



CITY of NOVI CITY COUNCIL

Agenda Item O
July 11, 2016

SUBJECT: Approval to adopt Resolution regarding vacancies in office of City Boards or Commissions, as recommended by the Charter Review Committee.

SUBMITTING DEPARTMENT: City Manager's Office

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The City Council established a Charter Review Committee in March, 2012, and tasked it with the comprehensive review of the City's Charter (adopted initially in 1977) and a report to City Council on any suggested amendments that required or that the Committee advised. The Committee released its initial report to the City Council in 2013, with a list of potential questions for Charter amendment.

Ballot questions were proposed by the Committee and approved by City Council for the November 5, 2013, August 5, 2014, and November 4, 2014, elections. A number of the questions were approved by the voters (although some were not).

The Committee reconvened in 2016 to determine whether additional questions should be recommended to the Council. The Committee has determined that there are no additional questions that it is proposing for the City Council to place before the voters at this time.

However, the Committee did identify one section of the Charter, Section 5.3, regarding Vacancies in Office, that could use some clarification. The Committee internally discussed whether a formal question was required for the voters, or whether a resolution from Council as to its understanding of the process for determining and declaring vacancies in office would be a less formal but appropriate alternative.

Attached is a proposed Resolution that the Committee has prepared for Council's consideration. It clarifies the process for declaring unexcused absences under Section 5.3(a)(3) of the Charter. That Section states that the office of a Council member is considered vacant if the Council member misses four (4) consecutive regular meetings, unless the absences are excused. That provision is applicable to Boards or Commissions created or appointed by City Council through Charter Section 5.3(b). The Resolution clarifies that it is the obligation of the chair of the particular board or commission to determine whether an absence is excused or unexcused, but the responsibility of the City Council to determine whether to declare the seat vacant. The Resolution also contains language confirming the Council's expectation of faithful and regular attendance at board and committee meetings by members.

RECOMMENDED ACTION: Approval of the Resolution regarding vacancies in office of City Boards or Commissions, as recommended by the Charter Review Committee.

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Burke				
Council Member Casey				

	1	2	Y	N
Council Member Markham				
Council Member Mutch				
Council Member Wrobel				

City of Novi

County of Oakland, Michigan

**RESOLUTION REGARDING VACANCIES IN OFFICE
OF BOARDS OR COMMISSIONS**

Minutes of a Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall of said City on July __, 2016, at _____ o'clock P.M. Prevailing Eastern Time.

PRESENT:

Councilmembers _____

ABSENT:

Councilmembers _____

The following preamble and Resolution were offered by Councilmember _____ and supported by Councilmember _____.

RECITATIONS:

Like most communities, the City of Novi has created various Boards and Commissions to assist the City Council in carrying out the duties and responsibility of government within an incorporated city, whether authorized by state law, city charter, or local ordinance.

The City relies on members of these Boards and Commissions to perform significant functions for the City, and the City has a history of receiving dedicated, informed, and fair service from its appointed Board and Commission members. To continue that high level of service, it is important that these appointed officials know the terms and conditions of their appointments.

Generally, the duties and responsibilities of the various Boards and Commissions are set forth either in state statute (e.g., Michigan Zoning Enabling Act or Michigan Planning Enabling

Act), or by ordinance. In addition, the City Charter contains several provisions relating to the appointment of conduct of Board and Commission members.

It has come to the City Council's attention that clarification of one provision of the City Charter, relating to vacancies in office has been the subject of recent discussion by the Charter Review Committee. The specific language at issue is found in Section 5.3(b), which reads as follows:

Section 5.3. - Vacancies in office. Modified

(a) Vacancies in Office of Council. The office of any Councilmember, including the office of Mayor, shall be declared vacant by the Council before the expiration of term of such office:

(1) If a vacancy in office is created for any reason specified by statute or by this Charter;

(2) If no person is elected to, or qualified for, the office at the election at which such office is to be filled;

(3) If the Councilmember shall miss four (4) consecutive regular meetings of the Council or twenty-five percent (25%) of the regular meetings in any fiscal year of the City for reasons other than confining illness, unless such absence shall be excused by the Mayor and the reason therefor entered in its proceedings at the time of each absence;

(4) If the Councilmember is removed by the Council in accordance with the provisions of Section 5.4.

(b) Vacancies in Office of Boards or Commissions. The office of any member of any board or commission created by this Charter shall be declared vacant for reasons (1), (3) or (4) as listed in the foregoing part of this Section.

The Charter Review Committee has recommended that the Council confirm that with respect to vacancies in office for Boards or Commissions, it is the responsibility of the Council to declare an office to be vacant, rather than the Board or Commission itself.

In addition, the Charter Review Committee has suggested that Council clarify that with respect to the provision relating to a vacancy in office by virtue of missing four (4) consecutive

regular meetings (Section 5.3[a]), the Chair of the Board or Commission determines whether any such action is excused.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Novi:

1. That for purposes of determining whether the office of any member of any Board or Commission, within the City shall be declared vacant under Section 5.3(b) of the Charter, it is the City Council's responsibility to determine such vacancies.

2. That it is the responsibility of the Chair of the Board or Commission to determine whether, with respect to the vacancy by virtue of missing four (4) consecutive regular meetings, unless excused (Section 5.3[a][3]), the Chair of the Board or Commission shall determine whether any such absence is excused.

3. That to the extent permitted by law, Charter or ordinance, the City Council shall consider four (4) consecutive unexcused absences under Section 5.3(a)(3) to be evidence of nonfeasance of office.

RESOLUTION DECLARED ADOPTED.

Cortney Hanson, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Novi at a regular meeting held this ____ day of July, 2016, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting have been kept and made available to the public as required by said Act.

Cortney Hanson, City Clerk
City of Novi