Chapter 2

The Role of a Charter Commission: An Overview

by Kenneth VerBurg

The official purpose and role of the charter commission is to prepare the first city or village charter or to revise an existing one. Over time, communities change. Issues change. Needs change. Consequently, your charter may need to be revised. It is your job to gather ideas and information from people in your municipality, and to put a charter together and to present it to the citizens for a vote.

Your informal responsibilities are somewhat more difficult. First, you have the obligation to identify community values regarding the issues that can be addressed by municipal government. Not all these issues, of course, can be subjected to controls or influenced by the charter. On the other hand, many of them can. So, what you need to do as you begin your deliberations, is to think about values—basically what the community agrees on and what it wants from its government. Those are not necessarily easy to sort out, because what is likely to occur is that those who have a particular axe to grind are probably the most vocal and the most articulate about what they want from the charter.

The charter is something like the state constitution. A particular interest group which is able to cement in the new document its values, its point of view, or its preferences will be advantaged for several decades. Chances are, that charter will be in place for some time. It's not easily revised, and the city or village is going to have to abide by its provisions. Thus, getting a particular position implanted in a state constitution or municipal charter has long-lasting value. So, the challenge is to try to strike a balance between what the community does agree upon and what it does not agree upon. One of your first tasks is to sort out the values and then determine what the community agrees upon and what it does not agree upon in terms of what the community wants.

Establish a process for citizen education, for stimulating public interest, for generating public participation, and then to create a forum for public comment. Part of your job is to get people to think about the issues facing your community for the next 15–20 years. Identifying these issues and then stimulating the community to think about these issues is particularly important. People with a particular and direct stake in the community's government will be heard from. But there are others who will not be heard from unless something stimulates them to get actively involved in the process. So, you need to find ways to encourage the public, to get them to think about the issues and to decide how they would like you to resolve the issues.

In many of our municipalities, we're lucky to have 25 percent of eligible voters participating in a general election where a strong campaign and strong candidates running for office stimulate participation. On a charter issue, especially if it is a special election, participation might drop to ten percent. Therefore, the people who want something from the charter election will vote. That large mass that isn't really tuned in will not get its points across and is not likely to be thinking about the kinds of issues that need to be thought about. So, you need to find ways to educate and stimulate citizen feedback, and to get people to think about their charter.

Here are some strategies you might consider:

- Talk to service clubs, businesses, and community groups about the importance of the charter and of the questions that will be issues, and the duration of those decisions that ultimately will shape the charter.
- Involve the media. Make sure that the reporters, radio stations, television stations—if you have a TV station that reports on your community—and newspapers understand your basic approach and the kinds of issues that will arise. Give them plenty of opportunity to write or produce stories about your activity.
- Consider conducting some kind of opinion survey, not only for feedback from people, but also as another story for the media to write about. Report the results of the opinion survey back to the

people and share with the community what people are thinking about, at least as we see it. Ask: Is that right? Come and talk to us at public hearings.
- Hold public hearings in a variety of settings, depending upon the size of the community. Hold the hearings at your regular meeting place, but also with neighborhood groups and perhaps with organizations to help you make these decisions.

You have a significant task in stimulating interest and thought, and in educating people. However difficult a battle in stimulating interest is, it is something you need to put on your agenda and develop a strategy in your community.

Another set of questions you must deal with is to clarify the reasons for revising the municipal charter. Getting those ideas clear and concise is essential so you can figure out how you want to address those major questions. First, sort out the major issues facing your community. Some of those will have been identified in the campaign for the charter revision commission. Others will be identified by city or village council and perhaps by organizations, such as the League of Women Voters who may talk about an outdated charter, and the need to modernize it. Then you have to identify how many people care about a particular issue.

I would guess that most modest sized communities will be dealing with questions like, should we go back to, or should we go to a strong mayor model or what's wrong with your city or village manager government? Are we able to recruit effective managers? Or why do we have a divided council that is continually indecisive? Those kinds of questions need to be sorted out. Then you need to think about how to propose a system and a process for making community decisions. I'd like to suggest that, if you have a strong consensus in your community, much of the decision making can be delegated to the professionals in your city or village government and the council. If you have that broad-based consensus, then the city or village manager and the other professionals can advise you how to achieve what it is you want to achieve, and the best way to do it.

If, on the other hand, your community is contentious, then I think you need a different set of rules and a different set of processes for dealing with the contention and the division in the community. That brings you to form of government issues, such as mayor versus the city manager. A city or village manager is most effective in a situation where the community agrees and concurs on what needs to be done. If the community is political and contentious, then it seems to me you need not necessarily go to a mayoral system, but you must find a way for that community to process the political forces. That may mean your community policies are somewhat erratic as various groups gain power and implement their ideas. Such devices as shorter terms give voters more frequent opportunities to elect those who people think will represent them better. You might want voters to elect the mayor or president at-large, rather than the council. The mayor/president elected at-large can process the politics of that community into policy decisions until the next election. These kinds of questions revolve around the issue of whether your community has a consensus or whether it's contentious about what the community needs.

The roles of the charter commission member

There are a few officers or positions that you must fill. Identify your chairperson. That person is going to take a key role in not only making presentations but providing leadership. It will take a lot of time. So, you'll need to think carefully about whom to select for that position.

You can establish subcommittees or committees to focus on various aspects of the process—to make sure, for example, that there is somebody thinking about public relations, and the political dimensions. The city/village clerk will probably serve as the secretary for your commission. There may be other kinds of duties that you will identify.

Finally, set up a schedule for your work. Cities have 90 meeting days [home rule villages have 60]. You have more calendar days than 90, but also you will find that your time will slip away from you unless you set out at the front end of your schedule how much time you're going to allow for feedback. You then need to decide how much time to allow to bring the charter into final form. Finally, you need to decide on

the style of presentation of the charter. You get three chances for voter approval of the charter over a three-year period.

People have asked me questions about their own communities. The City of Niles used to be a fourth-class city. Basically, that meant that a general statute constituted its charter. It is not like a township government, but it's similar in several respects. That system—for the people who are there—fits like an old shoe. It just feels good. Now you come in with a city manager, you bring in a professional, who begins to articulate needs that you haven't thought about, perhaps, and solutions that you haven't thought about. That doesn't feel quite as good as before. So, you have that kind of old-time structure of government versus a city manager type. When the City of Grand Ledge started to get newcomers into the community, they had different ideas and different expectations about what community government ought to do for them, as opposed to the long-time residents. These were white-collar professional types moving in, and saying, “We want our community government to do something a little different. We think differently about how a government ought to run and be run.” Those kinds of values, I think, are some of the things you need to sort through. You may want to bring in people from neighboring communities to help you identify those issues. You might ask them to come to a public hearing and talk about their experiences. These presentations will help to educate the commission about values and to identify some of the ways of addressing those differing values.

When you go in a particular direction, you may be reducing the power and clout of some of the old-timer residents. They may sit back and say, "Wonderful, let me know how it turns out." That's not quite what you want. You want them to get into the harness with you and help bring your city or village along in its structure and its policies, to the point where it can address current and contemporary issues, rather than keeping it the way they always had it. What was once workable maybe doesn't work anymore. Don't load the agenda with speakers on one side or the other. Take a genuine educational approach and invite people to come in and talk to you from different perspectives on this issue.

If you're going to hold public hearings in communities where the interest is very low, commissioners might have to recruit three or four people to attend those first public hearings to jump-start the process. Chances are, if you hold a public hearing, only one person, or worse yet, nobody may show up. So, make sure that you recruit an audience to get the juices flowing for dialogue and discussion of the issues.