



**Notice**  
**City Commission Study Session**

7:00 PM  
Monday, June 27, 2011  
Governmental Center, Commission Chambers, 400 Boardman Avenue  
Traverse City, MI 49684  
Posted: 06-24-11

The meeting informational packet is available for public inspection at the Traverse Area District Library, Law Enforcement Center, City Manager's Office, and City Clerk's Office.

The City of Traverse City does not discriminate on the basis of disability in the admission or access to, or treatment or employment in, its programs or activities. Makayla Vitous, Assistant City Manager, 400 Boardman Avenue, Traverse City, MI 49684, 922-4440-TDD: 922-4412, has been designated to coordinate compliance with the non-discrimination requirements contained in Section 35.107 of the Department of Justice regulations. Information concerning the provisions of the Americans with Disabilities Act, and the rights provided thereunder, are available from the ADA Coordinator.

If you are planning to attend and you have a disability requiring any special assistance at the meeting and/or if you have any concerns, please immediately notify the ADA Coordinator.

At the request of the City Manager, the City Clerk has called this study session.

City Commission  
c/o Debra A. Curtiss, MMC, City Clerk  
400 Boardman Avenue  
Traverse City, MI 49684  
(231) 922-4480  
<http://www.ci.traverse-city.mi.us>

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*The mission of the Traverse City City Commission is to guide the preservation and development of the City's infrastructure, services, and planning based on extensive participation by its citizens coupled with the expertise of the city's staff. The Commission will both lead and serve Traverse City in developing a vision for sustainability and the future that is rooted in the hopes and input of its citizens and organizations, as well as cooperation from surrounding units of government.*

**Welcome to the Traverse City Study Session!**

Any interested person or group may address the City Commission on any agenda item when recognized by the presiding officer or upon request of any commissioner. Also, any interested person or group may address the City Commission on any matter of City concern not on the Agenda during the agenda item designated Public comment. The comment of any member of the public or any special interest group may be limited in time. Such limitation shall not be less than five minutes unless otherwise explained by the presiding officer, subject to appeal by the Commission.

**Agenda**

Pledge of Allegiance

Roll Call

Announcements by the Mayor, City Manager, and City Commissioners

1. Discussion regarding City Attorney professional services. (R. Ben Bifoss)
2. Consideration of a periodic personnel evaluation of Karrie A. Zeits, City Attorney. (Possible closed session) (Karrie A. Zeits)
3. Consideration of a periodic personnel evaluation of R. Ben Bifoss, City Manager. (Possible closed session)
4. Public comment.
5. Adjournment.

# CITY OF TRAVERSE CITY

## Job Description

### CITY ATTORNEY

#### **General Summary:**

The City Attorney is appointed by and serves at the pleasure of the City Commission. Acts as legal advisor to, and general counsel for, the City and all of its officers in matters relating to their official duties, and represents the City in all actions brought by or against the City or against City officials in their official capacity. Advises, counsels and represents the Downtown Development Authority on an as-needed basis.

#### **Essential Job Functions:**

An individual in this position may be called upon to do any or all of the following essential functions. These examples do not include all of the duties which the individual may be expected to perform. To perform this job successfully, an individual must be able to perform each essential function satisfactorily.

Prepare for and attend all City Commission and related meetings as needed; consult with City Commission or Manager regarding agenda wording and preparation; follow up from all such meetings as requested.

Advises the Mayor, City Commission, City Manager, and key managers relative to legal matters affecting the City. Acts as a sounding board for the City Commission, City Manager and key managers on critical proposals.

Attend meetings of the Planning Commission, Zoning Board of Appeals, Downtown Development Authority, and other boards and bodies on an as-requested basis.

Drafts, or review drafts, of ordinances, code amendments, resolutions, agreements, legal opinions, deeds, leases, and other legal documents and reports as requested by City Commission and/or City Manager.

Represents the City in all aspects of civil litigation, including preparation and trial of cases; recommend actions on claims against the City; works with insurance counsel to defend City in cases for which coverage is provided.

Negotiates agreements with developers, contractors, and other agencies.

Drafts and negotiates agreements and provides legal advice and other legal services as requested by the Downtown Development Authority and/or its Executive Director.

Represents the City in labor negotiations, arbitrations, resolution of labor disputes and legal advice pertaining to labor matters as requested by the City Manager or the City Commission.

Represents the City in matters before the Michigan Tax Tribunal.

Prosecutes violations of the Traverse City Code (except traffic violations).

Provides telephone or in-person consultations with City Commissioners on City matters.

Performs all other legal services deemed necessary or expedient by the City Commission or the City Manager.

**Required Knowledge, Skills, Abilities and Minimum Qualifications:**

The requirements listed below are representative of the knowledge, skills, abilities and minimum qualifications necessary to perform the essential functions of the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the job.

Must be licensed to practice law in the State of Michigan. Must provide proof of legal working status in the United States.

At least five years of responsible experience as a practicing attorney, at least three years of which involved municipal or other government law practice including trial experience. Demonstrated competence and knowledge in a broad range of municipal legal issues including: regionalism, land use, environmental, labor and employee relations, and downtown development authority.

Considerable knowledge and experience in legal principles and practices, including civil, constitutional, and administrative law and procedure; ordinances, statutes, and court decisions relating to municipal government.

Ability to conduct their own research on complex legal problems, to prepare sound legal opinions, and communicate effectively, both orally and in writing.

**Physical Demands and Work Environment:**

The physical demands and work environment characteristics described here are representative of those an individual encounters while performing the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

While performing the duties of this job, the individual is regularly required to talk or hear. The individual frequently is required to use hands to finger, handle or feel; reach with hands and arms; and sit or stand. The individual must frequently lift and/or move items of light to moderate weight. Specific vision abilities required by this job include close vision, depth perception and peripheral vision.

While performing the duties of this job, the employee regularly works in a business office setting. Will operate a variety of standard office equipment including a computer terminal, telephone, calculator, copy and fax machine. The noise level in the work environment is usually moderate.



The City of Traverse City

## Communication to the City Commission

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FOR THE CITY COMMISSION STUDY SESSION OF JUNE 27, 2011

DATE: JUNE 24, 2011

FROM: KARRIE A. ZEITS, CITY ATTORNEY

SUBJECT: CLOSED SESSION – CITY ATTORNEY

Pursuant to the Open Meetings Act, I request a closed hearing of the City Commission to consider a periodic personnel evaluation of the City Attorney.

A Roll Call vote is required with *four* affirmative votes.

The following recommended motion would be appropriate to do so:

**that the City Commission enter into closed session immediately to consider the periodic personnel evaluation of Karrie A. Zeits, City Attorney, as requested by Karrie A. Zeits, City Attorney.**

kaz/dc

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The City of Traverse City

## Communication to the City Commission

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FOR THE CITY COMMISSION STUDY SESSION OF JUNE 27, 2011

DATE: JUNE 24, 2011

FROM: R. BEN BIFOSS, CITY MANAGER

SUBJECT: CLOSED SESSION – CITY MANAGER

Pursuant to the Open Meetings Act, I request a closed hearing of the City Commission to consider a periodic personnel evaluation of the City Manager.

A Roll Call vote is required with four affirmative votes.

The following recommended motion would be appropriate to do so:

**that the City Commission enter into closed session immediately to consider the periodic personnel evaluation of R. Ben Bifoss, City Manager, as requested by R. Ben Bifoss, City Manager.**

kaz/dc

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