

BLUE RIBBON ADVISORY COMMITTEE MEETING
Wednesday, February 07, 2018
5:30 P.M.

Committee Members Present: Drozdowski, Schwarz, Hanner, Champlin, Godfrey, Andrews, Antaya, Helmboldt, Burlson, Burton, Settles, Whitfield, Weaver, Tomak, Fortney, McIlroy, Moreno, Squires (via conference)

Committee Members Absent: None

Others Present: Jill Steele, City Attorney: Rebecca Fleury, City Manager: Vicki Houser, City Clerk

Call to Order: Ms. Fleury called the meeting to order at 5:36 p.m.

Introductions: Committee members introduced themselves to other members and staff.

City Manager Remarks

A. Purpose

Ms. Fleury discussed the process of the Blue Ribbon Committee, after input from the Commission and the public. Ms. Fleury reminded the Committee that although the Commission nominated them, the members are independent persons, stating their input and comments did not have to be reflective of the Commission.

B. Authorizing Resolution

Resolution 58 dated January 2, 2018 included the scope of the work of the Committee, including consideration of the manner in which the Mayor and Vice Mayor are selected, changing the size of the Commission, staggering Commission terms, the length of Commission terms, gendered language in the Charter, and other issues that the Committee deems appropriate and relevant to the issues assigned by the City Commission.

Resolution 76 dated January 16, 2018, which identified the members of the Committee.

Selection of Chairperson and Vice Chairperson

Ms. Fleury noted the next order of business was to nominate a Committee Chairperson and Vice Chairperson to oversee and run the meetings.

Committee members nominated Joe Schwarz, John Godfrey (who declined) and William Burton (who declined).

Ms. Fleury requested committee members voice their support of Joe Schwarz as Chairperson. All in favor, none opposed. Mr. Schwarz was appointed Chairperson.

Committee members nominated Bill Hanner, Andy Helmboldt, William Burton (who declined), Terry Burlson and Gerardyne Drozdowski as Vice Chair.

Nominations:

Drozdowski – Drozdowski	Schwarz – Drozdowski	Hanner - Drozdowski
Champlin - Drozdowski	Godfrey - Drozdowski	Squires – Burlson
Andrews - Burlson	Antaya - Burlson	Helmboldt - Burlson
Burlson – Burlson	Burton – Burlson	Settles – Burlson

Whitfield – Burleson
Fortney - Drozdowski

Weaver - Drozdowski
McIlroy - Drozdowski

Tomak - Burleson
Moreno - Hanner

Terry Burleson, with 9 votes, was nominated as Vice Chair.

City Attorney Presentation

Jill Steele, City Attorney, provided a presentation to the Committee regarding the role and responsibilities of the Blue Ribbon Advisory Committee members.

A. Open Meetings Act compliance

Ms. Steele reminded the members that the Committee was subject to the Open Meetings Act, which required proper notice of the meetings, minutes of the meetings, and an allowance for public comment. Ms. Steele also reminded the Committee that they could only deliberate and vote at an open meeting. Ms. Steele recommended the Committee adopt Robert’s Rules of Order, Public Comment time limits, and the rules regarding public comment as adopted by the City Commission.

Motion: A motion was made by Mr. Godfrey, supported by Mr. Moreno, to adopt Robert’s Rules of Order for the Blue Ribbon Advisory Committee. All yes, none opposed. Motion approved.

Motion: A motion was made by Ms. Antaya, supported by Mr. McIlroy, to limit public comment to three (3) minutes per person. All yes, none opposed. Motion approved.

Motion: A motion was made by Mr. Godffrey, supported by Mr. Burton, to adopt the rules regarding public comment as adopted by the City Commission. All yes, none opposed. Motion approved.

Regarding a concern of talking with other Committee members while at other meetings or places, Ms. Steele noted it is only an issue if there is a quorum, comprised of 10 or more members, discussing possible actions of the Committee. Ms. Steele also cautioned the members that they were not to use the “Reply All” feature of emails when responding.

B. Current City Charter

Ms. Steele noted Resolution 58, approved on January 2, 2018, required committee recommendations be consistent with applicable law, including the Home Rule City Act and Michigan Election Law. Ms. Steele also noted the Committee was required to provide periodic updates on its work and progress to the City Commission, with the first update due no later than May 31, 2018, and a final report no later than December 31, 2018. Ms. Steele informed the Committee that the current form of City government, City Manager/City Commission, was to be retained.

Ms. Steele discussed the scope of inquiry per resolution 58, including the selection of Mayor and Vice Mayor, changing the size of the Commission, staggering the terms of the Commission, the length of the Commission terms, gendered charter language, and other issues that the Committee deems appropriate and relevant to the issues assigned by the City Commission.

Ms. Steele noted the Home Rule City Act requires each city charter to provide for the election of a mayor, with additional language that the City Charter may provide for the selection of the mayor by the legislative body. Ms. Steele further noted the Battle Creek City Charter provides

that the City Commission shall select from its members a Mayor and a Vice Mayor, noting City Ordinance provides that the organizational meeting shall take place annually, thus setting the term of the Mayor and Vice Mayor at one year.

Ms. Steele noted that the Home Rule City Act permits ordinances to conflict with the City Charter if it is allowed per Election Law, providing an example that the City Commissioners are now elected in even years, as allowed in Michigan's Election Law. Even though this is inconsistent with the City charter, the resolution providing for this change is permissible. Ms. Steele also noted there were initial staggering terms when the City merged with Battle Creek Township, noting current Commission terms are for 2-year periods, and the terms are not staggered.

C. Research Material

Ms. Steele provided a chart containing information on 161 cities within the State of Michigan, including information on the number of council members, ward and at large council members, how the mayor is elected, term of mayor, term of council members, staggered terms, and partisan or non-partisan. Ms. Steele noted the mayor is elected by a separate vote in most Michigan cities, at almost 70 cities. Ms. Steele noted the mayor is elected by voters as determined by the at-large council member receiving the highest number of votes in almost 50 cities, and by the council, similar to Battle Creek, by about 35 cities. Ms. Steele also noted most Michigan cities had only 7 council members, with 11 cities having 9 council members, including Battle Creek.

Mr. Helmboldt noted the chart presented also included Strong Mayor cities.

Ms. Steele also noted most cities are comprised of only one ward, resulting in all At-Large Council members, instead of Ward Council members. Ms. Steele also discussed council terms and staggering council terms, noting most cities have 4-year terms for both council members and mayor.

Ms. Steele also discussed the Committee's responsibility to consider gendered Charter language, noting the City's Ordinance, §202.3 "Definitions and Interpretations" provides in subsection (7) Gender. Words importing the masculine shall extend and be applied to the feminine and neuter genders."

Ms. Steele informed the Committee that there were two methods to amend a Home Rule City Charter. Ms. Steele noted a change to the form of government would require a Charter revision, which is a longer process than a charter amendment, noting a revision is an expensive and time-consuming process, further noting that the resolution authorizing the committee prohibits the consideration of changing the form of government. Ms. Steele noted changing details in a charter only requires an amendment. Ms. Steele stated a charter amendment might be Citizen led, with an initiatory petition, requiring at least 5% of the qualified registered electors' signatures, ultimately being submitted to the voters.

Ms. Steele stated an amendment could also be City Commission led, requiring a 3/5 vote of the Commission, and ultimately being submitted to the voters. Ms. Steele noted the City required 6 Commissioners vote for the charter amendment. Ms. Steele stated the proposed charter amendment must be published in full with existing language which would be altered or abrogated by the amendment. Ms. Steele further stated the proposed charter amendments would be submitted to the Governor for approval to ensure it is legally unobjectionable. Following the

Governor's approval, an impartial statement of purpose of the proposed charter amendment must be prepared for printing on the ballot, in not more than 100 words. The text would be submitted to the Attorney General for approval, noting the statement of purpose is usually framed as a question. Ms. Steele stated the proposed charter amendment could be submitted at a special or regular city election.

Mr. Burleson confirmed the Committee would make a recommendation to the Commission.

Ms. Steele informed the Committee that the amendments could not be submitted for a vote until a certain number of days after review.

Mr. Schwarz noted the function of the Committee was advisory, noting the Commission will determine any action.

Mr. Champlain asked what prompted the Commission to create a committee to recommend changes to the charter.

Ms. Steele stated the Commission recommended a change at this time after several discussions related to the selection of the Mayor, stating the Commission was being responsive to several citizen inquiries.

Mr. Godfrey informed the Committee that the discussions initiated with the Local Officers Compensation Committee, beginning with a request to consider changing City elections from odd to even years. Mr. Godfrey stated this led to requests to consider longer, staggered terms for the Commission.

Mr. Schwarz stated it was incumbent upon this Committee to review the documentation and consider recommendations for change, noting the Committee had specific instructions and goals. Mr. Schwarz noted the Committee was required to provide an update to the City Commission no later than May 31st.

Committee meeting Schedule

Mr. Schwarz suggested the Committee meet every 2 weeks, then assess their progress, and consider future meetings. Mr. Schwarz recommended the Committee talk with their neighbors and get their input.

Mr. Godfrey noted the first report was due May 31st, with a final report due by the end of the year.

Mr. Burton expressed support of the Committee meeting every other week, stating initial meetings would help to understand and define the scope of work and logically pursue a final determination.

Committee members agreed to meet in two weeks on Wednesday, February 21, 2018, and March 7, 2018, and March 21, 2018, at 5:30 pm at the Department of Public Works Multi-purpose Room.

Public Comment:

Don Bradsteet, 224 Beckwith, NPC 11, expressed concerns the City does not allow sufficient public comment time, stating he feels his freedom of speech is restricted.

Stephen Johnkoski, Bedford Township resident, expressed his excitement with the Committee's goals and responsibilities, challenging them to be courageous and bold.

Committee Discussion

Mr. Schwarz encouraged all to review the material and to consider what amendments they would like to discuss at the next meetings, ensuring their recommendations fit within the law and regulations.

Ms. Antaya encouraged the Committee to seek input from everyone, including those who do not look like them, challenging them to solicit others' opinions.

Mr. Burton reminded the Committee that they needed to be clear as to the kind of meeting they were having, and to consider how they include the public comment.

Mr. Champlain recommended the Committee provide information and data for the changes they are recommending.

Mr. Andrews reiterated Mr. Bradstreet's concerns, stating it was the Committee's duty to educate the public as to the conduct of meetings and to offer opportunities for public comment, preferably at the beginning of the meetings, so that the Committee could be responsive to the public.

Mr. Schwarz asked the Committee if they wanted to consider allowing a maximum public comment time of 10 minutes at the beginning of each meeting.

Mr. Godfrey agreed he would prefer public comment be at the beginning of the meeting, but keeping the 3-minute time limit per speaker, stating the Committee could extend the time if they felt it was necessary.

Mr. Helmboldt asked the Committee to consider allowing public comment during the meeting when the Committee was going to take action on a subject.

Ms. Tomak stated she would like to see "Public Comment" addressed as "Public Interaction" instead, stating it is not continual brainstorming without public interaction.

Ms. Drozdowski expressed support of resident interaction so that the Committee could learn from them. Ms. Drozdowski encouraged the Committee to share their email addresses to the public so that the Committee is not limited to receiving public input to only one night every other week.

Ms. Steele stated the City could provide a survey to residents related to the work of the Committee to obtain additional input.

Ms. Fleury offered to set up a portal on the City website to obtain citizens' input. Ms. Fleury stated she would bring a draft of a survey to the next meeting and information related to a web portal.

Mr. Helmboldt cautioned that residents may be displeased if the Committee does not act upon their recommendations. Mr. Helmboldt recommended the survey questions be open-ended.

Mr. Schwarz noted the Committee or the City cannot always do everything that is suggested.

Comm. Helmboldt requested staff query other municipalities' who may have experienced recent changes to council terms.

Mr. Schwarz recommended staff consider MML data.

Mr. Andrews recommended the survey be limited to City residents, also asking if there was a way to limit survey participation to one survey per person.

Adjournment: The meeting was adjourned at 7:02 p.m.