

CARO CHARTER COMMISSION APPROVED MINUTES

Richard Ransford, Chair. Al Jones, Vice-Chair. Don Duggar, Clerk

Members Thomas Baird, Wm Bortel, Kerwood Crutchfield,
Joe Greene, Debra Lung-Lipan, David Mattlin

The meeting of the Caro Charter Commission was called to order by Commission Chair Richard Ransford at 5:05 P.M. on January 06 2009 at the Caro Municipal Building 317 S State St Caro MI 48723.

In attendance were Richard Ransford, Al Jones, Don Duggar, Thomas Baird, Kerwood Crutchfield, Joe Greene, David Mattlin and Debra Lung-Lipan. Also in attendance were Caro Manager Don Beavers and Clerk Karen Snider and several public.

Excused absence: Wm Bortel

Greene/Baird move to approve the minutes of the December 15 2008 meeting. Motion carried.

Discussion followed on the entire draft Caro City Charter with the following changes or additions:

Section 3.4d: Change the text to read “All terms of office shall commence at 11:30 A.M. local time on the 20th day of November, following the date of the election.”

Sec 3.5a: Add the term “MCL 117.5c” at the end of the sentence and to consider adding the MCL number throughout the charter where relevant.

Sec 3.8: Replace the entire text to read: “Except for the purpose of inquiries, and investigations under Section 6.8, the council or its members shall deal with city officers and employees who are subject to the direction and supervision of the city manager solely through the city manager, and neither the council nor its members shall give orders to any such officer or employee, either publicly or privately.” Jones/Greene move to approve the foregoing changes in Chapter 3. Motion carried.

Discussion followed on Sec 4.8 regarding number of petition signatures. After discussion it was decided to leave the text as is. On Sec 4.10 it was the consensus that this paragraph should be reworded for simplicity at a later date.

Sec 4.15: delete the words “as nearly as may be” in the second sentence. After discussion the changes in Chapter 4 was agreed to by consensus.

Sec 5.2: “Section Reserved” it was the consensus to delete this section and renumber all remaining sections in Chapter 5.

Sec 5.6c: add the following text to the first sentence of Sec 5.6c “found guilty by a Court of Competent Jurisdiction.”

Sec 5.11 (old 5.12): Replace the entire text to read:” Except by procedures provided in this charter, the terms of office of the elective officers and of members of boards and commissions appointed for definite terms shall not be shortened. The terms of elective officers of the city shall not be extended beyond the period for which any such officer was elected except as otherwise provided by law or except that an elective officer shall, after that officer’s term has expired, continue to hold office until a successor to that office has qualified and is elected or appointed.” After discussion the changes in Chapter 5 was agreed to by consensus.

Sec 6.7: “Conflict of Interest.” After discussion it was decided to have Consultant Beach provide suggestions.

Sec 7.1: Replace the entire text to read: “The administrative officers of the city shall be the city manager, clerk, treasurer, assessor and city attorney. The council may, by ordinance or by resolution, establish such additional administrative officers or departments, or combine any administrative officers or departments, in any manner not inconsistent with law or this charter, and prescribe the duties and compensation thereof as it may deem necessary for the proper operation of the city government.”

Sec 7.5: Replace the entire text to read: “The city manager serves at the pleasure of the city council and may be removed by an affirmative vote of not less than five (5) of its members.”

Sec 7.6: Add the following paragraph to the end of this section; “The city clerk serves at the pleasure of the city council and may be removed from office by an affirmative vote of at least four (4) of its members.

Sec 7.7: Add the following paragraph to the end of this section; “The city treasurer serves at the pleasure of the city council and may be removed by an affirmative vote of not less than four (4) of its members.”

Sec 7.8: Add the following paragraph to the end of this section; “The city assessor serves at the pleasure of the city council and may be removed by an affirmative vote of not less than four (4) of its members.”

Sec 7.9: Add the following paragraph to the end of this section; “The city attorney serves at the pleasure of the city council and may be removed by an affirmative vote of not less than four (4) of its members.

Commissioner Baird leaves his seat at 7:21 P.M.

Sec 7.10: Replace the entire text to read:

7.10a “The council shall provide for, establish or maintain police protection to enforce all laws, ordinances and codes of the city through the creation of a police department, public safety department, or contract police services either directly or through intergovernmental agreement.

7.10b. The council shall have power to enact such ordinances and to establish and enforce such regulations and enter into intergovernmental agreements as it shall deem necessary to guard against the occurrence of fires in the city and to protect the property and persons or inhabitants of the city against the occurrence of fires and against accident or damage resulting there from. For this purpose, the council may provide for, establish and maintain a Fire Department within the administrative division of the city.

7.10c. If the city operates its own police department and/or fire department, the city manager shall appoint, supervise and have the authority to dismiss the police chief and/or fire chief.

7.10d. The police or fire chief shall be appointed by the manager on the basis of education, ability, training and experience with and compensation package approved by the council.”

Sec 7.11: Replace entire section to read:

Section 7.11 CITY PLANNING COMMISSION; ZONING

7.11a. The council shall maintain a city planning commission in accordance with and having all the powers and duties granted by the provisions of law relating to such commissions, and this charter including but not limited to Act 33 of PA 2008, and all other intergovernmental planning and zoning statutes which it deems beneficial to the health, safety and general welfare of the city.

7.11b. The council shall maintain a zoning ordinance in accordance with the provisions of the Zoning Consolidation Act. Act 12 of PA 2008 relating to such ordinances and this charter. The ordinance shall provide that zoning be coordinated with the work of the city planning commission.

7.11c. The council shall appoint the members of the Planning Commission and Zoning Board of Appeals. Their appointment, functions and duties shall be in accordance with statute and city ordinance.

Commissioner Greene leaves his seat at 8:30 P.M.

Sec 7.12: Replace entire first paragraph to read: “The Planning and Zoning Administrator shall enforce the city Zoning Ordinances and will receive functional and administrative supervision from the city manager. He or she shall be appointed by the manager on the basis of education, ability, training and experience with and compensation package

approved by the council. The city manager shall supervise and have the authority to dismiss.”

New Sec 7.14: add the following as Sec 7.14 “Any department head dismissed by the city manager will have the right to file an appeal of the dismissal to the city council within 10 days of the dismissal. The city council may uphold or override the decision of the city manager.”

After discussion the changes in Chapter 7 was agreed to by consensus.

Sec 8.10: Replace entire text to read: “The council may provide in any ordinance for the civil or criminal punishment of those who violate its provisions. The punishment for the violation of any city ordinance shall not exceed a fine as prescribed by law, or imprisonment as prescribed by law, or both, at the discretion of the court.” This section agreed to by consensus.

Commissioner Greene returned to his seat at 9:00 P.M.

Discussion followed on sections 10.2, 11.2, 11.7 and Chapter 12. The consensus was to leave 10.2, 11.2 and 11.7 unchanged. On Chapter 12, Consultant Beach will make a recommendation for changes at a future meeting. Also on Sec 13.5 “Installment Contracts” Mr. Beach will review the law and make a recommendation.

Sec14.7. Add the following after the word “utility” in the second line “electronic, telephonic, video or communications.” This section agreed to by consensus.

Delete entire Section 16.5 “Section Reserved” and renumber the remaining sections.

Sec 16.5 (old 16.6) “First Election”. Discussion postponed until Consultant Beach can research the election laws.

Crutchfield/Mattlin move to adjourn at 9:46 P.M.

The next meeting of the Charter Commission will be January 14, 2009 at 5 P.M. at the Caro Village Hall.

Respectively submitted

Don Duggar
Clerk of the Charter Commission