

RESOLUTION #2018-35

TO DECLARE PRECINCT 1 COUNCIL SEAT VACANT

Purpose and Finding: At the November 2018 General election, several new individuals were elected to the City Council. As part of the screening process the default status of each of the incoming members was checked and official notice was provided to the relevant individuals as required by the City Charter. (It should be noted that the Michigan Home Rule City Act, MCL 117.5(f) precludes an individual in default from holding office in addition to local charter requirements.) The individuals had thirty (30) days from the date notice was provided (November 8, 2018) to cure the default(s) pursuant to the charter. This time period expired on December 8, 2018. As such, pursuant to Section 4.9(a)(6) of the Albion City Charter, the seat is now vacant. This resolution is being presented to bring formality to the vacancy and to effectively start the clock on the time period for appointing a replacement to the Precinct 1 council seat.

Council Member Brown moved, supported by Council Member Reid, to approve the following resolution.

WHEREAS, the Michigan Home Rule City Act, MCL 117.5(f) precludes an individual in default to a city from holding public office in that city; and

WHEREAS, Section 4.9(a)(6) of the Albion City Charter provides that an individual in default shall have thirty (30) days to cure the default or a vacancy in the seat occurs; and

WHEREAS, the councilperson elect for Precinct 1 was provided with the required written notice of default by the Albion City Clerk on November 8, 2018; and

WHEREAS, the councilperson elect for Precinct 1 did not cure the default within the required thirty (30) day period; and

WHEREAS, the Albion City Council recognizes the importance of having a qualified representative on the council from Precinct 1 to ensure that every precinct of the City of Albion has an equal voice and is duly represented.

RESOLVED, that the Albion City Council seat for Precinct 1 is hereby declared to be vacant pursuant to Section 4.9(a)(6) of the Albion City Charter.

BE IT FURTHER RESOLVED, that the Albion City Council shall commence procedures, pursuant to Section 4.12 of the Albion City Charter, to appoint a councilperson to the Precinct 1 seat;

I hereby certify that the above resolution was adopted on December 17, 2018 in a special session of the Albion City Council, and this is a true copy of that resolution.

Ayes 6

Nays 0

Absent 0

Jill Domingo
Jill Domingo, Clerk