



## CITY COUNCIL REPORT

Date August 16, 2007

TO: Phillip L. Nelson, City Manager

FROM: Tonni L. Bartholomew, City Clerk

SUBJECT: **Resolution to Refer Charter Revision Proposal to Charter Revision Committee**

### Background:

- City Council made a motion to postpone a resolution to Refer Charter Revision Proposal to Charter Revision Committee at their Regular meeting of August 6, 2007

#### Vote on Resolution to Postpone

Resolution #2007-08-235  
Moved by Broomfield  
Seconded by Howrylak

RESOLVED, That Troy City Council hereby POSTPONES the resolution to refer *Charter Revision Proposal to Section 6.2 – Vacancies in Elective Office to the Charter Revision Committee for further review* until the Regular City Council meeting scheduled for Monday, August 20, 2007.

Yes: All-6  
No: None  
Absent: Fleming

In addition to the Charter Revision Committee recommended resolution, City Administration has prepared several resolutions to assist Council as well as a proposed resolution, as requested by Councilmember Howrylak, to remove the 1994 Charter Amendment to Section 6.2(g).

### 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:

- Attached are five (5) resolutions for Council's convenience. The first resolution is the Active motion before Council.
  - Should Council wish to consider the failed resolution from the previous Council meeting, a Substitute Amendment resolution would be required as provided as Substitute Resolution A, as well as Reconsideration Resolution B.
  - Should Council wish to consider one of the additionally provided resolutions (Resolutions a, b, or c) Substitute Amendment resolution C should be moved.

The Substitute Amendment and Reconsideration resolutions will require an affirmative vote of 4 members of Council for passage. The final resolution for placement of a Charter question on the ballot will require an affirmative vote of 5 members of Council.

**ACTIVE MOTION:**

**RESOLUTION TO REFER CHARTER REVISION PROPOSAL TO CHARTER REVISION COMMITTEE**

Resolution  
Moved by Howrylak  
Seconded by Lambert

RESOLVED, That Troy City Council hereby **REFERS** proposed *Charter Revision to Section 6.2 – Vacancies in Elective Office to the Charter Revision Committee* for further review.

Yes:  
No:  
Absent:  
lori

**ADDITIONAL PROPOSED MOTIONS:**

**A. SUBSTITUTION RESOLUTION:**

Suggested Resolution  
Resolution #2007-08-  
Moved by  
Seconded by

RESOLVED, That active motion be **AMENDED** by **SUBSTITUTION** in its entirety with the following language:

**B. RECONSIDERATION MOTION:**

RESOLVED, That Resolution #2007-08-234, as it appears below be **RECONSIDERED** by City Council:

F-5 Charter Revision Committee Recommendation – Amendment to the Troy City Charter Section 6.2(g) – Vacancies in Elective Office

Resolution #2007-08-234  
Moved by Lambert  
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **APPROVES** as to form the following proposed Charter Amendment for the November 6, 2007 City General Election:

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

Shall Section 6.2 (g) of the City of Troy Charter, which provides that “*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”, be deleted in its entirety?*

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

Yes: Howrylak, Lambert, Beltramini, Broomfield  
No: Stine, Schilling  
Absent: Fleming

MOTION FAILED

**C. SUBSTITUTION RESOLUTION:**

Suggested Resolution  
Resolution #2007-08-  
Moved by  
Seconded by

RESOLVED, That Resolution #2007-08-234, be **AMENDED** by **SUBSTITUTION** in its entirety with the following language:

**CHOOSE ONE OF THE FOLLOWING:**

**a. CITY ADMINISTRATION ORIGINAL 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 revised 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 filling deadline of the municipal election.”?

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

**OR**

**b. CHARTER REVISION COMMITTEE RECOMMENDED MOTION:**

**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 \_\_\_

**OR**

**c. COUNCILMEMBER HOWRYLAK’S RECOMMENDED MOTION TO  
DELETE 1994 CHARTER AMENDMENT:**

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

Shall Section 6.2 (g) of the City of Troy Charter, which provides that “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”, be deleted in its entirety?

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