

## AGENDA REPORT

To: Honorable Mayor Emerick and Council members

From: Kathy Fiebig, City Clerk

Date: March 24, 2022

Re: Resolution 2022-05 Appointing City Clerk

For the Agenda of July 5, 2022: Regular Meeting

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### Background

Per the Ewart City Charter, Section 3.7, the office of city clerk is an elected position, and the candidate must be a registered elector in the city as well as a resident for at least six months immediately prior to the election. The annual pay and meeting stipend is set by the Pay Commission, meeting in odd numbered years.

### Issues and Questions Specified

Council has approved amending the city charter to appoint rather than elect the clerk, and passed a resolution to begin that process. The Attorney General's office prefers a different format. The revised resolution is attached. This is the final version requested by the Attorney General's office.

### Alternatives

1. Do nothing.

### Financial Impact

1. Dependent on job description and salary.

### Recommendation

Please pass the revised resolution.

### Attachments

1. Resolution 2022-05

## CITY OF EVART

RESOLUTION 2022-05 APPROVING

**CHARTER AMENDMENTS NO. 1**

AND THE BALLOT LANGUAGE FOR

**CHARTER AMENDMENTS NO. 1**

Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by a three-fifths vote of its members-elect, and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment[s] to be submitted to the city voters for approval at a regular or special election, and;

The resolution must set forth the ballot language for the proposed charter amendment[s]—with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and

Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment, including any separate statement of purpose, shall be limited to 100 words, exclusive of caption, shall be a fair and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment,

The Evart City Council resolves that:

### **CHARTER AMENDMENT PROPOSAL NO. 1**

**1. The Evart City Charter shall be amended as follows:**

#### **ELECTIVE OFFICERS AND TERMS OF OFFICE:**

**Section 3.7** At each regular city election, there shall be elected a mayor and two (2) councilmen and such additional number of councilmen as may be required to fill vacancies pursuant to the provisions of this charter. The mayor shall serve for a term of two (2) years. The two (2) councilmen receiving the highest number of votes shall be elected for four (4) years. Any additional council positions that must be filled at such election because of vacancies shall be filled by those candidates receiving the next highest number of votes, in order, for a term of two (2) years. The term of office of the mayor and councilmen shall commence on the second Monday next following the date of the regular city election at which they were elected, at eight o'clock (8:00) P.M., local time.

#### **ELECTIVE OFFICERS:**

**Section 4.1** The legislative power of the city, except as reserved by this charter, shall be vested in a council consisting of a mayor and four (4) councilmen elected at large on a nonpartisan

basis. The council shall have the power and authority to adopt such ordinances and resolutions as it shall deem proper in the exercise of its powers.

#### **TERM OF OFFICE:**

**Section 4.3** The mayor and councilmen shall hold office for his elected term from the second Monday following the city election at which he was elected.

#### **SALARIES OF MEMBERS OF THE COUNCIL**

##### **Section 4.10**

- (a) Each member of the council shall receive as remuneration for his service to the city, a sum designated under the provisions of the local Compensation Commission Act for all regular or special city council meetings, payable quarterly. The local Compensation Commission shall provide for either an annual salary or for a per-meeting rate and specify it be only for actual attendance at meetings. The mayor shall receive an additional stipend, also designated by the local Compensation Commission, payable annually.
- (b) Provisions of this section shall be subject to the periodic review of the local Compensation Commission now established by ordinance in accordance with statute.

#### **ADMINISTRATIVE OFFICERS:**

**Section 6.1** The administrative officers of the city shall be a city manager, city clerk, city treasurer, finance officer, if there be one, city attorney, assessor, police chief and such other administrative officials as may be established by the council.

#### **OFFICERS TO BE APPOINTED:**

**Section 6.4** The city council shall appoint a city treasurer, finance officer, if there be one, city attorney, assessor, police chief and such other administrative officials as may be established by the council. The city council shall also appoint a city clerk, upon the termination of the term of the city clerk, elected in November, 2022, or upon a vacancy in that office, whichever occurs first. The appointed offices shall serve for indefinite terms and may be removed by the council. The council, by resolution, shall set the salaries of the administrative officers.

#### **2. The current charter section(s) being altered by this amendment provides as follows:**

#### **ELECTIVE OFFICERS AND TERMS OF OFFICE:**

**Section 3.7** At each regular city election, there shall be elected a mayor and two (2) councilmen and a city clerk, and such additional number of councilmen as may be required to fill vacancies pursuant to the provisions of this charter. The mayor and city clerk shall serve for a term of two (2) years. The two (2) councilmen receiving the highest number of votes shall be elected for four (4) years. Any additional council positions that must be filled at such election because of vacancies shall be filled by those candidates receiving the next highest number of votes, in order, for a term of two (2) years. The term of office of the mayor, councilmen and city clerk shall commence on the second Monday next following the date of the regular city election at which they were elected, at eight o'clock (8:00) P.M., local time.

## **ELECTIVE OFFICERS:**

**Section 4.1** The legislative power of the city, except as reserved by this charter, shall be vested in a council consisting of a mayor and four (4) councilmen elected at large on a nonpartisan basis and a city clerk. The council shall have the power and authority to adopt such ordinances and resolutions as it shall deem proper in the exercise of its powers.

## **TERM OF OFFICE:**

**Section 4.3** The mayor, city clerk and councilmen shall hold office for his elected term from the second Monday following the city election at which he was elected.

## **SALARIES OF MEMBERS OF THE COUNCIL**

### **Section 4.10**

(c) Each member of the council and the city clerk shall receive as remuneration for his service to the city, a sum designated under the provisions of the local Compensation Commission Act for all regular or special city council meetings, payable quarterly. The local Compensation Commission shall provide for either an annual salary or for a per-meeting rate and specify it be only for actual attendance at meetings. The mayor shall receive an additional stipend, also designated by the local Compensation Commission, payable annually.

(d) Provisions of this section shall be subject to the periodic review of the local Compensation Commission now established by ordinance in accordance with statute.

## **ADMINISTRATIVE OFFICERS:**

**Section 6.1** The administrative officers of the city shall be a city manager, city treasurer, finance officer, if there be one, city attorney, assessor, police chief and such other administrative officials as may be established by the council.

## **OFFICERS TO BE APPOINTED:**

**Section 6.4** The city council shall appoint a city treasurer, finance officer, if there be one, city attorney, assessor, police chief and such other administrative officials as may be established by the council. They shall serve for indefinite terms and may be removed by the council. The council, by resolution, shall set the salaries of the administrative officers.

## **3. The ballot language for the proposed amendment shall be as follows:**

### **CHARTER AMENDMENT PROPOSAL NO. 1**

**Shall the Charter, of the City of Evart, be amended, by amending Sections 3.7; 4.1; 4.3; 4.10; 6.1 & 6.4, to change the Evart City Clerk, from an elected position, elected by the City Electors, to an appointed position, appointed by**

**the City Council, to take effect in November, 2024, or upon a vacancy, in that office, whichever occurs first?**

**Yes \_\_\_\_\_ No \_\_\_\_\_**

10. The City Clerk shall transmit a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment[s] (MCL 117.22) and transmit a certified copy of this resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment[s] (MCL 117.21).

11. The proposed amendment[s] shall be submitted to the qualified electors of the City of Ewart at the general election to be held in the City on November 8, 2022, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment[s] to a vote of the electors as required by law.

12. The proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.

Moved by:

Seconded by:

Ayes:

Nays:

Absent:

Abstained:

Motion carried.

I, KATHY FIEBIG, Clerk of the City of Ewart, certify that the foregoing is a true and compared copy of a resolution duly adopted by the Ewart City Council at a meeting held on July 5, 2022.

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KATHY FIEBIG, City Clerk