

Charter Review Committee
February 20, 2024

A meeting of the Charter Review Committee was held on Tuesday, February 20, 2024, at city hall, conference room 116, located at 203 South Troy Street, Royal Oak. The meeting was called to order at 5:51 p.m. by Chairperson Everett.

ROLL CALL

PRESENT
Chairperson Everett
Ron George
Salvatore Vitale
Deborah Zukin

ABSENT
Commissioner Hunt

Also present was City Attorney Grochowski.

PUBLIC COMMENT

Janice Wagman stated that she would still like to see the committee address the ethics ordinance, as there are still some boards, committees and commission members that have not filled out their ethics forms.

APPROVAL OF FEBRUARY 20, 2024, AGENDA

Moved By George
Seconded by Zukin

Be it resolved the Charter Review Committee hereby approves the agenda for the February 20, 2024 meeting as presented.

Adopted unanimously

APPROVAL OF MINUTES FROM JANUARY 23, 2024 CHARTER REVIEW COMMITTEE MEETING

Moved by Zukin
Seconded by George

Be it resolved the Charter Review Committee minutes of January 23, 2024, are hereby approved as submitted.

Adopted unanimously

UNFINISHED BUSINESS

CITY ATTORNEY UPDATE ON TABLE OF CONTENTS PRESENTATION TO CITY COMMISSION

City Attorney Grochowski stated that the City Commission approved the table of contents at their February 12, 2024, meeting. The table of contents will appear with the charter online once the vendor publishes it.

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CITY ATTORNEY UPDATE ON BYLAWS PRESENTATION TO CITY COMMISSION

Grochowski informed the committee that he changed the word “provisions” to “proposals” under the Action portion of the bylaws before he sent it to the City Commission for approval. They were presented to the City Commission at the February 12, 2024, meeting and were approved without any discussion.

* * *

CONTINUED REVIEW OF PUBLIC WELFARE AMENDMENT

Vitale presented the updated draft language to amend Chapter Three, Sections 11, 25 and 26. The committee members asked to remove “he or she” in Section 25 and replace that language with “the director”. Vitale also presented draft ballot language for this proposed amendment. The committee members asked to strike the words “and has not” from the proposed ballot language. Vitale edited both and submitted for approval (see attachments 1 and 2).

Moved by George
Seconded by Vitale

Be it resolved the Charter Review Committee hereby approves the proposed charter amendment language for Chapter Three, Sections 11, 25 and 26 and the draft ballot language with the edits mentioned above; and

Be it further resolved the Charter Review Committee directs the City Attorney’s office to present the draft language and the draft ballot language to the City Commission for approval.

Adopted unanimously

FRIENDLY AMENDMENT

Moved by George
Seconded by Vitale

Be it resolved that if research could prove when the city last had a Public Welfare Department or Public Welfare Director that date should be added to the ballot language before submitting to the City Commission for approval.

Adopted unanimously

ORIGINAL MOTION WITH FRIENDLY AMENDMENT

Be it resolved the Charter Review Committee hereby approves the proposed charter amendment language for Chapter Three, Sections 11, 25 and 26 and the draft ballot language with the edits mentioned above; and

Be it further resolved the Charter Review Committee directs the City Attorney's office to present the draft language and the draft ballot language to the City Commission for approval; and

Be it finally resolved that if research could prove when the city last had a Public Welfare Department or Public Welfare Director that date should be added to the ballot language before submitting to the City Commission for approval.

Adopted unanimously

CONTINUED REVIEW OF CONFLICT-OF-INTEREST WORKSHEET

Vitale presented a possible drafted amendment for Chapter Three, Section 43 based off the charter revision worksheet presented at their last meeting. The members discussed the language and asked to remove the language about what happens if a member violates this section and them forfeiting their office. Vitale edited the language at the table and presented it for approval (see attachment 3).

Moved by George
Seconded by Vitale

Be it resolved the Charter Review Committee approves the proposed amendment language for Chapter Three, Section 43 as presented and edited above.

Adopted unanimously

REVIEW SUCCESSION WORKSHEET

George will continue to review succession and will present a revision worksheet when he is ready.

NEW BUSINESS

There was no new business to discuss.

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ADJOURNMENT

Upon motion of George and seconded by Zukin the meeting was adjourned at 6:42 p.m.

Melanie Halas, City Clerk / db

Charter Review for the City of Royal Oak
Proposed Amendments to Chapter 3, Sections 11, 25, and 26
(Removing References to Director of Public Welfare)

Section 11 - Departments and Directors

[Amended and adopted 11-2-2021; Amended and adopted {date of amendment}]

~~The~~^a 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 of amendment}]

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 of repeal]

~~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.~~

Charter Review for the City of Royal Oak
Proposed Amendments to Chapter 3, Sections 11, 25, and 26
(Removing References to Director of Public Welfare)

Section 11 - Departments and Directors

[Amended and adopted 11-2-2021; Amended and adopted {date of amendment}]

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

Section 25 - Director of Public Works and Service

[Amended and adopted {date of amendment}]

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,; of all sewage and garbage disposal and reduction plants and all other public utilities owned or operated by the City. The Director 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. The Director 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 of repeal].

ATTACHMENT 2
As presented for editing

A PROPOSAL TO AMEND THE ROYAL OAK CITY CHARTER TO REMOVE REFERENCES TO THE DEPARTMENT OF PUBLIC WELFARE

The proposed amendment would:

- Remove references to the Department of Public Welfare and the Director of Public Welfare contained in Chapter 3, Sections 11, 25, and 26, to reflect the fact that the City of Royal Oak does not, and has not, had a Department of Public Welfare or a Director of Public Welfare.

Should this proposal be adopted?

Yes

No

ATTACHMENT 2

As edited and approved

A PROPOSAL TO AMEND THE ROYAL OAK CITY CHARTER TO REMOVE REFERENCES TO THE DEPARTMENT OF PUBLIC WELFARE

The proposed amendment would:

- Remove references to the Department of Public Welfare and the Director of Public Welfare contained in Chapter 3, Sections 11, 25, and 26, to reflect the fact that the City of Royal Oak does not have a Department of Public Welfare or a Director of Public Welfare.

Should this proposal be adopted?

Yes

No

Charter Review for the City of Royal Oak
Proposed Amendment to Chapter 3, Section 43
(Addressing Conflicts of Interest)

Section 43: ~~Restrictions on Holding Other Offices or Employment~~ Conflicts of Interest

[Amended and adopted {date of amendment}]

~~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 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.~~

- (a) The Contracts of Public Servants with Public Entities Act, MCL § 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 Commission, nor the mayor, shall be financially interested, directly or indirectly, in the sale of any land, materials, supplies or services to the City. 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 a 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.

Charter Review for the City of Royal Oak
Proposed Amendment to Chapter 3, Section 43
(Addressing Conflicts of Interest)

Section 43: Conflicts of Interest

[Amended and adopted {date of amendment}]

- (a) The Contracts of Public Servants with Public Entities Act, MCL § 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 Commission, nor the mayor, shall be financially interested, directly or indirectly, in the sale of any land, materials, supplies or services to the City. This does not apply to the official services of his or her office.
- (c) The foregoing prohibitions of this section, as they apply to a 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.