

SPECIAL COUNCIL MEETING
Village Hall
7227 Huron Avenue, Lexington, MI 48450
AGENDA

DATE OF MEETING: THURSDAY, MAY 8, 2025
TYPE OF MEETING: SPECIAL COUNCIL MEETING
TIME OF MEETING: 5:00 P.M.

PLEDGE OF ALLEGIANCE

CALL TO ORDER / SPECIAL COUNCIL MEETING

ROLL CALL BY CLERK

PUBLIC COMMENT

BUSINESS:

ADMINISTRATION

- A. Appoint a Village President – Muoio
- B. Advertise for Council Trustee Opening – Muoio
- C. Ordinance Enforcement Officer Approval – Fisher

PUBLIC COMMENT

ADJOURNMENT

Posted 5-5-25 @ 3:45 p.m.

Vicki A. Scott, Clerk

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2707;—CL 1915, 2577;—CL 1929, 1487;—CL 1948, 62.9.

VACANCIES IN OFFICE.

62.10 Resignations.

Sec. 10. (1) Except as otherwise provided in subsection (2), the resignation of a village officer must be made to the village president, and the resignation is effective upon receipt by the village president.

(2) The resignation of the village president must be made to the village clerk, and the resignation is effective upon receipt by the village clerk.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2708;—CL 1915, 2578;—CL 1929, 1488;—CL 1948, 62.10;—Am. 2020, Act 81, Imd. Eff. Apr. 2, 2020.

62.11 Office vacancies.

Sec. 11. If any elected officer shall cease to be a resident of the village during his or her term of office, the office shall be thereby vacated. If any officer is alleged to be in default as defined in section 7 of this chapter, the office shall be declared vacated.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2709;—CL 1915, 2579;—CL 1929, 1489;—CL 1948, 62.11;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

62.12 Failure of officer to give or maintain bond.

Sec. 12. If any person elected or appointed to office fails to give or maintain the bond or security required for the due performance of the duties of his or her office, within the time specified under section 8 or 9 of this chapter, the council shall declare the office vacant, unless the officer gives the requisite bond or security before the council makes its declaration.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2710;—CL 1915, 2580;—CL 1929, 1490;—CL 1948, 62.12;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

62.13 Vacancies; filling; special elections; procedure; expenses.

Sec. 13. A vacancy occurring in the office of president, trustee, or any other elective office shall be filled by appointment by the council, and the appointee shall hold office until the next regular village election. All vacancies in any other office shall be filled by the president, by and with the consent of the council. If by reason of removal, death, resignation, or otherwise, the membership of the council is reduced to less than a quorum, the remaining council members shall call a special election for the purpose of filling all vacancies in the office of trustee, if a petition signed by not less than 10% of the qualified voters of the village is filed with the village clerk within 10 days after the vacancy or vacancies occur. If a petition is not filed within the time stated, then the remaining council members may either call a special election, or may appoint a sufficient number of trustees to constitute with the members in office a quorum of the council, who shall then fill the remaining vacancies as provided in this section. If all the officers and trustees of a village have died or moved from the village, and no successors have been elected or appointed to fill the vacancies, the township clerk of the township within which the village is situated shall, upon petition of 10% of the qualified voters residing in the village, call a special election for the election of the officers and trustees of the village to be held on a regular election date as established under section 641 of the Michigan election law, 1954 PA 116, MCL 168.641. The township shall perform all of the other duties with respect to the election as the village might have done had the vacancies not existed, including the preparation of ballots, the appointment of election inspectors, the counting and canvassing of the ballots, and the certification of the persons elected to the offices for which the election was held. The expenses of the election shall be paid by the village as provided in section 642 of the Michigan election law, 1954 PA 116, MCL 168.642.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2711;—CL 1915, 2581;—Am. 1921, Act 10, Eff. Aug. 18, 1921;—CL 1929, 1491;—CL 1948, 62.13;—Am. 1983, Act 205, Imd. Eff. Nov. 10, 1983;—Am. 1998, Act 255, Imd. Eff. July 13, 1998;—Am. 2003, Act 305, Eff. Jan. 1, 2005.

62.14 Surety not exonerated.

Sec. 14. The resignation or removal of an officer or the appointment or election of a successor to the officer does not exonerate the officer or the officer's sureties from any liability incurred by the officer or the officer's sureties.

History: 1895, Act 3, Imd. Eff. Feb. 19, 1895;—CL 1897, 2712;—CL 1915, 2582;—CL 1929, 1492;—CL 1948, 62.14;—Am. 1998, Act 255, Imd. Eff. July 13, 1998.

62.15 Property delivered to successor.

Sec. 15. When an officer resigns or is removed from office, or when the elected term of office expires, he

- signs certification of assessment roll and amount required to be raised by general tax and special assessment. (MCL 69.13)
- warrants the treasurer to collect taxes. (MCL 69.15)
- countersigns disbursement warrants. (MCL 69.24)
- nominates a harbor master (if needed) for appointment by council. (MCL 67.39)
- **directs the fire chief.** (MCL 70.4)
- **appoints police officers and personnel with the consent of the council.** (MCL 70.13)
- **nominates a chief of police for council appointment.** (MCL 70.15)
- **nominates a director of public safety for council appointment.** (MCL 70.18)
- **nominates a director of public works for council appointment.** (MCL 71.14)
- **nominates non-elected officers for council appointment in accordance with the ordinance/ resolution creating the position.** (MCL 62.2)
- **fills vacancies of non-elected officials, with the consent of council.** (MCL 62.13)
- concurs with the fire chief to order the destruction of a building, if necessary, to arrest the progress of a fire. (MCL 70.11)
- signs boundary adjustment petition for presentation to the county commission. (MCL 74.6)
- **prepares budget for presentation to council.** (Michigan Uniform Budgeting and Accounting Act).

Powers of the President Pro Tempore

Each year, the village council appoints one of its members as president pro tempore. The appointment should be made on November 20th or as soon as possible thereafter. When the president is absent, the president pro tem presides at council meetings and exercises all powers and duties of the president. (MCL 65.3)

If the office of the president becomes vacant for any reason, the council must appoint a president to serve until the next regularly

scheduled village election; any qualified elector may be selected to fill the vacancy. The president pro tem does not automatically become president. (MCL 62.13)

Duties of a Village Manager

Of Michigan's 207 general law villages, 56 have a village manager. In determining whether or not to establish the position of a village manager, each village must decide what will best meet the needs of the community.

Prior to 1985, a village council could only assign those duties to a manager not required by law to be performed by another village official. This limited the effectiveness of the manager. Act 173 of 1985 allowed the village council to assign to the manager, by ordinance, selected administrative duties otherwise performed by other village officials under the GLV Act.

In addition, the 1998 revision to the Act allows the council to employ a manager to serve at the pleasure of the council and to enter into an employment contract with the manager. The council may now pass an ordinance assigning the manager any administrative duty of the council or the president, including hiring, firing, and directing village employees or other appointed officials. The manager may also be given supervisory responsibility over accounting, budgeting, personnel, purchasing, and related management functions otherwise given to the clerk or treasurer. This ordinance, like the ordinances for appointment of the clerk and treasurer, only becomes effective 45 days after passage to allow for the filing of a petition signed by 10 percent of the electorate, or after the election if such a petition is filed.

The village manager may be designated as the chief administrative officer required by the Uniform Budgeting and Accounting Act (MCL 141.434) to be responsible for the preparation, presentation, and administration of the village budget. The manager may also be designated as the street administrator as defined in section 113 of 1951 PA 51, MCL 247.663.

Villages with manager positions predating 1985 PA 173 may wish to review their experience and enact an ordinance in accordance with the 1998 revisions to the Act. (MCL 65.8)

COUNCIL VACANCY POLICY 102-12

Section 1. Vacancy in the Village Council. A vacant Village Council position shall be filled by the remaining members of the Village Council in accordance with the procedures established in this Policy.

Section 2. Application. The Village Council shall adopt a form of application for appointment to vacant council positions.

Section 3. Notice. Whenever a council position is vacant for any reason, the Village Council or Village manager shall direct the Village Clerk to inform the rest of council within 3 working days and will publish a notice of the vacancy and the deadline for applying for the position. This notice shall be published in a newspaper of general circulation in the Village, a public posting, and on the Village's web site. The Clerk shall allow 14 days, after that date, for reception of the completed application.

Section 4. Application Review. After the deadline for submission of applications has passed, the Village Clerk shall distribute a copy of the applications received to each Village Council member, and the Council President shall schedule an executive session to discuss the qualifications of the applicants within 5 working days. The Village Council shall have 5 days to review the applications.

Section 5. Notice to Applicants. The Village Council shall direct the Village Clerk to notify each applicant of the Village Council's decision within 2 working days.

Section 6. Interview Procedure. The Village Council shall conduct an interview of each candidate for selection, as soon as possible, during a regular or special council meeting open to the public.

Section 7. Selection of New Councilmember. Nominations, voting, selection, and appointment of a person to fill the vacant Village Council position shall be in a meeting open to the public. Council members will be allowed to ask their own questions and allowed a follow up. Limit to 2 questions each. After the interviews, each council member shall state their vote orally. Once an applicant has a majority vote the motion will be made to nominate and approve by vote of council. The new applicant will be sworn in within 3 days.

Section 8. In the Event of a Tie. If council is not able to reach a majority vote, the council shall again be polled for two additional times. If a consensus is not reached after the third round, the candidates shall be asked to draw from a container the same number of blank slips of paper as there are candidates. One slip shall be marked with a pen so as to differentiate it from the others. The candidate or their proxy drawing the marked slip shall be nominated and approved by the village council.

Section 9. Vacancies Within 60 Days of the Next Scheduled Election. Vacancies occurring within 60 days of the next scheduled election may be left unfilled waiting for the results of that election, unless there is important business before the council that would benefit from naming a person to the absent council chair. A motion to that effect must pass to waive the 60 day exclusion.

Section 10. Vacancies Within 60 Days of the Last Election. If a vacancy occurs within 60 days of the last election the Village Council will appoint the next highest vote getter to the vacancy, regardless of term length. If that person is unable to serve in the offered position the position will be offered in accordance with this procedure.