



Resolution Proposing City Charter Amendment to Require the Publication of a Summary Statement for All Ordinances Adopted 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 of the City Commission the City Commission appointed the City Manager, City Attorney, and City Clerk to the charter study group; and

WHEREAS, at the September 11, 2023, regular meeting of the City Commission the charter study group provided the recommendation to amend several sections of City Charter; and

WHEREAS, Section 21 of the Home Rule City Act, MCL 117.21, as amended (“Act” 279”), 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 proscribes the procedure for submitting proposed charter amendments to the electors of the city for approval; and

WHEREAS, it is necessary to amend Section 3-3 of Chapter 3 of the City Charter to provide for the foregoing changes.

NOW THEREFORE BE IT RESOLVED THAT:

1. The City Commission hereby proposes that Section 3-3(a) of Chapter 3 of the Charter of the City of Marquette, shall be amended as follows:

Sec. 3-3. – Publication and recording of ordinances.

a) WITHIN 20 DAYS AFTER THE ENACTMENT OF ANY ORDINANCE, A DIGEST, SUMMARY OR STATEMENT OF PURPOSE OF THE ORDINANCE, APPROVED BY THE COMMISSION, SHALL BE PUBLISHED IN A NEWSPAPER AS DEFINED IN SECTION 1-7, INCLUDING WITH SUCH NEWSPAPER PUBLICATION A NOTICE THAT PRINTED COPIES OF THE FULL TEXT OF THE ORDINANCE ARE AVAILABLE FOR INSPECTION BY AND DISTRIBUTION TO THE PUBLIC AT THE OFFICE OF THE CITY CLERK AND AT LEAST ONE OTHER PUBLIC PLACE IN THE CITY. ~~Each ordinance shall be published within 20 days after its enactment in one of the following two methods:~~

~~(1) The full text thereof may be published in a newspaper as defined in section 1-7.~~

~~(2) In cases of ordinances over 500 words in length a digest, summary or statement of purpose of the ordinance, approved by the Commission, may be published in a newspaper as defined in section 1-7, including with such newspaper publication a notice that printed copies of the full text of the ordinance are available for inspection by and distribution to the public at the office of the city clerk at least two other public places in the city. If the method described in this subsection (a)(2) is used, then printed copies shall promptly be so made available as stated in such notice.~~

(b) All ordinances shall be recorded by the city clerk in a book to be called "The Ordinance Book", and it shall be the duty of the mayor and city clerk to authenticate such records by their official signatures thereon but the failure to so record and authenticate such ordinances shall not invalidate them or suspend their operation.

2. The provisions of the existing Chapter 3 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 3 of the City Charter shall be submitted to the electors in the following form:

PROPOSED AMENDMENT OF SECTION 3-3 OF CHAPTER 3 OF THE CITY CHARTER OF THE CITY OF MARQUETTE.

Shall Section 3-3 of Chapter 3 of the Marquette City Charter be amended to require that within 20 days of the city commission approving any ordinance, the city must publish in a newspaper a digest, summary or statement of purpose of the ordinance, as well as a statement indicating where full-text copies of the ordinance can be found?

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 4 OF THE CITY CHARTER TO BE ALTERED OR ABROGATED BY PROPOSED CHARTER AMENDMENT

Chapter 3. – LEGISLATION

Sec. 3-3. – Publication and recording of ordinances.

a) Within 20 days after the enactment of any ordinance, a digest, summary or statement of purpose of the ordinance, approved by the commission, shall be published in a newspaper as defined in section 1-7, including with such newspaper publication a notice that printed copies of the full text of the ordinance are available for inspection by and distribution to the public at the office of the city clerk and at least one other public place in the city.

(b) All ordinances shall be recorded by the city clerk in a book to be called "The Ordinance Book", and it shall be the duty of the mayor and city clerk to authenticate such records by their official signatures thereon but the failure to so record and authenticate such ordinances shall not invalidate them or suspend their operation.