

Proposal Number: 26

Name of Proposed Section: {Proposal contains multiple sections}

Suggested Article: Multiple Member Bodies

Introduced by: Commissioner Metcalfe

Date Introduced: 6/23/2016

Date Reported for Second Reading: 1/31/2017

Date of Second Reading: 2/9/2017

Date Reported for Third Reading:

Date Passed:

6-101 MULTIPLE MEMBER BODIES.

- A. Multiple member bodies, including boards, ~~and~~ commissions, **AND COMMITTEES**¹ may be established by the City by ordinance or resolution. Such bodies may exercise those powers and duties granted by the City, provided that they do not conflict with provisions of this Charter or state law.
- B. Multiple member bodies, including boards and commissions established in this Charter or created after the effective date of this Charter, shall be subject to the following provisions, unless otherwise stated in this Charter:
 1. They shall consist of at least seven (7) members, whose terms shall not exceed five (5) years;
 2. Initial appointments of persons shall be made to provide for staggered expiration of terms.
 3. Appointments shall be made by the Mayor with the approval of the City Council. Removal from office shall be for cause upon recommendation of the Mayor and approval of the City Council. **THE MULTIPLE MEMBER BODY SHALL ELECT THE CHAIRPERSON FOR A TERM OF TWO YEARS. THE CHAIRPERSON MAY BE RE-ELECTED FOR ONLY ONE SUCCESSIVE TERM.**²
 4. Vacancies which occur prior to the expiration of the term shall be filled for the remainder of the term in the same manner as an expired term.
 5. Members shall serve in the interest of all the citizens of the City and, except for compelling reasons stated prior to appointment, shall be residents of the

¹ Amended in Committee of the Whole 1//26/2017

² Amended in Committee of the Whole 1//26/2017

City. In all cases, at least three-fourths (3/4) of the members of all multiple member bodies shall be residents of the City.

6. **CONSISTENT WITH THIS SECTION**,³ each body shall have the power to organize for the conduct of its business including the selection of officers. All rules adopted and used shall comply with the provisions of Sec. 1-801 of this Charter. The rules shall provide for notice of meetings and shall define the manner in which non-attendance becomes neglect of duties and grounds for removal from office.
7. **CITY COUNCIL SHALL REQUIRE THAT** each body ~~shall~~ **MAKE A VERBAL AND WRITTEN** report ~~at least once a year~~ **ON A QUARTERLY OR ANNUAL BASIS** to the Mayor and City Council concerning its activities **DURING REGULARLY SCHEDULED MEETINGS, UNLESS OTHERWISE REQUIRED BY THIS CHARTER**. The reports shall include an accounting of the receipts and disbursements of all monies. ~~which have come into its hands and of any monies which may remain in its hands.~~ A copy of the report shall be filed with the City Clerk and be available for public inspection **ONE WEEK PRIOR TO THE REPORTING DATE ON THE CITY'S WEBSITE**.⁴
8. **EVERY MULTIPLE MEMBER BODY SHALL KEEP AND FILE ITS DRAFT MINUTES WITH THE CITY CLERK BY 8 DAYS FROM THE DATE OF THE MEETING OR AS REQUIRED BY STATE LAW AND SHALL BE AVAILABLE FOR PUBLIC INSPECTION AND ON THE CITY'S WEBSITE. ONCE MINUTES ARE APPROVED, THEY SHALL BE FILED WITH THE CLERK'S OFFICE WITHIN 5 DAYS**⁵

Sec. 6-102 TRANSFER OF GOVERNMENTAL FUNCTIONS.

- A. The executive branch of the City, under the general supervision of the Mayor, shall administer all programs, services and activities of the City, unless otherwise provided in this Charter or required by statute.
- B. To the extent permitted by law, the City may transfer any program, service or activity from the executive branch to administration by a multiple member body and may transfer any program, service or activity from a multiple member body created under Sec. 6-101 to the executive branch or to another multiple member body, provided that this procedure is followed:
 1. The Mayor must request the transfer in writing.

³ Amended in Committee of the Whole 1//26/2017

⁴ Amended in Committee of the Whole 1//26/2017

⁵ Amended in Committee of the Whole 1//26/2017 and 2/28/2017

2. The City Council must adopt, by an affirmative vote of three-fourths of the members elect, an ordinance setting forth the terms and conditions of the transfer.
- C. All members of multiple member bodies which receive the transfer of programs, services or activities must be residents of the City of Flint.
- D. THE CITY CLERK SHALL KEEP A RECORD OF ALL MULTIPLE MEMBER BODY APPOINTMENTS AND TERMS WHICH SHALL BE MADE AVAILABLE TO THE PUBLIC.⁶**

Sec. 6-103 REVIEW OF EXISTING MULTIPLE MEMBER BODIES.

Within one (1) year of the effective date of this Charter, the Mayor shall review the status of all multiple member bodies, including boards, ~~and~~ commissions, **AND COMMITTEES⁷** in existence at the time this Charter takes effect, and recommend action thereon to the City Council. All multiple member bodies, including boards and commissions, which are continued, shall conform to the provisions of Sec. 6-101(B), except as otherwise provided in this Charter or by State law.

Sec. 6-104 MEETINGS.

All meetings of multiple member bodies of the City, including boards and commissions, called for the purpose of discussing business within the jurisdiction of the body, and all gatherings of ~~three~~ **(3) A QUORUM** or more members of the body at which business within the jurisdiction of the body is discussed, shall be public unless otherwise authorized by law. Public notice shall be given in the manner provided by statute for meetings of public bodies. **EVERY MULTIPLE MEMBER BODY SHALL COMPLY WITH STATE LAW INCLUDING THE OPEN MEETINGS ACT.⁸**

Sec. 6-201 BOARD OF HOSPITAL MANAGERS.

Establishment, Membership, Appointment.

- A. The Board of Hospital Managers shall consist of fifteen (15) members appointed by the Mayor with the approval of the City Council.
- B. All members, **EXCEPT FOR COMPELLING REASONS STATED BEFORE APPOINTMENT** shall be City residents and shall serve in the interests of all the citizens of the City. **AT LEAST ¾ OF THE MEMBERS OF THE BOARD SHALL BE RESIDENTS OF THE CITY AND no MORE THAN THREE (3) members shall be a member of any medical or health profession.⁹**

⁶ Amended in Committee of the Whole 1//31/2017

⁷ Amended in Committee of the Whole 1//26/2017

⁸ Amended in Committee of the Whole 1//26/2017

⁹ Amended in Committee of the Whole 1//26/2017

C.

1. The present members shall continue to serve until their respective terms expire, and shall then be eligible for reappointment in accordance with Sec. 6-101 of this Charter.
2. ~~The initial appointment of those members necessary to increase the membership of the Board to fifteen (15) shall be made by the Mayor and Council no later than the first (1st) day of May after the effective date of this Charter. One person shall be appointed for a term of five (5) years, one for a term of four (4) years, one for a term of three (3) years, and one for a term of two (2) years.~~¹⁰
3. ~~Thereafter,~~ All appointments shall be made for five (5) year terms, **WITH BOARD MEMBERS CONTINUING TO SERVE UNTIL A REPLACEMENT IS APPOINTED AND APPROVED.**¹¹

Sec. 6-202 POWERS AND DUTIES.

- A. The Board shall have the supervision and exclusive management of all hospitals owned by the City and shall make and enforce all rules for such supervision and management in accordance with Sec. 1-801 of this Charter.
- B. The Board shall be empowered to employ all personnel deemed necessary for the proper administration, conduct and maintenance of such hospitals.
 1. ~~Such personnel, except those appointed by the Board, shall be under the jurisdiction of the Civil Service Commission as set forth in Article 5 of this Charter.~~¹²
 2. The provisions of this Charter dealing with personnel (Sections 4-301, 4-302 and 4-303) shall apply to the Board, except that where the Mayor or Council are mentioned, such functions shall devolve upon the Board of Hospital Managers.
- C. The Board shall appoint a President and CEO for each of the City Hospital facilities, who shall serve at its ~~pleasure~~ **WILL**¹³, and a Vice President of Human Resources, subject to confirmation by the Mayor, and serving at the ~~pleasure~~ **WILL**¹⁴ of the Board. The Board may also appoint appropriate Vice Presidents for

¹⁰ Amended in Committee of the Whole 1//26/2017

¹¹ Amended in Committee of the Whole 1//26/2017

¹² Amended in Committee of the Whole 1//31/2017

¹³ Amended in Committee of the Whole 7/14/2016

¹⁴ Amended in Committee of the Whole 7/14/2016

each City Hospital facility, each of whom shall serve at the Board's ~~pleasure~~
WILL¹⁵.

- D. The Board of Hospital Managers shall have the exclusive authority to manage and operate all City Hospitals and in so doing shall have such power as may be required for the faithful performance of its duties.

Sec. 6-301 ZONING BOARD OF APPEALS.

The Planning Commission and Zoning Board of Appeals previously established shall continue pursuant to law.

Sec. 6-302 PLANNING COMMISSION.

Establishment, Membership, Appointment

- A. There is hereby established a Planning Commission which shall consist of nine (9) members, one from each of the nine (9) wards of the City, who shall represent insofar as is possible different professions or occupations. Such members shall take office only after appointment by the Mayor together with approval of the City Council.

1. The term of each member shall be for three (3) years. Members shall cease to hold office at the expiration of their term.
2. Members of the Planning Commission holding office under law prior to the adoption of this Charter amendment shall continue to serve until the expiration of their respective terms.
3. Vacancies occurring otherwise than through the expiration of the term shall be filled for the unexpired term in the same manner as provided in section A hereof.

- B. All members of the Planning Commission shall serve as such without compensation and shall hold no other municipal office.

- C. Members may ~~after public hearing~~ be removed **FOR CAUSE** by the mayor for ~~inefficiency, neglect of duty or malfeasance in office.~~¹⁶

Sec. 6-303 POWERS AND DUTIES.

The Planning Commission shall have the zoning, planning and other powers and duties assigned to it by law or ordinance.

¹⁵ Amended in Committee of the Whole 7/14/2016

¹⁶ Amended in Committee of the Whole 2/28/2017

~~Sec. 6 401 STANDARDS OF CONDUCT BOARD.~~

- ~~A. A seven (7) person Standards of Conduct Board is created consisting of:
 - 1. The Chief Legal Officer, the City Clerk and the Ombudsman, all of whom shall be official members of the Standards of Conduct Board;
 - 2. Four (4) residents of the City unanimously nominated by the official members appointed by the Mayor.~~
- ~~B. The Chairperson shall be chosen from those members appointed under Sec. 6-401A.2. herein.~~
- ~~C. Members appointed under Sec. 6 401A.2. herein shall hold no City office or employment nor other public elective or appointive office except that of notary public; and such members shall not be compensated.~~
- ~~D. The Chairperson of the Civil Service Commission shall replace the Ombudsman as an official member of the Board if the office of Ombudsman ceases to exist.~~

~~Sec. 6 402 PURPOSE OF STANDARDS OF CONDUCT BOARD.~~

- ~~A. The purpose of the Standards of Conduct Board is to render advisory opinions to elective officers, appointees and employees with respect to the meaning and application of provisions of this Charter and other laws establishing standards of conduct. Advisory opinions shall be published by the Board in the manner least likely to reveal the identity of the person concerned.~~
- ~~B. The Standards of Conduct Board may recommend improvements in the standards of conduct for elective officers, appointees and employees or in the procedure for the enforcement of those standards.~~

~~Sec. 6 501 HUMAN RELATIONS COMMISSION.~~

~~The City shall, by ordinance, establish a Human Relations Commission charged with the responsibility of reducing unlawful discrimination and increasing mutual understanding among the residents of the community.¹⁷~~

¹⁷ Amended in Committee of the Whole 1//26/2017