

NOTICE OF ADOPTION OF  
ORDINANCE TO CHANGE OFFICES  
OF TREASURER AND CLERK  
TO APPOINTED OFFICES

Notice is hereby given that the Village of Camden has adopted an Ordinance which is being published simultaneously herewith changing the office of Village Clerk and Village Treasurer from elected offices to appointed offices.

Notice is further given that this Ordinance shall take effect 45 days after the date of its adoption unless a petition signed by not less than 10% of the registered electors of the Village is filed with the Village Clerk within said 45 day period, in which case the Ordinance shall take effect only after approval of the Ordinance at an election held on the question.



Joan Matthews  
Village Clerk

NO PETITION FILED  
ORDINANCE BECAME FINAL  
NOV. 29, 2003

LAW OFFICES

PARKER, HAYES & LOVINGER, P. C.

JAMES B. PARKER  
LAWRENCE L. HAYES, JR.  
JOHN P. LOVINGER\*  
\*ALSO ADMITTED IN ARIZONA

P.O. BOX 358  
HILLSDALE, MICHIGAN 49242

TELEPHONE 437-7210  
AREA CODE 517

OFFICES  
14-16 SOUTH HOWELL STREET  
HILLSDALE, MICHIGAN

March 20, 2000

Mr. Robert L. Webster  
Village President  
216 W. Maple Street  
P.O. Box 44  
Camden, Michigan 49232

Re: Appointment of village clerk and treasurer

Dear President Webster:

Recently you asked our office to provide you with legal advise regarding the adoption of an Ordinance that would change the positions of village clerk and treasurer from elected positions to appointed positions. I have conducted research in the General Law Village Act and have determined that the council may adopt an ordinance that provides for the change of village clerk and treasurer from elected officials to appointed officials. Specifically, MCL §62.1(3) provides:

“The council by a vote of 2/3 of the members of council may provide by ordinance for the nomination by the president and the appointment by the council of the clerk or the treasurer or both for such a term as the ordinance may provide. The ordinance shall apply beginning with the first term the nomination deadline for which would have been not less than 30 days after the effective date of the ordinance or shall apply when the office is vacated, whichever occurs first.”

MCL §62.1(4) provides:

“The council shall provide that an ordinance adopted under subsection (2) or (3) takes effect 45 days after the date of adoption unless a petition signed by not less than 10% of the registered electors of the village is filed with the village clerk within the 45-day period, in which case the ordinance takes effect upon approval at an election held on the question. Notice of the delayed effect of the ordinance and the right of petition under this subsection shall be published separately at the same time, and in the same manner, as the

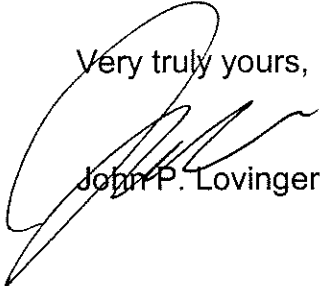
Mr. Robert L. Webster  
Page 2  
March 20, 2000

ordinance is published pursuant to section 4 of Chapter VI. The village clerk shall verify the signatures on the petitions. If a petition bearing the required number of valid signatures of electors is filed, the question of adoption of the ordinance shall be submitted at the next general or special election. The ballot language for the question shall be prepared by the village clerk, unless the question concerns the appointment of the clerk under subsection (2), in which case the ballot language shall be prepared by the village council."

Based upon the express language of these two subsections of MCL §62.1, the Village of Camden council may by adoption of an ordinance change the position of village clerk and treasurer from elected officials to appointed officials. In light of the fact that both of these offices currently are vacant, such appointments can take place immediately after the expiration of the 45-day waiting period outlined in subsection (4) unless 10% of the registered electors of the village file a petition within the 45-day period in which case the matter must be submitted to a special election. I have enclosed for your review a proposed draft of an ordinance that may be adopted by the Camden village council for the purpose of changing the positions of clerk and treasurer from elected to appointed. Note that if this ordinance is adopted by the village council at a validly called meeting for which notice is provided, that the notice of the delayed effect of the ordinance must be published in the same manner that a proposed ordinance is published under Section 4, Chapter VI of the General Law Village Act. For your convenience, I have also included a photocopy of MCL §62.1 which outlines the procedure for adoption of an ordinance to change elected officials to appointed officials as well as Section 4 of Chapter VI of the General Law Village Act regarding publication of such ordinances.

Please review this letter as well as the enclosed documents and if you have any questions, contact me.

Very truly yours,



John P. Lovinger

JPL/jar  
encs.

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO PROVIDE FOR THE NOMINATION  
BY THE PRESIDENT IN THE APPOINTMENT BY THE  
COUNCIL OF THE CLERK AND THE TREASURER**

**THE VILLAGE OF CAMDEN ORDAINS:**

**Section 1.** Henceforth, the positions of village clerk and village treasurer shall no longer be elected offices, but instead shall be filled by the nomination by the president and appointment by the council. The term of office of the clerk and treasurer so appointed shall be for a period not to exceed two (2) years.

**Section 2.** The village president may submit nominations for the position of clerk and treasurer immediately after the effective date of this ordinance for the reason that said offices are both currently vacant.

**Section 3.** All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as the conflicting portions thereof are concerned.

**Section 4.** This Ordinance shall be published in full in the Farmers' Advance, a newspaper of general circulation in the Village of Camden, said publication to be made within fifteen (15) days subsequent to the passage of this ordinance. The Township Clerk shall promptly record this ordinance in the ordinance book of the village and such recording authenticated by the signatures of the Village President and Village Clerk.

**Section 5.** This ordinance shall take effect forty-five (45) days after the date of adoption unless a petition signed by not less than ten (10%) percent of the registered

electors of the village is filed with the village clerk within the forty-five (45) day period, in which case the ordinance shall take effect upon approval at an election held on the question.

**PASSED AND ADOPTED** by the Village of Camden, Michigan on the \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Robert L. Webster, Village President

(SEAL)

ATTEST:

YEAS: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Joan Matthews  
Village Clerk

NAYS: \_\_\_\_\_  
\_\_\_\_\_

ABSENT: \_\_\_\_\_

I hereby certify that the attached is a true and complete copy of Ordinance No. \_\_\_\_\_, duly adopted by the Village of Camden, County of Hillsdale, State of Michigan, at a Regular Meeting held on \_\_\_\_\_, 2000, and that public notice of said meeting was given pursuant to Act. No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least eighteen hours prior to the time set for the meeting.

I further certify that the following Councilpersons were present at said meeting

\_\_\_\_\_ and that the following Councilpersons were absent at said meeting \_\_\_\_\_.

I further certify that Councilperson \_\_\_\_\_ moved adoption of said Ordinance and that Councilperson \_\_\_\_\_ supported said motion.

I further certify that the following Councilpersons voted for adoption of said Ordinance \_\_\_\_\_ and that the following Councilpersons voted against adoption of said Ordinance \_\_\_\_\_.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Village and such recording has been authenticated by the signatures of the Village President and Village Clerk.

\_\_\_\_\_  
Joan Matthews  
Village Clerk

LAW OFFICES

PARKER, HAYES & LOVINGER, P. C.

JAMES B. PARKER  
JOHN P. LOVINGER  
\*ALSO ADMITTED IN ARIZONA

P.O. BOX 358  
HILLSDALE, MICHIGAN 49242

TELEPHONE 437-7210  
FAX 437-0260  
AREA CODE 517

MICHELLE A. SNELL BIANCHI

July 28, 2000

OFFICES  
14-16 SOUTH HOWELL STREET  
HILLSDALE, MICHIGAN

Mr. Robert L. Webster  
Village President  
216 W. Maple Street  
P.O. Box 44  
Camden, Michigan 49232

Re: Appointment of village treasurer

Dear President Webster:

Pursuant to your recent request, enclosed please find a proposed Ordinance for passage by the village council to appoint a village treasurer. Please be advised that MCL § 62.1(3) is the applicable statute for the adoption of this ordinance. MCL §62.1(3) provides:

"The council by a vote of 2/3 of the members of council may provide by ordinance for the nomination by the president and the appointment by the council of the clerk or the treasurer or both for such a term as the ordinance may provide. The ordinance shall apply beginning with the first term the nomination deadline for which would have been not less than 30 days after the effective date of the ordinance or shall apply when the office is vacated, whichever occurs first."

MCL §62.1(4) provides:

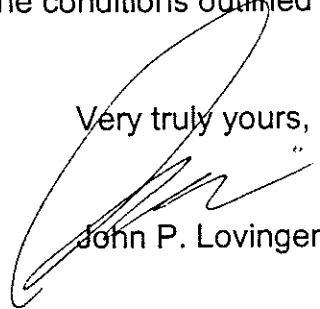
"The council shall provide that an ordinance adopted under subsection (2) or (3) takes effect 45 days after the date of adoption unless a petition signed by not less than 10% of the registered electors of the village is filed with the village clerk within the 45-day period, in which case the ordinance takes effect upon approval at an election held on the question. Notice of the delayed effect of the ordinance and the right of petition under this subsection shall be published separately at the same time, and in the same manner, as the

Mr. Robert L. Webster  
Page 2  
July 28, 2000

ordinance is published pursuant to section 4 of Chapter VI. The village clerk shall verify the signatures on the petitions. If a petition bearing the required number of valid signatures of electors is filed, the question of adoption of the ordinance shall be submitted at the next general or special election. The ballot language for the question shall be prepared by the village clerk, unless the question concerns the appointment of the clerk under subsection (2), in which case the ballot language shall be prepared by the village council."

Note that the ordinance contains most of the conditions outlined above. If you have any questions, please contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "John P. Lovinger", written over the typed name.

John P. Lovinger

JPL/jar  
encs.



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE TO PROVIDE FOR THE NOMINATION  
BY THE PRESIDENT IN THE APPOINTMENT BY THE  
COUNCIL OF THE TREASURER**

**THE VILLAGE OF CAMDEN ORDAINS:**

**Section 1.** Henceforth, the position of village treasurer shall no longer be an elected office, but instead shall be filled by the nomination by the president and appointment by the council. The term of office of the so appointed shall be for a period not to exceed two (2) years.

**Section 2.** The village president may submit nominations for the position of treasurer immediately after the effective date of this ordinance for the reason that said office is currently vacant.

**Section 3.** All Ordinances and parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed insofar as the conflicting portions thereof are concerned.

**Section 4.** This Ordinance shall be published in full in the Farmers' Advance, a newspaper of general circulation in the Village of Camden, said publication to be made within fifteen (15) days subsequent to the passage of this ordinance. The Township Clerk shall promptly record this ordinance in the ordinance book of the village and such recording authenticated by the signatures of the Village President and Village Clerk.

**Section 5.** This ordinance shall take effect forty-five (45) days after the date of adoption unless a petition signed by not less than ten (10%) percent of the registered

I hereby certify that the attached is a true and complete copy of Ordinance No. \_\_\_\_\_, duly adopted by the Village of Camden, County of Hillsdale, State of Michigan, at a Regular Meeting held on \_\_\_\_\_, 2000, and that public notice of said meeting was given pursuant to Act. No. 267, Public Acts of Michigan, 1976, as amended, including in the case of a special or rescheduled meeting notice by publication or posting at least eighteen hours prior to the time set for the meeting.

I further certify that the following Councilpersons were present at said meeting

\_\_\_\_\_ and that the following Councilpersons were absent at said meeting \_\_\_\_\_.

I further certify that Councilperson \_\_\_\_\_ moved adoption of said Ordinance and that Councilperson \_\_\_\_\_ supported said motion.

I further certify that the following Councilpersons voted for adoption of said Ordinance \_\_\_\_\_ and that the following Councilpersons voted against adoption of said Ordinance \_\_\_\_\_.

I further certify that said Ordinance has been recorded in the Ordinance Book of the Village and such recording has been authenticated by the signatures of the Village President and Village Clerk.

\_\_\_\_\_  
Village Clerk

electors of the village is filed with the village clerk within the forty-five (45) day period, in which case the ordinance shall take effect upon approval at an election held on the question.

**PASSED AND ADOPTED** by the Village of Camden, Michigan on the \_\_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
Robert L. Webster, Village President

(SEAL)

ATTEST:

YEAS: \_\_\_\_\_

\_\_\_\_\_

Village Clerk

NAYS: \_\_\_\_\_

ABSENT: \_\_\_\_\_

## Chapter II Officers

### *Village officers; council.*

(MCL 62.1)

Sec. 1. (1) Except as provided in subsections (2) and (3), in each village, the following officers shall be elected: a president, 6 trustees, 1 clerk, and 1 treasurer. The president and trustees constitute the council. In all votes for which not less than a majority vote of council is required, the calculation of the number of votes required shall be based on the maximum number that constitutes council.

(2) The council by a vote of 2/3 of the members of council may provide by ordinance for the reduction in the number of trustees to 4 who with the president shall constitute the council. If village trustees are elected biennially for staggered 4-year terms or annually for staggered 2-year terms, the ordinance shall as nearly as possible maintain staggered terms and provide for an equal number of seats to be filled at each election. The ordinance may extend but shall not shorten the term of an incumbent trustee. The ordinance may extend a prospective term. The ordinance shall not shorten or eliminate a prospective term unless the nomination deadline for that term is not less than 30 days after the effective date of the ordinance. An ordinance adopted under this subsection shall satisfy both of the following conditions:

(a) The ordinance shall be voted on and adopted at a meeting that occurs not less than 10 days after the initial meeting or public hearing at which the ordinance was considered.

(b) Notice of each meeting at which the ordinance is considered indicating that an ordinance reducing the size of the council will be 1 of the subjects of the meeting shall be published not less than 10 days before the meeting in a newspaper of general circulation in the village.

(3) The council by a vote of 2/3 of the members of council may provide by ordinance for the nomination by the president and the appointment by the council of the clerk or the treasurer or both for such a term as the ordinance may provide. The ordinance shall apply beginning with the first term the nomination deadline for which would have been not less than 30 days after the effective date of the ordi-

nance or shall apply when the office is vacated, whichever occurs first.

(4) The council shall provide that an ordinance adopted under subsection (2) or (3) takes effect 45 days after the date of adoption unless a petition signed by not less than 10% of the registered electors of the village is filed with the village clerk within the 45-day period, in which case the ordinance takes effect upon approval at an election held on the question. Notice of the delayed effect of the ordinance and the right of petition under this subsection shall be published separately at the same time, and in the same manner, as the ordinance is published pursuant to section 4 of chapter VI. The village clerk shall verify the signatures on the petitions. If a petition bearing the required number of valid signatures of electors is filed, the question of adoption of the ordinance shall be submitted at the next general or special election. The ballot language for the question shall be prepared by the village clerk, unless the question concerns the appointment of the clerk under subsection (2), in which case the ballot language shall be prepared by the village council.

(5) A village that has adopted an ordinance reducing the number of trustees to 4 or providing for the appointment by the council of the clerk or treasurer may increase the number of trustees to 6 or provide for the election of the clerk or treasurer by the same process as provided in subsection (2) or (3), respectively, and in subsection (4).

***Additional officers; appointment.***

(MCL 62.2)

**Sec. 2.** (1) The president may nominate and the council appoint such officers as shall be provided for by resolution or ordinance of the council. The council may provide by ordinance or resolution for the appointment of other officers whose election or appointment is not specifically provided for in this act, as the council considers necessary for the execution of the powers granted by this act. The powers and duties of such officers shall be prescribed by the council. The council may require that the officers perform their duties faithfully and that proper measures be taken to punish neglect of duty by an officer.

(2) This section is subject to an ordinance adopted under section 8 of chapter V.

and ordinances repealing, amending, continuing, or adding to the code shall be published as required by section 4 of this chapter. The publication shall state where a copy of the entire code can be reviewed and obtained. The ordinance adopting the code may amend, repeal, revise, or rearrange ordinances or parts of ordinances by references to the title only.

***Publication of ordinance or synopsis; certificate of publication; certificate as evidence; adoption of plumbing, electrical, or building code by reference; identification, statement of purpose, and printing of code; inspection or distribution of code; notice.***

(MCL 66.4)

Sec. 4. Within 15 days after the passage of an ordinance, the ordinance or a synopsis of the ordinance shall be published in a newspaper circulated in the village. Immediately after publication, the clerk shall enter in the record of ordinances, in a blank space to be left for that purpose under the record of the ordinance, a certificate under the clerk's hand, stating the time and places of the publication. The certificate shall be prima facie evidence of the due publication of the ordinance or the synopsis. A village may adopt a plumbing code, electrical code, mechanical code, fire protection code, building code, or other code promulgated by this state, by a department, board, or other agency of this state, or by an organization or association which is organized or conducted for the purpose of developing a code by reference to the code in an adopting ordinance and without publishing the code in full. The code shall be clearly identified in the ordinance and a statement of the purpose of the code shall be published with the adopting ordinance. Printed copies of the code shall be kept in the office of the village clerk available for inspection by or distribution to the public during normal business hours. The village may charge a fee that does not exceed the actual cost for copies of the code distributed to the public. The publication in the newspaper shall contain a notice to the effect that a complete copy of the code is available for public use and inspection at the office of the village clerk.

(MCL 66.5 Repealed.)

The repealed section pertained to laws, regulations, or ordinances as proof in court.

LAW OFFICES

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JOHN P. LOVINGER\*

\*ALSO ADMITTED IN ARIZONA

MICHELLE A. SNELL BIANCHI

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July 29, 2003

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AREA CODE 517

OFFICES

14-16 SOUTH HOWELL STREET

HILLSDALE, MICHIGAN

Mr. Edwin Carr  
Village President  
305 Park Street  
Camden, Michigan 49232

Re: Appointment of Village Clerk and Treasurer

Dear Mr. Carr:

Recently you asked me to conduct legal research regarding whether the village president must nominate and the village council appoint a village clerk and treasurer. I have enclosed the relevant sections of MCL §62.1 which outline the provisions for election or appointment of certain village officers. Note that subsection three (3) provides that the Village Council, by a vote of two-thirds (2/3rds) of its members may provide by Ordinance for the nomination by the village president and appointment by the village council of the clerk or the treasurer or both for such term as the Ordinance may provide.

Note that there are very specific procedural steps which must be undertaken prior to such appointments. If you would like my assistance in drafting an Ordinance to change the offices of clerk and treasurer from elected positions to appointed positions, I would be happy to be of assistance to you. Please contact me if you have any questions.

Very truly yours,

  
John P. Lovinger

JPL/jar  
Enc.

I CALLED THE LAWYER  
TUESDAY - AUG. 13TH