

CITY OF MONROE
SPECIAL COUNCIL MEETING
MONDAY, AUGUST 23, 2010

Special meeting of the City Council of the City of Monroe, Michigan held on Monday, August 23, 2010 at 8:30 p.m. in the City Hall Council Chambers.

Present: Council Members, Paisley, Bica, Molenda, Conner, Beneteau, Hensley, and Mayor Clark.

Mayor Clark led the pledge of allegiance to the flag.

Council Action.

George Brown, City Manager gave a brief review of the discussion and determination from the Special Meeting held on Thursday, August 19th and noted that changes to the proposals regarding the Clerk-Treasurer position have been made to add an effective date of January 2012.

Thomas Ready, City Attorney gave a brief history regarding the charter amendment ballot proposals and he reviewed each resolution indicating where each one stands and made suggested changes to the proposals in compliance with the Attorney General. He stated that the Attorney General was under the opinion that proposal 3, Charter Section C-80, exceeds the 100 limit and that it combines more than one issue and should be presented to the voters individually, and it is his opinion that if this resolution remains as previously adopted, it will probably meet with a continued objection from the Attorney General's Office.

He continued that the purpose of the proposed amendment to Section 47 was to designate the position of the Clerk-Treasurer or Clerk and Treasurer as an appointed official as opposed to the current elected position. He continued that when Council passed the resolution that pertains to Section 47, there was an attempt to eliminate the antiquated positions that were no longer relevant to City Government; i.e. City Physician, Dog Warden, etc.. He further stated that the objection raised by the Attorney General's Office was that there are a myriad of other charter sections that make mention of those same departments and those sections should be dealt with as well, so those positions were put back into the resolution.

He continued that there are three changes to Sections C-325 – C-345, all three changes are the same, by adding the language "to discontinue the involvement of the Civil Service in employment matters, as it relates to the Police Department", to line 461 page 21, and the same language to be added to paragraph 5 on the same page and the also added on page 22 in the ballot question. He further stated that these additions were discussed with Mr. Elworth, Assistant Attorney General and he no objections.

He further explained that the final resolution was to rescind Sections C-48 – C-50 and C-228 – C-230 as they relate to obsolete departments that no longer exist. He further explained that the Assistant Attorney General noted in his objections that even if those sections were to have been repealed, there are still various other sections in the Charter that contain references to these obsolete sections and therefore he made an objection to this resolution. He further stated that in lieu of the objection, it is his suggestion that the Resolution R10-41 be rescinded.

189 Postponed at the August 19, 2010 Special Meeting.

Communication from the City Manager, submitting a revised amended resolution that would place a charter amendment on the November ballot to amend Section 47 of the Monroe City Charter, pertaining to officers of the City appointed, by adding language referring to the Clerk and Treasurer appointments and by removing language pertaining to other appointed officers of the City that are no longer valid and/or can be included under ordinance designated appointments, and recommending that Council approve the revised amended

resolution for Section 47 and place the proposed charter amendments on the November 2, 2010 ballot, for consideration by City of Monroe voters. It was moved by Councilman Molenda and seconded by Councilman Hensley that item 189 be postponed until August 23, 2010.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that item 189 be placed on the floor for discussion.

Ayes: 6 Nays: 1 (Council Member Conner)

Motion carried.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that item 189 be approved as revised.

Ayes: 7 Nays: 0

Motion carried.

190 Postponed at the August 19, 2010 Special Meeting.

Communication from the City Manager, submitting a request to rescind a ballot proposal for repeal of Charter Sections C-48 through C-50 and C-228 through C-230, which was passed by Council on August 2, 2010, and requesting that Council pass a motion to rescind Resolution R10-41. It was moved by Councilman Molenda and seconded by Councilman Hensley that item 190 be postponed until August 23, 2010.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that item 190 be placed on the floor for discussion.

Ayes: 7 Nays: 0

Motion carried.

It was moved by Council Member Molenda and seconded by Council Member Hensley that item 190, Resolution R10-41 be rescinded.

Ayes: 7 Nays: 0

Motion carried.

Consent Agenda. (All items listed under the Consent Agenda are considered to be routine by Mayor and Council and may be approved by one motion. Any item may be removed for separate discussion by a Councilperson or citizen.)

191 Revision of resolution for ballot proposal for consideration by voters, for repeal of City Charter sections: C-325 through C-345 aka Police Civil Service.

1. Communication from the City Manager, submitting a revised resolution to the previously adopted Resolution, R10-39, to place repeal of City Charter Sections C-325 through C-345, "Police Civil Service" on the November 2, 2010 ballot, and recommending that Council adopt and approve the revised resolution, R10-45, placing the proposed charter amendment on the November 2, 2010 ballot, for consideration by the City of Monroe Voters.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

It was moved by Council Member Molenda and seconded by Council Member Conner that item 191 be placed on the floor for discussion.

Ayes: 7 Nays: 0

Motion carried.

Council Member Conner asked was the Police Civil Service in the original Charter or has been added at some other time.

Thomas Ready, City Attorney stated that it appears that in 1935 the question of Civil Service as it related to the Police Department was submitted to the voters and voted down, and then submitted to the voters again in 1937 and passed.

Council Member Conner asked why we want to change it now.

Mayor Clark explained that we have collective bargaining in place and other avenues that were not available back then but are present today.

George Brown, City Manager read some segments of the Agenda item from the Fact Sheet of the August 2nd. 2010 Council Meeting, when it was first presented to Council, to further clarify the resolution.

Council Member Conner wanted to know what harm would there be to leave it as is because it is the least costly department there is.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that item 191, revised Resolution R10-45 be adopted.

David Smith, 530 Hollywood Blvd. said that this resolution is on the right track.

Bill Conner, 1883 Stumpmeier Road noted that the Civil Service Policies were just revised and there was a significant amount of time and money spent on that process.

George Brown, City Manager explained that the Civil Service Commission independently commissioned preparing an updated Civil Service Manual, they solicited input from the city administration, the unions and discussed among themselves. He continued that ultimately they have the prerogative to adopt provisions unilaterally in compliance with the law.

Bill Conner, 1883 Stumpmeier Road asked if the people that sit on the Civil Service Commission get a stipend or a wage or is there an expense to the City in that regard to the people who serve on the commission.

Mayor Clark said that he does not believe there is.

Bill Conner, 1883 Stumpmeier Road asked if the commission has the potential of saving the city money by possibly keeping cases from going to arbitration.

Mayor Clark said that is a hypothetical question the he doesn't think that can be answered because we don't know what the outcome would be, whether it would cost money or not and said it could be answered both ways

After discussion, a vote was taken on the motion.

Ayes: 6 Nays: 1 (Council Member Conner)

Motion carried.

Items 192, 193 and 194 were added at the meeting.

192 Revision of resolution for ballot proposal for consideration by voters, for amendments to the City Charter section: C-10 "When Regular Election Held; Officers Elected".

1. Communication from the City Manager, submitting a revised resolution to the previously adopted Resolution, R10-35 that amended Section C-10, to include additional language that clarifies that, if approved, this amendment will not take effect until the beginning of the Council term in January of

2012, and recommending that Council approve Resolution R10-46, placing the proposed charter amendment on the November 2, 2010 ballot, for consideration by City of Monroe Voters.

2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that item 192 be added to the Agenda and placed on the floor for discussion.

Ayes: 7 Nays: 0

Motion carried.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that item 192 be accepted, placed on file and the resolution be adopted.

Ayes: 7 Nays: 0

Motion carried.

193 Revision of resolution for ballot proposal for consideration by voters, for amendments to the City Charter section: C-46 "Elective Officers Designated".

1. Communication from the City Manager, submitting a revised resolution to the previously adopted Resolution, R10-36 that amended section C-46, to include additional language that clarifies that, if approved, this amendment will not take effect until the beginning of the Council term in January of 2012, and recommending that Council approve Resolution R10-47, placing the proposed charter amendment on the November 2, 2010 ballot, for consideration by City of Monroe Voters.
2. Supporting documents.
3. Action: Accept, place on file and the resolution be adopted.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that item 193 be added to the Agenda and placed on the floor for discussion.

Ayes: 7 Nays: 0

Motion carried.

Council Member Conner asked what would happen if two of the resolutions passed and one did not.

Thomas Ready, City Attorney explained that because this Charter Section is related to Charter Section 10 & 47, they will either all pass or they will all fail.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that item 193 be accepted, placed on file and the resolution be adopted.

Ayes: 7 Nays: 0

Motion carried.

194 Rescinding of resolutions R10-35, R10-36, R10-37 and R10-39.

1. Communication from the City Manager, submitting previously passed resolutions R10-35, R10-36, R10-37 and R10-39, to amend Sections C-10, C-46, C-47, and to repeal Sections C-325 – C-345 of the City Charter, which have recently had language modifications, and were presented to Council as resolutions R10-46, R10-47, R10-44 and R10-45 respectively, and recommending that, upon the advice of the City Attorney, Council pass a motion to rescind resolutions R10-35, R10-36, R10-37 and R10-39.
2. Supporting documents.
3. Action: Accept, place on file and the recommendation be carried out.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that item 194 be added to the Agenda and placed on the floor for discussion.

Ayes: 7 Nays: 0

Motion carried.

George Brown, City Manager said that he would like to add a fourth resolution to item 194, to be rescinded, R10-39 and explained what each rescinded resolution referred to and when Council passed the resolution.

It was moved by Council Member Molenda and seconded by Council Member Beneteau that all four of the resolutions listed in item 194 be rescinded, and the recommendation be carried out.

Ayes: 7 Nays: 0

Motion carried.

Thomas Ready, City Attorney said that the only item left to discuss was resolution R10-38, Charter Section C-80. He explained the concerns from the Assistant Attorney General and noted that he has had subsequent conversations with him regarding the issues. He read the Home Rule City Act section that relates to the issues.

After discussion it was decided that there would be no action taken on this issue.

Citizens Comments:

Bill Conner, 1883 Stumpmeier Road asked where and how the proposals originated.

Mayor Clark explained that most of the issues started with the City Wide Operational Assessment and some are obsolete, so we are narrowing and focusing down.

Stan Lewinski, 6908 Summerfield Road commented on the complexity of the proposals and expressed concern about public understanding and also commented about the proposals taking away the voters rights.

Manual Hoskins, 633 Washington Street asked if Council has set up work sessions to educate the public about the ballot proposals.

Mayor Clark said that there will be a communication plan on the issues but at this time there is no timeline set up for the sessions. He explained that sometime in September but preferably in October as the election grows closer would be the optimal time.

Adjournment.

It was moved by Council Member Molenda and seconded by Council Member Hensley that the meeting adjourn at 10:27 p.m. until the next Regular Council Meeting, September 7, 2010.

Ayes: 7 Nays: 0

Motion carried.

Charles D. Evans
Clerk-Treasurer

Robert E. Clark
Mayor