

AGENDA
CASCADE CHARTER TOWNSHIP
SPECIAL BOARD MEETING
Wednesday, February 15, 2023 – 1:00 P.M.
Wisner Center
2870 Jacksmith Drive SE, Grand Rapids 49546

Public may access the meeting via video conference software Zoom
<https://us02web.zoom.us/j/81191055974>

Meeting ID: 811 9105 5974
By Phone: 1 312 626 6799

Expected Meeting Procedures

1. During public comments you may speak on any item not noted on the agenda for a public hearing.
2. Please limit comments to 3 minutes per person and the Board may or may not choose to respond.
3. Please limit your comments to a specific issue.
4. Please turn OFF cellular phones.

- Article 1. Call to Order, Roll Call**
- Article 2. Pledge of Allegiance to the Flag**
- Article 3. Approval of Agenda**
- Article 4. To Review and Discuss the Upcoming Vacancy, Effective February 28, 2023, of the Cascade Charter Township Treasurer Position; Including Legal Counsel Review of Relevant Statutes and Discussion Regarding the Appointment Process to Fill Said Vacancy**
- Article 5. Public Comments**
- Article 6. Adjournment**



CASCADE CHARTER TOWNSHIP

5920 Tahoe Dr. SE Grand Rapids, Michigan 49546

Date: February 14, 2023
To: Cascade Township Board of Trustees
From: Benjamin Swayze, Township Manager
Subject: Appointment to Vacant Board Position

FACTS:

At the regularly scheduled Township Board meeting on February 8th, 2023, Treasurer Ken Peirce announced his resignation from his position as Township Treasurer effective February 28, 2023. The election/appointment of elected officers in the Township form of government is governed by Public Act 116 of 1954, commonly known as the Michigan Election Law Act. Townships are specifically governed by Chapter 16 of the Act, and section 168.367 through section 168.370a deal specifically with the resignation of an elected official and the procedure for filling that position.

The process for filling the position can be designed by the Township Board based on whatever the needs of the Township may be. However, there are several provisions of the Act that should be kept in mind in order to ensure that the selection for appointment is legitimate and recognized by the State. What follows are some key points of the Act that should be kept in mind when considering the replacement of an elected official that has resigned their position.

Filling Vacancy in Township Office; Procedure (MCL 168.370)

This section of the Act indicates if a vacancy occurs in an elective or appointive Township office, the vacancy shall be filled by appointment by the Township Board, and the person appointed shall hold the office for the remainder of the unexpired term (subject to MCL 168.370a)

- If a Township official submits a written resignation from an elective Township office with a specified time and date that the resignation is effective then the Township Board, within 30 days before that effective time and date, may appoint a person to fill the vacancy at the effective date and time of the resignation. The resigning official shall not vote on the appointment.
- If the Township Board does not make the replacement appointment in the 30 day period before the effective date of the resignation, the Township Board has 45 days after the effective day of the resignation to make the appointment.
- If the Township Board fails to make an appointment within 45 days of the effective date of the vacancy, the County clerk shall call a special election within 5 calendar days to fill the vacancy.
 - In the case of a special election to fill the vacancy, not later than 4pm on the fifteenth calendar day after the county clerk calls the special election the County party committee for each political party in the Township shall submit a nominee to fill the vacancy.

- The special election shall be held on the next regular election date that is not less than 60 days after the deadline for submitting nominees (70 days after the deadline for even years.)
- The special election must be given in the manner outlined in Section 168.653(a) of the Michigan Election Law Act.

Filling Vacancy in Township Office; Term of Appointee; Term of Elected Successor (MCL 168.370a)

This section of the Act lays out the term of the person either appointed by the Township Board or elected during the special election.

- If the vacancy occurs more than 7 days before the nominating petition filing deadline for the mid-term November General election, then the person appointed shall hold office only until a successor is elected at the next general November election.
- If the vacancy occurs after this deadline, the successor shall hold the office for the remainder of the unexpired term

In this case, since the mid-term November general election has already passed, the appointed successor will serve the remainder of the term.

ANALYSIS & CONCLUSIONS:

Essentially, the Act allows for the Township Board to appoint someone to the vacant position in any manner they see fit according to the following parameters.

- The Township Board may choose to appoint someone to the position of Township Treasurer, effective after the prescribed resignation date of the current Treasurer, anytime in the 30 days preceding the resignation. As the resignation occurred less than 30 days prior to the effective date of the resignation, the Township Board is currently within the timeframe an appointment can be made.
- If the Township Board does not make an appointment prior to the effective resignation date of the current Township Treasurer, it has 45 days after the resignation date to make an appointment. The appointment can be made by a majority vote of the Township Board. However, the resigning official cannot vote.
- If the Township Board does not make the appointment within the prescribed timeframe, the County will call a special election for a replacement to be elected.
- The Successor Treasurer will serve the remaining unfulfilled term of the position.