



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: July 26, 2005

Re: Charter Revision Committee Recommendations

The Charter Revision Committee met on Monday, July 25, 2005. Attached is a draft copy of the minutes of the meeting, a red lined copy of the proposed Charter amendments, and a copy of the proposed amendments, as they would appear if adopted by the voters. The amendments are recommended for submittal to the Troy voters at the November 8, 2005 City General Election.

Questions recommended by the Charter Revision Committee:

10. Section 4.2.5 – Study Sessions - Proposed Text Amendment
11. Section 4.3.5 – Business at Study Sessions - Proposed Text Amendment
12. Section 5.13 – Submission of Initiatory and Referendary Ordinance to Electors - Proposed Text Amendment
13. Section 5.13.5 – Submission of Council Initiated Advisory Ballot Questions to Electors - Proposed Text Amendment
14. Section 12.3 – Restriction on Powers to Lease Property - Proposed Text Amendment

In addition to the adoption of the above mentioned sections, the Charter Revision Committee requested that Council direct staff to prepare the ballot language to include explanation for those sections that are proposed for amendment due to implementation of the Election Consolidation under State Statute.

City Administration recommends the following grouping of the proposed 15 ballot questions and requests that Council indicate the order of proposed groupings of sections for placement on the ballot:

RECOMMENDED MOTION A

APPROVAL OF THE PLACEMENT OF BALLOT QUESTION PROPOSALS:

Resolution #2005-08-

Moved by

Seconded by

RESOLVED, That the Troy City Council **APPROVES** as to form the following proposed Charter Amendments for the November 8, 2005 City General Election:

RECOMMENDED CHARTER REVISION PROPOSAL #10 (86 words)

Shall Section 4.2.5, Study Meetings, be created to provide for Study meetings of Council with the meetings to be called by the Clerk on the written request of the Mayor, or any two members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence; but a study meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing?

Yes

No

RECOMMENDED CHARTER REVISION PROPOSAL #11 (27 words)

Shall Section 4.3.5, Business at Study Meetings, be created to limit the business transacted at any Study meeting of the Council to no action taken?

Yes

No

RECOMMENDED CHARTER REVISION PROPOSAL #12 (70 words)

Shall Section 5.13, Submission of Initiatory and Referendary Ordinance to Electors, be amended to implement election consolidation revisions to Michigan Election Law, by providing for the scheduling of the election in accordance with State Election Law and striking "within sixty days from such date of presentation for the submission of the initiative proposal" with the submittal to be made by an affirmative vote of the Council members elect?

Yes

No

RECOMMENDED CHARTER REVISION PROPOSAL #13 (35 words)

Shall Section 5.13.5, Submission of Council Initiated non-binding, legislative Advisory Ballot Questions to Electors, be created 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 members elect?

Yes

No

RECOMMENDED CHARTER REVISION PROPOSAL #14 (41 words)

Shall Section 12.3, Restriction on Powers to Lease Property, be amended to include long-term use agreements as an additional type of ownership that is subject to the City's same restriction on powers to lease property procedure for renting or leasing of public property?

Yes

No

Yes:

No:

AND

RECOMMENDED MOTION B

APPROVAL OF THE BALLOT QUESTION ORDER:

Resolution #2005-08-

Moved by

Seconded by

RESOLVED, That the Troy City Council **APPROVES** the following ballot question order of the proposed Charter Amendment proposals on the November 8, 2005 City General Election:

Yes:

No:

PROPOSED AMENDMENTS TO THE CHARTER - Red Line Copy:

10. Section 4.2.5 – Study Sessions - Proposed Text Amendment

Section 4.2.5 - Study Meetings:

Study meetings shall be called by the Clerk on the written request of the Mayor, or any two members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence; but a study meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

11. Section 4.3.5 – Business at Study Sessions - Proposed Text Amendment

Section 4.3.5 - Business at Study Meetings:

No business shall be transacted at any Study meeting of the Council.

12. Section 5.13 – Submission of Initiatory and Referendary Ordinance to Electors - Proposed Text Amendment

Section 5.13 - Submission of Initiatory and Referendary Ordinances to Electors:

Should the Council, by an affirmative vote of the members elect, decide to submit the proposal to the electors, it shall be submitted at the next election held in the ~~e~~City for any other purpose, or, in the discretion of the Council, at a special election called for that specific purpose in accordance with State Election Law. In the case of an initiatory petition, if no election is to be held in the city for any other purpose within one hundred fifty days from the time the petition is presented to the Council and the Council does not enact the ordinance, then the Council shall call a special election, in accordance with State Election Law. ~~within sixty days from such date of presentation for the submission of the initiative proposal.~~ The result of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by ~~s~~Statute or the Constitution?.

13. Section 5.13.5 – Submission of Council Initiated Advisory Ballot Questions to Electors - Proposed Text Amendment

Section 5.13.5 – Submission of Council Initiated Advisory Ballot Questions to Electors:

Should the Council, by an affirmative vote of the members elect, decide to submit a Non-binding, legislative advisory ballot question to the electors, it shall be submitted at the next Regular City Election. The results of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon except in cases where otherwise required by Statute or the Constitution.

14. Section 12.3 – Restriction on Powers to Lease Property - Proposed Text Amendment

Section 12.3 - Restriction on Powers to Lease Property:

Any agreement or contract for the renting or leasing or long-term use of public property to any person for a period longer than three years shall be subject to the same referendum procedure as

is provided in the case of ordinances passed by the Council but any petition for such referendum must be filed within thirty days after publication of the proceedings of the meeting of the Council at which such agreement or contract is authorized.

The transfer or assignment of any agreement or contract for such renting or leasing or long-term use of public property may be made only upon approval of the Council but approval of such transfer shall not be subject to referendum.

Rentals, ~~and~~ leases, long-term use agreements, and renewals thereof shall be for a fair consideration as determined by the Council.

PROPOSED AMENDMENTS TO THE CHARTER - IF ADOPTED:

10. Section 4.2.5 - Study Meetings:

Study meetings shall be called by the Clerk on the written request of the Mayor, or any two members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence; but a study meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing.

11. Section 4.3.5 - Business at Study Meetings:

No business shall be transacted at any Study meeting of the Council.

12. Section 5.13 - Submission of Initiatory and Referendary Ordinances to Electors:

Should the Council, by an affirmative vote of the members elect, decide to submit the proposal to the electors, it shall be submitted at the next election held in the City for any other purpose, or, in the discretion of the Council, at a special election called for that specific purpose in accordance with State Election Law. In the case of an initiatory petition, if no election is to be held in the city for any other purpose within one hundred fifty days from the time the petition is presented to the Council and the Council does not enact the ordinance, then the Council shall call a special election, in accordance with State Election Law. The result of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon, except in cases where otherwise required by Statute or the Constitution?

13. Section 5.13.5 – Submission of Council Initiated Advisory Ballot Questions to Electors:

Should the Council, by an affirmative vote of the members elect, decide to submit a non-binding, legislative advisory ballot question to the electors, it shall be submitted at the next Regular City Election. The results of all elections held under the provisions of this section shall be determined by a majority vote of the electors voting thereon except in cases where otherwise required by Statute or the Constitution.

14. Section 12.3 - Restriction on Powers to Lease Property:

Any agreement or contract for the renting or leasing or long-term use of public property to any person for a period longer than three years shall be subject to the same referendum procedure as is provided in the case of ordinances passed by the Council but any petition for such referendum must be filed within thirty days after publication of the proceedings of the meeting of the Council at which such agreement or contract is authorized.

The transfer or assignment of any agreement or contract for such renting or leasing or long-term use of public property may be made only upon approval of the Council but approval of such transfer shall not be subject to referendum.

Rentals, leases, long-term use agreements, and renewals thereof shall be for a fair consideration as determined by the Council.

GROUPING I – ELECTION CONSOLIDATION MANDATED AMENDMENTS

RECOMMENDED CHARTER REVISION PROPOSAL #___ (24 words)

Shall Section 3.4 of the Troy Charter be amended by moving and incorporating Section 7.5 of the Troy Charter in its entirety?

Yes

No

RECOMMENDED CHARTER REVISION PROPOSAL #___ (78 words)

Shall Section 3.4 of the Troy Charter be amended to implement election consolidation revisions to Michigan Election Law, by revising the term of Troy City Council Members and the Mayor from the current three (3) year terms that expire at 8:00 PM of the third year of the term to provide for four (4) year terms that expire at 7:30 PM of the first Monday following the Regular Election of the fourth year of their term?

Yes

No

RECOMMENDED CHARTER REVISION PROPOSAL #___ (20 words)

Shall Section 7.5.5 of the Troy Charter be renumbered as 3.4.1 and titled as Elective Officers Term Limitations?

Yes

No

RECOMMENDED CHARTER REVISION PROPOSAL #___ (46 words)

Shall Section 7.5.5 be amended to revise the definition of a term from the current language that “any portion of a term served shall constitute one full term” to “Any service greater than two (2) years plus one (1) month shall constitute a term.”?

Yes

No

RECOMMENDED CHARTER REVISION PROPOSAL #___ (78 words)

Shall Section 3.4.2 be created to implement election consolidation revisions to Michigan Election Law, by providing for the re-establishment of the staggering of City Council terms by providing for three (3) City Council Members to be elected in one election cycle and the remaining three (3) Council Members and the Mayor to be elected in a subsequent election cycle, which will be accomplished through an election of a one-time two (2) year City Council Member term?

Yes

No

RECOMMENDED CHARTER REVISION PROPOSAL #___ (94 words)

Shall Section 7.3 of the Troy City Charter be amended to implement election consolidation revisions to Michigan Election Law, by changing the election date from the “first Monday in April of each year” to the “first Tuesday after the first Monday of every odd-year November” and eliminating “if some other date in the months of March, April or

May is fixed by law for the holding of the state biennial election, then the regular city election shall be held on the date so fixed”, since these provisions conflict with Michigan Election Law?

Yes
No

RECOMMENDED CHARTER REVISION PROPOSAL #___ (99 words)

Shall Section 7.6 of the Troy City Charter be revised to implement election consolidation revisions to Michigan Election Law, by providing “Special City Elections shall be called as provided in Michigan Election Law” 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
No

RECOMMENDED CHARTER REVISION PROPOSAL #___ (84 words)

Shall Section 7.9 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law, by eliminating “No person shall sign his name to a greater number of petitions for any office than there are persons to be elected to said office at the following City election. If the signature of any persons appears on more petitions than permitted by this section, such signatures shall not be counted on any one of the petitions so signed for that office.”?

Yes
No

RECOMMENDED CHARTER REVISION PROPOSAL #___ (91 words)

Shall Section 7.10 of the Troy City Charter be revised to eliminate a conflict with Michigan Election Law 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 providing that “Nominating petitions shall be in a form as provided by Michigan Election Law”?

Yes
No

GROUPING II – STUDY MEETING AMENDMENTS

RECOMMENDED CHARTER REVISION PROPOSAL #___ (86 words)

Shall Section 4.2.5, Study Meetings, be created to provide for Study meetings of Council with the meetings to be called by the Clerk on the written request of the Mayor, or any two members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence; but a study

meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing?

Yes
No

RECOMMENDED CHARTER REVISION PROPOSAL #___ (27 words)

Shall Section 4.3.5, Business at Study Meetings, be created to limit the business transacted at any Study meeting of the Council to no action taken?

Yes
No

GROUPING III – ADVISORY QUESTIONS AMENDMENT

RECOMMENDED CHARTER REVISION PROPOSAL #___ (46 words)

Shall Section 5.13.5, Submission of Council Initiated Advisory Ballot Questions to Electors, be created to provide a mechanism for the City Council to place non-binding legislative advisory ballot questions on the Regular City Election Ballot, by an affirmative majority vote of members elect?

Yes
No

GROUPING IV – LONG-TERM USE AGREEMENTS AMENDMENT

RECOMMENDED CHARTER REVISION PROPOSAL #___ (41 words)

Shall Section 12.3, Restriction on Powers to Lease Property, be amended to include long-term use agreements as an additional type of ownership that is subject to the City's same restriction on powers to lease property procedure for renting or leasing of public property?

Yes
No

As always, we are available to answer any questions or address concerns relating to this proposal.

A meeting of the Troy Charter Revision Committee was held Monday, June 25, 2005, at City Hall, 500 W. Big Beaver Road. Chairman Bliss called the Meeting to order at 3:00 PM.

Roll Call: **PRESENT:** Daniel H. Bliss, Jerry E. Bloom, Robert Noce, Cynthia A. Wilsher
 ABSENT: Lillian Barno, Shirley Kanoza, Mark R. Solomon
 ALSO PRESENT: City Attorney Lori Grigg Bluhm, City Clerk Tonni Bartholomew, and Deputy Clerk Barbara Holmes

Vote on Resolution to Excuse Members Barno, Kanoza and Solomon

Resolution #CR-2005-07-018
Moved by Wilsher
Seconded by Bloom

RESOLVED, That Members Barno, Kanoza and Solomon absence at the meeting of the Charter Revision Committee meeting of July 25, 2005 be **EXCUSED**.

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

APPROVAL OF MINUTES: Monday, June 20, 2005

Resolution #CR-2005-07-019
Moved by Wilsher
Seconded by Bloom

RESOLVED, That the Charter Revision Committee Minutes of Monday, June 20, 2005 are hereby **APPROVED** as presented.

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

MOTION CARRIED

PROPOSED CHARTER AMENDMENTS:

- a) **Vote on Proposal #10 (86 words)**
 Section 4.2.5 – Study Sessions

Resolution #CR-2005-07-020
Moved by Bloom
Seconded by Noce

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for Recommended Charter Revision Proposal #10 to read as follows:

Shall Section 4.2.5, Study Meetings, be created to provide for Study meetings of Council with the meetings to be called by the Clerk on the written request of the Mayor, or any two members of the Council on at least twenty-four hours written notice to each member of the Council, served personally or left at his usual place of residence; but a study meeting may be held on shorter notice if all members of the Council are present or have waived notice thereof in writing?

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

MOTION CARRIED

**b) Vote on Proposal #11 (27 words)
Section 4.3.5 – Business at Study Sessions**

Resolution #CR-2005-07-021
Moved by Wilsher
Seconded by Bloom

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for Recommended Charter Revision Proposal #11 to read as follows:

Shall Section 4.3.5, Business at Study Meetings, be created to limit the business transacted at any Study meeting of the Council to no action taken?

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

MOTION CARRIED

**c) Vote on Proposal #12 (70 words)
Section 5.13 – Submission of Initiatory and Referendary Ordinance to Electors**

Resolution #CR-2005-07-022
Moved by Noce
Seconded by Bliss

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for Recommended Charter Revision Proposal #12 to read as follows:

Shall Section 5.13, Submission of Initiatory and Referendary Ordinance to Electors, be amended to implement election consolidation revisions to Michigan Election Law, by providing for the scheduling of the election in accordance with State Election Law and striking “within sixty days from such date of presentation for the submission of the initiative proposal” with the submittal to be made by an affirmative vote of the Council members elect?

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

MOTION CARRIED

**d) Vote on Proposal #13 (35 words)
Section 5.13.5 – Submission of Council Initiated Advisory Ballot Questions to Electors**

Resolution #CR-2005-07-023
Moved by Bloom
Seconded by Wilsher

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for Recommended Charter Revision Proposal #13 to read as follows:

Shall Section 5.13.5, Submission of Council Initiated Advisory Ballot Questions to Electors, be created to provide a mechanism for the City Council to place nonbinding, legislative advisory ballot questions on the Regular City Election Ballot, by an affirmative majority vote of members elect?

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

MOTION CARRIED

**e) Vote on Proposal #14 (41 words)
Section 12.3 – Restriction on Powers to Lease Property**

Resolution #CR-2005-07-024
Moved by Bloom
Seconded by Wilsher

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for Recommended Charter Revision Proposal #14 to read as follows:

Shall Section 12.3, Restriction on Powers to Lease Property, be amended to include long term use agreements as an additional type of ownership that is subject to the

City's same restriction on powers to lease property procedure for renting or leasing of public property?

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

MOTION CARRIED

Vote on Resolution to Make Recommendation to City Council

Resolution #CR-2005-07-025
Moved by Wilsher
Seconded by Noce

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** that Troy City Council authorize City Staff to prepare ballot language for the November 8, 2005 Election to include explanation of Charter Amendments for those sections that are proposed for amendment due to the implementation of Election Consolidation under State Statute.

AUDIENCE PARTICIPATION: None Present

The meeting **ADJOURNED** at 3:27 PM.

Daniel H. Bliss, Chair

Tonni L. Bartholomew, City Clerk