

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 11, 2016, at 7:00 o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers Gatt, Staudt, Burke, Casey, Mutch, Wrobel

ABSENT: Councilmember Markham

The following preamble and Resolution were offered by Councilmember Burke and supported by Councilmember Wrobel.

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
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 11th 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
Cortney Hanson, City Clerk
City of Novi