

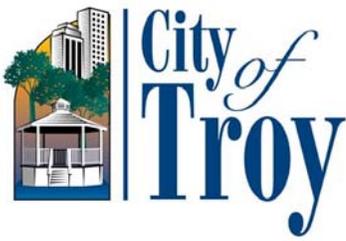


Memorandum

To: Honorable Mayor and City Council
From: John Szerlag, City Manager
Lori Grigg Bluhm, City Attorney
John M. Lamerato, Assistant City Manager/Finance and Administration
Tonni L. Bartholomew, City Clerk
Date: September 15, 2005
Subject: City Regular General Election Informational Brochure

The attached informational brochure will be placed on the September 26, 2005 City Council Agenda for review and Council action. The information is provided in a neutral format to assist the Troy electorate with the November 8, 2005 Election proposals and to provide the voters with advance notice of the new election equipment that will be utilized at the election. Additionally, the School District for the City of Royal Oak will have a question on the ballot for the Troy voters who reside within the district (a portion of precinct 30.) The school ballot question has been listed with instructions for voters, desiring information, to contact the School District.

It is anticipated that the brochure will be a self-mailer that will be labeled and mailed to all Troy households with registered voters. The format of the mailing will be provided at the September 26th meeting along with the number of households and distribution costs.

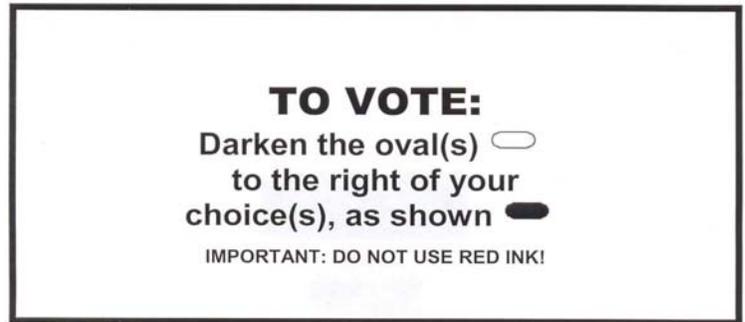


NEW ELECTION VOTING EQUIPMENT

M100 OPTICAL SCAN

The City of Troy will be utilizing new voting devices in all precincts and for Absent Voters effective with the November 8, 2005 City Regular General Election. The new equipment is M100 optical scan equipment, shown below. The M100 voting device is very similar to the voting equipment used by Troy voters in the past. The equipment upgrade is a result of the implementation of the Federal Help America Vote Act. The equipment was purchased by Oakland County through the State of Michigan with Federal funds and will be utilized by all Oakland County voters. The most notable change for Troy voters will be the manner in which a voter marks the ballot. To vote, fill in the oval as shown below.

Please contact the City Clerk's Office for a demonstration of the equipment or should you have any questions.



CITY OF TROY GENERAL ELECTION DATES TO REMEMBER:

Election Day: Tuesday, November 8, 2005

Last day to Register to Vote: Monday, October 11, 2005

The City Clerk's Office will be open on Saturday, November 5, 2005 from 10:00 AM until 2:00 PM for ABSENTEE BALLOTING.

Troy City Clerk Office
500 W Big Beaver
Troy, MI 48084

(248) 524-3316

elections@ci.troy.mi.us

Charter Amendment Proposal 05-1

AMENDMENT OF SECTIONS 3.4 (TERMS OF OFFICE) and 7.5 (ELECTIVE OFFICERS AND TERMS OF OFFICE) OF THE TROY CITY CHARTER TO REFLECT THE CURRENT FOUR-YEAR TERMS OF THE MAYOR AND CITY COUNCIL MEMBERS

Shall Sections 3.4 (Terms of Office) and 7.5 (Elective Officers and Terms of Office) of the Troy City Charter be amended by deleting section 7.5 and incorporating the former section 7.5 as the first sentence of section 3.4 with the terms of the Mayor and the Council Members being four years to reflect the change from three years to four years on account of the 2004 election consolidation legislation and providing that these terms expire at 7:30 pm (rather than 8 pm) on the first Monday following the regular City election in the fourth year of these terms?

<p>YES A YES vote means that Charter Section 7.5, (Elective Officers and Terms of Office), will be relocated to Chapter 3, (Organization of Government), which is designed to assist citizens in locating information regarding the terms of the Mayor and City Council. In addition, the actual term of City Council will be modified from three-years to four-years, since election consolidation limits elections to odd years only, making a three-year term impossible.</p>	<p>NO A NO vote means that Section 7.5, (Elective Officers and Terms of Office), will remain under Chapter 7 – Elections, and that the three year terms under Troy’s charter would automatically be extended under state election consolidation law to four year terms, regardless of the passage or failure of this proposal.</p> <p>A NO vote means that the Charter will be in conflict with Michigan Election Law. The Michigan Election Law governs all portions of this proposal as it takes precedence of the City of Troy Charter. Mayor and Council terms will be for 4-years regardless of the passage or failure of this proposal.</p>
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Charter Amendment Proposal 05-2

AMENDMENT TO RE-NUMBER SECTION 7.5.5 OF THE TROY CITY CHARTER AS SECTION 3.4.1, ADD A TITLE TO THE SECTION, AND CHANGE THE SECTION’S DEFINITION OF “TERM” IN ITS THIRD SENTENCE

Shall Section 7.5.5 of the Troy City Charter be re-numbered as section 3.4.1 to state as follows:

“3.4.1- Elective Officers Term Limitations, Any elected member of the City Council shall not serve more than three terms as Councilperson. The Mayor shall not serve more than two terms as Mayor. Any service greater than two (2) years plus one (1) month shall constitute a term. This amendment shall apply only to terms starting after passage of this amendment”?

<p>YES A YES vote means that Section 7.5.5, (Elective Officers and Terms of Office), will be relocated to Chapter 3 (Organization of Government), instead of remaining in Chapter 7 (Elections), and that temporary terms for less than two years and one month will not be counted for term limitation purposes.</p>	<p>NO A NO vote means that the Section 7.5.5, (Elective Officers and Terms of Office), will remain under Chapter 7 (Elections), and that any service on City Council would count for term limitation purposes.</p>
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Charter Amendment Proposal 05-3

PROPOSAL FOR A NEW SECTION 3.4.2 (STAGGERING TERMS OF OFFICE) OF THE TROY CITY CHARTER TO PROVIDE FOR THREE COUNCIL MEMBERS TO BE ELECTED TO FOUR-YEAR TERMS EVERY TWO YEARS

In lieu of the current provision under the 2004 election consolidation legislation for four council members and the Mayor to be elected in 2007 and every four years thereafter and two council members to be elected in 2009 and every four years thereafter, shall section 3.4.2 be added to the Troy City Charter to provide for a two-year transitional term (2007-2009) for one council member, so that the Mayor and three members of the council will be elected in 2007 and every four years thereafter and three members will be elected in 2009 and every four years thereafter?

YES A YES vote means that there will be a one time only two (2)-year partial term for the Troy City Council in 2007, which is created to re-implement staggering of terms, which was disrupted by Election Consolidation revisions to the Michigan Election Law. If the Proposal passes, the inclusion of a partial term will allow for a more balanced future election cycle, where the Mayor and three City Council terms will expire in 2009, and three City Council terms will expire in 2011, rather than the default cycle where the Mayor and four City Council terms will expire in 2007, and two City Council terms will expire in 2009, and the cycle will continue each odd year thereafter.

NO A NO vote means that the Council would not have a balanced staggering of City Council terms, which would create an unbalanced election of Council seats. If the proposal is defeated, then the Troy electorate will elect two (2) Council members in 2005 and four (4) Council members plus the Mayor in 2007, and this four-year election cycle would continue indefinitely.

Charter Amendment Proposal 05-4

AMENDMENT OF SECTION 7.3 (ELECTION DATE) OF THE TROY CITY CHARTER TO REFLECT THE CURRENT REQUIREMENT FOR REGULAR ELECTIONS IN NOVEMBER OF EACH ODD-NUMBERED YEAR

Shall Section 7.3 (Election Date) be amended to provide for regular City elections in November of each odd-numbered year to reflect the current requirements of the 2004 election consolidation legislation?

YES A YES vote means that the Charter will be brought into compliance with the recently amended Michigan Election Law. The City Regular General Election has been moved from April to the first Tuesday following the first Monday of odd-year Novembers.

NO A NO vote means that the Charter will be in conflict with recently amended Michigan Election Law. Under the Michigan Election Law, which takes precedence over the City of Troy Charter, the City Regular General Election will be conducted on the odd-year November date, regardless of passage or failure of this proposal.

Charter Amendment Proposal 05-5

PROPOSAL TO RE-STATE SECTION 7.6 (SPECIAL ELECTION) OF THE TROY CITY CHARTER

Shall Section 7.6 of the Troy City Charter be re-stated by providing: “Special City elections shall be called in the manner and time as provided by State Statute” and eliminating “Special City elections shall be held when called by resolution of the Council at least 40 days in advance of such election, or when required by this charter or statute. Any resolution calling a special election shall set forth the purpose of such election. No more special city elections shall be called in any one year than the number permitted by statute”?

YES A YES vote means that the Charter language will be cleaned up and brought into compliance with the recently amended Michigan Election Law.

NO A NO vote means that the Charter will be in conflict with the recently amended Michigan Election Law. The Michigan Election Law takes precedence over the City of Troy Charter.

Charter Amendment Proposal 05-6

PROPOSAL TO AMEND SECTION 7.9 (NOMINATIONS) OF THE TROY CITY CHARTER TO DELETE A PROVISION THAT IS INCONSISTENT WITH MICHIGAN ELECTION LAW

Shall the fourth and fifth sentences of Section 7.9 (Nominations) of the Troy City Charter, rejecting any signatures on nominating petitions where a voter has signed more nominating petitions for candidates for any city office than there are persons to be elected to that office, be deleted to reflect that the counting of some of these signatures is permitted under the provisions of section 547(a) of the Michigan Election Code [(MCL 168.547(a))]?

YES A YES vote means that the Charter language will be cleaned up and brought into compliance with the recently amended Michigan Election Law. Under Michigan election law, if a person signs more than one petition for an office or a proposal, then only the first signature is counted (unless both were signed on the same day, in which case both signatures will be invalidated. regardless of passage or failure of this proposal.

NO A NO vote means that the Charter will be in conflict with the recently amended Michigan Election Law. The Michigan Election Law takes precedence over the City of Troy Charter, and therefore if a person signs more than one petition for an office or a proposal, then the first signature will be counted, unless both signatures were secured on the same day. This will occur even if the proposal fails.

Charter Amendment Proposal 05-7

PROPOSAL TO AMEND SECTION 7.10 (FORM OF PETITIONS) OF THE TROY CITY CHARTER TO DELETE A PROVISION THAT IS INCONSISTENT WITH MICHIGAN LAW

Shall the first sentence of Section 7.10 of the Troy City Charter be re-stated by striking “The Council shall approve a form of nominating petition with spaces thereon for address and date of signing for each signer, an affidavit form for the circulator to sign affirming that he and the petitioners are registered electors and a summary of the qualifications required of candidates and the regulations governing the petition” and substituting “Nominating petitions shall be in a form as provided by Michigan Election Law”?

YES A YES vote means that the Charter language will be cleaned up and brought into compliance with the recently amended Michigan Election Law. Under Michigan Election Law, the State of Michigan approves the form of nominating petitions.

NO A NO vote means that the Charter will be in conflict with the recently amended Michigan Election Law. The Michigan Election Law, which requires the State of Michigan to approve the form of nominating petitions, takes precedence over the City of Troy Charter.

Charter Amendment Proposal 05-8

PROPOSAL TO AMEND SECTION 5.13 (SUBMISSION OF INITIATORY AND REFERENDARY ORDINANCES TO ELECTORS) OF THE TROY CITY CHARTER, REGARDING ITS REQUIREMENTS FOR SPECIAL ELECTIONS FOR INITIATIVE PROPOSALS

Shall section 5.13 of the Troy City Charter be amended to delete the 60 day deadline for the City Council to call a special election for an initiative proposal, where the Council declines to enact the proposal as an ordinance and no election is to be held in the City for any other purpose within 150 days from the date the proposal is presented to the Council, to provide that these special elections shall be scheduled in accordance with Michigan election law and to specify that Council decisions under this section shall be by affirmative vote of the members elect?

YES A YES vote means that the Charter language will be cleaned up and brought into compliance with Michigan Election Law. Under the recent amendments to Michigan election law, the possible dates of elections are limited to February, May, September and November.

NO A NO vote means that the Charter will be in conflict with the recently amended Michigan Election Law. The Michigan Election Law takes precedence over the City of Troy Charter, and would therefore preclude an election within 150 days if the 150 days does not occur on one of the designated election dates.

Charter Amendment Proposal 05-9

A PROPOSAL TO ADD TO THE TROY CITY CHARTER SECTION 7.9.5 (COUNCIL INITIATED BALLOT QUESTIONS) TO THE TROY CITY CHARTER TO ALLOW CITY COUNCIL TO PLACE ADVISORY QUESTION ON REGULAR CITY ELECTIONS BALLOTS

Shall Section 7.9.5 (Council Initiated Ballot Questions) of the Troy City Charter be added to provide a mechanism for the City Council to place advisory ballot questions on the Regular City Election Ballot, by an affirmative majority vote of the members elect?

YES A YES vote means that the City Council would have the ability to place non-binding, legislative advisory questions on the City Regular General Election Ballot.

NO A NO vote means that there would be no express authority for the City Council to submit advisory, non-binding questions to Troy voters.

Charter Amendment Proposal 05-10

PROPOSAL TO AMEND SECTION 12.3 (RESTRICTIONS ON POWERS TO LEASE PROPERTY) OF THE TROY CHARTER TO SUBJECT LONG TERM USE AGREEMENTS TO THE RESTRICTIONS ON LEASING AND RENTING CITY PROPERTY SET FORTH IN THAT SECTION

Shall Section 12.3 of the Troy City Charter be amended to subject long-term (more than 3 years) use agreements to the restrictions in this section for the leasing or renting of City property, including the requirements for fair consideration as determined by the city council and the provision for referendum petitions for such agreements?

YES A YES vote means that the Restriction on Powers to Lease Property as defined in Section 12.3, under Chapter 12 – Purchases, Contracts, Leases, will be expanded to include long-term use agreements as an additional type of ownership. Long-term use agreements are agreements for a private entity to have exclusive use of City owned property for a period of time that is longer than three years.

NO A NO vote means that Long-term use agreements may not be subject to the same restrictions on powers to lease or rent City property. These restrictions include the right of referendum on long-term use agreements and the requirement that fair consideration be provided for any use of City property.

School District of the City of Royal Oak

PROPOSAL FOR THE CITY OF TROY RESIDENTS IN PRECINCT NUMBER 30 WHO LIVE WITHIN THE PORTION OF THE PRECINCT WITHIN THE SCHOOL DISTRICT OF THE CITY OF ROYAL OAK

Shall the School District of the City of Royal Oak, County of Oakland, Michigan, borrow the principal sum of not to exceed Sixty-Nine Million Five Hundred Thousand Dollars (\$69,500,000) and issue its general obligation unlimited tax bonds for the purpose of defraying the cost of:

- constructing, furnishing and equipping a new elementary school building;
- remodeling, equipping, furnishing, reequipping and refurnishing existing School District buildings;
- constructing, furnishing and equipping additions to existing School District buildings;
- acquiring and installing technology in and connecting School District buildings; and
- improving and developing sites, including playgrounds, in the School District?

The estimated millage to be levied in 2006 to service this issue of bonds is 2.20 mills (\$2.20 per \$1,000 of taxable value) and the estimated simple average annual millage rate required to retire the bonds of this issue is 2.43 mills (\$2.43 per \$1,000 of taxable value). The bonds may be issued in one or more series, payable in the case of each series in not to exceed sixteen (16) years from the date of issue of each series.

Residents who reside within this school district should contact the School District of the City of Royal Oak for the impact of this proposal.