

# **What Do You Do When the Draft is Done?**

## **The Politics of Selling the Charter and the Campaign for Approval**

by Thomas Dudenhofer, Chair, Stanton Charter Commission

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We are a very small community and I am speaking pretty much as a lay person to share some things that perhaps would apply to a larger community or something you can gain from it for your community.

The information sheet “Communicating For Passage: Charter Revisions” states some of the ideas that I used in following through on the process of charter revision in our community. I need to give you a little bit of background. Stanton is a very small community and very resistive to change. I should maybe say somewhat resistive to change. There are outspoken individuals in a community our size that have a great sense of the negative and we failed at a charter revision in 1975. Now that doesn’t sound recent perhaps to many of you, but in our community, 1975 is recent. So there had been a lot of hesitation to even start the process of a charter revision. After hearing a number of people complain about the fact that our city was forced to govern under the Fourth Class City Act Charter because we had no locally adopted charter whatsoever, then a few of us got together and agreed to begin to work on the commission.

I think that the process of seeing something like this pass, begins early on. The following are important to the process of passage. First, be able to clearly state the need for the new charter. Work at writing out statements that are uncomplicated and address the needs felt by the community. I don’t want to offend any attorneys, but there was a tendency on the part of attorneys to not communicate with people who are not. I think it is good for other people to be there to say, “Now how could we say that again?” I had one gentleman who took what we would write out down to the restaurant. There was a table at the restaurant where people came for breakfast at different times. He would read that to that bunch once in a while. You’d hear all kinds of very strange things, and he would bring back a few of those comments. That would give us a sense of how people

were reacting to the phrases we were using. We continued to ask for feedback from everybody on the charter revision commission in order to try to understand how people were thinking about this whole process. Remember they were suspicious of it to begin with.

Second, invite the media to cover the process at least once. In our area we felt privileged to have the media cover our process. We did find one of the reporters was interested, and we tried to communicate with him on what we were doing. He could come in and talk, ask questions and that helped us a lot.

Third, we asked for areas of disagreement. This is where I saw a lot of hesitation on our commission. One of you were talking about a questionnaire where you would identify areas where people strongly disagreed. That is something that if you have the courage to do, is one of the best things to do early on. You kind of hesitate to do that, so ask, "What don't you like?" Then hold back, listen, and sure enough, people speak out. You have to address those issues right up front and in a non-confrontational way. Try not to call them a jerk and things like that, because it does tend to alienate people when it comes time to vote on the charter. Sometimes those comments come out at some meetings, or even off the cuff and usually, there is a reporter around to hear what you say.

Fourth, we constantly publicized the steps that we were to follow, including the steps for acceptance after we had the document written. We had to submit our charter twice to the Attorney General to resolve problems of clarification. Each time we did that, I called the newspaper reporter and said, we just got a letter back from the Attorney General's office and we've got to do such and such. He asked me to explain to him what it was. I tried, and he would write out what I said, and then we would watch for the reaction on that. When it came time for the voters to vote on the charter, we emphasized voting – not just voting yes. It seemed to raise the level of credibility with a lot of people in the community. As individuals got together, we even bought some ads that said, "Just get out and vote."

You also suggested that you designate a separate committee for the campaign. There weren't that many of us. That is, our charter commission, after we had the charter accepted, asked whether we could do a little of this promotional work ourselves, and we were advised that we could, and we did. We undertook this campaign role mostly

because we felt we were so close to the issue that we could address some of the questions.

We also did the other things that are the regular things you would do for any campaign. Writing letters to the editor, or whatever communicates to the largest number of voters in your community. I really think the one thing that went the furthest in our community was the restaurants. We got people to go into these restaurants and sit down and have breakfast and listen to the talk and bring up the charter. We were able to do a lot that way.

### **W. Peter Doren, City Attorney, Traverse City**

I think the experience in Traverse City was fairly typical in the sense that there was a study committee first appointed to look at the existing city charter to determine whether it should be amended or should be revised. That ad hoc committee of citizens recommended numerous changes in the charter—not specific language to be enacted, but numerous problem areas in the existing city charter were identified. Because there were so many amendments that were needed, the committee recommended the charter be revised, so as to develop one total document, of one style, and without possibly conflicting provisions if some amendments were enacted and some were not. The vote to revise the charter was overwhelmingly favorable. The charter commissioners were elected, if I recall correctly, at the same election. They began their work.

There had been many, many complaints over the years about the city charter. There were boards in the charter with no function, such as the library board, which had been replaced by a district library. Many sections which had been repealed by state law prompted people to continually ask why we weren't following. And we'd have to say it was superseded by the state law.

The accounting practices were being ignored in some cases, such as a ceiling of \$5,000 on the emergency reserve fund for the utilities. We were just in constant violation of the city charter. It came to a head when a constable, a former police officer, was elected under an old charter provision and marched into city hall demanding that the city buy him a gun, and started driving around town with "constable" on the side of his car, closely pursued by plaintiffs' attorneys waving civil rights complaints that they were ready to file for wrongful arrest, etc.

The committee was formed and identified lots wrong with the charter. Everything seemed to be going very successfully. There was no public relations effort. There was no survey. Both those are all excellent ideas.

The proposed new charter was exactly the high road that the charter commission wanted. There was no compromise in it. It had everything that the commission felt was the best. It was defeated and then another election was held on a revised charter with compromises, but that one was defeated. Then essentially, the same revised charter was submitted the third time at a November election, when more people would be voting to increase the possibility that it would be passed, but it was defeated a third time. So I am here to confirm the wisdom of some of the things that have been said about the value of public relations, of the surveys, and other matters during the course of your charter proceedings.

### **Discussion**

**Question:** Was it defeated because of the lack of public relations, or was it defeated because of the political nature of the city? Speaking from my standpoint, and we have already been threatened by the mayor, we've already been threatened by the city clerk, by the chairman of the commission, and a few others who don't like certain things in the charter. Is that the reason for your defeat?

**Answer:** Certainly the first time it was. I think that's normally what you'd attribute it to. But after all the changes were made, so that those provisions which had provoked opposition were eliminated or modified to a great degree, it still lost and it's very difficult for me to say why. But I think it's clear that when opposition died down, the revised charter had become "dirtied" in the eyes of the electorate. Although there was nothing in it for anyone to question, there was nothing in it to excite anyone to really grab on to and say, yes, this is why we should adopt it. So there was no energy and no enthusiasm for trying to get it passed and a lot of that negative sentiment just followed it throughout the whole process. We have since that time gone the amendment route and every amendment passed, except one, in probably the last four elections. There were at least two and sometimes three amendments on the ballot in those elections. All but one passed. That one that didn't pass was an interfund transfer proposal which is really of no consequence. It's hard for me to say why that one did not pass.

### **Thomas Dudenhofer**

Thomas Dudenhofer chaired the Stanton Charter Commission. He is married, father of four teenagers and he is the senior pastor of the First Baptist Church in Stanton.

### **W. Peter Doren**

W. Peter Doren has been practicing law since 1973. He has an a.v. Martindale-Hubbell rating and has extensive local government experience.

He was the Senior Assistant Ingham County Corporation counsel before leaving in 1977 to become the City Attorney for the City of Traverse City, which position he has held since then. He has been general counsel for the Traverse City Light and Power Board and Department since its creation in 1979. He was instrumental in the creation of the Traverse City Downtown Development Authority, Grand Traverse Commons Redevelopment Corporation, Traverse Area District Library, Grand Traverse Area Zoological Society, Friends of Con Foster Museum, Cherry Capital Cable Council, Rental Housing Commission, Historic Districts Commission, and many other groups and endeavors which performed or assisted a governmental function. He has represented Grand Traverse County in certain real estate and financial matters and has done legal work for many local townships, villages and cities, as well as the Michigan Municipal League and the Michigan Townships Association.

Mr. Doren has been Chairman of the Public Corporation Law Section of the State Bar of Michigan (1982-83), and a board member of that Section approximately four years prior to being Chairman. The Section is composed of most of the local- government attorneys in the State of Michigan. Mr. Doren has served as President of the Michigan Association of Municipal Attorneys (1985-86) and Chairman of the Michigan Municipal League Legal Defense Fund (1985-86).

The Michigan state courts and the United States District Court for the Western District of Michigan recognize Mr. Doren as an approved mediator for general civil cases. He has lectured at seminars on advanced mediation techniques and has conducted over 100 mediations of litigated cases.