

Proposed 01-04-23

Approved _____

Marshall Township Special Board Meeting

January 3, 2023

The meeting was called to order at 4:05 p.m. by Supervisor David Bosserd.

Present: Albaugh, Bosserd, Lyng, and Walsh Vacancy: Clerk

The Pledge of Allegiance was led by Gerald Bosserd.

Motion by Walsh, supported by Lyng, designate Treasurer Albaugh to record proceedings of the meeting due to Clerk office vacancy. ROLL CALL VOTE: Yes-Walsh, Lyng, Bosserd and Albaugh. No-None. CARRIED.

Supervisor Bosserd read notice of meeting and Board Rule 5.3 concerning agenda items.

Motion by Walsh, supported by Lyng, approve the agenda. VOICE VOTE: all yes. CARRIED.

Audience Comments: Gerald Bosserd stated objection to little opportunity for public input on replacing the former Clerk.

Treasurer Albaugh noted he had contacted the Township Attorney who suggested he review the law on township office vacancies with the Board prior to any discussion. In summary, state law requires the Board appoint a registered elector of the township to fill the vacancy. A copy of the complete law is attached.

Motion by Lyng, supported by Walsh, appoint Jeffrey S. Albaugh, effective upon qualification to fill the vacancy resulting from former Clerk Sue George's resignation, for a term ending 11-20-2024. ROLL CALL VOTE: YES-Walsh, Lyng, Bosserd and Albaugh. NO-None. Motion CARRIED.

Supervisor Bosserd administered the oath of office to Clerk-designate Albaugh. (Oath on file with Clerk.)

The Supervisor declared the office of Treasurer vacant due to Clerk Albaugh accepting that office.

Clerk Albaugh recommended Deputy Treasurer Nicole Roberts be appointed Treasurer.

Motion by Lyng, supported by Walsh, appoint Deputy Treasurer Nicole Roberts as Treasurer replacing former Treasurer Albaugh for a term ending 11-20-2024. ROLL CALL VOTE: YES-Walsh, Lyng, Bosserd and Albaugh. NO-None. Motion CARRIED.

Supervisor Bosserd administered the oath of office to Treasurer-designate Roberts.

Clerk Albaugh noted that the township's surety bond schedule is updated to reflect the appointments.

Clerk Albaugh noted that Treasurer Roberts will continue to handle duties of the Township Hall Assistant pending further action of the Board but that the Township Attorney advises a motion is needed to permit extra duties. Treasurer Roberts indicated she agreed with continuing those duties.

Motion by Albaugh, supported by Lyng, approve Treasurer Roberts performing the non-statutory duties of Permit Officer and Township Hall Assistant at the hourly rate prescribed for the position until further

action of the Board. ROLL CALL VOTE: YES-Lyng, Bosserd, Albaugh and Walsh. NO-None. ABSTAIN-Roberts. Motion CARRIED.

Clerk Albaugh indicated the Township Attorney suggests an updated resolution concerning non-statutory duties he will continue with as Clerk plus those customarily performed by the Clerk. Clerk Albaugh indicated he agreed with the terms of the resolution.

Motion by Lyng, supported by Walsh, adopted the attached resolution concerning non-statutory duties to be performed by Jeffrey Albaugh and providing compensation for performing such duties. (Resolution attached.) ROLL CALL VOTE: YES-Bosserd, Roberts, Walsh and Lyng. NO-None. ABSTAIN-Albaugh. Motion CARRIED.

Motion by Albaugh, supported by Lyng, authorize the Clerk to engage the services of former Clerk Sue George to assist with transition matters at an hourly rate of \$45. ROLL CALL VOTE: YES-Roberts, Walsh, Lyng, Bosserd and Albaugh. NO-None. Motion CARRIED.

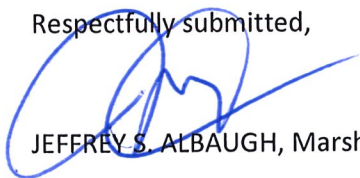
Motion by Albaugh, supported by Walsh, authorize the Clerk and Treasurer to employ a front desk clerk to assist with performing the duties of the Township Hall Assistant with detailed duties to be prescribed by the Clerk and Treasurer. The rate of pay will be as provided for the Office Assistant. The Clerk and Treasurer shall further present to the Board for consideration, within 120 days, a plan to re-organize how duties of the current position of Township Hall Assistant are to be handled. ROLL CALL VOTE: YES-Walsh, Lyng, Bosserd, Albaugh and Roberts. NO-None. Motion CARRIED.

AUDIENCE COMMENTS: Gerald Bosserd spoke again about the process the Board used in filling the vacancies. Clerk Albaugh pointed out the Board was following the law.

BOARD MEMBER COMMENTS: None.

The Supervisor declared the meeting adjourned at 4:39 p.m.

Respectfully submitted,



JEFFREY S. ALBAUGH, Marshall Township Clerk

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.370 Elective or appointive township office; appointment to fill vacancy; temporary appointment; effect of resignation; special election; vacancy in office of township constable.

Sec. 370. (1) Except as provided in section 370a or subsection (2), if a vacancy occurs in an elective or appointive township office, the vacancy must be filled by appointment by the township board, and the individual appointed shall hold the office for the remainder of the unexpired term.

(2) If 1 or more vacancies occur in an elective township office that cause the number of members serving on the township board to be less than the minimum number of board members that is required to constitute a quorum for the transaction of business by the board, the board of county election commissioners shall make temporary appointment of the number of members required to constitute a quorum for the transaction of business by the township board. An official appointed under this subsection shall hold the office only until the official's successor is elected or appointed and qualified. An official who is temporarily appointed under this subsection shall not vote on the appointment of himself or herself to an elective or appointive township office.

(3) If a township official submits a written resignation from an elective township office, for circumstances other than a resignation related to a recall election, that specifies a date and time when the resignation is effective, the township board, within 30 days before that effective date and time, may appoint an individual to fill the vacancy at the effective date and time of the resignation. The resigning official shall not vote on the appointment.

(4) Except as provided in subsection (5), if the township board does not make an appointment under subsection (3), or if a vacancy occurs in an elective township office and the vacancy is not filled by the township board or the board of county election commissioners within 45 days after the beginning of the vacancy, the county clerk of the county in which the township is located shall call a special election within 5 calendar days to fill the vacancy. Not later than 4 p.m. on the fifteenth calendar day after the county clerk calls a special election under this section, the county party committee for each political party in the county in which the township is located shall submit a nominee to fill the vacancy. The special election must be held on the next regular election date that is not less than 60 days after the deadline for submitting nominees under this section or 70 days after the deadline for submitting nominees under this section if the next regular election date is the even year August primary or the general November election. Notice of the special election must be given in the same manner required by section 653a. A special election called under this section does not affect the rights of a qualified elector to register for any other election. An individual elected to fill a vacancy shall serve for the remainder of the unexpired term.

(5) Subsection (4) does not apply to the office of township constable. If a vacancy occurs in the office of township constable, the township board shall determine if and when the vacancy is filled by appointment. If the township board does not fill the vacancy by appointment, the office of township constable must remain vacant until the next general or special election in which township offices are filled.

History: 1954, Act 116, Eff. June 1, 1955;—Am. 1968, Act 36, Imd. Eff. May 21, 1968;—Am. 1980, Act 193, Imd. Eff. July 8, 1980;—Am. 1983, Act 226, Imd. Eff. Nov. 28, 1983;—Am. 1990, Act 83, Imd. Eff. May 25, 1990;—Am. 2003, Act 302, Eff. Jan. 1, 2005;—Am. 2005, Act 71, Imd. Eff. July 14, 2005;—Am. 2014, Act 94, Imd. Eff. Apr. 3, 2014;—Am. 2022, Act 104, Imd. Eff. June 16, 2022.

Compiler's note: Enacting section 4 of Act 71 of 2005 provides:

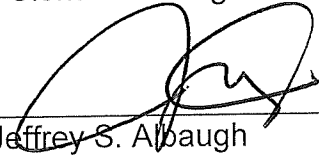
"Enacting section 4. If any portion of this amendatory act or the application of this amendatory act to any person or circumstances is found invalid by a court, the invalidity shall not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if the remaining portions are not determined by the court to be inoperable, and to this end this amendatory act is declared to be severable."

Popular name: Election Code

MARSHALL TOWNSHIP OATH OF PUBLIC OFFICIALS

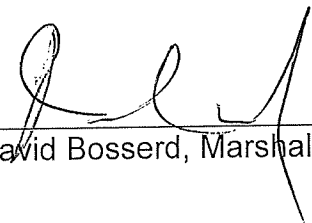
STATE OF MICHIGAN,
COUNTY OF CALHOUN,
TOWNSHIP OF MARSHALL

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this state, and that I will faithfully discharge the duties of the Office of Marshall Township Clerk according to the best of my ability.



Jeffrey S. Albaugh

Subscribed and sworn to before me this 3rd day of January, 2023.

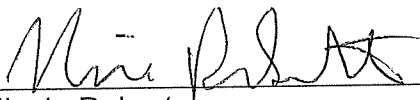


David Bosserd, Marshall Township Supervisor

MARSHALL TOWNSHIP OATH OF OFFICE

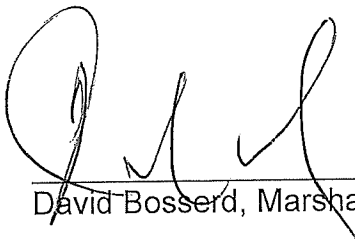
STATE OF MICHIGAN,
COUNTY OF CALHOUN,
TOWNSHIP OF MARSHALL

I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution of this state, and that I will faithfully discharge the duties of the Office of Marshall Township Treasurer according to the best of my ability.



Nicole Roberts

Subscribed and sworn to before me this 3rd day of January, 2023.



David Bosserd, Marshall Township Supervisor

Approve the following resolution: BE IT RESOLVED BY THE MARSHALL TOWNSHIP BOARD that Jeffrey Albaugh, now Township Clerk, agrees to perform the following duties which are not required by law to be performed by the Clerk, and shall be paid \$800 per month for the performance of such duties: 1.) Freedom of Information Act Coordinator (see statute for duties); 2.) Budget Officer (assists the Supervisor with preparation of the annual budget and administers the adopted budget); 3.) Street Light Administrator (provides administrative support for street light districts); 4.) Cemetery Administrator (see statute for duties); 4.) ARPA Coordinator (assures township compliance with federal ARPA funding requirements); 5.) Legislative Liaison (conveys township government's position on legislative matters to area legislators and keeps Board members and staff advised as to such matters); 6.) Parks Coordinator (coordinate activities relating to the county park millage as they may affect the township); and 7.) act as liaison with the Township Attorney and serve as the Board's representative for litigation matters involving the township. Any non-statutory duties and assignments beyond these will be compensated as provided for in the General Appropriations Act. The foregoing is in addition to the Clerk's statutory compensation.