



CITY OF ALBION CITY COUNCIL MEETING AGENDA

Meetings: First and Third Mondays – 7:00 p.m.

City Council Chambers ♦ Second Floor ♦ 112 West Cass Street ♦ Albion, MI 49224

COUNCIL-MANAGER
GOVERNMENT

Council members and
other officials normally in
attendance.

Garrett Brown
Mayor

Maurice Barnes, Jr.
Council Member
1st Precinct

Lenn Reid
Council Member
2nd Precinct

Sonya Brown
Council Member
3rd Precinct

Marcola Lawler
Council Member
4th Precinct

Jeanette Spicer
Council Member
5th Precinct

Andrew French
Council Member
6th Precinct

Sheryl L. Mitchell
City Manager

The Harkness Law Firm
Atty Cullen Harkness

Jill Domingo
City Clerk

NOTICE FOR PERSONS WITH
HEARING IMPAIRMENTS
WHO REQUIRE THE USE OF A
PORTABLE LISTENING DEVICE

Please contact the City
Clerk's office at
517.629.5535 and a listening
device will be provided
upon notification. If you
require a signer, please
notify City Hall at least five
(5) days prior to the posted
meeting time.

AGENDA – AMENDED

SPECIAL COUNCIL MEETING

MONDAY, OCTOBER 30, 2017

7:00 P.M.

PLEASE TURN OFF CELL PHONES DURING MEETING

- I. CALL TO ORDER
- II. ROLL CALL
- III. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to **agenda items only** and to no more than three (3) minutes. Proper decorum is required.)
- IV. Request Approval Resolution # 2017-41, A Resolution to Reaffirm Faith in Albion's Government (RCV)
- V. Request Approval Resolution # 2017-42, A Resolution to Reject the Resignation of the City Manager (RCV)
- VI. Approve/Discuss Plan for Acting City Manager and Transition
- VII. Request Approval Resolution #2017-43, Requesting Corroboration of Alleged Harassment and A Hostile Work Environment
- VII. Motion to Excuse Absent Council Member(s)
- VIII. PUBLIC COMMENTS (Persons addressing the City Council shall limit their comments to no more than three (3) minutes. Proper decorum is required.)
- IX. ADJOURN

RESOLUTION # 2017-41

A RESOLUTION TO REAFFIRM FAITH IN ALBION'S GOVERNMENT

Whereas, the Charter of the City of Albion is the fundamental law of our city; and

Whereas, pursuant to Section 5.1, the City Council shall consist of the mayor and six councilpersons; and

Whereas, pursuant to Section 6.1, the legislative power of the city is vested exclusively in the City Council; and

Whereas, pursuant to Section 7.2(b), the office of the city manager shall be the chief administrative office of the city and the city manager shall be responsible for the supervision of the administrative departments of the city; and

Whereas, pursuant to Section 7.2(d)(1), the city manager shall be responsible to the entire city council for the efficient administration of all administrative departments of the city government; and

Whereas, pursuant to Section 8.2(b), except for the city attorney and members of city boards, all administrative officers of the city shall be appointed by the city manager; and

Whereas, pursuant to Section 8.2(a), the city manager is appointed and holds office at the pleasure of the entire city council; and

Whereas, pursuant to Section 7.2(e), the powers and duties delegated to the city manager shall not be performed by any other officer of the city; and

Whereas, pursuant to Section 5.8(a), the council members shall not individually direct the appointment or removal of any administrative officer or employee of the city; and

Whereas, every member of the City Council took an oath to uphold these and other provisions of our city's Charter; and

Whereas, the City Manager is efficiently and effectively carrying out her duties under the Charter, and must, pursuant to the aforementioned provisions of that Charter, be allowed to do so without the mayor or any Council member individually attempting to dictate or assume such duties.

Therefore, be it resolved, the City Council reaffirms its Charter, the fundamental law of our city, and reaffirms the form of government it enshrines and to which each member took an oath to uphold, and expresses confidence in its City Manager as the chief administrative officer of the city, and commits to honor the important legislative role it has under the Charter.

Date: October 24, 2017

Ayes: _____

Nays: _____

Absent: _____

I certify that this resolution was adopted by the City Council of the City of Albion on October 24, 2017.

Jill Domingo

City Clerk

RESOLUTION # 2017-42

A RESOLUTION TO REJECT THE RESIGNATION OF THE CITY MANAGER

Whereas, the Council was presented with the resignation of the City manager and was made aware of reasons given by the City manager for her resignation; and

Whereas, the City Council recognizes that work accomplished by the City Manager has been outstanding overall; and

Whereas, the Council has the right to refuse the letter of resignation of the City Manager; and

Whereas, the council, by this vote, wishes the City Manager to reconsider her resignation, remain in her current position to continue her good work in support of the entire city;

Therefore, the City council is resolved to;

- 1) Enter into talks to negotiate the terms of the City Manager contract and to put measures in place to create an healthy working environment, including governance training, information sessions and pathways to healing
- 2) Formally reject the Letter of Resignation from our City manager and work diligently to meet the needs of our City Manager as outlined in our City Charter.

Date: October 24, 2017

Ayes: _____

Nays: _____

Absent: _____

I certify that this resolution was adopted by the City Council of the City of Albion on October 24, 2017

Jill Domingo

City Clerk

City of Albion

RESOLUTION #2017-43

A Resolution Requesting Corroboration of Alleged Harassment and A Hostile Work Environment

Background and Purpose: The City of Albion, Michigan operates under a council-manager form of local government and entered into a second employment agreement with Dr. Sheryl Mitchell in 2016. The city manager's recent letter of resignation alleges harassment and a hostile work environment, but provides no corroboration—stating that “responding to each disparaging remark” would be “fruitless.” Because of the seriousness of these allegations, the Albion City Council seeks to clarify the nature of the alleged instances and provide for honest dialog regarding the concerns raised by the city manager.

Council Member _____ moved, supported by Council Member _____ to approve the following resolution:

WHEREAS, Section 8 (Suggestions, Concerns, or Complaints) of the employment agreement entered into on September 2, 2016 between the City of Albion and Dr. Sheryl Mitchell states that: “The Mayor and City Council, individually and collectively, shall refer in a timely manner all substantive suggestions, concerns, and complaints called to their attention to the City Manager for study and/or appropriate action. The City Manager shall investigate the matter(s) and inform the Council of the results of the City Managers investigation and any action(s) taken”; and

WHEREAS, the video recording of and evaluation documents from the city manager performance review conducted at a special meeting of the Albion City Council on October 5, 2017 are public records; and

WHEREAS, the letter of resignation from Dr. Mitchell dated and submitted to the Albion City Council on October 11, 2017 is a public record; and

WHEREAS, the letter of resignation from Dr. Mitchell alleges the following: that “the Mayor and Mayor Pro Tem’s behavior has been out of line with appropriate Council practice”, that it is “ [t]he desire of the Mayor and Mayor Pro Tem to undermine my integrity through email exchanges, public meetings, evaluations, and social media”, that “comments towards me and my performance seem retaliatory”, that “relentless acts that fundamentally reflect disrespect and mistrust” have constituted “harassment” and created a “hostile work environment”; and

WHEREAS, the allegations were neither presented to the council nor corroborated before Dr. Mitchell submitted her letter of resignation and have raised concerns among the council and community residents; and

WHEREAS, the Albion City Council seeks to understand and clarify the nature and veracity of the allegations, and desires to improve council-manager relations now and in the future; now therefore

BE IT RESOLVED that the Albion City Council hereby requests the city manager to provide a memorandum describing and corroborating the alleged instances of harassment and a hostile work

environment, with reference to specific charter provision, city policies, or employee agreement terms that have been violated, by the next regular council meeting following the adoption of this resolution.

I hereby certify that the above resolution was adopted on _____, in a regular session of the Albion City Council, and this is a true copy of that resolution.

Ayes _____

Nays _____

Absent _____

Jill Domingo, City Clerk

Date