

RESOLUTION #2017-40

A RESOLUTION OF CENSURE OF THE ALBION CITY MAYOR

did not pass - table indefinitely

Whereas, the Michigan Constitution requires all Public officers to take an oath to faithfully discharge the duties of their respective offices; and

Whereas, Albion's Charter reads:

1. Sec. 5.4. - The mayor.
 - a. The mayor shall be recognized as the ceremonial head and chief executive officer of the city and shall perform all duties provided or required of him by law or by the council.
 - b. He shall be the presiding officer of the council.
 - c. He shall be a member of the council with all the powers and duties of that office, including the right and duty to vote on questions before the council.
 - d. He shall advise the council concerning the public affairs of the city and make recommendations thereon; and,

Whereas, over the last year, the Mayor has, again, attempted to assume a greater level of management/authority over the city and the City Manager, which, again, is not in the purview of the Mayor Duties and responsibilities as outlined in the City Charter; and

Whereas, at no point in the charter does it read that the Mayor, as an individual, can a) instruct the City Manager what to do with regard to the day-to-day operations of the city; that authority resides with the City Council, nor b) work on behalf of an individual agenda in interactions with City staff; that is the sole work of the City Manager as requested by a majority of the City Council, and

Whereas, the City Council at the City Manager's Performance Review of 2016 and 2017 overwhelmingly approved of the work the City Manager, that the work of the City Manager has been "exceptional", with the average of all council members, aside from the Mayor was 4.47/5.0 in 2016 and 4.69/ 5.00 in 2017; and

Whereas, the City Manager has repeatedly articulated to the Council her frustrations and concerns with the Mayor with regard to his behavior towards her, his unwarranted, disparaging, and unsubstantiated remarks concerning her abilities as City Manager, his lack of positive engagement with her, his abilities to be present and engaged, and helpful to her in the running of the city; and,

Whereas, the views expressed by the Mayor, both in private and in public comments, are in misalignment with the expressed views of the majority of the City Council, and his actions

undermine the work of the City Manager and City Staff, and are not aligned with the Mayor's duties as outlined in the City Charter.

Therefore, be it resolved, the City Council rejects and condemns the Mayor's attempts to assume more authority in the day-to-day management of the City's business and resolves to Censure the Mayor. From this resolution forward, all interactions of the Mayor to the City Manager will be through the council, at council meetings. Mayor shall only give direction to the Manager during City Council meetings and with the consensus/consent of council. He will work with the City Council, and the City Attorney, to make sure the role of the Mayor is clearly defined, understood, and not violated. In the future, the Mayor, and the City Council will act as a unit in their directions to the City Manager.

Be it further resolved that the Albion City Council asks the City Manager to allow the City Council thirty (30) days to come together with the Mayor, the City Attorney, to come to an agreement with all parties in regards to the defining of the working relationship between the City Manager and the Mayor, prior to her tending her resignation. Regardless of the outcome, this clarification of the rightful authority of the Mayor, as outlined in the City's Charter, will make for a more p **RESOLVED**, that the City Council authorizes the Resolution of Censure of the Albion City Mayor.

Date: October 16, 2017

Ayes: _____

Nays: _____

Absent: _____

I certify that this resolution was adopted by the City Council of the City of Albion on October 16, 2017.

Jill Domingo
City Clerk

*Lawler moved, Brown supported, CARRIED,
to postpone Resolution # 2017-40 indefinitely.
5-2, rcv
(Barnes & French
dissenting)*