

Memorandum

Date: 10 December 2018
To: Township Board
From: Libby Heiny-Cogswell, Supervisor
Subject: Township Board Discussion on Trustee Appointment Process

Objectives

Board discussion on process to appoint Trustee by January 22nd, 2019.

Background

With a heavy heart I convey the details on appointing a person to serve the remainder of Dave Bushouse's Trustee term. The 45-day time limit for the board to make the appointment for a replacement Trustee is January 22nd, 2019. The appointment will be until November 20th of 2020.

The Board should work to reach consensus on the method to appoint. Three options are outlined herein. The first option is for the Board to vote to appoint an individual with known interest in serving. The second option is to accept resumes, interview candidates, and vote to appoint. A third option is to not take action to appoint, which triggers an election process conducted by the County at Oshtemo expense of approximately \$10,000.

Under "Other Business" on December 11th, the Board will be asked to decide on the process and timeline for making an appointment.

First Option—*Appoint an individual to the position.*

Second Option (Part One)—*(process is updated from previous memos to fill a Board position. It is presented for discussion)*

After the death of long time resident and Trustee Dave Bushouse on December 8th, 2018, the board decided to appoint a replacement through the following process and timeline:

- Township Board will accept resumes from Oshtemo citizens through 1 pm Friday January 4th, 2019.

- Township Board will conduct public interviews the day of their next board meeting, Tuesday, Jan 8th, 2019. 6 pm. (If numerous applicants, the board will set a second meeting during the second week or third week of January to conduct additional public interviews).
- The Township Board will vote on appointment at regular 7:15 pm meeting on either Tuesday, January 8th or Tuesday January 22nd, 2019

Third Option—*Township Board does not appoint anyone within 45 days, and the County Clerk will then hold an election at Oshtemo expense.*

Information Provided

MTA Filling Board Vacancies
Trustee Appointment Process (draft)
Press Release (draft)

When a vacancy occurs on the township board due to the death of a board member:



1. The clock starts ticking the day after the vacancy occurs (the day after the board member dies). The township board has **45 days** to appoint a person to fill the vacancy. (MCL 168.370(4))



2. The official's deputy (clerk or treasurer, optional for supervisor) **continues** as deputy until the new official is appointed. The deputy does not vote, and a deputy supervisor does not moderate a meeting. (MCLs 41.61 and 41.72a(3) (supervisor); 41.69 (clerk); and 41.77(5) (treasurer))



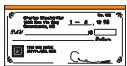
3. The only statutory requirement for holding township board elective office is that a candidate **must** be a **qualified elector** of the township and **registered to vote**. To be a qualified elector, a person must be 18 years of age, a U.S. citizen, and have lived in the township at least 30 days (property ownership is NOT required). (MCLs 168.11 and 168.342)



4. The person appointed to fill the vacancy **must** take the **oath** of office (should be taken within the 45 days to fill vacancy to qualify for office). (MCL 168.363)



5. A new clerk or treasurer **must** appoint a deputy. The supervisor **may** appoint a deputy. The deputies are also required to take the oath. (MCLs 41.69, 41.77(5), and 41.61)



6. The **salary of the office** continues. A person appointed to elective office during the term of office receives the currently established salary for that office. (MCL 41.95) This may require prorating the salary between the former and new officials according to payroll period.

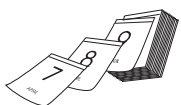


7. If the vacancy **occurs** more than 7 days before the 15th Tuesday prior to the August midterm primary, a person appointed to fill that vacancy must run in the next primary and general election to retain that office. The person elected serves for the remainder of the term. (MCL168.370a) **(NEW, PA 94 of 2014, effective April 3, 2014)**



If the vacancy **occurs** 7 days or less before the 15th Tuesday prior to the August midterm primary, a person appointed to fill that vacancy is appointed for the remainder of the term. (MCL 168.370a) **(NEW, PA 94 of 2014, effective April 3, 2014)**

(All township board members' terms run four years, concurrent with the Presidential term of office.)



8. If the township board fails to fill the vacancy within 45 days, the **county clerk must schedule a special election** on the next regular election date (of the four election days) that is: (1) at least 60 days after the deadline for submitting nominees, or (2) at least 70 days after the deadline for submitting nominees if the next regular election date is the even year August primary or the general November election. Township/county **political parties select nominees** (independent or write-in candidates can also qualify), so no primary election is held. The person elected serves for the remainder of the term. (MCL 168.370(4))

Township Board Trustee Appointment

Draft Proposal for Board Process January 8th or 22nd, 2019

(Adopted from 2011 Open Position Process)

Candidate Field – Candidates (in random order)

Name 1

Name 2

Name 3

Name 4

Name 5

Name 6

Step One

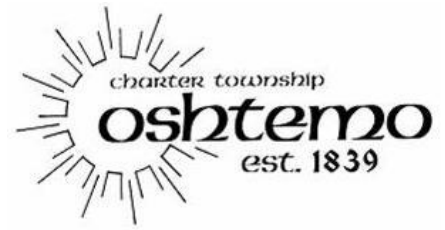
During the meeting each board member selects three candidates and submits three names in writing, along with their signature, to the Supervisor. Supervisor reads the nominations aloud. Clerk tallies the results and identifies the top two candidates.

Step Two

Top two candidates are discussed by board members. A township board member makes a motion to appoint one of the candidates. If seconded, after public comment and board discussion, a vote will be taken.

Repeat Step Two if tie vote.

If there is a majority vote to appoint a person, that person will be sworn in during the meeting and will begin serving immediately.



Memorandum

Date: 12 December 2018
To: MLive Kalamazoo Gazette
From: Libby Heiny-Cogswell
Township Supervisor
Subject: Press Release –Open Board Trustee Position

(This is modified from a previous open position press release, as a starting point for TB discussion under Other Business December 11th).

Oshtemo Township is very saddened by the death of long-time community resident and Board Trustee Dave Bushouse. Dave, and his father before him, served Oshtemo Township in many capacities, including Fire Chief, Assessor, and Trustee. Supervisor Libby Heiny-Cogswell commented that, “Dave always had the long-term interest in the forefront of board deliberations. He valiantly battled cancer, and attended the most recent Township Board meeting just a few weeks ago. He did not give up. Dave helped many residents out in the community and one of those residents expressed concern at losing him since, ‘Dave always cared for us.’”

The Township Board will discuss the process they will follow to fill the open position. By State law, the Board must appoint a person within 45 days (January 22nd), or the County is to hold a special election at the Township expense.

If interested in the open trustee position, submit a resume to the Township Office, attention Ed Hellwege, by 1 pm Friday January 4th, 2019.

Upon review of resumes, the Board will schedule interviews of candidates on January 8th, 2019, 6 pm.

At the January 8th, 2019 7:15 pm Township Board Meeting, the Board will appoint a new Trustee. The Trustee will serve approximately two years, the remainder of the term ending November 20th, 2020.