

A meeting of the Charter Review Committee was held on Tuesday, January 23, 2024, at city hall, conference room 122, located at 203 South Troy Street, Royal Oak. The meeting was called to order at 5:45 p.m. by Vice Chairperson Everett.

ROLL CALL	PRESENT	ABSENT
	Chairperson Everett	
	Ron George	
	Commissioner Hunt	
	Salvatore Vitale	
	Deborah Zukin	

Also present was City Attorney Grochowski.

\* \* \* \* \*

#### **PUBLIC COMMENT**

There was no one present who wanted to speak at public comment.

\* \* \* \* \*

#### **ELECTION OF OFFICERS**

Moved by Vitale  
Seconded by George

Be it resolved that the Charter Review Committee hereby appoints Ryan Everett as chairperson for 2024.

Adopted unanimously

\* \* \*

Moved by George  
Seconded by Zukin

Be it resolved the Charter Review Committee hereby appoints Salvatore Vitale as vice chairperson for 2024.

Adopted unanimously

\* \* \* \* \*

#### **APPROVAL OF JANUARY 23, 2024, AGENDA**

Moved by George  
Seconded by Everett

Be it resolved the Charter Review Committee hereby approves the agenda for the January 23, 2024 meeting as presented.

Adopted unanimously

\* \* \* \* \*

**APPROVAL OF MINUTES FROM SEPTEMBER 26, 2023  
CHARTER REVIEW COMMITTEE MEETING**

Moved by George  
Seconded by Everett

Be it resolved the Charter Review Committee minutes of September 26, 2023, are hereby approved as submitted.

Adopted unanimously

\* \* \* \* \*

**UNFINISHED BUSINESS**

There was no unfinished business.

\* \* \* \* \*

**NEW BUSINESS  
APPROVAL OF THE PROPOSED 2024 MEETING SCHEDULE**

The proposed meeting schedule was presented to the Charter Review Committee.

Moved by George  
Seconded by Vitale

Be it resolved the Charter Review Committee has approved the meeting schedule for 2024, with the exception of changing the proposed February 27<sup>th</sup> date to February 20<sup>th</sup>.

Adopted Unanimously

Tuesday January 23, 2024	5:45 pm
Tuesday February 20, 2024	5:45 pm
Tuesday March 26, 2024	5:45 pm
Tuesday April 23, 2024	5:45 pm
Tuesday May 28, 2024	5:45 pm
Tuesday June 25, 2024	5:45 pm
Tuesday July 23, 2024	5:45 pm
Tuesday August 27, 2024	5:45 pm
Tuesday September 24, 2024	5:45 pm
Tuesday October 22, 2024	5:45 pm
Tuesday November 26, 2024	5:45 pm

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#### **TABLE OF CONTENTS UPDATE**

The members created a table of contents for the City Charter and submitted to City Attorney Grochowski for final editing. (see attachment 1).

Moved by George  
Seconded by Everett

Be it resolved that the Charter Review Committee accepts the proposed table of contents and directs the attorney's office to present to the City Commission for approval.

Adopted unanimously

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#### **AMENDMENT TO BYLAWS UPDATE**

Vitale presented a red lined version of the proposed changes to the bylaws. Under the Meetings Section, the committee members added the words "However, an affirmative vote of at least four members shall be required to approve any recommendations to the City Commission regarding charter amendments or ballot provisions". (see attachment 2).

Moved by George  
Seconded by Everett

Be it resolved that the Charter Review Committee hereby accepts the proposed bylaws as presented with the revision above and directs the attorney's office to present to the City Commission for approval.

Adopted unanimously

\* \* \* \* \*

### **REMOVAL OF DIRECTOR OF PUBLIC WELFARE LANGUAGE**

Vitale presented a red-lined version of draft language to remove the “Director of Public Welfare” references in Chapter Three, Sections 11, 25 and 26. (see attachment 3). After discussion it was decided that Section 11 may need different modifications, so they will research and update at the next meeting.

\* \* \* \* \*

### **REVIEW CONFLICT OF INTEREST REVISION WORKSHEET**

George submitted a review worksheet and spoke about adding a new section to Chapter Three. (see attachment 4). This section would address conflict of interest and how to handle violations of that provision. The members will review the proposed change, and Vitale will present a red lined version at the next meeting.

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### **REVIEW SUCCESSION REVISION WORKSHEET**

George is continuing to research succession and will work on presenting a revision worksheet at the next meeting.

\* \* \* \* \*

### **ADJOURNMENT**

Upon motion of George and seconded by Everett the meeting was adjourned at 7:21 p.m.

Melanie Halas, City Clerk / db

- **Chapter 1 – Name and Boundaries**
  - Section 1: Name
  - Section 2: Territory Description
  - Section 3: Ward Composition
  - Section 4: Annexation and Consolidation
- **Chapter 2 – General Powers**
  - Section 1: Powers and Authorities
  - Section 2: Railroad and Street Crossings
  - Section 3: Succession and Liabilities
  - Section 4: Continuation of By-laws and Ordinances
- **Chapter 3 – Form of Government**
  - Section 1: Commission-Manager Form of Government
  - Section 2: Powers of the Commission
  - Section 3: Election and Eligibility
  - Section 4: Terms of Office-Mayor and Commission
  - Section 5: Meetings and Proceedings
  - Section 6: Quorum and Adjournment
  - Section 7: Mayor's Emergency Powers and Mayor Pro Tem
  - Section 8: Commission's Interaction through City Manager
  - Section 9: Vacancies on Commission
  - Section 10: Vacation of Seat through Absence
  - Section 11: Departments and Directors
  - Section 12: Supervision and Control of Departments
  - Section 13: Director Supervision by the City Manager
  - Section 14: Functions and Duties of Departments
  - Section 15: Appointments by Commission and Terms of Office
  - Section 16: Eligibility, Selection, and Responsibilities of the Manager
  - Section 17: Manager Appointments
  - Section 18: Manager Attendance at Meetings
  - Section 19: Manager Service Agreement, Agreement Term and Severance
  - Section 20: Assistant Manager-Appointment and Duties
  - Section 21: City Clerk
  - Section 22: Director of Department of Law
  - Section 23: Opinions of the City Attorney
  - Section 24: Director of Finance and City Treasurer
  - Section 25: Director of Public Works and Service
  - Section 26: Director of Public Welfare
  - Section 27: Director of Public Safety
  - Section 28: Powers of the Director of Public Safety and Fire Chief
  - Section 29: Powers of Arrest
  - Section 30: Destruction of Buildings in Case of Fire
  - Section 31: Additional Powers of the Director of Public Safety
  - Section 32: Director of Public Health (Repealed)
  - Section 33: Purchasing Agent and Sales of Personal Property
  - Section 34: Purchases and Appropriations

- Section 35: Salaries and Compensation
- Section 36: Duties of Appointive Officers
- Section 37: Disqualification of Relatives-Manager and Commission
- Section 38: Compensation of Officers and Employees
- Section 39: Oath of Office
- Section 40: Bonds for Performance of Duty
- Section 41: Filing of Bonds
- Section 42: Approval and Filing of Bonds
- Section 43: Restrictions on Holding Other Offices or Employment
- Section 44: Requirement Surety Company Bonds
- Section 45: Compensation of Mayor and Commissioners
- Section 46: Library Board Administration

- **Chapter 4 – Registration, Nomination, Election and Recall**
  - Section 1: Application of Michigan Election Law
  - Section 2: Nomination of Candidates
  - Section 3: City Clerk Examination of Petitions
  - Section 4: Notification of Candidates and Filing of Acceptance
  - Section 5: Filling Vacancies
  - Section 6: Blank Forms of Nominating Petitions
  - Section 7: Public Inspection of Nominating Petitions
  - Section 8: Publishing Notice of Election
  - Section 9: Use of Voting Machines and Absent Voter Ballots
  - Section 10: Ballot Labels
  - Section 11: Polling Places
  - Section 12: Qualifications and Residence of Electors
  - Section 13: Biennial Election-Timing
  - Section 14: Special Elections
  - Section 15: City Board of Election Commissioners-Appointment of Inspectors
  - Section 16: Submission of Special Election Matters at Regular Elections
  - Section 17: Official Ballot Language
  - Section 18: Delivery of Voting Equipment
  - Section 19: City Board of Canvassers
  - Section 20: Determination of Election Results
  - Section 21: Commencement of Terms of Office
  - Section 22: Recount of Votes
  - Section 23: Prohibition of Payment for Services
  - Section 24: Prohibition of Employment for Campaign Work
  - Section 25: Prohibition of Hiring Conveyances
  - Section 26: Polling Hours
  - Section 27: Alteration of Election Precincts
  - Section 28: Vacancies in Elective Office
  - Section 29: Recall
  - Section 30: Conflict with Michigan Election Law
- **Chapter 5 - Ordinances**
  - Section 1: Enacting Clause of Ordinances

- Section 2: Passage of Ordinances
- Section 3: Effective Date of Ordinances
- Section 4: Signing of Ordinances
- Section 5: Publication of Ordinances
- Section 6: Record and Authentication of Ordinances
- Section 7: Revival and Amendment of Ordinances
- Section 8: Limitations on Prosecutions for Violations
- Section 9: Commencement of Prosecutions
- Section 10: Execution of Process for Violations
- Section 11: Pleading of Ordinances
- Section 12: Judicial Notice of Ordinances
- Section 13: Proof of Ordinances in Judicial Proceeding
- Section 14: Penalties for Ordinance Violations
- Section 15: Continuation of Existing Ordinances

- **Chapter 6 – Initiative & Referendum**
  - Section 1: Submission of Proposed Ordinances by Petition
  - Section 2: Certification and Submission of Proposed Ordinances by Petition
  - Section 3: Submission of Proposed Ordinances by Petition for Electoral Vote
  - Section 4: Effective Date and Referendum Process for Ordinances
  - Section 5: Referendum Petition Procedure
  - Section 6: Commission Submission of Ordinances and Measures
  - Section 7: Publication of Proposed Ordinances
  - Section 8: Ballots and Voting on Proposed Ordinances
  - Section 9: Separate Ballots for Proposed Ordinances
  - Section 10: Repeal or Amendment of Ordinances by Electoral Vote
  - Section 11: Commission Regulations
  - Section 12: Special Election Expenses for Franchises, Grants, or Licenses
  - Section 13: Zoning Ordinance Repeal and Amendment
- **Chapter 7 – Franchises**
  - Section 1: Duration of Franchises, Grants, and Licenses
  - Section 2: Acceptance and Annulment of Permits and Franchises
  - Section 3: Referendum Requirement for Non-Revocable Franchises and Grants
  - Section 4: Prohibition of Exclusive Franchises, Licenses, Rights, or Privileges
  - Section 5: Limitations on Leasing, Assignment, or Alienation of Franchises
  - Section 6: Modification of Franchises, Grants, or Rights
  - Section 7: Regulation and Safety Provisions for Franchises and Privileges
  - Section 8: Use of Tracks, Poles, and Wires by Other Corporations
  - Section 9: General Supervision of Franchises
  - Section 10: Inclusion of Additional Provisions in Franchises and Grants
  - Section 11: Revocable and Irrevocable Permits for Water Mains, Sewers, or Drains
  - Section 12: Fair Compensation, Rate Review, and Taxation for Franchises and Leases
  - Section 13: Application of Charter Provisions to Contracts, Grants, and Franchises

- Section 14: Making of Contracts and Grants by Ordinance
- Section 15: Inspection and Regulation of Public Utilities
- Section 16: Purchase or Condemnation of Franchises and Property
- Section 17: Approval of Contracts for Purchase of Public Utility Property
- **Chapter 8 – General Finances**
  - Section 1: Commencement of Fiscal Year
  - Section 2: Accounts and Financial Transactions
  - Section 3: Payments and Disbursement of City Funds
  - Section 4: Collection and Deposit of Revenues
  - Section 5: Division of Revenues into Funds
  - Section 6: Annual Budget Preparation and Submission
  - Section 7: Tax Levy for Appropriations and City Debt
  - Section 8: Authority to Raise Funds by Taxation
  - Section 9: Certification and Levy of Taxes
  - Section 10: Lien of Taxes, Charges, and Penalties
  - Section 11: Limitations on General Ad Valorem Taxes
  - Section 12: Special Assessments for Public Improvements
  - Section 13: Borrowing in Anticipation of Tax Receipts
  - Section 14: Appropriation Requirement for Public Works and Expenditures
- **Chapter 9 – Bonds**
  - Section 1: Limitation and Conditions for Bonded Indebtedness
  - Section 1-A: Bonds for Enlarging and Improving Water Works System
  - Section 1-B: Approval of Loan and Security Franchise for Water Works Bonds
  - Section 1-C: Creation of Sinking Fund for Water Works Mortgage Bonds
  - Section 1-D: Interest Rate for Water Works Bonds
  - Section 2: Purposes for which Bonds may be Issued
  - Section 3: Ordinance and Electoral Vote for Bond Issuance
  - Section 4: Loans in Anticipation of Special Assessments
  - Section 5: Loans for Calamity Relief
  - Section 6: Details of Bond Terms and Forms
  - Section 7: Sinking Fund for Bond Repayment
- **Chapter 10 – Assessment of Taxes**
  - Section 1: Appointment and Powers of City Assessor
  - Section 2: Assessment of Property at Fair Cash Value
  - Section 3: Composition and Duties of the Board of Review
  - Section 4: Review and Correction of Assessment Roll by the Board of Review
  - Section 5: Delivery of Assessment Roll to City Treasurer
  - Section 6: Due Date and Payment of Taxes
  - Section 7: Notice and Penalties for Delinquent Taxes
  - Section 8: Taxes as Debt and Lien on Property
  - Section 9: Presentation of Assessment Roll to Board of Supervisors
  - Section 10: Apportionment and Spreading of Taxes on Tax Rolls
  - Section 11: Delivery of Assessment Roll to City Treasurer
  - Section 12: Notice and Procedure for Tax Payment-Due Dates

- Section 13: Collection and Return of Delinquent Taxes
- Section 14: Payment of Taxes to Board of Education and County Treasurer
- Section 15: Payment of Taxes on Undivided Shares or Parcels
- Section 16: Fees and Penalties for Tax Collection
- **Chapter 11 – Special Assessments**
  - Section 1: Power to Provide for Payment of Public Improvement Costs
  - Section 1A: Power to Levy and Collect Special Assessments for Retirement of Revenue Bonds
  - Section 2: Petition for Public Improvement
  - Section 3: Declaration of Public Improvement and Special Assessment
  - Section 4: Estimates and Notice of Proposed Improvements
  - Section 5: Pro Rata Special Assessment According to Frontage or Benefits
  - Section 6: Special Assessment Roll and Levy
  - Section 7: Assessment According to Frontage or Benefits
  - Section 8: Expenses Incurred by the City
  - Section 9: Determination of Charges and Reporting to City Assessor
  - Section 10: Special Assessment Roll and Levy
  - Section 11: Review and Correction of Assessment Roll
  - Section 12: Confirmation of Assessment Roll
  - Section 13: Finality of Confirmed Special Assessment Roll
  - Section 14: Lien and Charge of Special Assessments
  - Section 15: Division of Assessment into Installments and Payment Terms
  - Section 16: Special Assessments Payable Upon Confirmation
  - Section 17: Reassessment and Collection of Invalid Assessments
  - Section 18: Preservation of City's Lien on Assessed Premises
  - Section 19: Reporting and Levy of Special Assessments on Tax Roll
  - Section 20: Collection of Assessments Directly from Special Assessment Roll
  - Section 21: Collection-Seizure and Sale of Personal Property for Non-payment
  - Section 22: Reporting of Delinquent Assessments by Treasurer
  - Section 23: Reassessment of Delinquent Assessments on City Tax Roll
  - Section 24: Collection of Assessments by Lawsuit
  - Section 25: Judgement for Irregular Assessments
  - Section 26: City's Authority to Perform Sidewalk Maintenance and Charge Expenses as Special Assessment
  - Section 27: Crediting of Revenues and Refunds in Special Assessment Districts
  - Section 28: Apportionment of Expenses for Improvement on City Property and Taxable Lots
  - Section 29: Flexibility in Relation to Improvements, Districts, and Assessment Rolls
- **Chapter 12 – Streets and Sidewalks, Sewars, Drains, and Water Supply**
  - Section 1: Control and Maintenance of Streets, Highways, and Alleys
  - Section 2: Vacating or Abolishing Streets, Alleys, or Public Grounds
  - Section 3: Authority to Determine and Establish Street Grades
  - Section 4: Compensation for Changes in Street or Sidewalk Grades
  - Section 5: Payment of Street Improvement Expenses
  - Section 6: Construction and Maintenance of Sidewalks and Crosswalks
  - Section 7: Establishment and Maintenance of Sewerage System

- Section 8: Special Assessments for Sewer and Drain Construction
- Section 9: Right to Connect Private Drains to Public Sewers
- Section 10: Special Assessments for Ditches, Drains, and Water Course Improvements
- Section 11: Maintenance of Water Works System
- Section 12: Improvement and Extension of Water Works System
- Section 13: Rates, Rules, and Regulations for Water Use
- Section 14: Prohibition of Free Water Use and Rebates
- Section 15: Provision of Water to Consumers Outside City Limits
- Section 16: Contracting for Sewage Disposal with Other Entities
- **Chapter 13 – Condemnation and Appropriation of Property**
  - Section 1: Acquisition of Private Property for Public Use
  - Section 2: Condemnation and Appropriation of Private Property
  - Section 3: Proceedings for Taking Private Property for Public Improvement
- **Chapter 14 – Miscellaneous**
  - Section 1: Establishment and Division of Election Precincts
  - Section 2: Competitive Bidding for Public Works or Improvements
  - Section 3: Reservation of Rights in Contracts for City to Assist Contract Completion
  - Section 4: Reservation of Rights in Contracts for City to Determine Proper Performance
  - Section 5: Minor Alterations or Modifications of Contracts
  - Section 6: Written Agreement for Alterations or Modifications
  - Section 7: Report on Completion of Public Work or Improvement
  - Section 8: Maintenance Bond Report
  - Section 9: Surety Bonds for Contracts
  - Section 10: Proceedings for Default in Contract Performance
  - Section 11: Repealed
  - Section 12: Prohibition of Personal Interest in City Contracts
  - Section 13: Power to Hold Hearings and Compel Attendance of Witnesses
  - Section 14: Authority to Prescribe Methods for Carrying out Charter Provisions
  - Section 15: Pensioning of Injured Employees and Dependents
  - Section 16: Fire Limits and Regulations
  - Section 17: Notice Requirement for Claims of Damages against the City
  - Section 18: Service of Process and Notice for Claims
  - Section 19: Acceptance of Bequests, Gifts, and Donations
  - Section 20: Prohibition of Gifts and Conflicts of Interest
  - Section 21: Appointment Based on Qualifications and Fitness
  - Section 22: Regulation of Intoxicating Liquor Sales
  - Section 23: Authority over Public Property Beyond City Limits
  - Section 24: Definitions of Select Terms Used in the Charter
  - Section 25: Interpretation of Singular and Plural Words
  - Section 26: Joint Authority of Public Officers
  - Section 27: Inclusion of Bodies Corporate as "Person"
  - Section 28: Adoption of Eastern Standard Time
  - Section 29: Severability Clause
- **Chapter 15 – Civil Service**

- Section 1: Establishment of Merit System for City Personnel
- Section 2: Required Provisions of the Merit System Ordinance
- **Chapter 16 – City of Royal Oak Retirement System**
  - Section 1: Establishment and Objectives of Retirement System
  - Section 2: Administration and Powers of the Board of Trustees
  - Section 3: Membership in the Retirement System
  - Section 4: City Contributions to the Retirement System
  - Section 5: Retirement Benefit Limitations
  - Section 6: Division of Retirement System and Separate Accounting
  - Section 6.1 – 10: Repealed 11-6-1973
  - Section 11: Transfer of Assets and Obligations from Previous Retirement System
  - Section 12: Authority and Restrictions on Investment of Retirement System Funds
  - Section 13: Non-assignability and Protection of Pensions and Allowances
  - Section 14: Repeal of Previous Charter Provisions and Certification of Charter

CITY OF ROYAL OAK  
CHARTER REVIEW COMMITTEE BYLAWS

**I. NAME**

The name of this committee is the Charter Review Committee.

**II. PURPOSE**

As established by City of Royal Oak resolution, adopted November 12, 1990, the purpose of the Royal Oak Charter Review Committee (ROCRC) is to analyze the Charter and develop a list of recommended changes for consideration by the City Commission. The recommended changes will serve the purpose of:

- a. simplifying and modernizing the language of the City Charter;
- b. improving its ease of reading and rendering it more understandable;
- c. updating it so that it is in concert with current practices, and ordinances, and state law; or
- e.d. any other purpose determined by the committee to be in the best interests of the City of Royal Oak

The committee shall comply with all federal, Michigan and Royal Oak laws.

**III. MEMBERSHIP AND VACANCIES**

a. The committee shall consist of five (5) members, and an ex-officio member from the Legal Department. Members shall serve for up to three (3) four (4) year terms or until their successor is appointed.

b. All members shall be appointed by the City Commission and/or the Appointments Committee consistent in accordance with the Appointment Ordinance, No. 93-21 as amended by No. 2000-08.

- i. The committee shall promptly notify the City Commission, through the City Clerk's office, of any vacancies on the committee.
- ii. The committee shall also keep the City Clerk's office timely informed of the names, addresses, telephones numbers and other contact act information for each member of the committee.
- iii. Members appointed to fill a vacancy shall hold office until the term expires as set by the City Commission and/or the Appointments OrdinanceCommittee.
- iv. Consistent with the Appointment Members' attendance shall be subject to the City's Attendance Ordinance in effect at the time of each meeting. , id., if a member is absent from twothree consecutive meetings without excuse and/or threefive consecutive meetings within one calendar year, with or without an excuse, or is convicted of a felony or any other serious crime while serving as a member, the position shall be automatically determined to be vacant and filled pursuant to the Appointments Ordinance, id.
- v. As much as possible, membership in the committee shall rotate on staggered terms.

**IV. OFFICERS**

- a. The officers of the committee are the chairman, and vice-chairman. The officers shall be elected at the first meeting of the calendar year.
- b. Duties. The chairman shall preside over the meetings of the committee. The chairman shall have no administrative authority over the committee.
- c. The vice-chairman shall preside over the meeting of the committee in the absence of the chairman.

Terms of Office. Each officer shall be elected to serve a term of one year, or until he or she has been duly succeeded. Each officer's term of office shall begin at the close of the organizational monthly meeting immediately following his or her election.

## **V. NOMINATIONS AND ELECTIONS OF OFFICERS**

Election of officers shall take place at the first meeting of the calendar year.

(a) Nominations may be made by any member of the committee at the meeting convened to conduct elections.

(b) Tie vote. In case of a tie vote, the successful candidate shall be determined by lot conducted by the chairman designee.

(c) Vacancies of officers. In the event that a vacancy occurs in the position of the chairman, the vice-chairman shall automatically assume the position of chairman for the remainder of the term.

(d) Voting. The majority of the members voting shall decide general elections of officers.

## **V.VI. MEETINGS**

Regular Meetings. Meetings of the ROCRC will take place on the fourth Thursday of every month or as needed as determined by the members of the ROCRC.

Special Meetings. Special meetings of the committee may be called by the chairman or by two members of the committee.

All meetings of the committee shall comply with the Michigan Open Meetings Act, Act 267 of the Public Acts of 1976, MCL 15.261 et seq. The committee shall notify the City Clerk's office of all meetings reasonably in advance of the scheduled meeting.

Order of Business. All meetings shall be conducted to conform to the following order:

- a. Meeting Called to Order,
- b. Roll Call,
- c. Agenda,
- d. Announcements,
- e. Public Comment,
- f. Approval of Minutes,
- g. Old Business,
- h. New Business, and
- i. Motion to Adjourn.

Quorum. A majority of the entire committee shall constitute a quorum.

Minutes. The committee shall keep a permanent journal recording the minutes of all meetings, resolutions and votes. The journal will shall be filed with the City Clerk's office.

Action. All action by the committee shall be made by motion adopted by a majority of four members present, so long as the number of members present constitutes a quorum. However, an affirmative vote of at least four members shall be required to approve any recommendations to the City Commission regarding charter amendments or ballot provisions.

## **VI. VII. PARLIAMENTARY AUTHORITY**

Parliamentary authority for the committee is governed by the current edition of Robert's Rules of Order (Newly Revised, 10th Edition). In case of conflict between these bylaws and the Robert's Rules of

Order, these bylaws control. In case of conflict between these bylaws and any city ordinance, the city ordinance controls. In case of conflict between city ordinance and state legislation, the state legislation controls.

## **VII. NOMINATIONS AND ELECTIONS OF OFFICERS**

~~Elections shall take place at the first meeting of the calendar year.~~

~~(a) Nominations may be made by any member of the committee at the meeting convened to conduct elections.~~

~~(b) Tie vote. In case of a tie vote, the successful candidate shall be determined by lot conducted by the chairman designee.~~

~~(c) Vacancies. In the event that a vacancy occurs in the position of the chairman, the vice chairman shall automatically assume the position of chairman for the remainder of the term.~~

~~(d) Voting. The majority of the members voting shall decide general elections.~~

## **VIII. AMENDMENT OF BYLAWS**

Adoption. Recommendations to adopt these bylaws to the City Commission shall be adopted by ~~two-thirds majority~~ vote of the entire membership of the committee.

Recommendations to amend these bylaws to the City Commission may be made by ~~two-thirds majority~~ vote of the entire membership of the committee.

These bylaws are subject to approval, modification, or repeal by the City Commission../-

## **IX. GENERAL PROVISIONS**

No member of the Committee shall order or instruct any city staff member to perform any service or duty without having first been approved by the City Manager.

The Committee is an advisory organization to the City of Royal Oak and its City Commission and act by making recommendations to the City Commission.

## **X. MICHIGAN FREEDOM OF INFORMATION ACT COMPLIANCE MANDATORY**

The committee shall specifically comply with the Michigan Freedom of Information Act (FOIA) [Public Act 422 of 1976, MCL § 15.231 et seq.] and the city's most recent FOIA policy. The City Clerk and Human Resource Director will assist the committee in compliance.

## **XI. MICHIGAN OPEN MEETINGS ACT COMPLIANCE MANDATORY**

The committee shall specifically comply with the Michigan Open Meetings Act (OMA) [Public Act 267 of 1976, MCL § 15.261 et seq.]. The City Clerk and Human Resource Director will assist the committee in compliance.

## **XII. SUNSET PROVISION**

The committee is commissioned to conduct business until abolished by the City Commission.

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## Proposed Amendments to Charter for the City of Royal Oak

### Removing References to Director of Public Welfare

#### Section 11

#### Section 11 - Departments and Directors

[Amended and adopted 11-2-2021: Amended and adopted {date}]

The administrative functions and powers of the City shall be divided into five departments as follows: Law, Finance, Public Works and Service, Public Welfare and Public Safety, subject to modifications as hereinafter provided.

#### Section 25

#### Section 25 - Director of Public Works and Service

[Amended and adopted {date}]

The Director of Public Works and Service shall, except as otherwise provided in this Charter, or by the Commission, manage and have charge of the construction, improvement, repairs, maintenance of streets, sidewalks, alleys, lands, bridges, viaducts, and other public highways; of sewers, drains, ditches, culverts, canals, and water courses; of municipal water supply, and all works, lands, water, lands under water, dams, pumping station, ways, mains, pipes, and all other works connected therewith, of all public buildings, public places, and grounds; of the establishment, development, and maintenance of of recreational facilities of the City. including parks and playgrounds±, but not the management and supervision of such parks; of all sewage and garbage disposal and reduction plants and all other public utilities owned or operated by the City. He or she shall have charge of the enforcement of all the obligations of privately owned or privately operated public utilities enforceable by the City; of making and preservation of surveys, maps, plans, drawings, and estimates for public work; of the cleaning, sprinkling, and lighting of the streets and public places. He or she shall have the supervision and management of the use of recreational facilities of the City. including parks and playgrounds: the inspection and supervision of public entertainments: and such other duties as the Commission may by ordinance or resolution prescribe.

Section 26 Repealed [date]. -----

The Director of Public Welfare shall have the supervision and management of all charitable, correctional, and reformatory institutions and agencies belonging to the City: the supervision of the use of recreational facilities of the

City, including parks and playgrounds; the inspection and supervision of public entertainments; the study and research into the causes of poverty, delinquency, crime, and the relief and prevention thereof; and other welfare and social problems in the community, and such other duties as the Commission may by ordinance or resolution prescribe.

## **Criteria for Reviewing Charter Changes**

As established by City of Royal Oak resolution, adopted November 12, 1990, the purpose of the Royal Oak Charter Review Committee (ROCRC) is to analyze the Charter and develop a list of recommended changes for consideration by the City Commission. The recommended changes must serve one or more of the following purposes:

	<b>YES or NO</b>	
1. Simplifying and modernizing the language of the City Charter	Yes	
2. Improving its ease of reading and rendering it more understandable	No	
3. Updating it so that it is in concert with current practices and ordinances	No	
Total: NO		
Total: YES		
<b>Approved for submission:</b>	<input type="checkbox"/> <b>YES</b>	<input type="checkbox"/> <b>NO</b>
<b>Not approved, but to be brought to city attorney for information or guidance</b>	<input type="checkbox"/> <b>YES</b>	
<b>Not approved to submit at this time</b>	<input type="checkbox"/> <b>YES</b>	

## Charter Change Worksheet

Date:

1. Chapter and Section:

This would be a new section, added as Chapter 3, section 47.

2. Issues with current language:

The current charter does not sufficiently address conflict of interest for current members of the commission and the pay. The charters of other cities do address this. Our ordinances do not provide sufficient attention to this issue. We have reports that there are questionnaires that are supposed to be filled out by commissioners but they have not filled them out, and there is no method for enforcement or follow-up.

Current provisions in the charter related to this:

Section 37 is about relatives not being allowed to hold office (it appears that this could be interpreted NOT to apply to the Mayor, I'm not sure).

Section 37. \_\_\_\_\_ Relatives by blood or marriage of any Commissioner or the Manager, within the first degree of consanguinity or affinity, are hereby disqualified from holding any appointive office during the term for which the said Commissioner was elected, or during the tenure of office of said Manager.

Section 43 is about taking a position with the city after leaving office.

Section 43. \_\_\_\_\_ No elective officer shall hold any office or employment, except that to which he or she was elected, compensation for which is to be paid out of City funds, nor be elected or appointed to any office created or the compensation of which was increased or fixed by the Commission while he or she was a member thereof, until the expiration of one year from the date when he or she ceased to be a member of the Commission.

### 3. Proposed Changes:

- (a) The Contracts of Public Servants with Public Entities Act, MCL Sec. 15.321, et seq., shall govern the conduct of public servants of the City in respect to contracts with the City.
- (b) Except for public contracts governed by MCL 15.321 et seq., no member of the City Commission, nor the mayor, shall have an interest, directly or indirectly, in any contract, job or work with the City. No member of the City Council nor the mayor shall be financially interested directly or indirectly in the sale to the City of any land, materials, supplies or services. This does not apply to the official services of his or her office.
- (c) If the mayor or a member of City Commission is found to have violated the provisions of this section they shall forfeit their office.
- (d) The foregoing prohibitions of this section, as they apply to members of the commission, shall not apply if the City Commission shall declare on its records by an affirmative vote of five (5) of the remaining members of the City Commission that the best interests of the City are served despite a personal interest, direct or indirect, and if in compliance with the Contracts of Public Servants with Public Entities Act, MCL § 15.321, et seq.

### 4. Will changes:

- Simplify or modernize the language of the City Charter?
- Improve the ease of reading the Charter and render it more understandable?
- Update the Charter so that it is in concert with current practices and ordinances?

### 5. Similar charters to review and compare to:

Port Huron was used as a model for this language.

Ann Arbor restricts commission members from voting on any issue in which they have a financial interest.

Detroit's city charter has more extensive language:

- 2. Except as otherwise provided by applicable law, a Public Servant shall not knowingly:
  - a. Willfully or grossly neglect the discharge of his or her duties;
  - b. Use or disclose Confidential Information concerning the property, government or affairs of the City or any office, department or agency thereof, not available to members of the public and gained by reason of his or her official position;
  - c. Use property of the City except in accordance with policies and procedures of the City;
  - d. Engage in or accept private employment or render services when such employment or service is in conflict or incompatible with the proper discharge of his or her official duties or would tend to impair his or her independence of judgment or action in the performance of official duties;
  - e. Represent a private person, business or organization in any action or proceeding pending before the City or any office, department or agency thereof, except:
    - i. A Public Servant may represent another person, business or organization before a City agency where such representation is a required part of his or her official duties;
    - ii. A Public Servant who is an uncompensated member of a City board, commission or other voting body may act as an agent, attorney or representative for another person, business or

organization in a matter that is pending before a City agency, other than the board, commission or other voting body on which he or she is a member;

or iii. A Public Servant who is compensated by the City may act as an agent, attorney or representative for another person, business or organization in a matter that is pending before a City board, commission or other voting body, other than the board, commission or other voting body on which he or she serves as an appointee or as an employee or under a personal services contract, as long as he or she does so without compensation and on his or her leave time.

f. Vote or otherwise participate in the negotiation or the making of any city contract, or any other type of transaction, with any business entity in which he or she or an immediate family member has a financial interest;

or g. Use his or her official position, in violation of applicable law, to improperly influence a decision of the Mayor, City Council members, Clerk, appointees or employees.

A Public Servant who, in the course of his or her duties, exercises significant authority shall not:

a. Solicit or accept a loan or payment from an individual who is providing service to, receiving tax abatements, credits or exemptions from the City;

or b. Unduly influence any decision to fill a position in City government with an immediate family member.

5. Questions and Communication for City Attorney:

6. Important dates:

- AG Submission:
- Commission Review:
- Review by County:
- Due for Ballot: