

FARMINGTON CITY COUNCIL
SPECIAL MEETING
April 7, 2008

A special meeting of the Farmington City Council was held on Monday, April 7, 2008, in Council Chambers, 23600 Liberty Street, Farmington, Michigan. Notice of the meeting was posted in compliance with Public Act 267-1976.

The meeting was called to order at 7:00 p.m. by Mayor Knol.

COUNCIL MEMBERS PRESENT: Buck, Knol, Wiggins, Wright.

COUNCIL MEMBERS ABSENT: McShane.

CITY ADMINISTRATION: City Clerk Halberstadt, City Manager Pastue, Attorney Schultz (left at 8:00 p.m.).

APPROVAL OF AGENDA

04-08-055 MOTION by Wright, seconded by Wiggins, to approve the agenda as submitted. MOTION CARRIED UNANIMOUSLY.

MEETING WITH CHARTER REVIEW COMMITTEE

Present: Arnie Campbell, Chairman, Jim Mitchell and City Attorney Schultz

Discussion Regarding Recommended Charter Revisions

Chairman Campbell reviewed the process used by the committee to evaluate the charter and determine where updates and revisions needed to be made. He stated the committee separated the charter into three categories: (A) sections requiring major and significant changes; (B) sections requiring important changes; and (C) sections requiring some cleanup. He discussed the committee's approach to communicating proposed amendments to residents.

Campbell stated the committee is proposing to place thirteen (13) charter amendments on the August 2008 ballot. He indicated a few of the amendments are carryovers that were not included on the November 2007 ballot. He stated these amendments will complete all sections identified under category A. He stated the committee has suggested placing these amendments on the August ballot because of the limited space on the November ballot. He noted this is the highest number of amendments the committee will propose at one time.

Attorney Schultz pointed out state statute already supersedes many of the charter sections. He stated the proposed amendments bring the charter into compliance with state law. He noted some of the amendments reflect what is already done in practice. Campbell proceeded to review each of the thirteen amendment proposals for Council.

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Charter Amendment Proposal 1

Shall the Farmington City Charter, Section 3.4, be restated to acknowledge that, due to changes in Michigan election law, regular city elections are now held in November of each odd-numbered year, rather than in April of each odd-numbered year?

Charter Amendment Proposal 2

Shall the Farmington City Charter, Section 3.5, relating to City elective offices and terms of office, be amended to state that the term of office for a Councilmember elected in November 2010 or thereafter commences at 12:00 p.m. on the Monday following the regular City election, instead of 8:00 p.m. as now provided?

Charter Amendment Proposal 3

Shall the Farmington City Charter, Sections 3.9, be amended to delete the current time period for filing nomination petitions for City office with the Clerk and to provide instead that such petitions shall be filed between the 90th day before the date of the election and the 75th day before the date of the election?

Charter Amendment Proposal 4

Shall the Farmington City Charter, Sections 3.9 relating to the filing of nomination petitions, 3.11 relating to the filing of supplementary or replacement petitions, and 3.16 relating to the filing of a petition or counter-petition for recount, be changed to state that the time for filing such petitions is 4:00 p.m., instead of 5: 00 p.m.?

Charter Amendment Proposal 5

Shall the Farmington City Charter, Section 3.15, relating to canvassing votes, be amended by deleting its current language, which is no longer enforceable under state law, and replacing it with a statement acknowledging current state law that the City Council shall either appoint a 4-member board of canvassers with all of the powers granted to and duties required by law to be performed under state law, or may alternatively contract with the county for the county board of canvassers to perform all the functions of the city board of canvassers in accordance with state law?

Charter Amendment Proposal 6

Shall the Farmington City Charter, Section 9.4, be amended to state that the thirty-first day of December is "tax day" as established by applicable state law, and to delete the current reference to January 1 as "tax day"?

Charter Amendment Proposal 7

Shall the Farmington City Charter, Section 9.7, be amended to allow the convening of the first session of the Board of Review “after” the Tuesday following the second Monday in March, and to allow the convening of the second session “on or before” the Tuesday following the fourth Monday in March, rather than requiring convening only “on” those dates?

Charter Amendment Proposal 8

Shall the Farmington City Charter, Section 9.16, relating to collection fees for unpaid taxes, be amended to reduce the collection fee on unpaid taxes from four (4) percent to one (1) percent? Note: This amendment will not take effect unless Proposal 9 is also approved.

Charter Amendment Proposal 9

Shall the Farmington City Charter, Section 9.16, relating to collection fees for unpaid taxes, be amended to add a penalty provision of one (1) percent interest per month on unpaid taxes for taxes paid after August 31? Note: This amendment will not take effect unless Proposal 8 is also approved.

Charter Amendment Proposal 10

Shall the Farmington City Charter, Section 4.6, relating to the administrative officers and departments of the City, be amended to eliminate references to specific administrative officers other than the officers whose duties are described in the Charter (City Manager, Clerk, Assessor, Treasurer, and City Attorney), while retaining City council authority to create by ordinance administrative departments and positions under the authority of the City Manager?

Charter Amendment Proposal 11

Shall the Farmington City Charter, Section 4.6, be amended to delete the provision for a discharged City employee to petition for a review of the discharge to City Council within 10 days of the discharge, and to add a provision that the power of City department heads to hire and discharge department employees shall be in accordance with City personnel policies and procedures?

Charter Amendment Proposal 12

Shall the Farmington City Charter, Section 4.16, be amended to remove the provision allowing the Clerk, Treasurer, and Assessor to discharge their respective deputies at their pleasure, and to replace that language with a statement that such employees serve at the will of those administrative

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officers and may be discharged in accordance with City personnel policies upon written notice to the City Council and city Manager?

Charter Amendment Proposal 13

Shall the Farmington City Charter, Section 5.1, be amended to allow an elected City Councilmember to be appointed to an independent board or commission, if otherwise eligible, during that officer's term of office, while retaining the prohibition against being employed by the City during the term of office for which he or she was elected and for two years thereafter?

Jim Mitchell spoke about the considerable time and effort that went into the proposed amendments. He recommended placing all thirteen on the ballot. He stated a letter of explanation to the community combined with their understanding of the process would support a positive vote.

Responding to a question from Councilmember Wiggins, Attorney Schultz stated an amendment turned down by voters cannot be placed back on the ballot until after one year. He noted state statute still trumps the charter regardless of the outcome of an amendment vote.

Mayor Knol expressed concern regarding the number of proposals on the ballot. She stated even though the amendments seem straightforward the language can still be confusing. She noted amendments regarding organization would be the most difficult for voters to understand. She recommended placing half of the amendments on the August ballot and the other half on the November 2009 ballot.

Councilmember Buck advised the communication of these amendments needs to be better and more effective than what has been done in the past.

Wiggins stated he has no concerns about placing all thirteen amendments on the August ballot based on the success of the amendments in the last election and the clear explanation provided to the voters.

Mayor Knol believed thirteen amendments would cause voter fatigue, frustration and fall-off. She didn't see any problem with dividing the amendments between two elections since a delay would not create any legal issues.

Mr. Mitchell pointed out the committee will continue to work on amendments after the August election and if some of the proposed thirteen amendments are delayed it could cause a back-up of amendments for the November 2009 ballot.

Discussion Regarding Charter Revision Dealing with Retirement System Administration

City Manager Pastue discussed a charter amendment proposal relating to the retirement system. He stated this amendment would provide the City with an option to

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contract with, participate in, or become a member of any public corporation established for the purpose of administering public retirement systems.

City Attorney Schultz stated the charter currently provides for a city administered retirement system only.

Responding to a question from Mayor Knol, City Manager Pastue stated he anticipated there would be a number of questions and concerns regarding the amendment. He noted the purpose of the amendment is to provide flexibility in making a decision outside of a city administered plan.

Discussion followed regarding the process to move to another retirement system plan and options available. Council concurred to move forward with the proposed charter amendment.

Pastue noted the possibility of a bond referendum on the August ballot.

Discussion followed regarding the impact of placing both the referendum and all proposed charter amendments on the August ballot. Discussion continued regarding the number of amendments to place on the ballot.

Attorney Schultz advised there are three categories of proposed Charter amendments: administrative, elections and taxes.

Pastue requested Attorney Schultz restructure the charter amendment resolution grouping the categories together. He stated his request will be for Council to consider the referendum and the charter amendment relating to the retirement system as separate items.

In prioritizing amendments for placement on the ballot, Pastue recommended addressing the administrative and election items first followed by the tax revisions. He noted the administrative and election items are clean-up issues and the tax changes are a policy decision.

Buck stated the objective is to consistently communicate many times and in many ways that the goal of the amendments is to update the charter making it consistent with state law.

CONFIRM BUDGET WORKSHOP MEETING DATES

Council agreed to meet on the following Monday evenings for budget purposes:

- April 28th - 5:30 p.m. for van tour of City; 7:00 p.m. - review of administrative budgets
- May 5th – 7:00 p.m. - review of DDA and Public Safety budgets
- June 2nd – 7:00 p.m. - review of Public Services budget

OTHER BUSINESS

City Manager Pastue requested Council's consideration of a request from Farmington Oaks Apartments for a sewer adjustment. He stated they incurred a water leak over the course of last summer. He further stated it is unlikely the water made its way into the sewer system. He confirmed Farmington Oaks would pay the full amount of the water bill. He noted Farmington Oaks was warned by the City last summer that they might have a water leak based on the amount of water in their retention pond, however, they failed to follow up on this warning.

Discussion followed regarding the merit of allowing this adjustment. Pastue confirmed there would be no cost to the City.

PUBLIC COMMENT

A former resident of Southfield requested Council assistance in resolving a lease agreement issue with a local landlord.

COUNCIL COMMENT

Councilmember Wright commented on a recent joint meeting with Farmington Hills. He stated the two cities do not appear to be on the same page. He advised that in preparation for future joint meetings both Councils may need to spend more time with their administrative staffs to weigh in and analyze possible differences or disparities. He stated the dispute at the meeting appeared to be greater than the real differences.

Pastue stated historically an item of major concern to both cities has never been added to the agenda of a joint agencies budget meeting. He stated the budget workshops are typically perfunctory and straightforward. He noted he was unaware of the addition to the agenda regarding depreciation costs until the day prior to the meeting.

Pastue stated he and his staff have started to review what would be fair and equitable in sharing capital costs. He stated the fundamental question is whether Farmington Hills wants to continue a partnership with Farmington. He advised if Farmington is able to financially participate in the depreciation of facilities, then we must have a say in the acquisition and management of those structures.

Wright suggested if the wear and tear on their buildings is a concern for Farmington Hills, then why not use a building in Farmington for some of the programs if one is available. He questioned the underlying reason for their request to share capital costs.

Mayor Knol pointed out Farmington Hills residents are also using Farmington facilities. She doesn't have a problem modifying the formula to consider capital costs, but buildings from both communities should be included.

Buck expressed concern there is a deeper message coming from Farmington Hills than the parks and recreation issue. He hoped that Farmington Hills can reaffirm their

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commitment to working together and refrain from putting down Farmington as a way to achieve their objectives.

Wright stated he does not have enough information regarding the basis for the 90/10 formula and related capital costs to conduct a thorough analysis.

Buck stated it would be prudent to understand what share of the operational costs the City is paying. He emphasized the need to review the facilities of both communities and make an apples-to-apples comparison.

Wright identified a two-part question concerning cost sharing: (1) are the current shared costs equitable and (2) what is a more effective way to share recreational facilities. He stated answering these questions will take a considerable amount of time and effort and require meaningful discussions with Farmington Hills.

Pastue advised the first objective is to figure out the cost allocation for the programs including facility use. He discussed the difficulty in bridging the gap regarding how parks and recreation is funded by each City. In a review of shared services, he confirmed parks and recreation is the best service to analyze first because Farmington is already close to paying its fair share.

Buck stated further consideration should be given to information provided at the joint meeting concerning double taxation relative to court funding.

Mayor Knol stated this is unlikely to change given it is a state issue and would require a change in state law.

Buck stated the cities and the Michigan Municipal League should join forces to combat this inequity.

Mayor Knol suggested meeting with County Commissioner Mike Rogers to discuss the issue. She pointed out both the county and state currently have their own budget concerns and this issue only affects a limited number of courts.

Mayor Knol noted a recent article in the Free Press Newspaper concerning a number of improvement projects launched by Redford Township. She pointed out the similarities to Farmington's proposed projects. She noted Redford is not going to a vote to issue bonds for their projects. She expressed her full support for Farmington's Downtown project and will work tirelessly to see it succeed.

ADJOURNMENT

04-08-056 MOTION by Wiggins, seconded by Wright, to adjourn the meeting. MOTION CARRIED UNANIMOUSLY.

The meeting adjourned at 8:53 p.m.

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Valerie S. Knol, Mayor

Susan K. Halberstadt, City Clerk

APPROVED: April 21, 2008