

MEMORANDUM

TO: Charlotte City Council

FROM: Thomas M. Hitch, City Attorney

RE: **CITY ATTORNEY REPORT**

DATE: October 9, 2015

The following is my report to the City Council on several issues in which our office has been engaged since the last Council meeting:

1. Ordinances for the Building Board of Appeals and Fire Board of Appeals. Elsewhere in the packet, you will find two ordinances which I prepared in response to the memo from Bryan Myrkle dated September 10, 2015. There is presently a matter under consideration by City staff relating to the redevelopment of the Masonic Temple, and it was necessary to draft an ordinance creating a Building Board of Appeals, and then drafting a second ordinance designating the Building Board of Appeals as the Fire Board of Appeals.

The ordinances are straight forward. The Building Board of Appeals ordinance provides for the creation of the Board of Appeals by appointment by the Mayor and City Council, provides for hearings and their procedures, and then, by second ordinance, provides that the Building Board of Appeals will constitute the Fire Board of Appeals for all purposes under the Fire Prevention Code.

2. Personnel Issues. I prepared for filing with the Eaton County Prosecutor's Office a motion seeking to forfeit a portion of Carrie Bowerman's retirement benefit in order to assist the City in the collection of monies which she was required to pay on account of her embezzlement from the City. The Municipal Employees Retirement System provides a procedure for forfeiture where an employee has committed a felony that results in a loss to the participating employer in the retirement system. The statute provides that she forfeits any accrual from the first date of the felony, and that she be returned her contributions so that the City may seek, by a separate action or writ of garnishment, to collect those funds.

That motion to forfeit was filed with the Eaton County Circuit Court by the Prosecutor's Office on October 8, 2015. I will keep the Council apprized as to the progress in that matter.

TMH:ddy