

RESOLUTION

At a regular meeting of the City Council of the City of Warren, County of Macomb, Michigan, held on April 9, 2024, at 7 p.m. Daylight Savings Time, in the Warren City Council Chambers, located at 5460 Arden Road, Warren, Michigan.

PRESENT: Councilmembers Boike, Dwyer, Lafferty, Magee, Moore, Newnan, Rogensues

ABSENT: Councilmembers None

The following preamble and resolution were offered by

Councilmember Moore and supported by

Councilmember Dwyer

Since the inception of the Warren City Charter in 1957, the Election Commission has been a three-member board that consists of the City Clerk, City Attorney, and City Assessor.

The Charter Review Committee met on February 6, 2024, and March 11, 2024, and reviewed the composition of the Election Commission for the 20 largest cities in Michigan by population; the City Clerk was a member of the Election Commission in all 20 cities; the City Attorney was a member in 12 out of 20 cities; but only 5 out of the 20 major cities had the City Assessor as a member of the Election Commission, and most of these were cities with older city charters.

A review of the Election Commission membership in the 20 largest Michigan cities showed a number of cities appointed the mayor or a council member as a member of the election commission, and six (6) cities had residents appointed by

council, and in two (2) cities the Election Commission consisted of the City Clerk and two residents appointed by city council.

After much discussion and analysis, the Charter Review Committee is recommending consideration of a charter amendment where the City Assessor would be replaced with a citizen representative appointed by city council and the justification for the proposal is as follows:

- Majority of Commission Members will be City Residents.

Currently the Election Commission is a 3-member board that consists of the City Clerk, City Attorney, and City Assessor. For a 43-year period from the city's founding in 1957 until 2000, all Election Commission members were required to be residents of the city. The law relaxing residency restrictions went into effect in March 2000 after the legislature and Governor changed the law that prohibited municipalities from requiring employees to live in the city limits. The City Attorney and City Assessor do not have to be city residents, and most of the City Attorneys and Assessors since March of 2000 in Warren have not been residents of the city. This proposal would ensure that a majority of the Election Commissioners would be residents.

- City Assessor position is currently being contracted. At the present time, the City Assessor duties are being contracted. This may or may not be the long-term plan of the city, but the Election Commission should not have any lengthy vacancy because there is not a permanent properly appointed Assessor.

- A Citizen Appointee on the Election Commission would ensure more Citizen Input on the Redistricting Commission. The Redistricting Commission consists of the Election Commission and two mayoral appointees. If the Election Commission included a Citizen Appointee this would ensure more Resident input in the redistricting process.

- Amendment can address issue of frequent substitution of Election Commission Members by city staff. The charter states that a quorum of the Election Commission is two members. The charter further states that “if a quorum is not present the commissioners present shall appoint one or more administrative officers of the city to make a quorum.” Residents and Council Members who have attended Election Commission meetings over the past several years have noted that the Clerk, Attorney, and Assessor frequently dispatch staff members to sit in their place on the meeting, and have done so during controversial election-related decisions. The limited language of the charter allows for an appointment in order to ensure there is a quorum (which is 2 members) not to simply appoint one’s own alternate to the Commission.

At its regular meeting of March 26, 2024, the City Council voted to have appropriate charter amendment language drafted to adopt the recommendation of the committee.

THEREFORE, IT IS RESOLVED, that it is hereby proposed, pursuant to the provision of Act No. 279 of the Public Acts of Michigan, 1909, as amended that Sections 7.6(a), 13.11, and of the Charter of the City of Warren which currently read:

Sec. 7.6- Administrative appointments

With the exception of the board of trustees of the City of Warren Employees Retirement System which shall be filled pursuant to section 16.3 of this charter, the mayor shall appoint the appointive officers of the city, the directors of the departments of the city, and members of the commissions and boards of the city, whether the same be established by this charter, or by ordinance: Provided however, that appointments to the offices of city attorney and assessor shall not be effective, until confirmed by the council. In any case where the council shall not act upon the mayor's appointment of a person as city attorney or assessor at the regular council meeting at which it is announced or at the next subsequent regular council meeting, such appointment shall be deemed to have been confirmed by virtue of such failure to act. The mayor shall certify to the clerk, in writing, the names of each appointee to an appointive office within five days after such appointment is made and shall announce such appointment to the council at the next regular council meeting following the date of such appointment. The term of office of each appointee may be terminated forthwith, if the council, at such meeting or at its next subsequent regular council meeting[,] shall disapprove such appointment by a resolution which shall state the reasons for such disapproval. In the event of such a disapproval, the mayor may reappoint the person disapproved. If such appointee be again disapproved by the council, the mayor may not again make such appointment in the calendar year in which disapproval occurred.

Sec. 13.11- Election commission and duties

A city election commission, consisting of the clerk, city attorney, and assessor is hereby created.

Sec. 13.12 - Meeting and quorum.

The meetings of the city election commission shall be held in the council chambers or in the office of the clerk and shall be public. At all meetings a majority of the members shall constitute a quorum. If a quorum is not present the commission or commissioners present shall appoint one or more administrative officers of the city to make a quorum. Such officers shall take the oath of office and their acts shall be valid as members of the commission. The commission shall be in continuous session on all election days and on such other days as its duties may require. The clerk shall serve as chairman of the commission.

Shall, if approved by voters, be amended to read as follows:

Sec. 7.6- Administrative appointments

With the exception of the board of trustees of the City of Warren Employees Retirement System which shall be filled pursuant to section 16.3 of this charter, and the citizen representative on the Election Commission pursuant to section 13.11 of this charter, the mayor shall appoint the appointive officers of the city, the directors of the departments of the city, and members of the commissions and boards of the city, whether the same be established by this charter, or by ordinance: Provided however, that appointments to the offices of city attorney

and assessor shall not be effective, until confirmed by the council. In any case where the council shall not act upon the mayor's appointment of a person as city attorney or assessor at the regular council meeting at which it is announced or at the next subsequent regular council meeting, such appointment shall be deemed to have been confirmed by virtue of such failure to act. The mayor shall certify to the clerk, in writing, the names of each appointee to an appointive office within five days after such appointment is made and shall announce such appointment to the council at the next regular council meeting following the date of such appointment. The term of office of each appointee may be terminated forthwith, if the council, at such meeting or at its next subsequent regular council meeting[,] shall disapprove such appointment by a resolution which shall state the reasons for such disapproval. In the event of such a disapproval, the mayor may reappoint the person disapproved. If such appointee be again disapproved by the council, the mayor may not again make such appointment in the calendar year in which disapproval occurred.

Sec. 13.11- Election commission and duties

A city election commission, consisting of the clerk, city attorney, and a citizen representative appointed by city council is hereby created. The citizen representative appointed by city council shall be a registered elector in the city of Warren and shall not be an officer or employee of the city or a candidate for any city elected office. The citizen representative shall serve at the pleasure of the city council and the appointment shall be reviewed every term during the organization of the council pursuant to sec. 5.2 of the charter.

Sec. 13.12 - Meeting and quorum.

The meetings of the city election commission shall be held in the council chambers or in the office of the clerk and shall be public. At all meetings a majority of the members shall constitute a quorum. If a quorum is not present the commission or commissioners present shall appoint one or more administrative officers of the city in place of the city clerk or city attorney to make a quorum. The citizen representative appointed by city council shall not be substituted by appointment of the commission. Such officers shall take the oath of office and their acts shall be valid as members of the commission. The commission shall be in continuous session on all election days and on such other days as its duties may require. The clerk shall serve as chairman of the commission.

And the purposes of such proposed Charter Amendments shall be designated on the ballot to be submitted to the electorate as follows:

WARREN CITY CHARTER AMENDMENT

**A PROPOSAL TO APPOINT A CITIZEN REPRESENTATIVE ON THE CITY
ELECTION COMMISSION IN PLACE OF THE ASSESSOR**

The city election commission currently consists of the clerk, city attorney, and assessor. The proposed amendment would replace the assessor with a citizen representative appointed by city council. The citizen representative must be a registered elector in the city and not currently a city officer, city employee, or candidate for city office. In case of an absence, the election commission will not be permitted to substitute an administrative officer of the city for the citizen representative.

PROPOSAL: Should the city election commission include a citizen representative appointed by city council to replace the assessor?

YES _____

NO _____

IT IS FURTHER RESOLVED, that the proposed charter amendment shall be, and the same is hereby ordered to be, submitted to the qualified electors of the city at the Primary Election to be held in the City of Warren on August 6, 2024, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to take all action necessary to submit such charter amendment to the vote of the electors as required by law.

AYES: Councilmembers Moore, Dwyer, Boike, Lafferty, Magee, Newnan, Rogensues

NAYS: Councilmembers None

RESOLUTION DECLARED ADOPTED this 9th Day of April 2024 by a three-fifths vote of its membership pursuant to the authority granted by Act 279 of the Public Acts of 1909, as amended.



MINDY MOORE
Secretary to the Council

CERTIFICATION

STATE OF MICHIGAN)

) SS.

COUNTY OF MACOMB)

I, SONJA BUFFA, duly elected City Clerk for the City of Warren, Macomb County, Michigan, hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Council of the City of Warren at its meeting held on April 9, 2024.

SONJA BUFFA
City Clerk