

A meeting of the Charter Review Committee was held on Thursday, March 23, 2021 via Zoom teleconference. The meeting was called to order at 5:31 p.m. by Chairperson Moore.

ROLL CALL	PRESENT	ABSENT
Chairperson	Rob Moore	
Vice Chair	Heather Lewis (5:39 p.m.)	
Commissioner	Sharlan Douglas	
	Ryan Everett	
	Ron George	

Also present was Assistant City Attorney Mark Liss.

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PUBLIC COMMENT

There was no public comment.

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APPROVAL OF MARCH 23, 2021 AGENDA

Moved by Commissioner Douglas
Seconded by Mr. Everett

Be it resolved the Charter Review Committee hereby approves the agenda for the March 23, 2021 meeting as presented.

ROLL CALL VOTE:

AYES: Mr. Moore, Mr. George, Mr. Everett, Commissioner Douglas
NAYS: None

Adopted unanimously

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APPROVAL OF MINUTES FROM FEBRUARY 24, 2021 CHARTER REVIEW COMMITTEE MEETING

This item was tabled until the next scheduled meeting of the Charter Review Committee.

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UNFINISHED BUSINESS
CONTINUED DISCUSSION ON DRAFTED LANGUAGE FOR POSSIBLE AMENDMENT TO
CHAPTER THREE, SECTION 9 OF THE CITY CHARTER

Mr. Liss drafted language to amend Chapter Three, Section 9 and emailed it to the members of the committee. Commissioner Douglas has asked that any language that is drafted be presented to the members with enough time to review the language before the meeting, and to have that same language linked to the agenda for the public to read.

Mr. Liss presented proposals to fill the office of the mayor, should a vacancy occur, and the disposition of a City Commissioner's seat should a commissioner be appointed to fill the remainder of the mayor's term. (Attachment #1)

Version one states that a vacancy in the office of the Mayor shall be filled by the Mayor Pro Tem, who shall resign as a City Commissioner and shall hold the office of Mayor until the next biennial municipal election. Any other vacancy in another elective office shall be filled by appointment by the commission.

Version two states if a vacancy in the office of the Mayor is filled by a currently serving City Commissioner, their Commission seat shall be vacated, and the new Mayor shall hold the office of Mayor until the next biennial municipal election.

Version three states that If a vacancy in the office of the Mayor is filled by a currently serving City Commissioner, they shall hold the office of Mayor until the next biennial municipal election. A City Commissioner appointed to serve-out the term of the office of the mayor, but whose term of office on the City Commission does not expire until two years after the term of the office of the mayor, may return to their seat as a City Commissioner and complete their term. If a vacancy in the office of the Mayor is filled by a currently serving City Commissioner, the City Commissioner's seat shall not be considered vacant.

Version four states that If a vacancy in the office of the Mayor is filled by a currently serving City Commissioner, they shall hold the office of Mayor until the next biennial municipal election. Their seat as a City Commissioner shall be considered vacated and the City Commission may fill the seat.

Moved by Mr. George

Seconded by Ms. Lewis

Be it resolved that the Charter Review Committee directs the city attorney's office to present version number one of the drafted languages to the city commission for approval.

ROLL CALL VOTE:

AYES: Mr. Moore, Mr. George, Mr. Everett, Ms. Lewis, Commissioner Douglas

NAYS: None

Adopted Unanimously

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UPDATE ON DRAFT LANGUAGE FOR PORPOSAL TO ALLOW THE CITY TO CREATE A CHARITABLE FOUNDATION

Mr. Liss presented draft language (attachment #2) for Chapter Two, Section 1 that would allow the city to create a charitable foundation. Currently, there is enough in the language of chapter two to allow the city to operate and to support the Royal Oak Civic Foundation according to the Home Rule City Act. After discussion, the committee members decided to take this proposal to the city commission for discussion amongst the commissioners.

Moved by Commissioner Douglas
Seconded by Mr. George

Be it resolved the Charter Review Committee directs the city attorney's office to submit the proposed revision of Chapter Two, Section 1 to the city commission as presented for further discussion on this amendment.

ROLL CALL VOTE:

AYES: Mr. Moore, Mr. Everett, Ms. Lewis, Mr. George, Commissioner Douglas

NAYS: None

Adopted Unanimously

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REVIEW

This makes a total of five possible charter amendments that will be presented to the city commission for discussion and approval:

- Chapter Four, Section 30
- Chapter Three, Sections 11, 12 and 15
- Chapter Ten, Section 3
- Chapter Three, Section 9
- Chapter Two, Section 1

Mr. Liss will prepare a memorandum of these possible amendments and present to the members of the charter review committee before they go in front of the city commission.

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NEW BUSINESS

There was no new business.

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SET MEETING DATE AND ADJOURNMENT

The next meeting of the Charter Review Committee will be held at 5:30 pm on Tuesday, April 27, 2021 via Zoom teleconference.

Upon motion of Mr. George and seconded by Ms. Lewis the meeting was adjourned at 6:45 pm.

Melanie Halas, City Clerk / db

Attachment #1

Current Charter Provision:

Chapter Three. Section 9. A vacancy on the City Commission shall be filled by appointment by a majority of the remaining members of the Commission and a vacancy in any other elective office shall be filled by appointment by the Commission. Such appointee shall hold office until the next biennial municipal election, at which election a successor shall be elected for the unexpired term of the person in whose office the vacancy occurs, beginning the following third Monday in November. [Amended and adopted 11-4-1947; 7-24-2017]

Version 1

Chapter Three. Section 9. A vacancy in the office of the Mayor shall be filled by the Mayor Pro Tem, who shall resign as a City Commissioner and shall hold the office of Mayor until the next biennial municipal election. Any other vacancy on the City Commission shall be filled by appointment by a majority of the remaining members of the Commission and a vacancy in any other elective office shall be filled by appointment by the Commission. Such appointee shall hold office until the next biennial municipal election, at which election a successor shall be elected for the unexpired term of the person in whose office the vacancy occurs, beginning the following third Monday in November.

Version 2

Chapter Three. Section 9. A vacancy on the City Commission shall be filled by appointment by a majority of the remaining members of the Commission and a vacancy in any other elective office shall be filled by appointment by the Commission. Such appointee shall hold office until the next biennial municipal election, at which election a successor shall be elected for the unexpired term of the person in whose office the vacancy occurs, beginning the following third Monday in November.

If a vacancy in the office of the Mayor is filled by a currently serving City Commissioner, their Commission seat shall be vacated, and the new Mayor shall hold the office of Mayor until the next biennial municipal election.

Attachment #1

Version 3.

Chapter Three. Section 9. A vacancy on the City Commission shall be filled by appointment by a majority of the remaining members of the Commission and a vacancy in any other elective office shall be filled by appointment by the Commission. Such appointee shall hold office until the next biennial municipal election, at which election a successor shall be elected for the unexpired term of the person in whose office the vacancy occurs, beginning the following third Monday in November. [Amended and adopted 11-4-1947; 7-24-2017]

If a vacancy in the office of the Mayor is filled by a currently serving City Commissioner, they shall hold the office of Mayor until the next biennial municipal election. A City Commissioner appointed to serve-out the term of the office of the mayor, but whose term of office on the City Commission does not expire until two years after the term of the office of the mayor, may return to their seat as a City Commissioner and complete their term.

If a vacancy in the office of the Mayor is filled by a currently serving City Commissioner, the City Commissioner's seat shall not be considered vacant.

Version 4.

Chapter Three. Section 9. A vacancy on the City Commission shall be filled by appointment by a majority of the remaining members of the Commission and a vacancy in any other elective office shall be filled by appointment by the Commission. Such appointee shall hold office until the next biennial municipal election, at which election a successor shall be elected for the unexpired term of the person in whose office the vacancy occurs, beginning the following third Monday in November. [Amended and adopted 11-4-1947; 7-24-2017]

If a vacancy in the office of the Mayor is filled by a currently serving City Commissioner, they shall hold the office of Mayor until the next biennial municipal election. Their seat as a City Commissioner shall be considered vacated and the City Commission may fill the seat.

Attachment 2

Addition of 117.4k Civic, artistic, and cultural activities; public funds, language into the charter.

CHAPTER TWO

General Powers Section 1. The said City, as such, shall have perpetual succession; may use a corporate seal; may sue and be sued; may acquire property in fee simple or lesser interest or estate by purchase, gift, bequest, devise, condemnation, appropriation, or lease with privilege to purchase, for any municipal purpose, including ways, public parking grounds, parks, recreational grounds, which shall be deemed to include the use of such grounds for amusements and all athletic sports and educational activities; may sell, lease, hold, manage, and control such property, and may make any and all rules and regulations by ordinance or resolution which may be deemed proper or which may be required to properly regulate and control all property used for public or any of the aforesaid purposes; or to carry out fully the provisions of any conveyance, deed, or will, in relation to any gift, devise, or bequest or the provision of any lease by which is acquired property or according to the judgment of any court, in the condemnation of property for any purpose; may acquire, construct, own, lease, operate, and regulate public utilities; may acquire, own, and operate gravel pits, sand pits, and asphalt plants for the manufacturing of paving materials; may regulate and control food, food supplies, and food products; maintain, operate, license, own, and control public fuel supplies and markets of every kind; may regulate and control the storing, handling, disposing, and sale of explosives of every character; the construction of cellars and basements so far as the same in any manner affects the public health; may take all needful and necessary steps for the care and relief of the poor and indigent, delinquent, and juvenile offenders, those mentally or physically deficient, and the removal and remedying of the causes thereof; may adopt a City plan; may provide a plan of streets and alleys for a distance of three miles beyond the City limits and require that all streets and alleys in said district dedicated to the public, shall conform therewith; may provide for the restriction or exclusion of business from certain districts of the City; may establish the building line of houses with relation

Attachment 2

to streets; the width and depth of lots; the amount of air space around houses; may enact a building and housing code and may require building permits for all buildings or structures erected in the City; may regulate the planting and setting of trees, shrubs, flowers, or plants and the care thereof; may exercise jurisdiction over all diseased or noxious trees, shrubs, and plants; may provide for taking a census of the City; may assess, levy, and collect taxes for general and special purposes on all the subjects or objects which the City may lawfully tax; may borrow money on the faith and credit of the City by the issue and sale of bonds or notes of the City; may appropriate the money of the City for any and all lawful purposes; may create, provide for, construct, regulate, and maintain all things in the nature of public works and improvements; may levy and collect assessments for local improvements; may define, prohibit, abate, suppress, regulate, or prevent all things detrimental to the health, morals, comfort, safety, convenience, and welfare of the inhabitants of the City, and all nuisances and causes thereof; may regulate the construction, height, and the material used in all buildings and the maintenance and occupancy thereof; may regulate, license, or prohibit the construction, location, size, height, and the materials used in all billboards and the maintenance and use of the same; may provide for the regulation and control of all weights and measures and the use thereof; may regulate, license, control, and prohibit the sale or peddling of goods, wares, merchandise, or any kind of property by persons going about from place to place in the City for that purpose; may regulate, license, and control cab drivers, draypersons, teamsters, taxicabs, jitneys, and other forms of conveyance; may regulate, license, and control hotels, rooming houses, boarding houses, restaurants, candy and soft drinks manufacturers and distributors, either wholesale or retail, and other business and occupations; may regulate the location of and license telegraph, telephone, and electric light poles within the City; may construct, maintain, and regulate fountains and public drinking places, including watering troughs; may license dogs and other animals; may regulate and control the use, for whatever purpose, of the streets, alleys, and other public places; may create, establish, combine, organize, and abolish officers and departments, provided, that said City shall not abolish the office of City Manager; provide for the election and appointment of and fix the salaries and compensation of all officers and employees, except as

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herein otherwise provided; may make and enforce local police and sanitary regulations; may provide for the issuance of bonds of said City for the purpose of providing the first cost of installation and connection of sewers and water works on and to property when such installation and connections shall have been ordered by the proper health authorities, and to provide for a lien on such property for the money so used; may license and impose a license fee on street cars, telephone, gas meters, electric meters, water meters, or any other device for measuring service, also telephone, telegraph, electric light, and power poles and wires; all said license fees shall be exclusive of and in addition to other lawful taxes upon such property or the holder thereof; may provide for the approval of all plats of lands, subject to such terms and conditions as may be deemed best; may do any and all things needful, necessary, or proper to furnish, supply, control, and regulate water supply, sewage, sewage disposal, sanitation, and sanitary control within or without the boundaries of said City, upon such terms and conditions as the Commission shall decide; may regulate and control the disposition and handling of garbage, ashes, dead animals, and other articles or things detrimental to public health or good sanitation; and may pass such ordinances and adopt such resolutions as may be deemed expedient or necessary to maintain and promote the peace, good government, and welfare of the City and for the performance of the functions thereof; may build and equip or acquire by purchase, gift, bequest, devise, or agreement, city hospitals, and provide for the management, operation, and maintenance of the same; **may provide for the appropriation and allocation of public funds to a public or private nonprofit institution engaged within the city in the provision of civic, artistic, and cultural activities, including but not limited to music, theater, dance, visual arts, literature and letters, architecture, architectural landscaping, and allied arts and crafts, to the general public;** may exercise all powers which now or hereafter it would be competent for this Charter to enumerate as fully and completely as though said powers were specifically enumerated herein; and no enumeration of particular powers by this Charter shall be held as exclusive or in any wise a limitation on said City to legislate on other subjects; and all such powers, whether expressed or implied, shall be exercised and enforced in the

Attachment 2

manner as shall be provided by ordinance, resolution, or the general laws of the State.

PROPOSAL _____

Proposal to amend the Charter clarifying that the City of Royal Oak can support a nonprofit institution engaged in civic, artistic, and cultural activities in Royal Oak

This proposal, if adopted, amending Chapter Two, Section 1, would make it clear that the city may provide for civic, artistic, and cultural activities and provide public funds in support of these activities, as permitted by the State of Michigan Home Rule City Act, at Section 117k.1.

Shall this proposal be adopted?