates a candidate or cause may be attached to any city property nor distributed within 100 feet of a City building."

Commissioner Hubbard asked if the City Clerk has had any problems with the candidates coming into the office campaigning.

Ms. Buda stated yes, with some of the candidates and their supporters.

Joseph Borrajo stated that during the last candidate forum that was held in the City Council Chambers, the League allowed the candidates to set up their campaign literature on tables at both entrances, this would include this.

Dr. McLennan stated that you will have a problem restricting that type of activity in a forum like that. What about badges also, people can wear badges and come into City Hall.

Ms. Craig stated that wearing badges would not be placing something on City property and you would not be distributing the badge.

Chairman Bazy stated that it is not attached to City property or distributed.

Dr. McLennan stated that if the Council approved it for the forum, he would assume that could be restrictive language then.

Commissioner Trudeau stated that you could cover that by adding "without a permit."

Ms. Powell asked how Section 12.7 would apply to schools that are polling places.

Commissioner Korte stated that they are not City buildings.

Ms. Isiminger stated that it falls under State law. You are not allowed to be within 100 feet of an entrance to a polling location.

Ms. Craig stated that the Commission might want to keep it consistent with the State law. People will not be able to pass out their literature at the poll line if we say “building.” Maybe you would need to say “entrance to a City building” rather than “building.”

A motion was made by Commissioner Korte and supported by Commissioner Hubbard that Section 12.7 which currently reads:

No sign, literature or other political material which advocates a candidate or cause may be attached to any city property.

be amended to read:

No sign, literature or other political material which advocates a candidate or cause may be attached to any city property **nor distributed within 100 feet of a City building entrance.**

Upon roll call the motion passed as follows: Yeas: Bazy, Bugeia, Hamilton-Stokes, Hubbard, Korte, Moran, Petlichkoff, Shooshanian, and Trudeau (9). Nays: None

Ms. Isiminger stated that the current Election Commissioner’s term expires on June 30, 2010.

A motion was made by Commissioner Korte and supported by Commissioner Shooshanian that Section 12.4 which currently reads:

The Election Commission shall have charge of all activities and duties required of it by law, and shall consist of the Clerk, who shall chair the Commission, the Corporation Counsel and a private person

appointed by the Council for a term to expire June Thirtieth, Nineteen Hundred and Eighty-Two and every four years thereafter.

be changed to read:

The Election Commission shall have charge of all activities and duties required of it by law, and shall consist of the Clerk, who shall chair the Commission, the Corporation Counsel and a private person appointed by the Council for a term to expire June Thirtieth, ~~Nineteen Hundred and Eighty-Two~~ **Two Thousand and Ten** and every four years thereafter.

The motion passed unanimously.

A motion was made by Commissioner Korte and supported by Commissioner Petlichkoff that Section 12.8 remain as currently written.

The motion passed unanimously.

Chairman Bazzy stated that before they adjourn this evening he would like to request that Jim O'Connor be available for the next meeting to be held on April 3, 2007.

Commissioner Trudeau asked if they could review the scheduled meetings.

Chairman Bazzy stated that the Commission will meet on April 3, 17, 24, 2007, and May 01, 15, 22, 2007.

Ms. Murphy-Goodrich stated that she has a new item of business before the Commission adjourns. Relating to the minutes from the Commission meeting of Wednesday, February 21, 2007, the minutes that were approved read "the following were also present in opposition to Charter Commission conducting a closed session." The minutes then list a number of individuals who were actually present at the meeting. She stated that she believes that there was not polling of individuals that occurred to determine whether or not they were actually in opposition to the Charter Commission conducting a closed session. Many of the individuals who are listed did not speak. She stated that her suggestion is that the minutes should simply reflect that the following were present.

Commissioner Trudeau stated that he would move that it be changed.

Chairman Bazzy stated that they did not take a litmus test.

A motion was made by Commissioner Trudeau and supported by Commissioner Petlichkoff that page 1, paragraph 3 of the minutes from February 21, 2007 which currently reads:

The following were also present in opposition to the Charter Commission conducting a closed session: Valerie Murphy-Goodrich, Human Resource Director; Marge Powell, Civil Service President; Celina Lawlor, Julie Pucci, Sharon Spain, and Alan Wozniak, Human Resource Department; William Hultgren, District Court Judge; and Terri Shaw, Attorney.

be amended to read:

The following were also present: Valerie Murphy-Goodrich, Human Resource Director; Marge Powell, Civil Service President; Celina Lawlor, Julie Pucci, Sharon Spain, and Alan Wozniak, Human Resource Department; William Hultgren, District Court Judge; and Terri Shaw, Attorney.

The motion passed unanimously.

Commissioner Hubbard stated that going back to Section 12.4, since we increased the Civil Service Commission from three to five members, he would like to suggest increasing the number for the Election Commission. He asked the City Clerk if she needs any more members on the Election Commission.

Ms. Buda stated that really the only time there is an Election Commission meeting is prior to an election for the Commission to approve the precinct workers, their rate of pay and the wording of the ballot. Basically, those are the only times that the Commission meets.

Commissioner Bugeia asked if they only have one person from the outside, is that person always available.

Ms. Buda stated that they try to arrange the schedule so that the private person is available. She further stated that 9 times out of 10, there have been three people present.

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

The meeting adjourned at 7:48 p.m.