



Charter Review Working Group
Summary Report and Recommendations
September 2023

Background

On May 1, 2023 the City Council authorized the creation of a Charter Review Work Group. The group was tasked with identifying what, if any, Charter amendments may be of benefit to the broader Saline community and the City as an organization. Members consisted of those with experience in local government, law, and policy including residents, a council liaison, and staff liaison. The group met six times between May 15, 2023 and August 14, 2023 including two sessions involving the municipal attorney.

The group was briefed on the limits of their ability to review the Charter in that a separate process would be required for any wholesale revision of the charter. Understanding this distinction, the group also considered the question of whether to make a recommendation to effectuate that independent charter commission process. Ultimately, the group felt the City was best served through the revisions described herein as there were no concerns about the form of government described in the City Charter.

Methodology

An initial review of the City Charter was performed by chapter. Individual issues were identified within each chapter and a series of questions were presented to the City Attorney for review. The City Attorney provided responses and guidance on the nature of each inquiry. The group then met to distinguish between those items that would need to be resolved through a formal amendment process and other items which were effectively negated or superseded by State or Federal law. This resulted in a first draft of a proposed changes list with delineation between amendments and disclaimer items. Amendments were determined to be those items which would require a ballot initiative to change while disclaimers were items which could be summarized in an unofficial preamble to the Charter to clarify their applicability. The disclaimer process does not effectively alter the actual language of the Charter but does serve to clarify for a general audience the applicability of various parts of the Charter.

With a list of amendments drafted, the work group then began the process of prioritizing those updates over the next roughly two-and-a-half-year election cycle. This recommendation is provided solely for information purposes as the Council body may wish to set different priorities or timelines. State rules dictates that amendments be presented which are singular in subject. To the extent feasible, and based on legal counsel direction, there may be opportunities to marry lower priority changes with higher priority amendments into a singular ballot question. This process is recommended by the work group.

Proposed Changes

The Charter Review Work Group has identified the following amendments for consideration by the voters. The list includes both high priority and low priority changes. Many but not all low priority changes are ones that may already be superseded by state or federal law at this time.

High Priority Amendments

Charter Body

- a. Change all language to gender neutral terminology throughout.

Chapter 3

- b. Sec. 3.3
 - i. Move to four-year Council terms and retain the practice of new council member terms beginning in January.
- c. Sec. 3.8
 - i. Revise to eliminate requirement for bond and amend oath of office timing. The revision would align the section with state statutes for accepting ballots and timing of election certification (i.e. from date of certification).

Chapter 5

- d. Sec. 5.1
 - i. Reduce residency requirement to one year to align with case law.
 - ii. Change to require that appointees be residents at the time of their appointment.
 - iii. Eliminate reference to freeholder and replace with resident. (See also 9.2)

Chapter 6

- e. Sec. 6.1
 - i. Change to reflect actual practice dependent upon the timing of federal holidays.
- f. Sec. 6.2
 - i. Amend to allow for posting in accordance with standards outlined in City ordinance or in compliance with state law (i.e. web-based).
- g. Sec. 6.5
 - i. Amend to reflect ability to make web-based notices.

Chapter 7

- h. Sec. 7.5
 - i. Reconfigure to clarify definition of petition and descriptions of process.
- i. Sec. 7.9
 - i. Consider elimination of second to last sentence or align with reconfiguration of referendum petition language in Section 7.4. This process is not expressly required by any state statutes.

Chapter 9

- j. Sec. 9.2
 - i. Eliminate reference to freeholder. (See also 5.1)

Low Priority Amendments

Chapter 3

- a. Sec. 3.3
 - ii. All elected official salaries should reference the Local Officer's Compensation Commission as determining body in compliance with state law.
- b. Sec. 3.4
 - iii. Reference conflicts with state law in disclaimer.
- c. Sec. 3.5
 - iv. Reference conflicts with state law in disclaimer.
- d. Sec. 3.6 and 3.7
 - v. Reference conflicts with state law and County control of form of ballot and canvassing.

Chapter 4

- e. Consider switching location of Chapter 3 and Chapter 4 for clarity.
- f. Sec. 4.4
 - vi. Language is problematic, but City does currently comply. Could be revised to eliminate process and defer to ordinance instead.

Chapter 5

- g. Sec. 5.3
 - vii. Section is not compliant with state law.
- h. Sec. 5.4
 - viii. Consider amending to eliminate requirement to bond or reference the process, if necessary, in ordinance.

Chapter 6

- i. Sec. 6.1
 - ix. Section on special meetings is not consistent with state statute (editor's note also references this fact)
 - x. Make reference to state statute, currently not enforceable.
- ii. Sec. 6.2
 - xi. Consider removal of third sentence to allow OMA to prevail regarding what items can be considered during a special meeting.
 - 1. Note: The City is technically compliant with this process now by the fact that they approve an agenda before consideration of agenda items.
- iii. Sec. 6.3
 - xii. This process is legitimate but reference to justice of the peace is outdated.
- iv. Sec. 6.4
 - xiii. Consider if the city may ever wish to pay to attract or retain quality Planning and ZBA members.

Chapter 7

- m. Sec. 7.2
 - xiv. Eliminate reference to the number of copies needed and eliminate requirement to review in full every five years. Work is now completed regularly by staff and code review committee.
- n. Sec. 7.7
 - xv. Consider elimination or refer to the County process.

Chapter 9

- o. Sec. 9.5
 - xvi. Eliminate parts of this section that are not consistent with state law.
- p. Sec. 9.6
 - xvii. Make reference to County process.

Chapter 11

- q. Determine if this chapter should be eliminated in its entirety as justices of the peace are an obsolete concept; cases are heard now by Washtenaw County 14A.

Proposed Schedule

The schedule below assumes a standard election cycle with voting in February (previously March), August, and November annually. The schedule may shift if no other ballot initiatives are planned to come before voters in the February or August elections. Ballot language must be presented to the County at least seventeen (17) Mondays before the election date. Typically, an additional 45 to 60 days is also necessary for review by the State Attorney General's Office specifically as it relates to Charter amendments.

February/March 2024

Section 6.1

Section 6.2/6.5

- Consider if this should be drafted as one or two amendments.

August 2024

Section 5.1.i/5.1.ii

- Consider if this should be drafted as one or two amendments.

November 2024

Section 3.3.ii amend to allow for four-year term.

- Recommended that the first year it is effective (2025) be a three-year term for 2025 to 2028 and subsequent four-year terms starting in 2026 election.

February 2025

- Section 1.1
- Section 5.1.iii and 9.2.i to remove the word freeholder and replace with resident.

August 2025

- Section 3.3.i
- Section 3.8.i

November 2025

- General reconfiguration and changes to Chapter 7.

Conclusion

Having provided these summary recommendations the work group recognizes that the decision to schedule any ballot proposals and the subsequent adoption of any amendments is ultimately the will of City Council and the voters of Saline respectively. While the recommendations here describe amendments to be scheduled through November 2025, delays in consideration or adoption and additional planning for low priority changes may carry these changes out for several years. As such, it is the group's final recommendation that the City perform a comprehensive review of this document in three years' time to consider how well outcomes have aligned with these goals, and whether any subsequent changes are recommended.