

## AGENDA REPORT

TO: Mayor Pat Humphrey & the Clare City Commission  
FROM: Jeremy Howard, City Manager  
DATE: January 12, 2023  
RE: City Commissioner Appointment – Vacancy Created by John Myers Resignation

For the Agenda of January 16, 2023

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Background. Commissioner John Myers has tendered his resignation (*see copy of att'd letter*) due to a change of residency. Section 5.4 (*copy att'd*) of the City Charter stipulates the City Commission shall select and appoint, within 30 days, a successor to serve the balance of the term of a vacant City Commission seat.

The process and method used by the City Commission to select a successor is mute in the City Charter, thus is left to the discretion and judgment of the Commission.

The City maintains a list of qualified residents who have expressed interest in serving on the City's commissions, boards, and committees by submitting an application to serve. Mrs. Kimberly Horwood-Bussell, Mr. Karl Hauser, and Mr. Pete Spitzley are all city residents who meet the qualifications to serve as City Commissioner and have applied (*see copy of applications*) for consideration for appointment.

The City Commission is asked to review each of the applications and then subsequently appoint one of the City residents who have expressed interest in serving as a successor to Commissioner Myers or provide guidance to the City Staff with respect to its desires in creating a pool of candidates for consideration.

Note: The 30 day required timeframe for appointment per the charter would require a special meeting of the City Commission if an appointment is not made at the January 16<sup>th</sup> meeting.

Issues & Questions Specified. Should the City Commission appoint a successor to Commissioner Myers?

Alternatives.

1. Appoint one of the above-named individuals to serve as Commissioner Myer's successor for the remainder of the term (4 years).
2. Direct City Staff to facilitate a method to gather applications of other qualified residents for consideration as Commissioner Myers' successor.
3. Set the matter aside for a decision at a later date.

Financial Impact. There is no immediate fiscal impact.

Recommendation. I recommend that the City Commission appoint a successor to Commissioner Myers to fill the vacancy left by his resignation at the last City Commission meeting. A draft resolution is attached and will be completed if the Commission decides to make the appointment at the scheduled January 16<sup>th</sup> meeting.

Attachments.

1. Letter of Resignation.
2. Sec. 5.4, City Charter.
3. Applications Received (Mrs. Kimberly Horwood-Bussell, Mr. Karl Hauser, Mr. Pete Spitzley).
4. Resolution 2023-008.

## City of Commission Resignation

Dear Board of Commissioners and Jeremy Howard,

Due to a change in my career, I will need to resign my seat on the City Commission as well as Planning Commission. I appreciate the opportunity to serve the great city of Clare and wish the board the best of luck in selecting my replacement. Please let me know if you have any questions or if there is anything I can do to help the transition.

All the best,

John Myers

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**Section 5.4. Filling vacancies in elective offices.**

If a vacancy occurs in any elective office, the commission shall, within thirty days after such vacancy occurs, appoint a person who possesses the qualifications required of holders of said office for the balance of the term. In the case of a vacancy in the position of commissioner, the commission shall elect a successor to serve the balance of the unexpired term of the commissioner whose position has become vacant. If three or more vacancies in the position of commissioners exist simultaneously, a special election shall be called immediately to fill such vacancies.

State law reference(s)—Filling vacancies, MCL 201.37.

**City of Clare**  
202 W. Fifth Street  
Clare, Michigan 48617

**APPLICATION FOR APPOINTMENT TO CITY BOARDS, COMMITTEES, AND COMMISSIONS**

AS PROVIDED UNDER THE CHARTER OF THE CITY OF CLARE- CHAPTER 5. GENERAL PROVISIONS  
REGARDING OFFICERS AND PERSONNEL OF CITY, SECTION 5.1. ELIGIBILITY FOR OFFICE IN CITY:

No person shall be elected or appointed to any office who is in default to the city, or to any school district, county, or other municipal corporation of the state, now or heretofore existing. The election or appointment of any such defaulter shall be void.

NAME Kimberly MH-Bussell PHONE# 989802-1294  
ADDRESS 425 Wilcox Hwy CITY Clare, MI ZIP 48617  
EMAIL horwoodk1@gmail.com  
CITY RESIDENT:  YES  NO IF YES, HOW LONG? 7 years

DO YOU **PRESENTLY** OR HAVE YOU **PREVIOUSLY** SERVED ON A BOARD, COMMITTEE OR COMMISSION FOR THE CITY OF CLARE?  YES  NO

IF YES, PLEASE LIST THE BOARDS, COMMITTEES AND/OR COMMISSIONS AND THE TERM EXPIRATION DATE(S):

Board of Review 2000-2004

THE FOLLOWING IS A LIST OF OUR CURRENT BOARDS, COMMITTEES, AND COMMISSIONS. PLEASE NOTE WHICH BOARD, COMMITTEE, OR COMMISSION THAT YOU WOULD BE INTERESTED IN SERVING (PLEASE RATE YOUR SELECTIONS WITH #1 BEING THE BOARD YOU WOULD PREFER TO SERVE ON FIRST).

- |   |  |
|---|--|
| <input type="checkbox"/> AIRPORT ADVISORY BOARD                               | <input type="checkbox"/> INDUSTRIAL DEVELOPMENT CORPORATION  |
| <input type="checkbox"/> BOARD OF REVIEW*                                     | <input type="checkbox"/> LOCAL DEVELOPMENT FINANCE AUTHORITY |
| <input type="checkbox"/> BROWNFIELD REDEVELOPMENT AUTHORITY                   | <input type="checkbox"/> PARKS & RECREATION                  |
| <input type="checkbox"/> CEMETERY ADVISORY BOARD                              | <input type="checkbox"/> PLANNING COMMISSION                 |
| <input checked="" type="checkbox"/> CITY COMMISSION (ONLY IF VACANCY OCCURS)* | <input type="checkbox"/> TRAFFIC & SAFETY COMMITTEE          |
| <input type="checkbox"/> DEPOT GOVERNING BOARD                                | <input type="checkbox"/> TREE ADVOCACY GROUP                 |
| <input type="checkbox"/> DOWNTOWN DEVELOPMENT AUTHORITY**                     | <input type="checkbox"/> ZONING BOARD OF APPEALS (ZBA)       |
| <input type="checkbox"/> ECONOMIC DEVELOPMENT CORPORATION (EDC)               | <input type="checkbox"/> OTHER: _____                        |

\*Residency required by Charter (9.6)

**AIRPORT ADVISORY BOARD:** The Board is charged with proposing and providing recommendations to the City Commission regarding all aspects of present and projected/future management and operations including operating rules, regulations, policies, procedures, and standards of the Clare Municipal Airport developing the five-year plan for the airport. Members serve a three-year term and meet on a monthly basis.

**BOARD OF REVIEW:** Members, appointed annually, must be electors of the city. Experience and/or training in matters related to real estate is preferred but not required. The State requires training every two years and meeting times/dates are prescribed by Michigan Law. Please check below if you have experience in:

- Banking/Finance
- Property Appraisal/Assessing
- Real Estate/Development/Law

**BROWNFIELD REDEVELOPMENT AUTHORITY**

The purpose of the Authority is to promote the revitalization, redevelopment, and reuse of certain contaminated, blighted, or obsolete properties primarily through the use of tax increment financing. The Authority is empowered to establish redevelopment districts within which environmentally blighted properties are located, and then collect taxes within that district for improvements to fund redevelopment projects. Members serve a three-year term. This body meets as needed.

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**CLARE RAILROAD DEPOT GOVERNING BOARD** There are no residency requirements to serve on this board and membership of the said body is comprised of the President of the Clare County Arts Council or a designated representative; the President of the Clare Area Chamber of Commerce or a designated representative; a representative of the local railroad historic group; the Clare City Manager, who serves as chair of the board; the Treasurer/Finance Director of the City of Clare; the Clare City Clerk; the City of Clare Recreation Director; and other ad hoc members of the city Staff, local organizations, and entities as determined necessary by the chairperson of the Clare Railroad Depot Governing Body. This body meets quarterly.

**DOWNTOWN DEVELOPMENT AUTHORITY:** A minimum of 50% of the members must consist of commissioners that own or manage commercial property in the downtown and one member who lives within the DDA district. Members serve a three-year term. This body meets monthly. Please check below if you have experience in:

- New Business Development
- Business Recruitment and Retention
- Marketing and Promotion
- Real Estate Development
- Banking/Finance

**ECONOMIC DEVELOPMENT CORPORATION** The EDC oversees economic development for the City and has the authority to adopt resolutions pertaining to economic development. The board consists of nine members selected by the Mayor and confirmed by the City Commission to serve a six-year term. This body meets as needed.

**INDUSTRIAL DEVELOPMENT CORPORATION** This autonomous 12-member entity oversees the operations, development, and management of the Clare Industrial Parks.

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representatives are appointed by the Mayor and approved by the City Commission to serve four-year terms. This body meets twice annually or as needed.

**PARKS & RECREATION:** Members are appointed by the city council. Members must be registered voters in the city qualified by experience and/or training in a variety of disciplines. This body meets quarterly. Please check below if you have experience in:

- Advertising/Marketing/Public Relations
- Banking/Finance
- Fitness/Recreation
- Forestry
- Land Use Planning
- Landscape Architecture
- Physical Education
- Public Administration

**PLANNING COMMISSION:** Members shall consist of residents representative of the general population of the City of Clare, its business community, and other special interest groups. Interest in land use related issues is beneficial. This body meets on the second Wednesday of each month. Please check below if you have experience in:

- Architecture/Landscape Architecture
- Building Construction
- Civil Engineering
- Land Use Planning
- Real Estate Development

**TRAFFIC & SAFETY COMMITTEE** This five-member body meets on an as-needed basis and makes recommendations to the City Planning Commission and City Commission related to all matters regarding traffic and safety matters.

**TREE ADVOCACY GROUP** assists the director of public works in the development of a comprehensive plan for the City of Clare, including but not limited to planning, tree planting, and maintenance programs for all public trees; promoting the goals of the municipal tree program; participate in and/or coordinate annual Arbor Day celebrations; coordinate with citizens groups—Tree plantings, volunteer efforts to install or maintain plantings or other beautification projects on public land; provide a means to involve the public in a community forestry management plan, and to promote new and existing tree programs by motivating both local government and the public to support community forestry management.

The Tree Advocacy Group consists of five members who are citizens, and residents of Clare and serve a three-year term.

**ZONING BOARD OF APPEALS:** Members must be residents of the City. Interest or knowledge of land use related issues is beneficial. Members that do not serve by position on the Planning Commission or City Commission serve a three-year term. Please check below if you have experience in:

- Architecture
- Building Construction/Engineering
- Land Use Planning
- Real Estate/Development/Law

ARE YOU WILLING TO ATTEND TRAINING SEMINARS, IF NECESSARY? YES  NO

AVAILABILITY FOR MEETINGS: (PLEASE CIRCLE) (MON) (TUES) (WED) (THURS) (FRI)

TIME OF DAY: (PLEASE MARK)  EARLY MORNING  DAYTIME  EVENING

PRESENT EMPLOYMENT:

Boehringer-Ingelheim, Pharmaceutical, Executive Cardiovascular Business Specialist  
Name of Business/Firm/Owner Title of Position Type of Business  
Ridgefield, Connecticut Pharmaceuticals  
Number/Street City/Zip Telephone

LIST YOUR JOB DUTIES AND RESPONSIBILITIES:

Sales of Pharmaceuticals to Cardiologists + Hospitals  
for a territory in Michigan.

PLEASE LIST COMMUNITY ACTIVITIES AND SPECIAL QUALIFICATIONS:

Board VP for Pardee Cancer treatment fund of Clare Ct'y.

EDUCATION: (Optional)

Masters of Public Administration  
Graduate Certificate in Healthcare Admin

PLEASE LIST TWO PERSONAL REFERENCES (Clare Residents)

1. Gus Murphy  
Name Address

Telephone

2. Pat Humphrey Rainbow Dr.  
Name Address

Telephone

I hereby certify that this form is true and accurate to the best of my knowledge.

[Signature]  
Signature

12/21/2020  
Date

Please return this application to:

City Clerk  
202 W. Fifth Street  
Clare, MI 48617

City of Clare  
202 W. Fifth Street  
Clare, Michigan 48617

**CODE OF CONDUCT**

**When appointed to a Board, Committee, or Commission, you will be required to sign the following Code of Conduct upon Oath of Office:**

When appointed to a Board, Committee, and/or Commission of the City of Clare, I will perform the duties of the office to the best of my ability and in accordance with the City's policies and procedures and the Charter of the City of Clare.

I will do my best to inform myself on matters of concern to the City of Clare and my specific activities of the group. I will try to attend all meetings and give careful consideration to the business of the board, committee or commission.

As a member of the board, committee and/or commission of the City of Clare, I will disclose to the other members any conflict of interest I may have on matters before it.

I will hold in confidence information obtained in my role as a member of a board, committee or commission and will use such information exclusively for City purposes. I will not take advantage of my office in my contacts with representatives of the public or private sector, with other associations or with the City staff.

  
\_\_\_\_\_  
Signature

  
\_\_\_\_\_  
Date

**City of Clare**  
202 W. Fifth Street  
Clare, Michigan 48617

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NAME PETER M. SPITZLEY PHONE# (517) 281-3089  
ADDRESS 700 NORTHRIDGE DR CITY CLARE, MI ZIP MI, 48617  
EMAIL SPITZLEY.P@GMAIL.COM  
CITY RESIDENT:  YES  NO IF YES, HOW LONG? 7 1/2 YEARS

DO YOU **PRESENTLY** OR HAVE YOU **PREVIOUSLY** SERVED ON A BOARD, COMMITTEE OR COMMISSION FOR THE CITY OF CLARE?  YES  NO

IF YES, PLEASE LIST THE BOARDS, COMMITTEES AND/OR COMMISSIONS AND THE TERM EXPIRATION DATE(S):

PARKS & RECREATION BOARD - SERVED AS VICE CHAIR  
5 1/2 YEARS, EXPIRES OCTOBER 2023

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- |  |  |
|--|--|
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ARE YOU WILLING TO ATTEND TRAINING SEMINARS, IF NECESSARY? YES  NO

AVAILABILITY FOR MEETINGS: (PLEASE CIRCLE) MON TUES WED THURS FRI

TIME OF DAY: (PLEASE MARK)  EARLY MORNING  DAYTIME  EVENING

PRESENT EMPLOYMENT:

AUTO OWNERS INSURANCE UNDERWRITING FIELD SERVICE  
Name of Business/Firm/Owner Title of Position Type of Business

NOW RETIRED AFTER 36.5 YEARS  
Number/Street City/Zip Telephone

LIST YOUR JOB DUTIES AND RESPONSIBILITIES:

COMMERCIAL LINES, FIELD AUDITOR & BUILDING PROPERTY INSPECTOR

PLEASE LIST COMMUNITY ACTIVITIES AND SPECIAL QUALIFICATIONS:

CLARE CO. VETERAN SOLDIER RELIEF BOARD - 4 YRS (EXPIRE 9/24)  
VICE PRESIDENT/SECY OF CARRIAGE PLACE RESORT  
HOMEOWNERS ASSN, BRANSON MO

EDUCATION: (Optional) 2019-2022  
ASSOC. DEGREE IN BUSINESS

PLEASE LIST TWO PERSONAL REFERENCES (Clare Residents)

1. RON SCHMIDT 705 NORTHRIDGE DR., CLARE  
Name Address  
Telephone (989) 644-8727

2. DAN SHIVELY 735 NORTHRIDGE DR., CLARE  
Name Address  
Telephone (989) 429-2385

I hereby certify that this form is true and accurate to the best of my knowledge.

Peter M. Spitzley  
Signature

JANUARY 10, 2023  
Date

Please return this application to: City Clerk  
202 W. Fifth Street  
Clare, MI 48617

City of Clare  
202 W. Fifth Street  
Clare, Michigan 48617

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\_\_\_\_\_  
Signature

JANUARY 10, 2023  
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Date

**City of Clare**  
202 W. Fifth Street  
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NAME **KARL HAUSER** PHONE# 734-497-9058

ADDRESS **330 Forest Ave** CITY **Clare, MI** ZIP **48617**

EMAIL **khausere7@yahoo.com**

CITY RESIDENT:  YES  NO IF YES, HOW LONG? **6 years**

DO YOU **PRESENTLY** OR HAVE YOU **PREVIOUSLY** SERVED ON A BOARD, COMMITTEE OR COMMISSION FOR THE CITY OF CLARE?  YES  NO

IF YES, PLEASE LIST THE BOARDS, COMMITTEES AND/OR COMMISSIONS AND THE TERM EXPIRATION DATE(S):

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| <input type="checkbox"/> BOARD OF REVIEW*                                     | <input type="checkbox"/> LOCAL DEVELOPMENT FINANCE AUTHORITY |
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- Real Estate/Development/Law

ARE YOU WILLING TO ATTEND TRAINING SEMINARS, IF NECESSARY? YES  NO

AVAILABILITY FOR MEETINGS: (PLEASE CIRCLE) MON TUES WED THURS FR

TIME OF DAY: (PLEASE MARK)  EARLY MORNING  DAYTIME  EVENING

PRESENT EMPLOYMENT:

<b>Clare County</b> Name of Business/Firm/Owner	<b>Veterans Services Director</b> Title of Position	<b>Government</b> Type of Business
<b>225 W Main St</b> Number/Street	<b>Harrison 48625</b> City/Zip	<b>989-539-3273</b> Telephone

LIST YOUR JOB DUTIES AND RESPONSIBILITIES:

**Assist veterans with disability claims; manage emergency relief programs; manage veteran transportation**

PLEASE LIST COMMUNITY ACTIVITIES AND SPECIAL QUALIFICATIONS:

**Former Board Member, Harrison Chamber of Commerce; Board Member, Michigan Association of County Veterans Service Officers**

EDUCATION: (Optional)

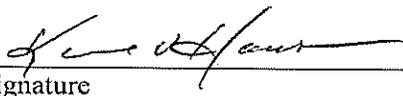
**BBA & MBA, Baker College; AA Mid Michigan College**

PLEASE LIST TWO PERSONAL REFERENCES (Clare Residents)

<b>1. Corinda Brown</b> Name	<b>412 Forest Ave</b> Address
Telephone <b>989-386-9956</b>	

<b>2. Paul Fetzer</b> Name	<b>1010 Vinewood St</b> Address
Telephone <b>989-424-0655</b>	

I hereby certify that this form is true and accurate to the best of my knowledge.

  
Signature

1/10/23  
Date

**Please return this application to:**

**City Clerk  
202 W. Fifth Street  
Clare, MI 48617  
City of Clare  
202 W. Fifth Street  
Clare, Michigan 48617**

**RESOLUTION 2023-008**

**A RESOLUTION OF THE CLARE CITY COMMISSION APPOINTING \_\_\_\_\_ AS A SUCCESSOR TO COMMISSIONER JOHN MYERS.**

**WHEREAS**, City Commissioner John Myers has tendered his resignation due to a change of residency; and

**WHEREAS**, in accordance with Section 5.4 of the Charter of the City of Clare, the City Commission has thirty (30) days to appoint a qualified individual to complete the term of the elected individual whose seat has been declared vacant; and

**WHEREAS**, the process used to appoint a successor to a vacant City Commission seat is not stipulated in the City Charter, thus it is left to the sole discretion of the City Commission; and

**WHEREAS**, the City Commission has reviewed applications and considered qualified City residents who have expressed their individual desires and applied to serve as a member of the City's commissions, boards, and committees.

**NOW THEREFORE BE IT RESOLVED THAT** the City Commission of the City of Clare has selected and hereby approves the appointment of \_\_\_\_\_ to serve as a successor to Commissioner John Myers in accordance with the stipulations of Section 5.4 of the Charter of the City of Clare, said appointment becoming effective upon swearing in to office and terminating on December 31, 2026, said date being the date of the end of the elected term of Commissioner John Myers.

**ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INSOFAR AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.**

**The Resolution was introduced by Commissioner \_\_\_\_\_ and supported by Commissioner \_\_\_\_\_.** The Resolution declared adopted by the following roll call vote:

**YEAS:**

**NAYS:**

**ABSENT:**

Resolution approved for adoption on this 16<sup>th</sup> day of January, 2023.

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Diane Lyon, City Clerk