

A meeting of the Troy Charter Revision Committee was held October 8, 2009, at City Hall, 500 W. Big Beaver Road. Vice-Chair Bloom called the Meeting to order at 7:30 PM.

ROLL CALL:

PRESENT: Mary Ann Bernardi, Jerry E. Bloom, Shirley Kanoza, Mark Solomon, Cynthia A. Wilsher
ABSENT: Daniel Bliss, William Weisgerber
ALSO PRESENT: City Attorney Lori Grigg Bluhm, City Clerk Tonni Bartholomew, Deputy City Clerk Barbara Pallotta

APPROVAL OF MINUTES: August 13, 2009

Resolution #CR-2009-10-031

Moved by Kanoza

Seconded by Wilsher

RESOLVED, That the Charter Revision Committee Minutes of August 13, 2009 are hereby **APPROVED** as amended.

Yes: Bernardi, Bloom, Kanoza, Solomon, Wilsher

No: None

Absent: Bliss, Weisgerber

MOTION CARRIED

OLD BUSINESS: Rules of Procedure

City Clerk Bartholomew stated the proposed *Rules of Procedure* are a rough draft of potential rules for the Committee, the rules are provided in a format similar to City Council's Rules of Procedure.

Vice-Chair Bloom stated it appears that the committee needs to fill in some numbers and then the rules are pretty close to what he would like to see for committee rules.

Member Wilsher suggested that the evening meetings start at 7:00 PM and afternoon meetings start at 3:00 PM.

Member Kanoza believes if the time is left open meetings can be called when all members can be present.

Member Solomon noted that he has teaching obligations that conflict with meetings held on Thursday.

Vice-Chair Bloom stated the rule was written stating "when possible on Thursday"; meetings do not need to be held on Thursdays.

Discussion continued on the date and time of the meeting.

Member Solomon has trouble with the idea of having meetings whether they need them or not.

Member Kanoza reviewed her initial years on the committee and the workings of the committee, but it doesn't bother her to come only when the Council forwards items for the committee to review.

Member Bernardi would like to take a portion of the Charter at each meeting as a stated assignment. She continued by stating that the Charter has not been touched since some sections were developed fifty years ago. She would like to do some review work. That is why she volunteered. Her goal is to do anything she can to improve the Charter. She understands that means study, that means work and that means putting your nose to the grindstone.

Member Wilsher recalled the committee reviewed the entire Charter just a few years back when there were language changes. She stated if it ain't broke; don't mess with it. It's too much for the citizens to keep voting on changes that this Committee does not have to make.

Member Solomon asked whether there is a stated mission for the Committee. He asked if their mission is to respond to Council needs or is it to recommend changes that the Council has not even shown an interest in.

Member Kanoza replied that is how it has always been. She explained that they are at Council's beck and call.

Vice-Chair Bloom reminded everyone that they are merely an advisory Committee, so he doesn't perceive that their mission is to constantly review the Charter and propose amendments. He does not believe that is how the Committee has functioned during his time here. He asked whether City Attorney Bluhm would like to comment at this time.

City Attorney Bluhm stated under State statute that there are two separate types of organizations. She explained there is a Charter Revision Committee [Commission] and although she knows they are called Charter Revision Committee, their committee is really a Charter Amendment Committee as opposed to a true Charter Revision Committee [Commission]. She continued by stating that a true Charter Revision Committee [Commission] does exactly what Member Bernardi described. She explained that the committee [commission] would go through all of the Charter and determine what needs to be replaced in it. However, she noted that type of committee [commission] is an elected entity. She continued by stating that the City of Detroit's Charter Revision Committee [Commission] is looking at all of these things to see whether or not they want to replace what they have. City Attorney Bluhm has worked for the City of Troy since 1995 and stated that the Charter Revision Committee has always been called on an as needed basis to make recommendations on Charter amendments to Council.

Member Solomon proposes that the proposed Rules of Procedure Item 3. A. be amended in its entirety to read as follows: Meetings of the Charter Revision Committee shall be scheduled by the Clerk on an as needed basis at a time to be determined by the Clerk.

He believes that will be done with an effort to make it as convenient as possible for as many people as possible.

Vice-Chair Bloom asked whether everyone is clear about what he is saying.

Member Bernardi stated that she could go either way on this resolution and anything that the majority decides on this is fine with her. As Member Bernardi recalls at the last meeting, where they had such an enormous amount of work to do, it was urgent to get it done with a very limited time span to do so. She continued by stating that it was difficult to get everybody together because it was summer. She believes this is the number one reason why they decided to try to meet regularly.

Vote on Resolution to Approve Rules of Procedure for the Charter Revision Committee, Item 3. Meetings; A. Calling of Meetings as Amended

Resolution #CR-2009-10-032

Moved by Solomon

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **APPROVES** the proposed *Rules of Procedure for the Charter Revision Committee*, Item 3. MEETINGS; A. CALLING OF MEETINGS as **AMENDED** by **STRIKING** it in its entirety and **INSERTING**: "Meetings of the Charter Revision Committee shall be scheduled by the Clerk on an as needed basis at a time to be determined by the Clerk."

Yes: Bloom, Kanoza, Solomon, Wilsher

No: Bernardi

Absent: Bliss, Weisgerber

MOTION CARRIED

Vice-Chair Bloom asked if there were other amendments to the proposed rules.

Member Solomon referred to Item 1. Appointment of Chair and Vice-Chair and noted that "and Vice-Chair" should be inserted.

Vote on Resolution to Approve Rules of Procedure for the Charter Revision Committee, Item 1. Appointment of Chair and Vice-Chair as Amended

Resolution #CR-2009-10-033

Moved by Solomon

Seconded by Wilsher

RESOLVED, That the Charter Revision Committee hereby **APPROVES** the proposed *Rules of Procedure for the Charter Revision Committee*, Item 1. APPOINTMENT OF CHAIR AND VICE-CHAIR as **AMENDED** by **INSERTING**: "and Vice-Chair" **AFTER** "Chair".

Yes: Kanoza, Solomon, Wilsher, Bernardi, Bloom

No: None

Absent: Bliss, Weisgerber

MOTION CARRIED

Member Solomon referred to Item 8. and proposed that three be inserted in the blank space.

Member Bernardi asked to submit five minutes.

Member Kanoza believes members can get their thoughts out in three minutes and added that if they have a long meeting like they've had every now and then, three minutes should be enough time.

Vice-Chair Bloom noted that Rule 7. allows for a waiver of the time limitation by a simple majority.

Member Bernardi thinks it should be five minutes because this Committee should step up to the plate and really be a deliberative body if there are urgent issues and really take it seriously or not be a committee.

Member Solomon stated that this rule does not preclude someone from speaking more than three minutes but it precludes them from speaking more than three minutes at any one time. He said there would normally be two opportunities to speak three minutes and then the rest of the group has the opportunity to speak for three minutes. The way he reads it is that once everyone is heard, there could be another opportunity to speak.

Vote on Resolution to Approve Rules of Procedure for the Charter Revision Committee, Item 8. Committee Discussion as Amended

Resolution #CR-2009-10-034

Moved by Solomon

Seconded by Wilsher

RESOLVED, That the Charter Revision Committee hereby **APPROVES** the proposed *Rules of Procedure for the Charter Revision Committee*, Item 8. COMMITTEE DISCUSSION as **AMENDED** by **INSERTING**: "three" on the blank line **AFTER** "speak for more than".

Yes: Solomon, Wilsher, Bloom, Kanoza

No: Bernardi

Absent: Bliss, Weisgerber

MOTION CARRIED

Member Solomon stated that he does not believe the committee should use Robert's Rules of Order. He explained to learn and understand Robert's Rules of Order is at least

a complete three credit law school course. He continued by stating that there are so many technicalities in it that it can be used to obfuscate. It can be used to delay. It can be used to get bad results. It can even be used to get results contrary to the wishes of the membership. There are at least six different things that the chair is supposed to do before a vote is called. He believes the Committee should try to operate essentially on a friendly, non-formal basis instead of being confined to rigorous and highly complex rules. He proposes that Rule 6. be deleted in its entirety.

Member Bernardi stated that if they do not have Robert's Rules, then they do need some kind of rules because she doesn't understand how they can ensure that an issue has been fully deliberated. She also doesn't know how they can ensure that there is anything in place where people can weigh in on an issue. She'd like to point out that City Council uses Robert's Rules very effectively. She believes that to take this Committee seriously, they need some rules on how to conduct business. She thinks having no rules would be nothing but anarchy and it will lead to many consequences that were unintended.

Member Kanoza noted that the Rules of Procedure can be waived by a simple majority. She said that they do have Rules of Procedure and they are all listed. However, she explained that they will now have seven rules instead of eight. Member Kanoza believes that the rules clearly describe what they are supposed to be doing in each of their meetings. She does not understand why they have to be so particular and detailed by using Robert's Rules.

Member Wilsher stated that she has been on the Committee for approximately 28 years. She explained that they have conducted business in a friendly manner and have always taken things extremely seriously. She believes that the Committee feels free enough to talk to each other in a reasonable manner and they seem to come up with what is needed and asked for by the Council without being so rigid.

Vice-Chair Bloom stated that every organization he is familiar with utilizes Rules of Order. He believes it is a good idea because Robert's Rules codifies exactly what rules of order are. He continued by stating that every organization that he has belonged to and has served, without exception, ignores Robert's Rules until they need to invoke them in order to create or reduce anarchy to bring something to a vote. It is Vice-Chair Bloom's observation that Robert's Rules have been invoked when, and only when, they were required to bring order to a situation.

Vote on Resolution to Delete *Rules of Procedure for the Charter Revision Committee*, Item 6. Rules of Order and Emend Items 7. Suspend Rules and 8. Committee Discussion

Resolution #CR-2009-10-035
Moved by Solomon
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **DELETES** the proposed *Rules of Procedure for the Charter Revision Committee*, Item 6. RULES OF ORDER and **EMENDS** Items 7. SUSPEND RULES and 8. COMMITTEE DISCUSSION.

Yes: Wilsher, Kanoza, Solomon
No: Bernardi, Bloom
Absent: Bliss, Weisgerber

MOTION CARRIED

Proposed Resolution to Approve Rules of Procedure for the Charter Revision Committee, Emended Item 7. Suspend Rules

Resolution
Moved by Solomon
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **APPROVES** the proposed *Rules of Procedure for the Charter Revision Committee*, emended Item 7. **SUSPEND RULES** as **AMENDED** by **STRIKING** "a simple majority" and **INSERTING** "the Chair of the meeting."

Member Kanoza indicated her only problem is that she thinks they are eliminating the majority from having the opportunity to suspend or waive the rules. Member Kanoza does not believe that one person should have that much control or power.

Member Solomon said he has no problem with Member Kanoza's suggestion and he thinks he was thinking about some particular rule where there is a good reason for it instead of having to go through a formal vote to waive that particular rule.

Member Kanoza noted that is not what his motion is saying.

Member Solomon replied that is what he is trying to get to and perhaps he should have said, "A rule of procedure may be waived either by a majority or the Chair."

Vice-Chair Bloom explained that he is uncomfortable with the Chair having that much power and the ability to control the process. He believes if they are going to change how they do things, it should be by a majority of the Committee.

Member Bernardi has serious concerns about what has just happened and asked what a member should do when they have serious concerns. She asked for a procedure to report really serious concerns about this Committee.

City Attorney Lori Bluhm responded that this Committee adopts rules of procedure for conducting their meetings. City Attorney Bluhm continued by stating that the proposed rules allow for all of the members to have discussion and an opportunity to be heard.

Vote on Resolution to Amend Proposed Resolution to Approve Rules of Procedure for the Charter Revision Committee, Emended Item 7. Suspend Rules

Resolution #CR-2009-10-036
Moved by Solomon

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **AMENDS** the proposed resolution *Rules of Procedure for the Charter Revision Committee*, emended Item 7. SUSPEND RULES by **STRIKING** "The rules" and **INSERTING** "A rule" and **INSERTING** "by either a simple majority or" **BEFORE** "by the Chair of the meeting."

Yes: Kanoza, Solomon, Wilsher

No: Bernardi, Bloom

Absent: Bliss, Weisgerber

MOTION CARRIED

Vote on Main Resolution to Approve Rules of Procedure for the Charter Revision Committee, Emended Item 7. Suspend Rules as Amended

Resolution #CR-2009-10-037

Moved by Solomon

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **APPROVES** the proposed *Rules of Procedure for the Charter Revision Committee*, emended Item 7. SUSPEND RULES as **AMENDED** to read "A Rule of Procedure may be waived by either a simple majority or by the Chair of the meeting."

Yes: Bloom, Kanoza, Solomon, Wilsher

No: Bernardi

Absent: Bliss, Weisgerber

MOTION CARRIED

Member Solomon moves that they adopt the Rules of Procedure as amended.

Vice-Chair Bloom indicated that he would like to reinstitute Item 6 and renumber Items 6 and 7 to be 7 and 8.

Vote on Resolution to Reinstate Rules of Procedure for the Charter Revision Committee, Deleted Item. 6. Rules of Order, and Emended Items 7. Suspend Rules and 8. Committee Discussions

Resolution #CR-2009-10-038

Moved by Bloom

Seconded by Bernardi

RESOLVED, That the Charter Revision Committee hereby **REINSTATES** the *Rules of Procedure for the Charter Revision Committee*, deleted Item 6. RULES OF ORDER, and emended Items 7. SUSPEND RULES and 8. COMMITTEE DISCUSSIONS.

Yes: Bernardi, Bloom
No: Kanoza, Solomon, Wilsher
Absent: Bliss, Weisgerber

MOTION FAILED

Vice-Chair Bloom indicated that there are blank lines in Item 5 and assumes numbers should be inserted. He said that it should read "shall not speak more than once nor longer than five minutes on any item, unless so permitted by the Chair". Vice-Chair Bloom decided that he would like to make it three minutes.

Member Solomon restated "on any item".

Vice-Chair Bloom stated, "shall not speak more than once nor longer than three minutes on any item, unless so permitted by the Chair."

Vote on Resolution to Approve Rules of Procedure for the Charter Revision Committee, Item 5. Public Comment as Amended

Resolution #CR-2009-10-039
Moved by Bloom
Seconded by Solomon

RESOLVED, That the Charter Revision Committee hereby **APPROVES** the proposed *Rules of Procedure for the Charter Revision Committee, Item 5. PUBLIC COMMENT as AMENDED* by **INSERTING**: "once" on the blank line **AFTER** "not more than" and "three" on the blank line **AFTER** "nor longer than" in the first bullet point sentence.

Yes: Solomon, Wilsher, Bloom, Kanoza
No: Bernardi
Absent: Bliss, Weisgerber

MOTION CARRIED

Member Wilsher asked if public comment is limited under B. f) Public Comment, "Limited to Items Not on the Agenda in accordance with the Rules of Procedure of the Charter Revision Committee, Article 5. Public Comment" or do they need to do something additional?

Vice-Chair Bloom stated that this Public Comment is directed at items not on the agenda and items on the agenda are covered under Item 4. Regular Business. He added that they did not make any such restrictions, but it is obviously controlled by the Chair.

Member Bernardi asked why Public Comment is under Item 4. Regular Business stating that "the Committee shall not interrupt or debate with members of the public during their comments."

Vice-Chair Bloom explained Item 4. addresses business items, either proposed Charter amendments or New Business under d) and e) of Item 3.B. He further explained that Item 4. provides Public Rules of Conduct. He stated that Item 5. is for public to comment on items that are not regular business items. Vice-Chair Bloom suggested the number be indicated as five individuals.

Member Bernardi would like at least fifteen. Member Bernardi reasoned that because there is never any public present and if then a lot of members of the public are present, that would mean there is an interest.

Vote on Resolution to Approve Rules of Procedure for the Charter Revision Committee, Item 5. Public Comment as Amended

Resolution #CR-2009-10-040

Moved by Bloom

Seconded by Solomon

RESOLVED, That the Charter Revision Committee hereby **APPROVES** the proposed *Rules of Procedure for the Charter Revision Committee*, Item 5. PUBLIC COMMENT as **AMENDED** by **INSERTING**: "15" on the blank line **AFTER** "limited when there are" in the second bullet point sentence.

Yes: Wilsher, Bernardi, Bloom, Kanoza, Solomon

No: None

Absent: Bliss, Weisgerber

MOTION CARRIED

Vice-Chair Bloom asked if there are any additional amendments.

Hearing none, Member Solomon made a motion to approve the Rules of Procedure as amended; Member Wilsher seconded the motion.

Vote on Resolution to Approve Rules of Procedure for the Charter Revision Committee as Amended

Resolution #CR-2009-10-041

Moved by Solomon

Seconded by Wilsher

RESOLVED, That the Charter Revision Committee hereby **APPROVES** the proposed *Rules of Procedure for the Charter Revision Committee* as amended.

Yes: Bloom, Kanoza, Solomon, Wilsher

No: Bernardi

Absent: Bliss, Weisgerber

MOTION CARRIED

NEW BUSINESS: Future of Procedure

Vice-Chair Bloom stated that the future meetings are scheduled for November 12th and December 10th, 2009.

Vice-Chair Bloom noted given the discussion that they just had and the new rules which includes a consensus on the Call of the Meetings, that these dates should be proposed in the event that City Council refers something to the Committee. He also suggested that they include the word "tentative" based on the call of the Council and the needs and timing of the Council.

Vice-Chair Bloom noted that there is no requirement to have a vote of this Committee for the proposed millage increase.

City Clerk Bartholomew noted that there is no Charter amendment needed if the millage question is under 1.9 mills. However, if the millage question is for 1.9001 or more mills, there will be a Charter amendment needed.

City Attorney Bluhm clarified that nothing has been determined at this point in time. She said there is discussion about having a February election, but that has not been decided in any way, shape or form.

Vice-Chair Bloom recalled that the choice of Thursday was entirely arbitrary and capricious. He stated if Member Solomon had been present during the discussions, he is certain they would have picked a day other than Thursday.

Several members questioned why the future meeting dates, under Agenda Item 5, was being discussed if it was decided to schedule meetings as needed.

City Clerk Bartholomew explained this agenda item predates the rule they just passed by the committee. It was the consensus of the committee to eliminate Agenda Item 5 as the adopted Rules have established a procedure for calling the committee's meetings.

City Clerk Bartholomew stated that the Committee has an existing motion on the table. She explained the motion is to set tentative future meetings dates.

Vote on Resolution to Set Future Meetings

Resolution #CR-2009-10-042

Moved by Bloom

Seconded by Solomon

RESOLVED, That the Charter Revision Committee hereby **SETS** tentative future meetings on November 12, 2009 10:30 AM and December 10, 2009 7:30 PM based on the need and the will of City Council.

Yes: None

No: Bloom, Kanoza, Solomon, Wilsher, Bernardi

Absent: Bliss, Weisgerber

MOTION FAILED

Vice-Chair Bloom stated that there is a consensus of Charter Revision Committee members present that the Committee would like to be silent on future meetings. He added that it will be up to the City Clerk to get a quorum for meetings.

Member Bernard stated she had e-mailed some questions to the City Clerk and asked the Clerk to share her findings with the Committee. The City Clerk provided Member Bernardi with written responses. Member Bernardi reviewed her questions with the committee.

- "Was the Charter Committee ever a "Board?" She explained the allegation before Council was that they were a board and now they're a committee and somehow that was deemed by her as being a very evil thing. She stated the response from the Clerk is "No, Minutes from the first meeting of the Committee is provided."
- "Did our Committee ever vote against the Tax Cap Charter Amendment?" She stated the response was, "No vote against is recorded." Member Bernardi indicated that the Clerk also provided copies of the meeting notes.
- "Was there any other member in the Charter Revision Committee besides Cynthia who requested to have meetings in the evening?" Member Bernardi stated the answer from the Clerk is, "Phone surveys prior to meetings do not recall outcomes of every survey and there is no documentation of that." Member Bernardi recalled that they went around the table at their last meeting with all the people who were present in that meeting and she did not hear one person say that they wanted evening meetings. Member Bernardi stated that everyone said that they would do what they could to accommodate Cynthia and be available day or evening. She recalled that everyone who attended that particular meeting preferred days.
- "Did any of the new Charter Committee members require extensive explanations such that they would be deemed unqualified to have been nominated to serve on the Committee?" Member Bernardi stated that the response from the Clerk was, "Unknown, there is no reference in documentation."
- "Has the Charter Committee been downgraded in any way over the years?" Member Bernardi stated that the answer is, "No records to a downgrading in documentation."
- "Is it appropriate for Committee members to air their grievances with the Committee, or with members on the Committee, at City Council meetings without ever having discussed the issues in the Committee to attempt to resolve them?" Member Bernardi stated there is no documentation supporting this question.

Member Bernardi feels that all of the allegations and assaults in front of City Council should go to this Committee and that should not occur again.

Member Wilsher stated the Committee was known as a board. She continued by stating that the minutes may not show that, but all of the groups were boards and she did not make that up. As far as the tax cap, Member Wilsher indicated that she never said that the Committee discussed it. She explained that it was her personal opinion.

Member Bernardi noted that Member Wilsher said "we voted against it".

Member Bernardi stated that Member Wilsher made the case that the Committee should meet in the evening.

Member Wilsher recalled that she mentioned that evening meetings were a tradition and the reason she brought that up was so the people in the city would not have to take time off. She believes that Member Bernardi did not listen to the whole statement.

Member Bernardi agreed that Member Wilsher mentioned the public, but she also mentioned the Committee as well. Member Bernardi stated Member Wilsher was the only member who wanted to hold evening meetings.

Vice-Chair Bloom asked for a motion to adjourn.

PUBLIC COMMENT: No public present.

ADJOURNMENT:

Resolution #CR-2009-10-043

Moved by Solomon

Seconded by Wilsher

RESOLVED, That the Charter Revision Committee hereby **ADJOURNS** the meeting of October 8, 2009.

Yes: All-5

No: None

Absent: Bliss, Weisgerber

The meeting **ADJOURNED** at 9:17 PM.

Jerry E. Bloom, Vice-Chair

Tonni L. Bartholomew, City Clerk