

A Report to the People of Clawson from their elected City of Clawson Charter Commission September 2023

In November 2021, voters in Clawson passed a ballot measure for a general revision of the Clawson City Charter (“the Charter”). To that end, they elected nine of their neighbors to form the Clawson City Charter Commission (“the Commission”).

The Charter is the document that establishes the basic form of government for the City of Clawson. Every city must have one according to Michigan law.

Clawson is on its third charter. Residents voted for their first charter when Clawson incorporated as a village in 1920. Eight years later, the people voted to enact a new village charter to replace the first one. In 1940, Clawson incorporated as a city. At that time, its residents approved the Charter that is in effect today.

When the nine elected members of the Clawson City Charter Commission went to work in November 2021, they agreed to review and revise the 1940 charter rather than throw it out and write a new one.

For the next 17 months, the Commission read every word in the Charter. Then read every word again. And again. This question became the standard for our review:

*Does this make city government the best that it can be so that it can do its best work for the people of Clawson?
And: If not, how might we make it better?*

The Charter is the people’s document. Thus, we the Commission strove to be excellent in our work and as open and responsive to the public as we could be:

- Every meeting of the Commission took place in public at Clawson City Hall and streamed live online via YouTube. The Commission kept two kinds of meeting records (minutes and video) in places where the public may access them at any time.
- After interviews with several candidates, we retained Hafali, Staran, and Christ, PC, as the Commission’s legal counsel. Mr. John Staran, the Commission’s attorney, brought a breadth of knowledge and a depth of experience in city charters, municipal government, and state law.
- We invited past and present city government employees and officials to tell about their experiences working with the Charter.
- Every deliberation and every decision of the Commission is public record. The public may access the current Charter with markups and notes that show every proposed revision and the deliberations that went into it.
- We consulted resources from the Michigan Municipal League and the National League of Cities Model City Charter. We also looked at other city charters.
- Even though neither city nor state law required it, we made regular reports to Clawson City Council.

- The Attorney General, Board of Elections and Governor of the State of Michigan reviewed the final proposed revised City Charter and suggested further improvements (which we accepted).

Over 17 months, the Commission marked hundreds of recommendations for revision. Many of these are minor: Adjusting dollar limits for inflation, correcting awkward or unclear language, or removing sections that are no longer consistent with federal or state law.

The public can find every recommended revision to the Charter at cityofclawson.com/charter.

While the form and function of city government in the proposed revised Charter remains the same as what is in the 1940 Charter, the Commission proposes three kinds of adjustments. These proposals:

1. Make the Charter easier for both citizens and government officials to read and use,
2. Make improvements to how city government works for the good of the people of Clawson, and
3. Advance accountability and ethical standards in city government

Here is a high-level summary of each of these kinds of proposed revisions. For more details on each one, refer to the proposed revised Charter section-by-section “deep dive” on the City of Clawson’s website.

Make the Charter itself easier for both citizens and government officials to read and use

- Take out obsolete and outdated sections—those that federal and state law superseded over the years. Also take out some sections of the 1940 Charter that are now part of the City of Clawson book of ordinances. Taking out these sections makes the Charter easier to navigate and read (and, therefore, *use*). A good charter gives city government the flexibility to change with the times and respond to residents’ needs.
- Clear up and rewrite language that could cause confusion or open “loopholes”.

Improve how city government works for the good of the people of Clawson

The Commission asked three kinds of questions under this point:

1. How might a revised Charter honor and respect the home-rule right of the people of Clawson to govern themselves? How might it remove barriers that could stand in the way of the people enjoying the fullest use of their power to make life better for themselves and for their city?
2. How might a revised Charter make city government more accountable, attentive, and responsive to the people of Clawson?
3. How might a revised Charter both enhance each of the different parts of city government, while also balancing them and helping them work better together for the people of Clawson?

The Commission does not propose any change to the basic form or function of Clawson’s city government. The proposed revised Charter does not change that Clawson is governed by a city council, mayor, and city manager; a traditional council-manager form of government.

However, the Commission does propose some revisions to things like job descriptions, personnel, and the way appointed and elected officials relate to each other. The purpose of these revisions is to give city officials better focus, opportunities, and tools to do the work the people want them to do in an cooperative and orderly fashion.

Here are the main proposals that the Commission expects to achieve these goals:

City Council

- Increase the size of City Council from five members (including the mayor) to seven members (including the mayor). The latest thinking holds that seven-person city councils tend to get more done and make more progress because power is spread among more members, thus reducing the chance that one member can hamstring or hold up the entire council (as is more likely on a five-person council). A seven-person council is also more likely to keep working at a high level when a vacancy occurs. Most of all, it gives the people of Clawson more elected representatives.
- Reduce age of eligibility to hold elected office from 25 years old to 21 years old.

Mayor

- The mayor is the chief executive of the city as state law requires. He or she is also an important member of City Council. In fact as City Council's presiding member, the mayor should serve a term of years equal to other members of the council. Thus, increase the mayor's term from two years to four years.
- Clarify responsibilities and role in city government. In sum, the mayor fills a ceremonial role for the people of Clawson, presides over City Council meetings, and represents the people as an elected member of City Council.

City manager

- Make solely responsible for hiring (and firing), performance reviews, and day-to-day supervision of the city clerk and city treasurer (with input from City Council).
- Make the city manager responsible for the management and supervision of all city employees.
- Provision to ensure that elected officials do not interfere in the work of city employees.

Elections and vacancies

- Eliminate the 1940 requirement that appointed and elected officials must resign from their current office in order to run for another office.
- City Council must pass an ordinance that sets forth the procedure for filling its own vacancies.
- Require a City Council vacancy to be put on the public ballot on the next city election after the vacancy opens up. That limits the amount of time appointed City Council members will serve before the seat is up for public election.

Increase accountability and ethical standards in city government

- Add non-discrimination and equal rights language
- Add strong conflict-of-interest language for city officials
- Call for ordinances that establish a board of ethics and standards of conduct for city officials
- Require the City to comply with the Uniform Budgeting and Accounting Act

- Revise the initiative and referendum process to be more accessible and responsive to the public
 - Put an automatic charter review proposal on the public ballot every 12 years
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Summary

No city charter is perfect. As the authors of the 1940 Clawson City Charter could not foresee and plan for every situation that would arise over the next 83 years, the Clawson City Charter Commission of 2021 - 2023 cannot predict *every* challenge that will come in the future.

The lessons of the past, plus the best practices of cities in the present, informed the Commission as it made its proposals for a revised Charter that will serve the people of Clawson well for generations to come.

What happens next?

The Clawson City Charter is the *people's* charter, therefore the *people* of Clawson *alone* have the power to accept or reject the revised Charter that the Commission proposes.

That proposal will appear as a question on the November 7, 2023, ballot in the City of Clawson. If a majority of voters believe the proposed revised Charter is the right framework for the City of Clawson and its residents now and for the future, the revised Clawson City Charter will go into effect on January 1, 2024.

The best thing Clawson residents can do to inform themselves is compare the existing Charter to the proposed revised Charter. To help with that comparison, the City of Clawson posted two documents on its website.

The first is the current 1940 Charter with markups of all the revisions that the Commission proposes. Residents can see, word-for-word, what the Commission proposes to add, adjust, or take out of the existing Charter.

The second document is the proposed revised Charter without markups. This is the document that is before the people of Clawson on the November 7, 2023, ballot.

Residents may send questions to their Clawson City Charter Commission by emailing charter@cityofclawson.com.

Charter commissioners are available to appear at citizen question and answer gatherings or town halls. Email charter@cityofclawson.com to schedule an appearance.

The Clawson City Charter Commission will host three town hall meetings of its own in September and October. Look for those dates on the City of Clawson's public calendar.

Clawson City Charter Commission

- Laura Slowinski, chair

- David Bowlin, vice chair
- Dan Dwyer
- Samantha Hanser-Maynard
- Bradley T. Irwin
- Joseph Merucci
- Tracy Nasrey
- Wayne O'Neal
- Talia Parker