



## LEAGUE OF WOMEN VOTERS OF THE FLINT AREA

### Review of the Flint City Charter

Several events within city government in 2008, led to a review of the City Charter by the League of Women Voters of the Flint Area (LWVFA).

There were no preconceived or predetermined results or course of action. The review was limited to the concerns which had been expressed. It was not to be a detailed examination of the Charter.

The LWV can take action when a study has taken place and a position developed. The position regarding the City Charter was developed in the early '70s, updated in 1995. The position is as follows:

FLINT CITY CHARTER: Support of Charter with the following standards:

- A. Support a strong mayor elected on a non-partisan basis.
- B. Support non-partisan election of council persons.
- C. Support a direct line of responsibility and accountability to be clearly established for all departments, agencies, boards, and commissions for the function of city government.
- D. Support a responsible and accountable financial structure under the jurisdiction of the executive.
- E. Support City Council power to override a mayoral veto by 2/3 vote.
- F. Support a personnel system under the jurisdiction and responsible to the executive with policies consistent with sound personnel procedures, which allows for a grievance commission responsible for employee appeals and accountable to City Council.

The concerns included:

- adoption of the budget,
- Mayor's intransigence,
- lack of civility and respect of Mayor and Council,
- litigation brought by vendors, employees, citizens,
- role of the City Attorney,
- legal representation for City Council and city employees,
- interim appointment of Police Chief,
- operation of Civil Service Commission,
- role of City Clerk.

The League decided to look to the Charter for answers.

The committee which was to review the Charter decided to meet with several persons involved in the drafting of the Charter as well as those charged with implementing the Charter. All respondents were asked two questions:

Has the revised Charter been effective?

Do you think there should be any changes in the Charter?

From the Charter Revision Committee were Dr. Peter Gluck, researcher; Thomas Donnellan, attorney; Carl Bekofske, chairman; Joe Conroy and John West, Jr., members. Mr. Bekofske was on the first council following adoption of the revised Charter. He also served as City Attorney. Joe Conroy had perspective as a member of the Charter Revision Committee and member of a Mayor's Administrative Team.

Other participants were City Attorneys William H. Crawford II, Michael Joliat and Olof Karlstrom; Rick Crannie and Doris Petross Buckner of the Civil Service Commission; James Ananich, president, Ehren Gonzales and Scott Kincaid, City Council; Josh Freeman, former City Council member; Tony Morolla, former Civil Service Commission Chair and the first Personnel Director; Inez Brown, City Clerk; and Angela Watkins, Acting City Attorney.

Unfortunately, the committee was unable to connect with Darryl Buchanan. He had been City Administrator, member and President of City Council and Ombudsman. Trechelle Young, City Attorney, was scheduled to meet with the committee. Unfortunately, that meeting did not take place.

The majority of the consultants believed the Charter needs only to be tweaked (amended). Some believed there should be total revision. Dr. Gluck believed the Charter should be overhauled . . . . .

The current Charter could be rewritten, reduced to less than seventeen pages.

Function of the Charter is to be flexible and enabling.

Present Charter is overly restrictive and disabling.

A citizen should be able to pick up the Charter, read and understand it.

The prior city attorneys were in agreement that the Charter is clear that all legal personnel are to be retained by the City Attorney. They were emphatic that the City Attorney represents the City, not the Mayor not City Council. Departments

and executives needing legal representation often chose an attorney with the required expertise from two or more suggested by the City Attorney.

The budget was usually adopted, sometimes with contentions resolved later.

Some issues not addressed in the current Charter are:

- 1) Guidelines for employment of an interim department head or official;
- 2) Remedy for failure to appoint members of a Board or Commission, thereby rendering the body ineffective;
- 3) Procedure to resolve intransigence when alternative action is available.

The Charter is available through the [American Legal Publishing Online Library](http://www.amlegal.com), although the amendments may not be there. [www.amlegal.com](http://www.amlegal.com)

The committee undertook a limited review of the Charter based on questions about certain activities of the Mayor and City Council mentioned in news items. The conclusions cited below are summary statements based on statements from the consultants.

#### Conclusions

1. Reduce the number of mayoral appointees. There can be 21.  
The Mayor is charged with appointing –
  - a) City Administrator
  - b) Executives responsible for budget, personnel, legal counsel and administrative services – not to exceed 10
  - c) Executive Departments to administer responsibilities for Public Safety, Public Works, Utilities, Parks and Recreation, Transportation, Finance, Community Development, and Environmental Protection – not to exceed 10
  - d) Should Council approve appointments?
2. Reduce the number of wards  
Loss of population, businesses and loss of tax base
3. Establish guidelines for interim appointments  
90 day term advocated
4. Eliminate office of Ombudsman
  - a) The effectiveness of this office was severely compromised due to a 7-year span of inactivity
  - b) Replace with Police Commission or Citizens Advisory Board
  - c) What about non-police complaints?
  - d) Combine with Standards of Conduct Board

5. Establish a process to assure fiduciary responsibility
6. Combine departments, e.g., Budget and Finance, Public Safety (police and fire), etc.
7. Establish, maintain (update) Master Plan
8. Revisit strong mayor vs. city manager
  - Assure professional personnel
9. Revisit election (selection) of Council members and Mayor
  - Election cycle:
    - Mayor - presidential year;
    - Council - gubernatorial year; staggered terms
    - Wards: at large elections or combination
10. Revise section regarding City Clerk
  - Role and responsibilities
11. Revisit (clarify) responsibilities of City Attorney
  - Guidelines for representation
12. Retain Civil Service Commission
  - Appeal process for non-union employees
13. Review City Charter periodically
  - Ten year intervals
  - (Model review after legislative review of state Constitution)
14. Direct correlation between character and performance of officials
15. Implementation of Charter is responsibility of the citizenry

The citizens have the responsibility, ultimately, for city governance. The committee would recommend to them that –

City Council review, periodically, the Charter and make any changes which seem advisable; and that

A Master Plan for the City be maintained.

Respectfully submitted,

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