



City Charter Study Group - 2023

Recommended Amendments

AMENDMENT #1

Remove requirements to hold the City Commission organizational meeting at a set day and time

The City Charter requires that the City Commission hold at least two regular meetings per month (Sec. 2-6). That's about as specific as it gets – it doesn't stipulate the days or times that these regular meetings take place. This means that the Commission has the freedom when adopting the annual meeting calendar to hold meetings on any day of the week and at any time of its choosing.

The exception, however, is that the Charter (2-6) also states that “a regular meeting shall be held at 7:00 p.m. at the then prevailing local time on the Monday next following each regular city election.” Several years ago, the Commission changed the time of the regular meetings to 6 p.m., but due to this provision, the first meeting in November is still held at 7 p.m.

Similarly, section 4-5(d) also states that “The term of office of each elected officer shall commence at 7:00 p.m. on the Monday following the regular city election at which the officer is elected.” This coincides with the convening of the meeting referenced in 2-6, but should be removed at the same time.

This amendment would remove references to days and times. The dates and times of all meetings, including the annual organizational meeting, will be set by the commission when the meeting calendar is adopted each year.

Notes:

- Sec. 2-2 still details a special process for the organizational meeting – “The first city commission meeting following a regular city election shall be called to order by the city clerk or city clerk's designee.”
- As has been discussed, the City Commission sets its own schedule, and is not prevented scheduling additional meetings, or from holding meetings on holidays or weekends. Sec. 1-6 states that “Whenever the date fixed by this charter or by ordinance for the doing or completion of any act falls on a Sunday or legal holiday, such act shall be done or completed on the next succeeding day which is not a Sunday or legal holiday.” But the hands-off language of Sec. 2-6 (requiring only that the Commission hold “at least two regular meetings each month”) does not fix the date, and as such the City Commission meeting calendar is not bound by Sec. 1-6.

AMENDMENT #2

Clarify the anti-nepotism language to include spouses of elected officials

The City Charter contains anti-nepotism sections that aim to prohibit the appointment or employment of relatives of elected officials or of the City Manager/BLP Director. The current language, located in Sec. 6-11(a) and Sec. 11-7(i), disqualifies a long list of “relatives and their spouses of any elective official or of an elected official's spouse or of the city manager[/director of the board of light and power] or of the manager's[/director's] spouse”.

Though it was almost certainly intended to, this language does not, as written, prohibit the appointment or employment of an elected official's spouse.

By way of example, the language would prohibit the hiring of a City Commissioner's child, grandchild, parent, grandparent, brother, sister, half brother or half sister; and it would prohibit the hiring of that City Commissioner's spouse's child, grandchild, parent, grandparent, brother, sister, half brother or half sister. It would not prohibit the hiring of the City Commissioner's spouse.

This amendment would simply amend the sections to read:

- 6-11(a): “**The City Manager's spouse and an elective official's spouse** and the following relatives and their spouses of any elective official or of an elected official's spouse or of the city manager or of the manager's spouse ...”
- 11-7(i): “**The director of the board of light and power's spouse and an elective official's spouse** and the following relatives and their spouses of any elective official or of an elected official's spouse or of the director of the board of light and power, or of the director's spouse ...”

AMENDMENT #3

Remove term limits associated with appointed boards and committees

Sec. 6-1(f) implements term limits for residents appointed by the City Commission to boards and committees. If a person has served for six or more consecutive years on “a board, commission, or committee appointed by the city commission” they are ineligible for a new appointment to “such board, commission, or committee unless at least two years has elapsed after the termination of such membership”.

On the ground, it can be argued that this has led to committee vacancies that the City has been unable to fill, while well-meaning and willing volunteers are ineligible because they have been serving in a similar capacity for the previous six years. The City of Marquette has several vacancies, many boards and committees and too few volunteers to bottleneck the process in this way.

This proposal would amend Sec. 6-1(f) as follows:

- (f) Except as otherwise provided by law, each member of a board, commission, or committee appointed by the city commission shall have been a resident of the city for at least one year immediately prior to the day of appointment and shall also be a qualified and registered elector of the city on such day and throughout the member's tenure of office. ~~No person shall be eligible for membership on any such board, commission, or committee if the person will have served at the time of taking office for six or more consecutive years as a member of such board, commission, or committee unless at least two years has elapsed after the termination of such membership. Consecutive years shall be measured from the last date at which the person took office as a member of such board, commission, or committee following a period of at least one year without so being a member.~~

AMENDMENT #4a

Remove the month requirements for local elections

Sec. 4-2 states that “a regular city election shall be held each year on the Tuesday following the first Monday in November” while Sec. 4-7(a) requires that “a regular nonpartisan city primary election shall be held on the Tuesday succeeding the first Monday in August preceding every regular city election for all elective offices of the city...”

Statewide (even year) election dates are established under state law. Currently, the general election is the first Tuesday after the first Monday in November, while the primary is the first Tuesday after the first Monday in August; but these dates can change at any time. Presently, there is a push to get the legislature to move the August date into June and to eliminate entirely the May election date. If the state were to make that change, we could have a statewide primary in June, a local charter requirement to conduct a local City Commission primary in August, and a general election in November.

Other charters handle this by simply pinning their election dates to state law, without expressly identifying the calendar dates in advance.

Example language, from the Lansing City Charter: “The primary and general elections for all City offices shall be at the time provided by State law.”

AMENDMENT #4b

4b: Remove the requirements for a local primary election

Currently, if there are valid filings for more than twice the number of candidates for the office to be elected at the following regular city election, a primary is held, per Sec. 4-7. At the primary, voters can vote for the same number of candidates as there are seats available. Based on votes received in the primary, twice the number of candidates to be elected are advanced to the general election ballot. (Example: if 7 candidates file for 3 city commission seats, all 7 names will appear on the primary ballot, and voters will vote for no more than 3. The candidate with the lowest number of votes will be eliminated and the remaining 6 will move on to the general election ballot, where voters will again vote for no more than 3.)

Issue 1: State law indicates that if there is a local primary election to be held, the nominating petitions for local office must be filed by 4 p.m. on the fifteenth Tuesday before the primary election. For an August primary, this means that candidates must file by late April, which is 6 ½ months ahead of the general election. If the primary election were to be shifted at a state level into June, this filing deadline would likely be mid-February.

Issue 2: Staff are working to drive down the costs of staffing and organizing elections. That said, the cost of elections has been climbing steadily for the past few years and it won't go down in the foreseeable future. The cost of the May 2023 election in the City was more than \$32,000, and a busy election would include an additional \$7,000+ in staffing costs.

Notes:

- Several other municipalities, including East Lansing and Traverse City, do not hold primary elections for local office.
- For additional context:
 - o In the last 12 years, there have been six local primaries for City Commission.
 - o In three of those years, one candidate was eliminated in the primary and all remaining candidates moved to the November election.
 - o In the other three instances, eight candidates filed for two seats and four candidates were eliminated via the primary.
 - o In every election, the candidates that received the most votes in the primary also received the most votes (and were elected) in November.

AMENDMENT #5

Remove the requirement to publish full ordinances in the newspaper

Sec. 3-3(a) requires that adopted ordinances be published in full in the newspaper if they are shorter than 500 words. If longer than that, a summary of the ordinance may be published, and full copies must then be made available in the clerk's office and in two other locations in the city.

Newspaper advertisements are very expensive and getting more expensive every month and it seems counterproductive to force ourselves to publish lengthy legal ads needlessly.

The amendment would remove the requirement to ever publish a full ordinance, and instead state that after the adoption of any ordinance, regardless of length, the City will publish a summary or statement of purpose, and the publication must include a notice stating that printed full-text copies of the ordinance are available in certain locations (Clerk's Office, Library).