

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 4:03 P.M. on February 5 2009 at the Caro Municipal Building 317 S State St Caro MI 48723.

In attendance were Richard Ransford, Joe Greene, David Mattlin, Don Duggar, Tom Baird, Kerwood Crutchfield and Debra Lung-Lipan. Also in attendance were Caro Clerk Karen Snider and Caro Council member Amanda Langmaid.

Excused absence: Wm Bortel and Al Jones.

Amanda Langmaid presented some of her concerns, particularly the increased authority the proposed charter gives the city manager over hiring and firing of department heads especially the police and fire chiefs. The commission will take her comments under advisement.

Crutchfield/Mattlin move to approve the minutes of the February 2 2008 meeting. Motion carried.

Discussion followed on Chapters 1 through 16 with the following changes agreed to by consensus;

Sec 3.3 insert the words "or appointment" in the last part of the last sentence after the words "of the election..." to read "of the election or appointment for which each..."

Sec 3.4 (d) Crutchfield/Greene: move to delete the dates in Sec 3.4 (d) as we are not sure when the election will take place. Consultant Wm Beach is still reviewing this item. After discussion the motion was amended by Crutchfield/Baird to delete the entire Sec 3.4 (d) and insert the following; "All terms of office shall commence at the first regularly scheduled or special meeting of the council following the date of the election." Motion carried.

Sec 3.7 (b) Delete the word "Between" at the beginning of the last sentence and insert "If there are two or more" and at the end of same sentence after the word pro tem add "until such vacancy is filled."

Sec 3.8 Green/Crutchfield move to replace the entire section with the following; "Except for the purpose of inquiries, and investigations under Section 6.8, the council 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. Individual council members shall not give orders to any such officer or employee, either publicly or privately. Motion carried.

Sec 4.7 replace the entire section with the following: “The polls of all elections shall be opened and closed in accordance with the election laws of the State of Michigan for the opening and closing of polls at state elections.”

Sec 4.8 make the word “petition” plural and change the word “most” to “more”.

Sec 4.12 relocate the word “provided”.

Sec 4.14 insert the word “and” after the City of Caro in the second line.

Sec 4.15 strike the word systematically in the fifth line. Strike the rest of the last sentence after the words ‘candidates on the ballots’ and add the following sentence; “For any candidate who is an incumbent of such office, “Incumbent” shall be designated.”

Sec 4.17-4.18 replace the word ‘law’ with the word “statute” at the end of the sentence.

Sec 4.19 replace the word ‘law’ with “statute” and delete the rest of the sentence.

Sec 4.20 replace the word ‘reelection’ in the last sentence with; “subsequent election.”

Sec 5.1 (c) Crutchfield/Lipan move to delete the words ‘an affirmative vote of the five members of’ at the end of the first sentence. Motion carried

Sec 5.1 (d) change the word ‘seek’ with “hold.”

Sec 5.6 (d) at the end of the section add the word “or.”

Sec 5.7 (a) at the end of Sec 5.7 (a) add the word “; or.”

Sec 5.8 (b) delete the balance of the sentence after the ‘any fiscal year shall’ and replace with; “receive the designation of “Honorable Resignation” if that member resigns.”

Sec 5.9 delete the word ‘who’ after the words ‘for the office’ in the first sentence and replace it with a new sentence beginning with; “The person appointed.”

Sec 5.13 add the words “or systems” after the words ‘retirement system.’

Sec 6.1 (a) add the word “generally” after the words ‘and shall.’

Sec 6.1 (b) delete the entire section and change 6.1 (a) to a separate paragraph.

Sec 6.2 delete the words “in Section 5 (5)” at the end of the last sentence.

Sec 6.3 insert the words “the business is” after the words ‘consent thereto and’ near the end of the second sentence.

Sec 6.4 delete the words ‘of 1976 PA267’ after the words ‘Open Meetings Act.’

Sec 6.6 (a) replace the entire subsection (a) with; “Any three (3) or more members of the council may by vote compel the attendance of its members and other officers of the city at any meeting. Any members of the council or other officer, who when notified of the vote to compel his or her attendance, fails to attend such meeting for reasons other than confining illness or extenuating circumstances, shall be deemed guilty of misconduct in office unless excused by the council.”

Sec 6.7 (c) replace the word ‘shall’ in the first part of the second sentence with “may” and add “by law under MCL 15.324 or MCL 15.304” after the words ‘or is exempt’ near the end of the subsection and strike the rest of the sentence.

Sec 7.3 (b) in the first sentence strike the words “or they” and insert “and the council” and start the next sentence with “The city manager” and strike the word “or.”

Sec 7.3 (b) strike the words ‘and be part of his or her employment contract.’

Sec 7.3 (c) delete the word “government” at the end of the first sentence.

Sec 7.4 (a) this section will be referred to the village attorney for guidance.

Sec 7.5. Baird/Greene move to replace the number ‘five (5)’ in the first sentence with the number “four (4).” Motion carried 5 yes and 2 no.

Sec 7.6 (b) strike ‘1976 PA 442,’ and replace with “MCL.”

Sec 7.9 (g) strike ‘of the Michigan State Bar Association’ at the end of the section.

Sec 7.10 (d) strike ‘with a compensation package approved by the council’ with “, with his or her compensation subject to approval by the council.”

Sec 7.12 after discussion there was no change in this section.

Sec 7.13 (b) change the word ‘dismiss’ at the end of the subsection to “remove.”

Sec 8.6 (f) Greene/Crutchfield delete subsection 8.6 (f). Motion carried.

Sec 8.7 (c) Crutchfield/Greene move to delete the entire Sec 8.7 (c) and replace it with the following; “Be adopted at the meeting at which it is introduced by an affirmative vote of two-thirds (2/3) of council members present and may be given immediate effect. Any emergency ordinance shall also be published in accordance with Section 8.6, but not as a requirement for the effectiveness thereof. Motion carried.

Sec 8.15 after much discussion, this section remains unchanged.

Sec 9.3 (f) strike the word ‘reasonable’ and add “; and” at the end of the sentence.

Sec 9.6 replace the words ‘city council persons’ with “members of the city council.”

Sec 9.7 (b) strike the rest of the subsection after the words ‘by the city’ in the second line.

Sec 9.9 replace the entire section with the following; “Surplus funds may be invested in any manner permitted by law, pursuant to a written investment policy approved by the council.”

Sec 10.7 (b) strike the words ‘or vacancies occur’ after the words ‘when terms expire’ in the third (3rd) sentence and add the following as a fourth (4th) sentence; “Upon a vacancy due to resignation or otherwise, the Mayor shall appoint a member to fill the remainder of the vacant term.”

Sec 10.16 There was a question regarding the effective date of liens and Consultant Wm. Beach will be asked for guidance.

Sec 10.24 replace the section with; “No City Income Tax shall be levied”.

Sec 13.1 strike the second word ‘for’ in the first sentence of the first paragraph.

Sec 13.3 (a) add the following at the end of the first sentence; “unless the council approves the contract.”

Sec 13.3 (b) strike the word ‘lease’ in the first sentence.

Sec 15.2 strike the words ‘1967 PA 442’ in the second line.

Sec 15.4 replace the section with the following; “All processes against the city shall run against the city in the corporate name thereof, and may be served by delivering a true copy to the mayor or city clerk.

Sec 12.12 (h) replace the subsection with the following; “The word estoppel shall mean “as being estopped or prevented from denying or asserting something, on the ground that to do so contradicts what has already been admitted or denied, either explicitly in words or implicitly by actions.”

Sec 15.12 (i) add the word “city” as in ‘city taxes’.

Sec 15.12 (r) replace the words ‘1976 PA 442’ in the last sentence with “MCL.”

Sec 15.12 Mattlin/Greene move to add subsection (w) as follows; “Department Head” shall include Police Chief, Fire Chief, Public Safety Director, DPW Superintendent, WWTP Superintendent, Planning and Zoning Administrator and any other department head established by the council. Motion carried.

Sec 16.4 replace the following in the beginning of the first sentence; ‘If the votes upon the adoption of this charter show it to have been approved’ with; “If the voters approve adoption of this charter.”

Sec 16.5 (a) in the last sentence insert the word “of” after the first ‘and’.

Sec 16.5 (c) replace the subsection with the following; “The three (3) council candidates receiving the three (3) highest numbers of votes shall have terms beginning at 12:01 a.m. on the date this charter becomes effective and ending at 11:30 a.m. on _____, constituting a four (4) year term”.

Sec 16.5 (d) replace the subsection with the following; “The three (3) council candidates receiving the three (3) next highest numbers of votes shall have terms beginning at 12:01 a.m. on the date this charter becomes effective and ending at 11.30 a.m. on _____, constituting a two (2) year term.

Sec 16.9 delete the last paragraph in this section.

Sec 16.11 replace this section with the following; “In all cases involving the transition to the city government from that in existence prior to adoption of this charter, which are not covered by this Article, the council shall supply necessary details and procedures and may adopt such rules, regulations, and ordinances as may be required therefore”.

Several typographical, punctuation and syntax changes were made throughout Chapters 1 through 16. Many of the changes were suggested by former council member Henry Knier and Charter Commissioner Al Jones which improved the clarity of the text.

The charter commission hopes to have a hard copy of the draft charter ready for public review on 2/9/09 and conduct a public hearing on 2/23/09. The date of the election is still undetermined.

Baird/Crutchfield move to adjourn at 8:00 P.M.

Respectively submitted

Don Duggar
Clerk of the Charter Commission