

DEARBORN CHARTER COMMISSION
Mayor's Conference Room
Tuesday, October 17, 2006

Chairman Bazy called the meeting to order at 5:55 p.m. A roll call was taken. Present were: David Bazy, Mary M. Bugeia, Paula Hamilton-Stokes, John Jay Hubbard, Thomas Patrick Korte, Mary K. Petlichkoff, Ganelle Shooshanian and Raymond Thomas Trudeau. Absent: None. Also present: Kathleen Buda, City Clerk and Debra Walling, Corporation Counsel.

Chairman Bazy asked if anyone had any questions on the minutes from the meeting from October 03, 2006.

Commissioner Petlichkoff stated that there is a typographical error on page 4.

Commissioner Trudeau stated that on page 10, paragraph 3 the word "union" needs to be added before the word "contract." He also stated that on page 16, paragraph 5, the word "or" should be replaced with "where" in the last sentence. On page 18, paragraph 3 the last sentence should read "When you look at what's going to happen with taxes in this town, our income is going down and our expenses are not going down, it's something to think about."

A motion was made by Commissioner Korte and seconded by Commissioner Trudeau to accept the minutes of the October 03, 2006 with corrections. The motion passed unanimously.

Chairman Bazy stated that it might be easier if the Commission tried to get through Section 10.3, 10.4, and 10.5 in terms of duties and making sure that the verbiage that is there is what the Commission agrees to. This may involve going back over some things to make sure that the verbiage is what the Commission agrees to as they move forward.

Commissioner Bugeia asked if the Commission was eliminating the sentence in Section 10.2 that states that the Mayor and the Clerk receive the same benefits.

Debra Walling, Corporation Counsel, stated that currently, the LOCC recommendation states the benefits of the Mayor and the Clerk and it is no longer needed in the Charter.

Commissioner Trudeau asked if they were looking at Section 10.3.

Chairman Bazzy stated that this was just for clarification of Section 10.2 for Commissioner Bugeia. The Commission has already looked at Section 10.2 and defined what the currently salaries are, how the increases are done and what the benefit packages are for the Mayor and Clerk according to the LOCC.

Chairman Bazzy stated that the Commission will now look at Section 10.3

Commissioner Trudeau referred to Section 10.3 (d) and asked Debra Walling if it had been discussed as to what happens if the Mayor is out of town or not able to sign things that have a time value on them.

Ms. Walling stated that it was discussed in Chapter 6 when the Commission was talking about the succession if the Mayor's office is vacant, the Mayor Pro Tem signs for him/her. This would be the Council President based on what the Commission selectively decided and the way that it is currently handled.

Commissioner Trudeau asked if Section 10.3(d) would conflict with that procedure.

Commissioner Petlichkoff stated that it would not conflict because this is in the Mayor's normal duties. As it stands, the Mayor currently signs all of the contracts.

Commissioner Trudeau asked if the Commission should delete the last part of Section 10.3(g) and end at the word "fiscal."

Ms. Walling stated that the Commission did have some discussion about that and there was a question raised as to what it meant or who would it be. The Council and the Clerk would be the other elected offices; therefore, the Mayor would be responsible for submitting all the activities

except for those departments that are under the jurisdiction of the Council or the Clerk.

Commissioner Trudeau stated that the Section 10.3(g) should remain as it is.

Chairman Bazzy stated that Commissioner Korte has a recommendation to add “The Mayor may create, eliminate, or privatize any administrative department, or any or all of its functions, that he deems appropriate in order to deliver necessary services and for the city government to function efficiently, so long as he obtains the prior approval of the Council” to the end of Section 10.3(i). He further stated that before the Commission changes Section 10.3(i), they should first get finish Section 10.3(a) through 10.3(h).

A motion was made by Commissioner Bugeia and seconded by Commissioner Korte that Section 10.3(a) through 10.3(h) remain as currently written.

The motion passed unanimously.

Commissioner Korte proposed that the following sentence be added at the end of Section 10.3(i): **The Mayor may create, eliminate, or privatize any administrative department, or any or all of its functions, that he deems appropriate in order to deliver necessary services and for the city government to function efficiently, so long as he obtains the prior approval of the Council.**

Commissioner Korte stated that adding this sentence to this section covers the duties of the Mayor that the Commission is addressing at this point. He asked Debra Walling if this, in any way, provides any conflict.

Ms. Walling stated that it goes hand in hand with what is also being proposed under Section 10.6 and there should not be any conflict.

Commissioner Korte stated that the reason he added this is because it pertains to the duties of the Mayor and is more specific.

Commissioner Korte further stated that he is suggesting eliminating Section 10.3(j) and 10.3(k). Section 10.3(j) appears to be micromanaging as

far as the duties of the Mayor are concerned. Section 10.3(k) makes it look like the Council directs the Mayor, and at this point, there is no provision for the Council to be directed by the Mayor. With this section, there are no checks and balances if the Mayor is to do everything that the Council says.

Commissioner Hamilton-Stokes asked that if this section is amended as suggested, does it mean that the Mayor and the Council decide that they do not want to have, for example, an Assessor's Office and they all agree on it, does that department cease to exist?

Commissioner Korte explained that service, as so provided later in the Charter, still needs to be provided for.

Commissioner Hamilton-Stokes stated that it means that the department may cease to exist, but the City still has to provide the service, however they chose to do it. The function remains, the department may not.

Commissioner Bugeia stated that there is no guarantee of what was just said.

Commissioner Korte stated that if you look at each and every department, there is no guarantee of anything as it now stated. The Charter currently states that the City must provide for a department, but it does not state that the City has to staff or compensate individuals in the department.

Commissioner Bugeia stated that this is why in her proposal she referred to existing sections because it is pretty difficult to eliminate all those sections because each of them do spell out accomplishments and guidelines that need to be accomplished. For example, the Mayor can appoint a Finance Director and ask the director if he needs to do an audit or not, how often does he need to report, what kind of records he keeps and so forth.

Commissioner Korte stated that these are individual deadlines within the departments themselves. There are a lot more functions that go on in daily business that are not stated in the Charter.

Commissioner Petlichkoff stated that one of the things about this proposal is that it does not have any statement about where the Charter prescribes the functions and duties.

Commissioner Korte stated that if the Commission does that, then the Commission still keeps a constrictive Charter.

Commissioner Petlichkoff stated that what she was asking is who is going to be responsible. There is no responsibility being given to either Council or the Mayor as to who is creating a department and describing the functions. Does the Commission need to add something to where there is a function and the people can go and look it up? Who is going to be responsible for actually dictating what the functions are of the departments that are created?

Commissioner Shooshanian referenced the Mount Clemens City Charter and it states that the Mayor shall recognize and the Council shall establish by ordinance such departments of the City as it deems necessary or advisable and shall provide therein the functions.

Commissioner Petlichkoff stated that in her proposal, it establishes that the Mayor makes the recommendations and the Council then creates an ordinance which also prescribes the functions and duties at that time.

Commissioner Trudeau stated that at the last meeting, it was discussed that the responsibilities and the functions would be defined by the Council by ordinance.

Commissioner Shooshanian stated that it is the Mayor recommending what the department will be doing and the Council approving it. She further stated that she does not believe that the Council is going to sit there and decide the nitty gritty of what the functions are going to be, they will take the recommendations of the Mayor. The Mayor is the one that operates the City on a day to day basis.

Commissioner Trudeau stated that it can be done either way.

Commissioner Petlichkoff stated that it would probably be either way. If you looked between a recommendation from the Mayor and then the Council creating an ordinance, it would be collaboration.

Commissioner Shooshanian stated that the recommendation has to start somewhere.

Commissioner Petlichkoff stated that it would have to start with the Mayor.

Commissioner Bugeia stated that it is an awful lot of flexibility and the Charter should be a guarantee to the citizens that certain things are going to be provided.

Commissioner Korte stated that this is still a guarantee to the citizens.

Chairman Bazzy stated that the Commission has covered a significant amount of things that are in the Charter that have existed that really aren't being done today. Is the City currently in violation of the Charter? In reality, government moves on, functionally they move on, and are able to continue to do all the things that they are trying to provide for the citizens.

Chairman Bazzy further stated that when you look at the proposal that Commissioner Trudeau submitted at the last meeting, the Commission kind of played around with it to make it more appeasable to both the Commission, as far as moving forward, as well as to the citizens for a comfort zone. What the Commission is taking here is pretty broad strokes that people aren't used to and the City is in a pretty unique era in terms of City Government and State Government. What the Commission is doing here is a necessity. The decisions on departments and functionality in how they are run and how many people are there to staff them are those of the Administration because they have the final say in terms of meeting budget constraints. Or, they have to go to the tax payers and ask for more money which would not go over very well.

Commissioner Trudeau stated that the Administration has the final responsibility of the operation of the City.

Chairman Bazzy stated that you have to have the functions that exist on here. It's really a starting point because as the Commission saw by each department that came in, they did a lot more than what is written in the Charter in terms of their functions. Some of the things that are written in the Charter, they probably really didn't do. It may have been done at one time, but that some departments were moved to another area and so some of the things that are in the current Charter aren't what is happening today. If the Commission is going to reference the 1979 Charter, in terms of functionality, then the Commission should make sure that the things that are

not being done today for functionality are removed. That is if you are using the 1979 Charter as a basis point. If you are not using it as a basis point and are going to start all over again, then you should really let the Mayor and the Council define the functions of each department as best laid by those elected officials and deemed by them to effectively run the City, then you can start with some of the things that Commissioner Korte has incorporated and probably add on as a foundation to some of those things.

Chairman Bazzy stated that to understand the change to Section 10.3(i), you really have to move forward in some of Commissioner Korte's proposal where he talks about the subject of prior approval by the Council that the Mayor may establish or eliminate administrative departments to provide the most effective and efficient services to the community, including, but not limited to public safety, health and welfare; the maintenance, expansion, and improvement of public infrastructure systems; financial operations; legal needs; assessment of properties; collection of taxes and fees; libraries; community master planning and zoning; redevelopment; cultural and recreational activities; labor relations; and general government. When you incorporate this paragraph into the Mayor's functions, in terms of the duties of the Mayor, you start to see that it eclipses and it starts to grow and it isn't just a statement that basically the Mayor defines, the Council stamps and they move forward, they are going into a very small based function of these guys having all of this power.

Chairman Bazzy further stated that he is of the opinion that the next statement really needs to be defined even further. There are ways to do that. If you really want to incorporate some of the functionality in this Charter, you have to make sure that the functionality that exists in here in each of the departments, if we are trying to maintain some functionality, is to make sure the Commission goes back. If they are not, then eliminate those sections or eliminate those pieces that are coexistent then.

Commissioner Bugeia stated that she would like to go through this like a study rather than going through it paragraph by paragraph. She would like to discuss Chapter 10 all the way through and then go back. Because, like Commissioner Hamilton-Stokes said, if the Mayor came up with a proposal and it was approved by 4 votes, should the Charter require a super majority on something like this. For example, should it require 5 votes to have outsourcing?

Commissioner Korte stated that we can't fear our government and you have to have faith in their abilities. You can't demand everything by a super majority all the time.

Commissioner Bugeia stated that a super majority should be required on important things, not on everything that comes up.

Commissioner Hamilton-Stokes stated that in reality, what Commissioner Korte is proposing should work. But, there is a certain amount of fear there if you give carte blanche to the Mayor or Council Members.

Chairman Bazzay stated that no one likes to hear about outsourcing. It is not a happy topic anywhere; but, efficient and cost effective services are important. The City has done outsourcing within the Charter already by going to the Unions and getting agreements on outsourcing and how much could be out sourced without elimination of jobs. If there comes a point in time when all parks and all the cleaning, trash pick up in the parks, cutting of the grass in the parks are more effectively done for the citizens by outsourcing, then it is a more effective means of government. If the guys who are doing it right now can do it faster, more efficiently, and more cost effectively and can bid it the same way and keep their jobs and in some way are able to do it with their benefit package and whatever they deem necessary for them to functionally do it, then they should have the jobs. If they can't, then it behooves the City Government to find a more cost effective means of doing the things that it controls.

Commissioner Trudeau asked the Commission to assume that they don't allow the Administration and the Council to accomplish these things and we go along and say "well, let the people pay for it." What happens to the day when the people vote down a milage? Then the City has real problems. How do they determine what is going to be cut? Something will have to be cut, the City can't operate without a balanced budget. The Commission has to allow the flexibility to do this; and, how do we accomplish that? He stated that he doesn't think any of the Commission disagrees that this has got to happen. It's a matter of who the Commission puts the responsibility and the authority into. What the Commission is coming up with is doing a balancing act by giving responsibility and authority to both elected bodies. That is the way our government is designed to work. We have to have faith in that government that they are going to do

the things right for us. There will absolutely be people who complain occasionally. If you go to any employer and talk to the employees, you will get complaints.

Commissioner Hamilton-Stokes stated that she wants to make sure that it is worded in such a way that it applies not only to the current Administration but to any future Administrations. It's not easy to make cuts, but if privatization is cheaper in the long run then fine, you have to trust who you have elected to get the job done and to keep your taxes at a level where you can afford to live here.

Commissioner Korte stated that the City currently outsources work in departments such as Legal and Public Works. With that in mind, we have to have faith and trust in our government.

Commissioner Petlichkoff stated that she did not believe that it was necessary to include the word privatize in this section when they create, eliminate or reorganize the departments because it could be done in many fashions and privatize seems to be one of those hot button words. Also, when you say privatize, does it include Police and Fire? Are we going in that direction?

Commissioner Korte stated that in his proposal, Section 10.6 states the minimum staffing of Police Officers and Fire Fighters as was in the current charter.

Commissioner Trudeau stated that if they leave the word "privatize" out, if it happens in the future, there might be a million lawsuits.

A motion was made by Commissioner Trudeau and supported by Commissioner Korte that Section 10.3(i), (j), and (k) which currently reads:

- (i) Ensuring the efficient administration of all departments and functions of the city government not under the jurisdiction of any other elected official; or the Civil Service Commission.
- (j) Approval by signing any operating procedures adopted by departments of city government not under the jurisdiction of any other elected official or the Civil Service Commission;

(k) Performance of other duties as may be required by the Council.

be amended to read as:

(i) Ensuring the efficient administration of all departments and functions of the city government not under the jurisdiction of any other elected official; or the Civil Service Commission. **The Mayor may create, eliminate, or privatize any administrative department, or any or all of its functions, that are deemed appropriate in order to deliver necessary services and for the city government to function efficiently, with prior approval of the Council;**

~~(j) Approval by signing any operating procedures adopted by departments of city government not under the jurisdiction of any other elected official or the Civil Service Commission;~~

~~(k) Performance of other duties as may be required by the Council.~~

Upon roll call, the motion was adopted as follows: Yeas: Bazy, Hamilton-Stokes, Korte, Petlichkoff, Shooshanian, and Trudeau (6). Nays: Bugeia and Hubbard (2).

Commissioner Korte stated that he is recommending that in Section 10.4 where it refers to the President of the Council acting as Mayor Pro Tem it would be more prudent to change this to Chief of Staff. Considering the fact that the Chief of Staff is generally the person who is on the job every day and many of the Council Members have other jobs and if there was a situation that happened to arise that they needed someone to step in, who knows the operations of the City better than the Chief of Staff?

Commissioner Trudeau stated that this had previously been discussed at length that the person who has the day to day, everyday experience is the Chief of Staff rather than the President of the Council.

Commissioner Petlichkoff asked if there was a reason why the short term vacancy and the long term vacancy of the Mayor were separated in the Charter.

Ms. Walling stated that in Chapter 6 there is a section that talks about vacancies in elected offices and how you fill them.

Commissioner Trudeau asked if the Commission had previously changed the Mayor's Assistant to Chief of Staff.

Commissioner Petlichkoff stated that it wasn't changed because there was some sort of conflict in title.

Ms. Walling stated that the Administration had suggested that the change be made because "Administrative Assistant" or "Executive Assistant" is currently in Civil Service a high level clerical position.

A motion was made by Commissioner Trudeau and supported by Commissioner Korte that wherever in the Charter "Mayoral Assistant" or "Executive Assistant" is mentioned it shall be change to read "Chief of Staff". The motion passed unanimously.

Commissioner Petlichkoff stated that she had made a notation that in Section 10.4 where it reads "appointments made by the Mayor Pro Tem" that the Commission had talked about a super majority of the members of the Council.

Commissioner Hubbard asked that the super majority be defined.

Ms. Walling stated that in other parts of the Charter it talks about a 2/3 vote which would be 5.

Commissioner Hubbard stated that the term 2/3 vote sounds better than using super majority.

Ms. Walling stated that this section does have a conflict with Section 6.14 because it says that the Mayor Pro Tem must have a 30 day waiting period to remove somebody and under Section 6.14 there is no waiting period. If the Commission wants to be consistent with Section 6.14, this section needs to be changed a little.

Chairman Bazzay stated that these 2 sections are functionally different. Section 6.14 talks about Council's recommendation for removal of city officers and Section 10.4 talks about the Chief of Staff making a decision to

remove a department head after serving 30 days as Mayor Pro Tem. The Chief of Staff is not really bound by Section 6.14. Section 6.14 only talks about Council removing a city officer and not the Mayor being able to do so.

Ms. Walling stated that the Mayor can remove any department head at any time for any reason. Section 10.4 talks about the Council having to approve the removal by the Mayor Pro Tem and Section 6.14 talks about the Council having the right to remove an officer with or without the recommendation of the Mayor.

Chairman Bazy stated that in Section 6.14, it states that by a majority vote, the Council can remove a department head with just cause with or without the Mayor's approval.

Commissioner Korte stated that he believes that for the Mayor Pro Tem extra precaution would be prudent.

Chairman Bazy stated that he has concerns when he looks at this section in terms of temporary decisions. In a short term vacancy, are you better off with the President of the Council taking the responsibility or do you look at the Chief of Staff? The Chief of Staff is more apt to understand from where they are currently sitting what the Administration function is doing on a day to day operation.

Commissioner Hamilton-Stokes asked that if this is for a short term period, why after 30 days the Mayor Pro Tem would change department heads.

Commissioner Bugeia stated that in one respect, if the Chief of Staff becomes Mayor Pro Tem he/she might want to appoint somebody to do the job that he or she was doing.

Commissioner Hamilton-Stokes asked that if this a temporary position, why is the Mayor Pro Tem changing anything. Isn't he/she just supposed to carry on for 30 or 60 days and after 90 days if the Mayor can't come back, then deal with it? Why is this even in the Charter?

Commissioner Hubbard stated that if it is short term as defined in the Charter, you have to call to mind that the Mayor has 2 primary functions. One to run the City and the other one to be the ceremonial head of the City

at all of the events. If there is a temporary Mayor, they shouldn't be doing anything more than playing one role because you know that the Mayor is coming back.

Commissioner Hamilton-Stokes stated that this paragraph should end after "multi-member body who has been appointed by the Mayor." They shouldn't have the power to remove a director.

Chairman Bazzy stated that he believes that by adding the wording that Commission Korte is proposing it should just be by a majority because why would you need 5 people to agree that there is just cause. The proof of the burden is on the person who is laying out the facts that these events occurred.

Ms. Walling stated that what Commissioner Korte is adding says that you can't remove a director for no reason. Currently the Charter states that the Mayor Pro Tem can remove a director for any reason.

Chairman Bazzy stated that if the situation is short term, he would most likely think that the President of the Council would take the position even though their functioning but not sitting in the office because the Chief of Staff does many of the duties of running the City every single day already. The Chief of Staff will still perform his job, but he will just have to confide in the Mayor Pro Tem whoever he may be. He further stated that he doesn't like appointing someone as Mayor Pro Tem and dropping off the election type part of the business.

Commissioner Trudeau asked why the Commission couldn't incorporate what is in Section 6.14 and use the same procedure in this section. It's not the best answer, but, on a short term basis, the one who has the day to day hands on experience is the Chief of Staff.

Commissioner Petlichkoff stated that he/she will still be there doing their job, whoever sits as Mayor Pro Tem.

Commissioner Korte stated that in his opinion, that is the person who in essence is running the City right now on a day by day basis. And, regardless, if he/she wasn't doing a good job, it certainly would reflect on whoever the Mayor may be at that time.

Commissioner Trudeau stated that he could just see a Pro Tem taking the position and having the person that has really been the nuts and bolts of running the City and he/she having an immediate clash. It would be smoother with the Chief of Staff running this position on a temporary basis rather than bringing in a Pro Tem.

Commissioner Hamilton-Stokes asked what happens when the leave no longer becomes temporary.

Commissioner Trudeau stated that then you refer to Section 6.14 and the position goes to the Mayor Pro Tem. He also asked when the 90 day clock starts running.

Commissioner Korte stated that there would have to be some sort of notification to Human Resources that this person is taking a temporary leave.

Ms. Walling stated that for payroll purposes, Human Resources would have to be notified.

Commissioner Trudeau asked what happens if the Mayor was incapacitated but did not want to declare it and didn't want the clock to start running.

Ms. Walling stated that this is where the procedure outlined in Section 6.14 comes in. It would be incumbent on the Council to say that the officer has been absent for a period of 90 consecutive days. That is a ground for removal and declaring the office vacant. It is then up to the Council to initiate procedures if the person didn't voluntarily say that they were incapacitated. It would be up to the Council to declare the vacancy based on the absence.

Commissioner Hubbard stated that there is nothing in stone in this part of the Charter. If you get a politically favorable Council that doesn't want to take any action, there is not a whole lot that will be done.

Commissioner Hamilton-Stokes stated that if the Council doesn't chose to move on a situation like this, then the citizens can also petition to take action.

Chairman Bazy stated that in terms of functionality, you have a functional approach of how you are operating the City. However we decide who this Mayor Pro Tem is going to be, you already have a Council that exists. The one thing is that when you take a Council Member off you change the ability to vote and the voting pattern.

Commissioner Petlichkoff stated that this was one of the concerns that she had because it would change the make up of the City Council.

Commissioner Korte stated that he believes that you maintain that flow with the Chief of Staff rather than taking the President of the Council, who is a member of that body, to the leader of the other body.

Commissioner Bugeia stated that the way the existing Charter is written, they were thinking that sometimes in elected situations the Mayor and the Council President may be adversaries. Therefore, if the Council President must assume the role of Mayor Pro Tem and then decides to change all of the department heads, that's what this language would protect. She further stated that she believes the 2/3 majority is appropriate.

Commissioner Korte asked the Commission where they stand on his proposal. He proposed to change the "President of the Council" to "Chief of Staff" and to add in the line "only for just cause, based on one or more of the grounds set forth in Section 6.14." He further stated that Commissioner Petlichkoff had recommend to put in a 2/3 majority.

Commissioner Hamilton-Stokes stated that if they were to put in the part where the Mayor's Chief of Staff were to be made the Mayor Pro Tem, not the Council President, the citizens who read this might think "I don't even know who that is." The residents that have to vote on this change are going to wonder who the Charter is talking about.

Marge Powell, Civil Service Commission, stated that she has had experience in this area. When she served as Mayor Pro Tem when she was President of the Council, it was only for a day or two usually. The job basically consisted of signing papers when necessary. She further stated that there are a number of cities that have ceremonial mayors and they have someone like the Chief of Staff that does the actual running of the City. She does not believe that it is a big problem having the President of the Council performing the duties of Mayor Pro Tem.

Commissioner Bugeia stated that the Chief of Staff would still be performing his/her daily duties regardless of who was Mayor Pro Tem.

Chairman Bazy stated that in all honesty, if this situation were to arise today, the current Council President would probably not stop working and move into the office of Mayor. This wouldn't happen first of all because his pay doesn't change, unless everyone decides to change his pay, so he will keep doing his other job because he needs to get paid and he can sign letters when he needs to sign letters along with different things that are going to come forward. The Chief of Staff will be the one running the City.

Chairman Bazy called a recess at 7:30 p.m. The meeting reconvened at 7:50 p.m. Present at roll call were Commissioners Bazy, Bugeia, Hamilton-Stokes, Hubbard, Korte, Petlichkoff, Shooshanian, and Trudeau.

Chairman Bazy stated that as much as the Chief of Staff is the person that understands the functional running of the City and is doing most of the job, it is a mistake to replace "President of the Council" with "Chief of Staff" in terms of being the short term Mayor Pro Tem. The reason is because the Mayor is an elected position and you never know who is going to be in an administrative position and whether or not they will be good to functionally run the City.

Commissioner Korte stated that you can have the same argument as it relates to elected officials.

Chairman Bazy stated that still these people were elected with the most votes even though the President of the Council does not have to take the job and it moves down, you still have the opportunity for the President of the Council to functionally serve that position in the short term.

Commissioner Petlichkoff stated that one of the suggestions made by the Administration was that the Council be able to appoint somebody to the temporary office. This way it would still be the elected official directing who would be sitting in that position. They could appoint one of themselves or someone else and then the people might have more confidence in the fact that it was still the elected officials who were determining who would sit there temporarily.

Commissioner Trudeau stated that if you have the Chief of Staff there, he was originally appointed by an elected official.

Commissioner Petlichkoff stated that if the Council decided that it should be the Chief of Staff, then it would be their decision.

Commissioner Trudeau stated that he could go either way on this. It is proper to put the person closest to the job in the position.

Chairman Bazy stated that one of the things that the Commission has to look at is that when they have completed their recommendations, the new Charter has to be sold to the Mayor, Council, and ultimately to the people. Therefore, the less pieces of information that you put into the Charter that create groups of people that oppose, the more chances you have of getting each of those groups to accept it.

A motion was made by Commissioner Shooshanian and supported by Commissioner Korte to keep Section 10.4 the way it is currently written with the exception of changing paragraph 2 which currently reads:

The Mayor Pro Tem shall not have the power to remove the director or head of any department or member of a multi-member body who has been appointed by the Mayor, until the Mayor Pro Tem shall have acted in the capacity of the Mayor for a period of thirty consecutive days. Such removal by the Mayor Pro Tem shall be approved by a majority of the members of the Council before becoming effective.

to read as follows:

The Mayor Pro Tem shall not have the power to remove the director or head of any department or member of a multi-member body who has been appointed by the Mayor, until the Mayor Pro Tem shall have acted in the capacity of the Mayor for a period of thirty consecutive days. Such removal by the Mayor Pro Tem shall be **only for just cause, based on one or more of the grounds set forth in Section 6.14 and** approved by a majority of the members of the Council before becoming effective.

The motion was unanimously adopted.

The Commission began discussion on Section 10.5 Duties of the clerk.

Kathleen Buda, City Clerk, stated that as mentioned in Section 10.5(e) the clerk no longer keeps records of bonds. That function is currently handled by the Finance Director/Treasurer. She further stated that Section 10.5(h) “communication of tax money to be levied” is not handled by the Clerk. This is a function of the City Assessor.

Commissioner Bugeia asked if the Clerk maintained the record of the expiration of an official bond.

Ms. Buda stated that in her current position as clerk she has never dealt with an expiration of any type of bond.

Commissioner Trudeau asked who was responsible for the expiration of any type of performance bond.

Ms. Walling stated that the Purchasing Department on any contract notifies whoever the administrative department is that a contract is expiring.

Commissioner Trudeau asked if this was covered by ordinance.

Ms. Walling stated that she did know whether or not it was listed in an ordinance. There is a purchasing ordinance but she is unsure if contract expirations are specifically written there.

Commissioner Trudeau stated that if it is to be taken out of the duties of the Clerk, then it should be covered by ordinance for the responsibility for whoever it goes with.

Ms. Walling stated that she does not recall that there is a requirement that they notify each department, but that is currently the practice.

Ms. Buda stated that Section 10.5(h) makes it sound like the Clerk has some responsibilities of the Assessor. She further stated that she receives notification from the different taxing authorities that is passed on to the Finance Director.

Commissioner Hubbard stated that what the current Charter doesn't say is what the Clerk's role is in conducting elections. It's all in reference to the State Law but the Clerk should be getting the responsibility and credit for conducting the elections.

Ms. Buda stated that Chapter 12 of the Charter refers to conducting elections.

Ms. Walling stated that Chapter 2 of the Code of Ordinances contains procedures that have to be followed by the Finance Department. In response to the question of if there is provision to notify people of the expiration of bonds, the answer is no. However, the Purchasing Division is put in charge of overseeing all contracts and bonds. It is not really necessary to say that they are responsible for telling other departments what to do when a contract is expiring because they are administering the contracts anyway. There is no specific reference to expiration of bonds or contracts.

Chairman Bazzy stated that the Commission should not have things written in the Charter that are things that are not being done.

A motion was made by Commissioner Korte and supported by Commissioner Hamilton-Stokes to change **Section 10.5 Duties of clerk** which currently reads:

Section 10.5. Duties of the clerk.

The Clerk shall keep the corporate seal, chair the Election Commission, and perform the following functions:

- (a) Attendance at all Council meetings as Clerk of the Council and maintenance of a permanent journal of the proceedings in the English language;
- (b) Maintenance of all documents, papers, files and records not entrusted to some other officer by this charter or by ordinances or resolutions of the Council;
- (c) Recording and maintenance in books of all the ordinances of the City;

- (d) Affixing of the corporate seal to all documents and instruments requiring the seal;
- (e) Maintenance of a record of the expiration of any official bond, franchise, contract or agreement entered into by the City and notification to proper officials of the expiration or termination thereof;
- (f) Issuance and registration of all licenses granted after the license fee has been paid to the Finance Director/Treasurer;
- (g) Administration of all oaths and affirmations, except as provided in this charter, in matters pertaining to the City, without charge;
- (h) Communication to the Finance Director/Treasurer of the amount of any tax money which shall be levied, raised or appropriated, stating the objects and the funds for which it is levied, raised or appropriated and the amount to be credited to each fund;
- (i) Efficient administration of the affairs of the offices of Clerk and Election Commission;
- (j) Preparation and submission to the Council and to the citizens of a complete report on the activities of the offices of Clerk and the Election Commission on or before the first day of September of each year;
- (k) Provision of copies, certified under the seal of the City when requested, of public documents and records of the City as required by law;
- (l) Approval by the signing of any standard operating procedures adopted by the offices of Clerk or Election Commission;
- (m) Performance of other duties required by law, this charter or ordinance or resolution of the Council.

to read as follows:

Section 10.5. Duties of the clerk.

The Clerk shall keep the corporate seal, chair the Election Commission, and perform the following functions:

- (a) Attendance at all Council meetings as Clerk of the Council and maintenance of a permanent journal of the proceedings in the English language;
- (b) Maintenance of all documents, papers, files and records not entrusted to some other officer by this charter or by ordinances or resolutions of the Council;
- (c) Recording and maintenance in books of all the ordinances of the City;
- (d) Affixing of the corporate seal to all documents and instruments requiring the seal;
- (e) Maintenance of a record of the expiration of any official bond, franchise, contract or agreement entered into by the City; and notification to proper officials of the expiration or termination thereof;
- (f) Issuance and registration of all licenses granted after the license fee has been paid to the Finance Director/Treasurer;
- (g) Administration of all oaths and affirmations, except as provided in this charter, in matters pertaining to the City, without charge;
- ~~(h) Communication to the Finance Director/Treasurer of the amount of any tax money which shall be levied, raised or appropriated, stating the objects and the funds for which it is levied, raised or appropriated and the amount to be credited to each fund;~~
- (h) Efficient administration of the affairs of the offices of Clerk and Election Commission;
- (i) Preparation and submission to the Council and to the citizens of a complete report on the activities of the offices of Clerk and

- the Election Commission on or before the first day of September of each year;
- (j) Provision of copies, certified under the seal of the City when requested, of public documents and records of the City as required by law;
 - (k) Approval by the signing of any standard operating procedures adopted by the offices of Clerk or Election Commission;
 - (l) Performance of other duties required by law, this charter or ordinance or resolution of the Council.

The motion was unanimously adopted.

Chairman Bazy stated that the copies that were distributed at this meeting are just recommendations and they are not cast in stone at this point. They were passed out as a courtesy so that the people who attended the meeting could follow along. Therefore, it would be appreciated if everyone would return these copies before leaving the meeting.

Chairman Bazy further stated that the agenda for the next meeting to be held on November 14, 2006 would contain Section 10.6 through Section 10.29. Also scheduled for the next meeting will be a presentation from the Citizen's Advisory Council.

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

The Charter Commission meeting adjourned at 8:20 p.m.

