



## CITY of NOVI CITY COUNCIL

**Agenda Item 4**  
**April 22, 2014**

**SUBJECT:** Consideration to approve "Resolution Authorizing Submission of Charter Amendment Ballot Proposals to Electors," submitting a ballot proposal regarding Mayor and Councilmember compensation to the voters at the August 5, 2014 election, pursuant to recommendation from the *Ad Hoc* Charter Review Committee.

**SUBMITTING DEPARTMENT:** City Manager's Office

**CITY MANAGER APPROVAL:** 

### **BACKGROUND INFORMATION:**

The Charter Review Committee was established by the City Council by resolution at the March 11, 2013 City Council meeting. The Committee was formed on an *ad hoc* basis to review the current City Charter and identify any language that needs to be revised, updated, or changed. The current Charter, first adopted in 1969, has not been formally reviewed since a revision was approved by the voters in 1977. The charge to the Committee was to evaluate the existing language to determine if changes are needed to make outdated and restrictive language more flexible, fluid, and streamlined and to comply with statutory changes at the state-level.

The committee established their timeline at the first meeting, on March 26, 2013, and then met six times between March and May of 2013 to go through the Charter section-by-section to determine necessary changes. At each meeting the Committee was provided packet information on at least two Charter sections from staff and each member was given the opportunity discuss their ideas for updating those sections. After a discussion took place on each section, the Committee decided whether or not to include the potential amendment in the list of topics to be revisited at a later date. All meetings were open to the public. In an effort to be open and transparent, after each meeting the City of Novi posts all minutes and agenda items for the Charter Review Committee at <http://www.cityofnovi.org/Government/CharterReviewCommittee.asp>.

After reviewing the entire Charter, the Committee at its April 30, 2013 meeting identified a number of areas that could be potentially updated or changed. At its May 14, 2013 meeting the Committee recommended 5 ballot questions for submission to the voters, and all five were placed on the November 5, 2103 ballot. Three of the five questions passed.

Following the election, the City Council on January 21, 2014, determined to add two new members to the Committee, Doreen Poupard and Tom Marcus, both Novi residents. The Committee, with those additional voices, reconvened on March 10, 2014 and thereafter met and reviewed the work and priorities of the Committee as previously discussed.

On April 17, 2014 the Committee recommended that Council place a single question on the ballot for August 4, 2014, relating to compensation for the Mayor and Councilmembers. A copy of the resolution adopted by the Committee includes the specific proposed ballot language and is attached. The language of the proposed ballot question has been *informally* reviewed by the Attorney General's

office, which had no objection. As a reminder, ballot questions by state law must be 100 words or less and, in neutral language, address the specific language changes being proposed.

If the City Council approves that recommendation proposed by the Committee, the Council should adopt its own formal resolution to place the question on the ballot, a copy of which is also attached. Under the Home Rule Cities Act of 1909, in order for the ballot questions to be placed on the November ballot, City Council must approve the resolution by a 3/5<sup>th</sup> majority vote. Following City Council approval of the ballot language, the question must be *formally* submitted to the Attorney General's Office and to the Governor's Office for approval.

**RECOMMENDED ACTION:** Approval of "Resolution Authorizing Submission of Charter Amendment Ballot Proposals to Electors," submitting a ballot proposal relating to Mayor and Councilmember compensation to the voters at the August 5, 2014 election, pursuant to recommendation from the *Ad Hoc* Charter Review Committee.

	1	2	Y	N
<b>Mayor Gatt</b>				
<b>Mayor Pro Tem Staudt</b>				
<b>Council Member Casey</b>				
<b>Council Member Fischer</b>				

	1	2	Y	N
<b>Council Member Markham</b>				
<b>Council Member Mutch</b>				
<b>Council Member Wrobel</b>				

**CITY OF NOVI**

**OAKLAND COUNTY, MICHIGAN**

**RESOLUTION RECOMMENDING SUBMISSION OF CHARTER AMENDMENT  
BALLOT PROPOSALS TO ELECTORS**

At a meeting of the Charter Review Committee of the City of Novi, Oakland County, Michigan, held on the 17<sup>th</sup> day of April, 2014, at the City Hall, 45175 Ten Mile Road, Novi, Michigan 48375-3024.

PRESENT: Mayor Gatt, Council Member Casey, Council Member Wrobel, Interim City Manager Cardenas, City Clerk Cornelius, David Landry, Fil Superfisky, Doreen Poupard.

ABSENT: Tom Marcus

The following resolution was offered by David Landry and seconded by Fil Superfisky.

**WHEREAS**, the City of Novi Charter was initially drafted in 1969 and subsequently revised in 1977; and

**WHEREAS**, the compensation provisions in the Charter for the offices of Mayor and City Council Member, found at Sections 4.4 and 4.5 of the Charter, have not been amended since originally established in 1969; and

**WHEREAS**, those provisions currently call for the Mayor to receive \$20.00 per Council meeting and a Council Member to receive \$15.00 per Council meeting; and

**WHEREAS**, according to the website [www.usinflationcalculator.com](http://www.usinflationcalculator.com), the cost of living has increased some 600% or more since 1969; and

**WHEREAS**, the Committee finds that the duties of the position of Councilmember and Mayor have also increased substantially, given the significant increase in development throughout the community, the rise in population, the greater complexity of the technology involved in the administration of the City, and the expansion of the sheer number of issues facing the substantially more urban and diverse community in 2014; and

**WHEREAS**, the Mayor and Councilmembers now spend a significant amount of time on City-related business outside of scheduled City Council meetings, including review of voluminous documents and materials in preparation for those meetings; attendance at other meetings (Committees, Commissions, and outside agencies); and attendance at other community events throughout the year; and

**WHEREAS**, a survey of the compensation provided to Councilmembers and mayors in surrounding and similar communities reveals that the compensation established in 1969 has not kept pace with those communities and the increased demands of the offices.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Charter Review Committee of the City of Novi City Council as follows:

1. That the following proposition shall be submitted to the electors of the City at a special/primary election to be held in the City of Novi on August 5, 2014:

**Charter Amendment Proposal 1**

Shall Sections 4.4 and 4.5 of the Novi City Charter, which currently provide that the Mayor and Councilmembers are paid on a per meeting basis, be changed to provide that a Councilperson will be paid \$4,500 per year and that the Mayor will be paid \$6,500 per year, effective upon adoption of this amendment, with a corresponding deletion of the provision in Section 5.7 of the Charter stating that the salary of an elected official shall not be changed from the day the official is elected until the end of the official's term of office?

2. That upon adoption of the proposed amendment, the affected provisions of the City Charter would read as follows:

\*\*\*

**Section 4.4. - Legislative body.**

The Council shall constitute the legislative and governing body of the City possessing all the powers herein provided for, with power and authority to pass such ordinances and adopt such resolutions as they shall deem proper in order to exercise any or all of the powers possessed by the City. The Mayor shall have a voice and vote in the proceedings of the Council equal with that of the other members of the Council but shall have no veto power. The Mayor shall be the presiding officer of the Council.

- (a) *Limitations of Council.* The Council shall deal with City officers and employees solely through the City Manager, and no individual member thereof shall give orders to any subordinate of the City Manager either publicly or privately. No member of the Council shall direct or request: (1) the appointment of any person to, or the removal of any person from, any employment or office for which the City Manager is responsible; nor (2) the purchase of any specific materials, supplies, or equipment except at public meetings. It is not the intention of this provision to prevent frank discussion of the business of the City between the City Manager and the Council or any member of the Council at any time but to prevent the personal favoritism or prejudice of any member of the Council from hampering the administration of the City government as set forth in this Charter.

- (b) *Investigative Powers of Council.* The Council or any person or committee authorized by it for that purpose, shall have power to inquire into the conduct of any department and to make investigations as to municipal affairs and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure on the part of any officer of the City to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this Section shall constitute misconduct in office. If such failure shall be on the part of any employee of the City, the same shall constitute a misdemeanor, punishable in the manner provided by statute in such cases.
- (c) *Compensation of Council.* Each Councilmember shall be paid for his or her services the sum of ~~Fifteen (\$15) Dollars per meeting of the Council personally attended~~ \$4,500 per year. Such compensation shall be paid in monthly installments. A Councilmember shall receive no further compensation for his or her official duties or any other purpose, except reasonable expenses as may be allowed by the Council when such expenses are actually incurred on behalf of the City, upon proper documentation thereof being furnished in such form and manner as the Council shall prescribe for all City employees seeking reimbursement of expenses.

#### **Section 4.5. - The Mayor.**

\*\*\*

The Mayor shall be presiding officer and chief executive officer of the City and shall perform such other duties as are, or may be, imposed or authorized by the laws of the State or this Charter. The Mayor shall execute or authenticate by his or her signature such instruments as the Council, this Charter or any statute of the State of Michigan or law of the United States shall require. The Mayor shall be the conservator of the peace and may in emergencies exercise within the City the powers conferred upon sheriffs to suppress riot and disorder and shall have the authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the City and to suppress riot and disorder. In times of public danger or, emergency, the Mayor may, with consent of the Council, take command of the police and such other departments and subordinates of the City as may be deemed necessary by the Council to maintain order and, enforce laws.

- (a) *Mayor Pro Tem.* The Mayor shall, at the first regular meeting of the Council after the election of the Mayor, appoint another member of the Council to serve as Mayor Pro Tem: who, during the absence or inability of the Mayor to perform the duties of that office, shall act in the name and

stead of the Mayor and shall, during the time of such absence or inability, exercise all the duties and possess all the powers of the Mayor.

- (b) *Compensation of Mayor and Mayor Pro Tem.* The Mayor, and the Mayor Pro Tem when acting as Mayor shall receive compensation of ~~Twenty (\$20) Dollars per meeting for each Council meeting personally attended and over which the Mayor or Mayor Pro Tem shall preside~~ \$6,500 per year. Such compensation shall be paid in monthly installments. The Mayor or Mayor Pro Tem while serving as Mayor shall receive no further compensation for undertaking the official duties of that office or any other purpose. Reasonable expenses may be allowed by the Council when such expenses are actually incurred on behalf of the city, upon proper documentation thereof being furnished in such form and manner as the Council shall prescribe for all City employees seeking reimbursement of expenses.

**Section 5.7. - No change in term of office ~~or compensation.~~**

Except by procedures provided in this Charter, the terms of Mayor, Councilperson, and members of boards or commissions appointed for a definite term shall not be shortened or extended beyond the period for which the officer was elected or appointed; except that such officer shall continue to hold office until the officer's successor is elected or appointed and has qualified. ~~The salary of any elective officer shall not be changed from the day he is elected until the end of the term of office for which he was elected.~~

AYES: Mayor Gatt, Council Member Casey, Council Member Wrobel, Interim City Manager Cardenas, City Clerk Cornelius, David Landry, Fil Superfisky, Doreen Poupard.

NAYS: None

ABSENT: Tom Marcus

ABSTENTIONS: None

The resolution was adopted.

STATE OF MICHIGAN )

)ss

COUNTY OF OAKLAND )

I, Maryanne Cornelius, the duly-qualified Clerk of the City of Novi, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the Charter Review Committee of the City of Novi at a duly-called meeting held on April 17, 2014, a copy of which is on file in my office.



MARYANNE CORNELIUS  
Clerk, City of Novi

This Resolution was signed and acknowledged before me on April 17, 2014, by Maryanne Cornelius, the duly-authorized Clerk for the City of Novi, a Michigan municipal corporation.

CORTNEY HANSON  
NOTARY PUBLIC, STATE OF MI  
COUNTY OF OAKLAND  
MY COMMISSION EXPIRES Mar 25, 2020  
ACTING IN COUNTY OF *oakland*

*Cortney Hanson*  
Notary Public  
Oakland County, Michigan  
Acting in Oakland County, Michigan  
My Commission Expires: *03/25/2020*

F:\WPDOC\\_MUNICIPAL\_NON-MMRMA\Novi\TRS\City Council\Resolution-amendment re meeting compensation.docx

CITY OF NOVI

OAKLAND COUNTY, MICHIGAN

**RESOLUTION AUTHORIZING SUBMISSION OF CHARTER AMENDMENT  
BALLOT PROPOSALS TO ELECTORS**

At a meeting of the City Council of the City of Novi, Oakland County, Michigan, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2014, at the City Hall, 45175 West Ten Mile Road, Novi, Michigan 48375-3024.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_:

**WHEREAS**, pursuant to Act No. 279, of the Public Acts of Michigan, of 1909, as amended, The Home Rule Cities Act, an amendment to the City Charter may be proposed by the legislative body of the City on three fifths (3/5) vote of the seated members; and

**WHEREAS**, the City Council has determined that it is appropriate to submit Charter Amendments to the electors of the City at an election to be held on August 5, 2014.

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the City of Novi City Council as follows:

1. That the following proposition shall be submitted to the electors of the City at the election to be held in the City of Novi on August 5, 2014:

**Charter Amendment Proposal 1**

Shall Sections 4.4 and 4.5 of the Novi City Charter, which currently provide that the Mayor and Councilmembers are paid on a per meeting basis, be changed to provide that a Councilperson will be paid \$4,500 per year and that the Mayor will be paid \$6,500 per year, effective upon adoption of this amendment, with a corresponding deletion of the provision in Section 5.7 of the Charter stating that the salary of an elected official shall not be changed from the day the official is elected until the end of the official's term of office?

2. That upon adoption of the proposed amendment, the affected provisions of the City Charter would read as follows:

\*\*\*



#### Section 4.4. - Legislative body.

The Council shall constitute the legislative and governing body of the City possessing all the powers herein provided for, with power and authority to pass such ordinances and adopt such resolutions as they shall deem proper in order to exercise any or all of the powers possessed by the City. The Mayor shall have a voice and vote in the proceedings of the Council equal with that of the other members of the Council but shall have no veto power. The Mayor shall be the presiding officer of the Council.

- (a) *Limitations of Council.* The Council shall deal with City officers and employees solely through the City Manager, and no individual member thereof shall give orders to any subordinate of the City Manager either publicly or privately. No member of the Council shall direct or request: (1) the appointment of any person to, or the removal of any person from, any employment or office for which the City Manager is responsible; nor (2) the purchase of any specific materials, supplies, or equipment except at public meetings. It is not the intention of this provision to prevent frank discussion of the business of the City between the City Manager and the Council or any member of the Council at any time but to prevent the personal favoritism or prejudice of any member of the Council from hampering the administration of the City government as set forth in this Charter.
- (b) *Investigative Powers of Council.* The Council or any person or committee authorized by it for that purpose, shall have power to inquire into the conduct of any department and to make investigations as to municipal affairs and for that purpose may subpoena witnesses, administer oaths, and compel the production of books, papers and other evidence. Failure on the part of any officer of the City to obey such subpoena or to produce books, papers or other evidence as ordered under the provisions of this Section shall constitute misconduct in office. If such failure shall be on the part of any employee of the City, the same shall constitute a misdemeanor, punishable in the manner provided by statute in such cases.
- (c) *Compensation of Council.* Each Councilmember shall be paid for his or her services the sum of ~~Fifteen (\$15) Dollars per meeting of the Council personally attended~~ \$4,500 per year. Such compensation shall be paid in monthly installments. A Councilmember shall receive no further compensation for his or her official duties or any other purpose, except reasonable expenses as may be allowed by the Council when such expenses are actually incurred on behalf of the City, upon proper documentation thereof being furnished in such form and manner as the

Council shall prescribe for all City employees seeking reimbursement of expenses.

#### **Section 4.5. - The Mayor.**

\*\*\*

The Mayor shall be presiding officer and chief executive officer of the City and shall perform such other duties as are, or may be, imposed or authorized by the laws of the State or this Charter. The Mayor shall execute or authenticate by his or her signature such instruments as the Council, this Charter or any statute of the State of Michigan or law of the United States shall require. The Mayor shall be the conservator of the peace and may in emergencies exercise within the City the powers conferred upon sheriffs to suppress riot and disorder and shall have the authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances of the City and to suppress riot and disorder. In times of public danger or, emergency, the Mayor may, with consent of the Council, take command of the police and such other departments and subordinates of the City as may be deemed necessary by the Council to maintain order and, enforce laws.

- (a) *Mayor Pro Tem.* The Mayor shall, at the first regular meeting of the Council after the election of the Mayor, appoint another member of the Council to serve as Mayor Pro Tem: who, during the absence or inability of the Mayor to perform the duties of that office, shall act in the name and stead of the Mayor and shall, during the time of such absence or inability, exercise all the duties and possess all the powers of the Mayor.
- (b) *Compensation of Mayor and Mayor Pro Tem.* The Mayor, and the Mayor Pro Tem when acting as Mayor shall receive compensation of ~~Twenty (\$20) Dollars per meeting for each Council meeting personally attended and over which the Mayor or Mayor Pro Tem shall preside~~ \$6,500 per meeting. Such compensation shall be paid in monthly installments. The Mayor or Mayor Pro Tem while serving as Mayor shall receive no further compensation for undertaking the official duties of that office or any other purpose. Reasonable expenses may be allowed by the Council when such expenses are actually incurred on behalf of the city, upon proper documentation thereof being furnished in such form and manner as the Council shall prescribe for all City employees seeking reimbursement of expenses.

#### **Section 5.7. - No change in term of office ~~or compensation.~~**

Except by procedures provided in this Charter, the terms of Mayor, Councilperson, and members of boards or commissions appointed for a definite term shall not be shortened or extended

