

CITY OF CHARLEVOIX

210 STATE ST. CHARLEVOIX, MICH. 49720

PUBLIC NOTICE

SPECIAL MEETING CITY OF CHARLEVOIX CITY COUNCIL

The Charlevoix City Council has called a Special Meeting for **Thursday, April 24, 2014 at 4:30 p.m.** The meeting will be held in Council Chambers at City Hall, 210 State Street, Charlevoix, Michigan.

The primary purpose of the meeting is to consider changes recommended by the Attorney General of Michigan to Resolution 2014-04-02 Resolution to Propose an Amendment to the City Charter, Making the City Clerk an Appointed Position.

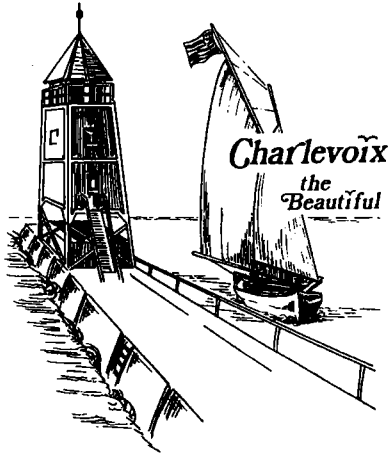
A handwritten signature in cursive script that reads "Joyce M. Golding".

Joyce M. Golding, Clerk

04/23/2014 3:00 p.m.

CITY OF CHARLEVOIX

210 STATE ST. CHARLEVOIX, MICH. 49720



AGENDA CITY OF CHARLEVOIX CITY COUNCIL SPECIAL MEETING

Thursday, April 24, – 4:30 p.m.
210 State Street, City Hall, City Council Chambers, Charlevoix, MI

- I. **Invocation (Pledge of Allegiance)**
- II. **Roll Call of Members Present**
- III. **Inquiry Regarding Possible Conflicts of Interest**
- IV. **Requests, Petitions and Communications and Actions Thereon**
 - A. **Consideration to Approve a Revised Resolution Regarding City Clerk Position**
- V. **Audience - Non-agenda Input (written requests take precedent)**
- VI. **Adjourn**

The City of Charlevoix will provide necessary reasonable auxiliary aids and services, such as signers for the hearing impaired and audio tapes of printed materials being considered at the meeting, to individuals with disabilities at the meeting upon one weeks notice to the City of Charlevoix. Individuals with disabilities requiring auxiliary aids or services should contact the City of Charlevoix Clerk's Office in writing or calling the following: City Clerk, 210 State Street, Charlevoix, MI 49720 (231) 547-3250.

Posted April 23, 2014 3:00 p.m.

CHARLEVOIX CITY COUNCIL

SPECIAL MEETING

AGENDA ITEM

AGENDA ITEM TITLE: Consideration to Approve a Revised Resolution Regarding City Clerk Position

DATE: April 24, 2014 4:30pm

PRESENTED BY: Rob Straebel

ATTACHMENTS:

1. Resolution Approved 04-07-2014
2. Revised Resolution

BACKGROUND INFORMATION: The Attorney General's Office has asked for revisions to the resolution the City passed. Attached is the revised resolution. To keep the AG's Office review process moving forward we felt it best to call a special meeting instead of waiting until the May 5 meeting.

RECOMMENDATION. Motion to pass Resolution No. 2014-04-____.

RESOLUTION NO. 2014-04-02
RESOLUTION TO PROPOSE AN AMENDMENT TO THE CITY CHARTER,
MAKING THE CITY CLERK AN APPOINTED POSITION

WHEREAS, since approximately June 2013, the City has been considering whether to place before the electors of the City the question of amending the City Charter to make the currently vacant City Clerk's position an appointed position and has been gathering public input; and

WHEREAS, the City has determined that the electors of the City should determine whether the City Clerk should be appointed in the same manner as the City Treasurer, Police Chief, Fire Chief and other important city positions, and that this charter amendment question should be submitted to the electors in August of 2014.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The electors of the City be asked whether the City Charter should be amended to make the City Clerk an appointed position using the method of appointment and the method of determining compensation as is currently used with the City Treasurer and other appointed City officials;
2. The sections of the Charter to be amended are 2.11 (which currently allows the Compensation Commission to set the City Clerk's compensation as an elected official); 3.8 (which currently makes the Clerk an elected position); 4.4 (which currently provides for the nomination of the City Clerk as an elected official); and 4.7 (which makes the Clerk an elected position and states when the elected Clerk takes office).
3. The amendment is being proposed for the following reason(s): currently, the City Clerk is an elected position and there are no minimum job skills to assume this position; the City Clerk is an integral part of City government with numerous legal and administrative duties and is a component of a financial "checks and balances" system with the City Treasurer; the City Treasurer is appointed by the City Council as provided in the City Charter and it is in the best interests of the City to appoint the City Clerk in an identical manner; and if the proposed Charter amendment is approved by the electors, a vacancy in the office can be avoided by authorizing the City Council to select a City Clerk who would assume that position only when the Charter amendment becomes effective as provided in Michigan law.
4. This resolution supersedes any prior resolution regarding amending the Charter to make the City Clerk an appointed position.
5. The proposed amendment to be submitted to the City's electors at the election to be held on August 5, 2014 consists of changes to sections 2.11, 3.8, 4.4 and 4.7 of the Charter as set forth herein:
In Section 2.11, the reference to the City Clerk would be eliminated, so that Section 2.11 shall read as follows:

COUNCIL - COMPENSATION

Each Council Member, the Mayor and the Deputy Mayor shall receive as payment for services a sum as determined by the local Compensation Commission, which shall be established in accordance with Public Act 1972, No. 8 as amended.

Such compensation shall be payable bi-weekly or as otherwise determined by the local Compensation Commission, and except as otherwise provided in the Charter, shall constitute the only remuneration which may be paid for services performed by such officers for the discharging of official duties for or on behalf of the City during their term of office.

Section 3.8 shall read as follows:

CITY CLERK - APPOINTMENT - DUTIES

The City Clerk shall be appointed by a majority vote of the entire Council for an indefinite term. The City Clerk may be removed by a majority vote of the entire Council. The first appointed clerk shall be appointed by the Council after the Charter amendment providing for an appointed clerk is approved by the City's voters and filed with the County Clerk and the Secretary of State.

The City Clerk shall be Clerk of the Council and shall, with the Mayor, sign all ordinances. The City Clerk shall keep a permanent journal of all Council proceedings and ordinances. In addition, the City Clerk shall perform all other duties prescribed by law, this Charter, and the Council. The City Clerk may, with the approval of the City Council, appoint one Deputy Clerk.

In Section 4.4, the reference to the City Clerk would be eliminated, so that Section 4.4 shall read as follows:

NOMINATION OF MAYOR

Registered electors seeking the office of Mayor shall file nominating petitions bearing the bona fide signatures of no fewer than twenty-five (25) nor more than forty (40) registered voters residing in the City at large. Such petitions shall be filed with the City Clerk's office no later than 4:00 p.m. in the afternoon of the twelfth Tuesday prior to the primary election.

In Section 4.7, the references to the City Clerk and the beginning of the elected Clerk's term would be eliminated, so that Section 4.7 shall read as follows:

ELECTION OF MAYOR

The Mayor shall be elected at the annual election, for a two year term by balloting of the electors of the City at large. The Mayor shall take office at the first regular City Council meeting after the Mayor's election. Names of the nominees shall appear on the ballots and election materials of the primary and of the General Election without reference to ward residence.

6. The ballot language for this proposed amendment shall be as follows:

<p>PROPOSED AMENDMENT TO THE CHARLEVOIX CITY CHARTER TO CHANGE THE OFFICE OF CITY CLERK TO AN APPOINTED OFFICE</p> <p>The Charter currently states that the City Clerk is elected for a 2 year term. The proposed amendment would require the City Council to appoint the City Clerk in the same manner as other appointed officials, such as the City Treasurer, and to set the Clerk's compensation.</p> <p>Shall Sections 2.11, 3.8, 4.4 and 4.7 of the City Charter be amended to provide for the appointment of the City Clerk?</p> <p>YES: _____</p> <p>NO: _____</p> <p>A "Yes" vote will be a vote in favor of the proposed amendment.</p> <p>A "No" vote will be a vote against the proposed amendment.</p>
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RESOLVED, this 7th day of April, 2014.

Resolution was adopted by the following yea and nay vote:

Yeas: Brennan, Gennett, Gibson, Perron, Porter

Nays: None

Absent: Cole

RESOLUTION 2014-04-##
RESOLUTION TO PROPOSE AN AMENDMENT TO THE CITY CHARTER MAKING THE CITY CLERK AN APPOINTED POSITION

WHEREAS, since approximately June 2013, the City has been considering whether to place before the electors of the City the question of amending the City Charter to make the City Clerk's position an appointed position and has been gathering public input; and

WHEREAS, the City has determined that the electors of the City should determine whether the City Clerk should be appointed in the same manner as the City Treasurer, Police Chief, Fire Chief and other important city positions, and that this charter amendment question should be submitted to the electors in August of 2014 election or at the next special or general election after that date.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The electors of the City be asked whether the City Charter should be amended to make the City Clerk an appointed position using the method of appointment and the method of determining compensation as is currently used with the City Treasurer and other appointed City officials;
2. The sections of the Charter to be amended are 2.11 (which currently allows the Compensation Commission to set the City Clerk's compensation as an elected official); 3.8 (which currently makes the Clerk an elected position); 4.4 (which currently provides for the nomination of the City Clerk as an elected official); and 4.7 (which makes the Clerk an elected position and states when the elected Clerk takes office).
3. The amendment is being proposed for the following reason(s): currently, the City Clerk is an elected position and there are no minimum job skills to assume this position; the City Clerk is an integral part of City government with numerous legal and administrative duties and is a component of a financial "checks and balances" system with the City Treasurer; the City Treasurer is appointed by the City Council as provided in the City Charter and it is in the best interests of the City to appoint the City Clerk in an identical manner; and if the proposed Charter amendment is approved by the electors, a vacancy in the office can be avoided by authorizing the City Council to select a City Clerk who would assume that position only when the Charter amendment becomes effective as provided in Michigan law.
4. This resolution supersedes any prior resolution regarding amending the Charter to make the City Clerk an appointed position.
5. The proposed amendment to be submitted to the City's electors at the election to be held on August 5, 2014 consists of changes to sections 2.11, 3.8, 4.4 and 4.7 of the Charter as set forth herein:

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The City Clerk shall be Clerk of the Council and shall, with the Mayor, sign all ordinances. The City Clerk shall keep a permanent journal of all Council proceedings and ordinances. In addition, the City Clerk shall perform all other duties prescribed by law, this Charter, and the Council. The City Clerk may, with the approval of the City Council, appoint one Deputy Clerk.

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6. The ballot language for this proposed amendment shall be as follows:

<p style="text-align: center;">PROPOSED AMENDMENT TO THE CHARLEVOIX CITY CHARTER TO CHANGE THE OFFICE OF CITY CLERK TO AN APPOINTED OFFICE</p> <p>The Charter currently states that the City Clerk is elected for a 2 year term. The proposed amendment would require the City Council to appoint the City Clerk in the same manner as other appointed officials, such as the City Treasurer, and to set the Clerk's compensation.</p> <p>Shall Sections 2.11, 3.8, 4.4 and 4.7 of the City Charter be amended to provide for the appointment of the City Clerk?</p> <p>YES: _____</p> <p>NO: _____</p> <p>A "Yes" vote will be a vote in favor of the proposed amendment.</p> <p>A "No" vote will be a vote against the proposed amendment.</p>
--

RESOLVED, this _____ day of April, 2014.

Resolution was adopted by the following yea and nay vote:

Yeas:

Nays:

Abstain:

Absent: