



Rochester Hills

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Master

File Number: 2008-0343

File ID: 2008-0343

Type: Administration

Status: To Council

Version: 5

Reference: 2008-0343

Controlling Body: City Council
Regular Meeting

File Created Date : 06/25/2008

File Name: Move Accounting from Clerk's to Mayor's

Final Action:

Title label: Approval of the ballot language for the proposed City Charter Amendment to move the Accounting Division from under the Clerk's Office to the Mayor's Office to be placed on the November 4, 2008 General Election ballot

Notes: RES0232-2008 Call the question 7-14-08
RES0233-2008 vote for 7/14/08 to draft language

Sponsors:

Enactment Date:

Attachments: Agenda Summary.pdf ,071408 Agenda Summary.pdf ,071408 Resolution.pdf ,Letter from Plante & Moran 063008.pdf ,063008 Agenda Summary.pdf ,Charter Amendment Language.pdf ,Proposal Language - Chief Accountant.pdf ,CoNSTRuCt Spreadsheet Excerpt.pdf ,Accounting Responsibilities.pdf

Enactment Number: RES0233-2008

Contact:

Hearing Date:

Drafter:

Effective Date:

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council Regular Meeting	06/30/2008	Discussed				
3	City Council Regular Meeting	07/14/2008	Adopted by Resolution				Pass
4	City Council Regular Meeting	07/14/2008	Adopted by Resolution				Fail
2	City Council Regular Meeting	07/14/2008	Adopted by Resolution				Pass
1	City Council Regular Meeting	07/14/2008	Discussed				
5	City Council Regular Meeting	07/21/2008					

Text of Legislative File 2008-0343

Title

Approval of the ballot language for the proposed City Charter Amendment to move the Accounting Division from under the Clerk's Office to the Mayor's Office to be placed on the November 4, 2008 General Election ballot

Body

WHEREAS, the City Council of the City of Rochester Hills desires to initiate a proposed amendment to City Charter Sections 8.3, Duties of the Mayor, and 8.11, Department of City Clerk, to eliminate the duty of the City Clerk to be the chief accountant of the City and to maintain a system of accounts and add to the duties of the Mayor to maintain a system of accounts which conform to such uniform system as may be required by state law.

THEREFORE, the City Council of the City of Rochester Hills resolves:

1. The City Council, by a three-fifths vote of its members-elect, pursuant to the authority granted under the Home Rule Cities Act, MCL 117.1, et seq, proposes to amend the City of Rochester Hills Charter to amend Charter Sections 8.3, Duties of the Mayor, and 8.11, Department of City Clerk.
2. Provisions of existing Section 8.3 of the City of Rochester Hills Charter to be amended if the proposed amendment is adopted now read as follows:

The Mayor shall be the administrative and executive head of the City. The Mayor shall be a conservator of the peace and may exercise within the City the powers conferred upon sheriffs to suppress disorder. The Mayor shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances and regulations of the Council. In addition to these functions, the Mayor shall be charged with the following powers and duties:

- .1 Maintain an office during normal business hours at a place provided by the Council;
- .2 Enforce all laws, and City ordinances and regulations;
- .3 Appoint and remove for cause Department Directors and employees of the City without concurrence of the Council, subject to appeal as may be provided by contract or ordinance.
- .4 Ensure that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
- .5 Authenticate by signature such instruments and proceedings as required by law or by the Council;
- .6 Prepare and administer the annual budget and keep the Council fully advised at all times as to the financial condition and needs of the City;
- .7 On or before the first day of May in each year, prepare and submit to the Council and the public, a complete report of the finances and administrative activities of the City during the prior fiscal year;
- .8 Recommend to the Council for adoption such measures as the Mayor may deem necessary or expedient;
- .9 Be responsible for the efficient administration of all Departments of the City government and the allocation of building space to the various Departments of the City;
- .10 Approve administrative rules and regulations of all Departments, boards and commissions of the City government, before such rules and regulations shall become effective, except as otherwise provided by this Charter;
- .11 Be the sole spokesperson for the administration of the City, except for the Clerk,

- Treasurer, and Assessor, insofar as their duties provided by law;
- .12 Exercise and perform all administrative functions of the City which are not imposed by law or ordinance on some other City officer or agency;
- .13 Exercise such other powers and perform such other duties as may be prescribed by law, or as may be required by ordinance or by direction of the Council, whether herein specifically enumerated or not;
- .14 Report to the Council concerning the work of the administrative officers and Departments of the City and, to that end, secure such information and periodical or special reports as the Mayor or the Council may deem necessary;
- .15 Exercise a veto of any ordinance or resolution of the Council, except those Council resolutions covered under Sections 7.8, 8.4 and 9.4.
- .16 Recommend to the Council personnel policies and procedures for the City.
- .17 Appoint Boards and Commissions of the City as provided by State law.

3. Provisions of existing Section 8.11 of the City of Rochester Hills Charter to be amended if the proposed amendment is adopted now read as follows:

The Clerk shall be the Director of the Department of the City Clerk. The Clerk shall:

- .1 Be the Clerk of the Council and keep a permanent journal of its proceedings in the English language.
- .2 Keep a record of all ordinances, resolutions and actions of the Council.
- .3 Have power to administer all oaths required by State law, this Charter and ordinances of the City.
- .4 Be custodian of the City Seal, and affix it to all documents and instruments requiring the Seal and shall attest the same.
- .5 Be custodian of all papers, documents and records pertaining to the City, the custody of which is not otherwise provided for in this Charter.
- .6 Give the proper officials of the city ample notice of the expiration or termination of any official bonds, franchises, contracts or agreements.
- .7 Issue and sign all licenses granted after the license fee has been paid to the Treasurer, and register the same.
- .8 Certify by signature all ordinances and resolutions enacted or passed by the Council.
- .9 Countersign all warrants issued upon the Treasurer.
- .10 Be the chief accountant of the City and maintain a system of accounts which conform to such uniform system as may be required by State law.
- .11 Conduct elections in accordance with this Charter and State election law.
- .12 Report and be responsible to the Mayor for the official functions and activities of Clerk's position and for the day-to-day operations of the Department, except as otherwise provided by State law.
- .13 Publish and post notices of the City as required by this Charter, State law and ordinances of the City.

4. As amended, Section 8.3 of the City of Rochester Hills Charter would read as follows:

The Mayor shall be the administrative and executive head of the City. The Mayor shall be a conservator of the peace and may exercise within the City the powers conferred upon sheriffs to suppress disorder. The Mayor shall have authority to command the assistance of all able-bodied citizens to aid in the enforcement of the ordinances and regulations of the Council. In addition to these functions, the Mayor shall be charged with the following powers and duties:

- .1 Maintain an office during normal business hours at a place provided by the

- Council;
- .2 Enforce all laws, and City ordinances and regulations;
 - .3 Appoint and remove for cause Department Directors and employees of the City without concurrence of the Council, subject to appeal as may be provided by contract or ordinance.
 - .4 Ensure that all terms and conditions imposed in favor of the City or its inhabitants in any public utility franchise, or in any contract, are faithfully kept and performed;
 - .5 Authenticate by signature such instruments and proceedings as required by law or by the Council;
 - .6 Prepare and administer the annual budget, maintain a system of accounts which conform to such uniform system as may be required by state law, and keep the Council fully advised at all times as to the financial condition and needs of the City;
 - .7 On or before the first day of May in each year, prepare and submit to the Council and the public, a complete report of the finances and administrative activities of the City during the prior fiscal year;
 - .8 Recommend to the Council for adoption such measures as the Mayor may deem necessary or expedient;
 - .9 Be responsible for the efficient administration of all Departments of the City government and the allocation of building space to the various Departments of the City;
 - .10 Approve administrative rules and regulations of all Departments, boards and commissions of the City government, before such rules and regulations shall become effective, except as otherwise provided by this Charter;
 - .11 Be the sole spokesperson for the administration of the City, except for the Clerk, Treasurer, and Assessor, insofar as their duties provided by law;
 - .12 Exercise and perform all administrative functions of the City which are not imposed by law or ordinance on some other City officer or agency;
 - .13 Exercise such other powers and perform such other duties as may be prescribed by law, or as may be required by ordinance or by direction of the Council, whether herein specifically enumerated or not;
 - .14 Report to the Council concerning the work of the administrative officers and Departments of the City and, to that end, secure such information and periodical or special reports as the Mayor or the Council may deem necessary;
 - .15 Exercise a veto of any ordinance or resolution of the Council, except those Council resolutions covered under Sections 7.8, 8.4 and 9.4.
 - .16 Recommend to the Council personnel policies and procedures for the City.
 - .17 Appoint Boards and Commissions of the City as provided by State law.

5. As amended, subsection .10 would be deleted and subsequent subsections would be renumbered so that Section 8.11 of the City of Rochester Hills Charter would read as follows:

- The Clerk shall be the Director of the Department of the City Clerk. The Clerk shall:
- .1 Be the Clerk of the Council and keep a permanent journal of its proceedings in the English language.
 - .2 Keep a record of all ordinances, resolutions and actions of the Council.
 - .3 Have power to administer all oaths required by State law, this Charter and ordinances of the City.
 - .4 Be custodian of the City Seal, and affix it to all documents and instruments requiring the Seal and shall attest the same.
 - .5 Be custodian of all papers, documents and records pertaining to the City, the custody of which is not otherwise provided for in this Charter.

- .6 Give the proper officials of the city ample notice of the expiration or termination of any official bonds, franchises, contracts or agreements.
- .7 Issue and sign all licenses granted after the license fee has been paid to the Treasurer, and register the same.
- .8 Certify by signature all ordinances and resolutions enacted or passed by the Council.
- .9 Countersign all warrants issued upon the Treasurer.
- .10 Conduct elections in accordance with this Charter and State election law.
- .11 Report and be responsible to the Mayor for the official functions and activities of Clerk's position and for the day-to-day operations of the Department, except as otherwise provided by State law.
- .12 Publish and post notices of the City as required by this Charter, State law and ordinances of the City.

6. The purpose of the proposed Charter amendment shall be stated on the ballot as follows:

A proposal to amend the City Charter by modifying Sections 8.3 and 8.11. If adopted, the duty of the City Clerk to be the chief accountant of the City and to maintain a system of accounts will be eliminated, and the maintenance of a system of accounts which conform to such uniform system as may be required by state law will be added to the Mayor's duties.

7. The City Clerk shall forthwith transmit a copy of the proposed amendment to the Governor of the State of Michigan for the Governor's approval, and transmit a copy of the foregoing statement of purpose of the proposed Charter amendment to the Michigan Attorney General for the Attorney General's approval, as required by law.

8. The proposed Charter amendment shall be submitted to the qualified electors of this City at the general election to be held in the City of Rochester Hills on Tuesday, November 4, 2008, 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 do all things and to provide all supplies necessary to submit the proposed Charter amendment to a vote of the electors as required by law.

9. The proposed amendment shall be submitted to the electors in the following form:

**PROPOSED CHARTER AMENDMENT TO
ELIMINATE THE DUTY OF THE CITY CLERK TO
BE THE CHIEF ACCOUNTANT OF THE CITY AND TO ADD
MAINTENANCE OF A SYSTEM OF ACCOUNTS TO THE MAYOR'S DUTIES**

A proposal to amend the City Charter by modifying Sections 8.3 and 8.11. If adopted, the duty of the City Clerk to be the chief accountant of the City and to maintain a system of accounts will be eliminated, and the maintenance of a system of accounts which conform to such uniform system as may be required by state law will be added to the Mayor's duties.

Shall the City of Rochester Hills Charter be amended to eliminate the duty of the City Clerk to be the chief accountant of the City and to maintain a system of accounts, and to add maintenance of a system of accounts which conform to such uniform system as may be required by state law to the Mayor's duties?

Yes ___

No ___

10. The proposed Charter amendment shall be published in full together with the existing Charter provision that will be altered or abrogated thereby as part of the election notice not less than 10 days prior to the election.

11. The canvass and determination of the votes on the proposed Charter amendment shall be made in accordance with the laws of the State of Michigan and the City of Rochester Hills Charter.