



## CITY COUNCIL ACTION REPORT

Date August 1, 2007

TO: Phillip L. Nelson, City Manager

FROM: Lori Grigg Bluhm, City Attorney  
Tonni L. Bartholomew, City Clerk

SUBJECT: Charter Revision Committee Recommendation – Amendment to The Troy City Charter Section 6.2(g) – Vacancies in Elective Office

### Background:

- City Council, at their meeting of July 23, 2007, forwarded a request to the Charter Revision Committee to review an amendment Charter Section 6.2(g) - Vacancies in Elective Office to provide a mechanism to allow Council members whose terms are expiring at the next municipal election the ability to file for elective office, other than to succeed oneself, without resignation from their office. Attached is a copy of the Charter Revision Committee's July 31, 2007 Minutes, a red-lined copy of the City Charter indicating their proposal and the proposed ballot language.

The Charter Revision Committee met on Tuesday, July 31, 2007, to review a possible amendment to the City Charter Section 6.2(g) - Vacancies in Elective Office. Attached is a draft copy of the minutes of their meeting.

As noted in the minutes of the Charter Revision Committee July 31, 2007 meeting, the committee reviewed the proposed amendment from City administration. It was the consensus of the committee to amend the proposed amendment to provide for a 21 days notice of withdrawal from office by Council Candidates wishing to file for an elective office other than to succeed oneself. The original ballot amendment wording as proposed by City administration, absent the Charter Committee's amendment, was forwarded and preliminarily reviewed by the Attorney General's Office and appeared to be in an acceptable form. The modifications to that proposal appear minor and it would be our belief that the amended proposal will most likely meet approval. The proposed ballot wording is currently at the maximum 100 word limitation.

The Charter Revision Committee recommends to City Council the attached proposed Charter language and ballot question for submittal to the Troy voters at the November 6, 2005 City General Election.

### Financial Considerations:

- There are no financial considerations associated with this item.

### Legal Considerations:

- There are no legal considerations associated with this item.

Policy Considerations:

- There are no policy considerations associated with this item.

Options:

- It is recommended that Troy City Council approve the proposed resolution to place a question on the November 6, 2007 General City Election.

**PROPOSED CHARTER AMENDMENT (WITH TRACK CHANGES):**

**Section 6.2 - Vacancies in Elective Office:**

Any elective city office shall be declared vacant by the Council upon the occurrence of any of the following events before the expiration of the term of such office:

**STRIKE**

- (g) ~~Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election.~~

**INSERT**

- (g) Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign their current Council position at least 21 days before filing for municipal election.

**PROPOSED BALLOT WORDING:**

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 of the Troy Charter, regarding vacancies in elective office, be amended to allow members of Council, whose terms are expiring at the next municipal election, to file for an office (other than their own) without resigning from Council by deleting the wording of current Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign their current Council position at least 21 days before filing for municipal election.”?

YES \_\_\_ NO \_\_\_

A meeting of the Troy Charter Revision Committee was held Tuesday, July 31, 2007, at City Hall, 500 W. Big Beaver Road. In the absence of Chairman Bliss, Vice-Chairman Bloom called the Meeting to order at 3:36 PM.

**ROLL CALL:**

**PRESENT:** Lillian Barno, Jerry E. Bloom, David Eisenbacher, Shirley Kanoza, Mark Solomon, Cynthia A. Wilsher  
**ABSENT:** Daniel Bliss,  
**ALSO PRESENT:** City Attorney Bluhm, City Clerk Bartholomew and Deputy City Clerk Pallotta

**RESOLUTION TO EXCUSE MEMBER: Daniel Bliss**

Resolution #CR-2007-07-006  
Moved by Kanoza  
Seconded by Wilshire

RESOLVED, That Dan Bliss be **EXCUSED** from the meeting of July 31, 2007.

Yes: Barno, Bloom, Eisenbacher, Kanoza, Solomon, Wilsher  
No: None  
Absent: Bliss

**MOTION CARRIED**

**RESOLUTION TO EXCUSE MEMBERS: Daniel Bliss and Mark Solomon**

Resolution #CR-2007-07-007  
Moved by Kanoza  
Seconded by Wilshire

RESOLVED, That Dan Bliss and Mark Solomon be **EXCUSED** from the meeting of June 15, 2007.

Yes: Barno, Bloom, Eisenbacher, Kanoza, Solomon, Wilsher  
No: None  
Absent: Bliss

**MOTION CARRIED**

**APPROVAL OF MINUTES: Friday, June 15, 2007**

Resolution #CR-2007-07-008  
Moved by Eisenbacher  
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee Minutes of Friday, June 15, 2007 are hereby **APPROVED** as presented.

Yes: Barno, Bloom, Eisenbacher, Kanoza, Solomon, Wilsher  
No: None  
Absent: Bliss

**MOTION CARRIED**

**PROPOSED CHARTER AMENDMENTS:**

**SECTION 6.2(g) –VACANCIES IN ELECTED OFFICE**

Resolution #CR-2007-07-009  
Moved by Wilshire  
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** an amendment to Section 6.2(g) of the City Charter proposed as follows:

**Proposed Ballot Wording:**

**A PROPOSAL TO AMEND THE TROY CITY CHARTER  
SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 of the Troy Charter, which discusses vacancies in elective office, be amended to allow members of Council, whose terms are expiring at the next municipal election, to file for an office other than their own without resigning from Council by deleting the wording of the current Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign from their current Council position prior to the filing deadline of the municipal election.”?

YES \_\_\_ NO \_\_\_

It was the consensus of the committee to revise the motion to allow for the resignation of a council member to occur 21 days prior to the date of filing. This revision was requested to allow ample time for interested candidate to file for the vacant position prior to the filing deadline. It was noted that the Clerk’s office publishes a notice of the filing deadline, including the number of potential positions, 15 days prior to the filing deadline. This modification would allow for the vacant position to be included in the notice publication.

**AMENDMENT TO PROPOSED MOTION**

Resolution #CR-2007-07-009  
Moved by Eisenbacher  
Seconded by Kanoza

RESOLVED, That the motion be **AMENDED BY SUBSTITUTION** the following ballot language for the proposed ballot language in its entirety:

**Proposed Ballot Wording:**

**A PROPOSAL TO AMEND THE TROY CITY CHARTER  
SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 of the Troy Charter, regarding vacancies in elective office, be amended to allow members of Council, whose terms are expiring at the next municipal election, to file for an office (other than their own) without resigning from Council by deleting the wording of current Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign their current Council position at least 21 days before filing for municipal election.”?

YES \_\_\_ NO \_\_\_

Yes: Barno, Bloom, Eisenbacher, Kanoza, Solomon, Wilsher  
No: None  
Absent: Bliss

**MOTION CARRIED**

**VOTE ON AMENDED MAIN MOTION:**

**SECTION 6.2(g) –VACANCIES IN ELECTED OFFICE**

Resolution #CR-2007-07-010  
Moved by Wilshire  
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** an amendment to Section 6.2(g) of the City Charter proposed as follows:

**Proposed Ballot Wording:**

**A PROPOSAL TO AMEND THE TROY CITY CHARTER  
SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**

Shall Section 6.2 of the Troy Charter, regarding vacancies in elective office, be amended to allow members of Council, whose terms are expiring at the next municipal election, to file for an office (other than their own) without

resigning from Council by deleting the wording of current Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign their current Council position at least 21 days before filing for municipal election.”?

YES \_\_\_ NO \_\_\_

Yes: Barno, Bloom, Eisenbacher, Kanoza, Solomon, Wilsher  
No: None  
Absent: Bliss

**MOTION CARRIED**

**AUDIENCE PARTICIPATION: None.**

**ADJOURNMENT**

Resolution #CR-2007-07-011  
Moved by Barno  
Seconded by Eisenbacher

RESOLVED, That the Charter Revision Committee Meeting of Tuesday, July 31, 2007 be **ADJOURNED**.

Vice-Chair Bloom **ADJOURNED** the meeting at 4:18 PM.

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Jerry E. Bloom, Vice-Chair

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Tonni L. Bartholomew, City Clerk