

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 5:07 P.M. on January 14 2009 at the Caro Municipal Building 317 S State St Caro MI 48723.

In attendance were Richard Ransford, Al Jones, Don Duggar, Kerwood Crutchfield, and Debra Lung-Lipan. Also in attendance were Caro Manager Don Beavers and Clerk Karen Snider.

Excused absence: Wm Bortel, David Mattlin, Joe Greene and Thomas Baird.

Jones/Crutchfield move to approve the minutes of the January 6 2008 meeting with the following changes: add David Mattlin as being in attendance; add “found guilty by a Court of Competent Jurisdiction” to the first line of Sec 5.6c; delete the paragraph which begins “Sec 5.10 (old 5.11): Replace...” as being miss-numbered; in the paragraph beginning “Sec 5.12 (old 5.13): Replace...”, renumber this paragraph as Sec 5.11 (old 5.12). Motion carried.

Discussion followed on the draft Caro City Charter Chapters 1 through 9 with the following changes or additions:

The preamble was changed to the following: “We, the people of the City of Caro, pursuant to the authority granted by the Constitution and the laws of the State of Michigan, mindful of the ideals and labors of our forefathers, in order to secure the benefits of efficient self-government, and to promote the freedom, health, peace, safety and prosperity for our residents, the community and its members, do hereby ordain and establish this Charter. By this action, we secure the benefits of home rule and affirm the values of representative democracy, professional management, strong political leadership, citizen participation and regional cooperation”.

Several typographical and syntax changes were made throughout Chapters 1 to 9.

Discussion followed on when to have the charter election and whether it can or should be combined with the council election. This will be determined at a later date.

Replace the first sentence in Sec 4.8 to the following: “The method of nominations for all candidates for city elections shall be by petition as set forth in the Michigan Election Law Act 116 of PA 1954 as amended, more particularly MCL 168.542 through 168.558”.

Replace Sec 4.10 with the following: “The clerk shall accept only nomination petitions which conform with the forms provided and maintained by the clerk, and which, considered together, contain the required number of valid signatures for candidates having those qualifications required for the respective elective city offices by this charter. Petitions shall be accepted only when accompanied by an Affidavit of Identity as required by MCL 168.558. The clerk shall immediately examine the petitions and investigate the validity and genuineness of signatures submitted and, after the last day specified for receiving and filing nominating petitions, shall certify to the election commission the name and post office address of each candidate whose petitions meet the requirements set forth in the election act. The clerk shall immediately notify the candidates in writing of his or her determination. Objections to the clerk’s determination shall be filed by sworn complaint with the county clerk”.

Replace Sec 5.1 (d) with the following: “No administrative officer, person holding appointive position or employee shall seek an elective office of the city unless he or she resigns their position with the city upon election to office”.

Replace the word “APPOINTIVE” in Sec 5.2 title and in the first paragraph with “ADMINISTRATIVE”.

Sec 5.3 change the time to take the oath of office from 14 days to 20 days.

Sec 5.7 (b) it may be necessary to describe what constitutes a “misconduct of office”.

Replace Sec 5.11 with the following and delete the words “or Compensation” in the title: “Except by procedures provided by law or in this charter, the terms of office of the elective officers, boards and commissions shall not be shortened or extended beyond the term for which said officer was elected or person appointed, provided that the elected official or appointed person may continue to hold their position or office until a qualified successor is either elected or appointed.

Delete Sec 5.14 as this is addressed elsewhere in the proposed charter.

Delete remainder of the last sentence in Sec 6.2 after the words “of MCL 15.265”.

Replace the text in Sec 6.7 (c) with the following: “Any council member who has a potential conflict of interest shall disclose such potential conflict to the presiding officer or city clerk prior to the meeting at which a vote will be taken. If such disclosure is made at a meeting, the vote shall be postponed to the next scheduled meeting. This section does not prevent a councilperson from making or participation in making a governmental decision to the extent that the councilperson’s participation is required by law or is exempt under Act 317 of PA 1968 as amended, being MCL 15.324 or Act 318 of PA 1968, as amended, being MCL 15.304”

Replace the text in Sec 6.7 (d) with the following: “All council members shall vote on any and all questions in which they do not have a financial interest other than the common public interest or any question concerning his or her conduct, unless excused by unanimous consent of the remaining members present. Any member refusing to vote except when not required to do so by law or this charter may be guilty of misconduct of office”.

Delete the words “COMPOSITION AND POWERS OF BOARD OF HEALTH” in the title of Sec 6.10.

Delete the words “planning and a board of review” in the first sentence of Sec 7.1.

Replace the entire text of Sec 7.9 (b) with the following: “The city attorney shall be the legal advisor and counsel for the city.

Commissioner Greene takes his seat at 8:20 P.M.

Replace Sec 7.13 (a) with the following: “The council may create such entities as may be needed for the public health, safety and well-being”. Delete Sec 7.13 (b) and Sec 7.13 (c).

Delete the last sentence in Sec 8.2 beginning with the words “If any such...”

Correct the reference in Sec 8.5 (b).

Discussion followed on Sec 8.6 with the following: Change entire Sec 8.6 to:

8.6 (a) No ordinance shall be adopted at the same meeting at which it is introduced, except as identified in Section 8.7.

8.6 (b) No ordinance shall be adopted without an affirmative vote of 4 council members.

8.6 (c) An ordinance may be repealed by reference to its number and title.

8.6 (d) No ordinance shall be enacted, amended or repealed until after publication of the proposed ordinance or amendment or repeal, or summary thereof.

8.6 (e) A public hearing on all proposed ordinances shall be held at the next regularly scheduled council meeting after it has been proposed.

8.6 (f) The effective date of any ordinance shall be prescribed therein, and shall not be less than twenty (20) days after its adoption and publication.

In Sec 8.13 (a) and (e) change the word “initial” to “initiative” and in the last line of 8.13 (e) change “initiatory proposal” to “initiative petition”.

In Sec 8.14 (b) change the word “initial” to “initiative.”

In Sec 9.3 add Sec 9.3 (g) “A multi-year capital improvement program”.

In Sec 9.5 replace the first sentence with the following: “The council shall, not later than June 30, adopt a balanced budget for the ensuing fiscal year and make appropriations therefore.

At this point further deliberations were suspended until the next meeting.

Crutchfield/Lipan move to adjourn at 10:15 P.M.

Vice-Chair Al Jones had his lap top computer and a projector throughout the several meetings of the Charter Commission deliberations. This allowed the commissioners to see and follow the changes as they were agreed to. The village staff will print the entire draft charter and mail to each member before the next meeting. Deliberations will begin with Chapter 9. Draft Chapters 1 through 8 will be published on the village website.

The next meeting of the Charter Commission will be January 22, 2009 at 5 P.M. at the Caro Village Hall.

Respectively submitted

Don Duggar
Clerk of the Charter Commission