



Resolution Proposing City Charter Amendment to Remove Term Limits for Boards and Committees Appointed by the City Commission

At the regular meeting of the City Commission of the City of Marquette, County of Marquette, State of Michigan, held on the 29th day of April 2024, at 6:00 o'clock p.m., prevailing Eastern Time.

PRESENT: _____

ABSENT: _____

The following preamble and resolution were offered by Commissioner _____ and supported by Commissioner _____.

WHEREAS, Marquette City Charter Sec. 13-7 requires “Every ten years the city commission shall appoint a charter study group. The charter study group shall review this charter and make recommendations for changes in this charter. The charter study group shall make its recommendations within one year after appointment”; and

WHEREAS, at the December 19, 2022 regular meeting, the City Commission appointed the City Manager, City Attorney, and City Clerk to the charter study group; and

WHEREAS, at the City Commission’s September 11, 2023 regular meeting, the charter study group provided recommendations for several amendments to the City Charter; and

WHEREAS, Section 21 of the Home Rule City Act, MCL 117.21, as amended, provides that the legislative body of a city may propose, by a vote of 3/5 of its members, an amendment to an existing city charter; and

WHEREAS, Section 21 details the procedure for submitting proposed charter amendments to the electors of the city for approval; and

WHEREAS, it is necessary to amend Section 6-1 of Chapter 6 of the City Charter to provide for the recommended changes;

NOW THEREFORE BE IT RESOLVED THAT:

1. The City Commission hereby proposes that Section 6-1(f) of Chapter 6 of the Charter of the City of Marquette, shall be amended as follows:

Sec. 6-1. – Eligibility for elective office.

(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.~~

2. The provisions of the existing Chapter 6 of the City Charter to be altered or abrogated by the proposed amendment, if adopted, now reads as set forth in Exhibit A attached hereto.
3. The proposed amendment of Chapter 6 of the City Charter shall be submitted to the electors in the following form:

**PROPOSED AMENDMENT OF SECTION 6-1(f) OF CHAPTER 6 OF THE CITY
CHARTER OF THE CITY OF MARQUETTE.**

Shall Section 6-1(f) of Chapter 6 of the Marquette City Charter be amended to remove term limits for boards and committees appointed by the city commission?

4. Copies of the proposed amendment shall be transmitted to the Governor of the State of Michigan for her approval, as required by law.
5. Copies of the proposed amendment shall be transmitted to the Attorney General of the State of Michigan for her approval, as required by law.
6. The proposed amendment shall be, and the same is hereby ordered to be, submitted to a vote of the qualified electors of the City of Marquette at an election to be held in the city on Tuesday, November 5, 2024. The ballot wording of the proposed amendment is hereby certified to the City Clerk and to the Marquette County Clerk. The City Clerk is hereby authorized and directed to file this order and/or complete any such forms, certificates or documents as may be required by the County Clerk to evidence the foregoing certification and/or submission by no later than 4:00 p.m. prevailing Eastern Time on August 13, 2024.
7. The City Clerk and the County Clerk are hereby authorized and directed to (a) post and publish notice of election required Michigan Election Law, MCL 168.1 et seq., as amended; and (b) have prepared and printed, as provided by Michigan Election Law, ballots for submitting the proposal at the election, which ballots shall contain the proposal appearing herein, or the proposition shall be stated as a proposal on the voting machines, which ballots may include other matters presented to the electorate on the same date.
8. The proposed amendment shall be published in full together with the existing City Charter provisions which would be altered or abrogated thereby as part of the notice of election.
9. The canvass and determination of votes of the proposed amendment shall be made in accordance with the laws of the State of Michigan and the City Charter of the City of Marquette.

10. This resolution shall have immediate effect.

11. All resolutions and parts of resolutions insofar as they conflict with provisions of this resolution be and the same hereby are rescinded.

AYES: _____

NAYES: _____

RESOLUTION DECLARED ADOPTED.

Kyle Whitney, City Clerk

I HEREBY CERTIFY that the attached is a true and complete copy of a resolution adopted by the City Commission of the City of Marquette, County of Marquette, State of Michigan, at a regular meeting held on April 29, 2024, and that the meeting was conducted and public notice of meeting was given pursuant to the Michigan Open Meetings Act (MCL 15.261 et seq), and that the minutes of the meeting were kept and will be or have been made available as required by the act.

Kyle Whitney, City Clerk

EXHIBIT A

PROVISIONS OF EXISTING CHAPTER 6 OF THE CITY CHARTER TO BE ALTERED OR ABROGATED BY PROPOSED CHARTER AMENDMENT

Chapter 6. – GENERAL PROVISIONS REGARDING OFFICERS AND PERSONNEL

Sec. 6-1. – Eligibility for elective office.

- (a) No person shall hold any elective office of the city unless the person has been a qualified and registered elector of the city for at least one year immediately prior to filing for election. Appointments made to fill a vacancy shall also be subject to the same requirements.
- (b) No person shall be eligible to be a candidate for nomination for city commissioner at any election if the person will have served by the Monday following the next regular city election for six or more consecutive years as a member of the city commission, unless at least two years has elapsed between the termination of such membership and the Monday following such election. Consecutive years shall be measured from the last date at which the person took office as a member of the city commission following a period of at least one year without so being a member.
- (c) No person shall be eligible for any elective or appointive city office who is in default to the city. The holding of office by any person who is in such default shall create a vacancy unless such default shall be eliminated within 30 days after written notice thereof by the city commission or unless such person shall in good faith be contesting the liability for such default.
- (d) A person seeking to qualify as a candidate for any elective office under this charter shall file with the city clerk a properly completed nominating petition secured from the office of the city clerk. The form of the nominating petition shall be substantially as that required by statute for nonpartisan petitions. The city clerk shall maintain a supply of official petition forms and, upon request, furnish a reasonable number of nominating petitions.
- (e) The city commission shall be the sole judge of the election and qualification of its own members.
- (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.
- (g) All officers shall be citizens of the United States.
- (h) Except as otherwise provided by law, a person appointed by the city commission or any other government agency, to represent the city on a non-city board, commission, or committee shall be subject to the same requirements as persons appointed by the city commission to serve on any of the city's boards, commissions, or committees, except that appointments to the board of directors of the downtown development authority (DDA) shall be made to candidates for appointment who meet the requirements of section 4 of Public Act No. 197 of 1975 (MCL 125.1654) whereby the city manager may make (and the city commission may confirm) appointments of nonresidents who meet the qualifications as required by Public Act No. 197 of 1975 (MCL 125.1651 et seq.); provided however, that preference may be given to eligible candidates to serve on the DDA board who also meet the qualifications to serve on any of the city's boards, commissions, or committees.

(i) No elective officer may be appointed to any city office or be employed by the city during the term of office for which the person was elected or for two years thereafter.