

A meeting of the Troy Charter Revision Committee was held Monday, June 20, 2005, at City Hall, 500 W. Big Beaver Road. Chairman Bliss called the Meeting to order at 1:00 PM.

Roll Call: PRESENT: Lillian Barno, Daniel H. Bliss, Jerry E. Bloom, Shirley Kanoza, Robert Noce, Mark R. Solomon, Cynthia A. Wilsher

ALSO PRESENT: City Attorney Lori Grigg Bluhm, Assistant City Manager/Finance and Administration John M. Lamerato, City Clerk Tonni Bartholomew, and Deputy Clerk Barbara Holmes

Appointment of Chair and Vice-Chair

Vote on Resolution to Appoint Chair

Resolution #CR-2005-06-001
 Moved by Kanoza
 Seconded by Wilsher

RESOLVED, That Daniel H. Bliss hereby be **REAPPOINTED** as Chair to the Charter Revision Committee.

Yes: All-7

Vote on Resolution to Appoint Vice-Chair

Resolution #CR-2005-06-002
 Moved by Bliss
 Seconded by Barno

RESOLVED, That Shirley Kanoza hereby be **APPOINTED** as Vice-Chair to the Charter Revision Committee.

Yes: All-7

Approval of Minutes: Wednesday, November 5, 2003

Resolution #CR-2005-06-003
 Moved by Kanoza
 Seconded by Wilsher

RESOLVED, That the Charter Revision Committee Minutes of Wednesday, November 5, 2003 are hereby **APPROVED** as presented.

Yes: All-7

Proposed Charter Amendments:**Section 3.4 – Elective Officers and Terms of Office – Proposed Title Change and Text Amendment to Facilitate Implementation of State Law Election Consolidation**

Member Solomon supports two-year terms of office for the offices of mayor and council member based on his belief that elected officials are more responsive when elected for shorter terms.

Member Kanoza supports three-year terms because she believes it takes at least two years for a council member to become acclimated to the position.

Vote on Resolution to Modify Recommended Charter Revision #2

Resolution #CR-2005-06-004

Moved by Solomon

Seconded by Bloom

RESOLVED, That the proposed language for *Recommended Charter Revision Proposal #2* be **MODIFIED** by **STRIKING** “four (4) year terms” and **INSERTING** “two (2) year terms”.

Yes: Solomon

No: Barno, Bliss, Bloom, Kanoza, Noce, Wilsher

MOTION FAILED**1) Vote on Recommended Charter Revision Proposal #1**

Resolution #CR-2005-06-005

Moved by Solomon

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #1* to read as follows, “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: All-7

2) Vote on Recommended Charter Revision Proposal #2

Resolution #CR-2005-06-006

Moved by Solomon

Seconded by Barno

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #2* to read as follows, "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: All-7

Section 7.5.5 - Proposed Section Re-Numbering and Naming 3.4.1 – Elective Officers Term Limitations and Text Amendment

3) Vote on Recommended Charter Revision Proposal #3

Resolution #CR-2005-06-007

Moved by Kanoza

Seconded by Solomon

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #3* to read as follows, "Shall Section 7.5.5 of the Troy Charter be renumbered as 3.4.1 and titled as Elective Officers Term Limitations?"

Yes: All-7

4) Vote on Recommended Charter Revision Proposal #4

Resolution #CR-2005-06-008

Moved by Solomon

Seconded by Wilsher

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #4* to read as follows, "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: All-7

Section 3.4.2 – Staggering Terms of Office - Proposed New Section to Facilitate Implementation of State Law Election Consolidation

5) Vote on Recommended Charter Revision Proposal #5

Resolution #CR-2005-06-009

Moved by Solomon

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #5* to read as follows, “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: All-7

Section 7.3 - Election Date – Existing Section in Conflict with State Law - Proposed Text Amendment

6) Vote on Recommended Charter Revision Proposal #6

Resolution #CR-2005-06-010

Moved by Wilsher

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #6* to read as follows, “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: All-7

Section 7.6 - Special Election – Existing Section in Conflict with State Law - Proposed Text Amendment

7) Vote on Recommended Charter Revision Proposal #7

Resolution #CR-2005-06-011

Moved by Kanoza

Seconded by Wilsher

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #7* to read as follows, “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 anyone year than the number permitted by statute.”

Yes: All-7

Section 7.9 – Nominations – Existing Section in Conflict with State Law -Proposed Text Amendment

8) Vote on Recommended Charter Revision Proposal #8

Resolution #CR-2005-06-012

Moved by Kanoza

Seconded by Bloom

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #8* to read as follows, “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: All-7

Section 7.10 – Form of Petitions – Existing Section in Conflict with State Law - Proposed Text Amendment**9) Vote on Recommended Charter Revision Proposal #9**

Resolution #CR-2005-06-013

Moved by Wilsher

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #9* to read as follows, “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: All-7

Member Bloom suggested inserting the words “by eliminating the following language” to clarify the intent of the recommended language.

City Attorney Bluhm replied that type of language is not included because of the 100-word limitation.

City Clerk Bartholomew recommended that the text also be italicized to distinguish it further.

Discussion Regarding Recommended Charter Revision Proposals #10, #11 and #12

City Clerk Bartholomew advised that Charter Revision Proposals 10, 11 and 12 are a result of a directive given to the City Attorney. City Clerk Bartholomew further advised that City Council has not reviewed the language and although this review is not a part of the initial charge given to the Charter Revision Committee, it is before the committee today due to time constraints.

City Attorney Bluhm asked the Charter Revision Committee to provide input on the proposals so that their recommendation could be forwarded to City Council.

10) Recommended Charter Revision Proposal #10

Shall Section 5.6(b) of the Troy City Charter, which requires an affirmative vote of a majority of the members elect of the Council for the effective thereof, be revised to add subsection “(8) Authorizing local financial contributions in State of Michigan I-75 Road Projects when local financial contributions are in excess of \$1,000,000.00”?

Member Solomon noted that the proposed language should be corrected by inserting “ness” in the word “effective”.

Member Solomon does not agree that this type of specific language should be included in the City Charter because he believes this type of issue should be voted on by the City Council.

City Attorney Bluhm read the directive given to her by City Council from her memo to the Mayor and Members of Troy City Council Dated May 18, 2005 regarding the I-75 Ballot Question, “the City Attorney is to research and draft ballot language for the Long Lake/Crooks Road/I-75 Interchange Improvement project that will allow voters to provide input on this project for the next scheduled city regular election.” City Attorney Bluhm explained that the language is crafted in furtherance of the assignment given to her.

Members Wilsher and Kanoza agreed that the language is too specific to be included in the Charter.

Member Bloom questioned how this language would be of a benefit because he believes this issue already addressed in Item 5.

City Attorney Bluhm agreed that Item 5 arguably covers it.

Chair Bliss asked whether City Council is looking for a general recommendation from the Charter Revision Committee in regard to Charter Revision Proposals 10, 11 and 12.

City Attorney Bluhm responded that she would forward the Charter Revision Committees general thoughts as to what they believe to be appropriate or other recommendations as to how to address these issues. City Attorney Bluhm continued by stating that the committee may want to consider Charter Revision Proposal 12 separately because it differs somewhat from Charter Revision Proposals 10 and 11.

Chair Bliss advised that the Charter Revision Committee does not support Charter Revision Proposal 10.

Member Solomon added that although the Charter Revision Committee does support Charter Revision Proposals 10 and 11, the Charter Revision Committee is not expressing an opinion of the underlying issue.

11) Recommended Charter Revision Proposal #11

Shall Section 5.11.1 – Council Initiatory Referendary Petitions for I-75 Road Projects, of the Troy City Charter be added to provide a mechanism for referendum on City of Troy’s financial participation in State of Michigan I-75 Road Projects when local financial contributions are in excess of \$1,000,000.00?

Chair Bliss advised that the Charter Revision Committee does not support Charter Revision Proposal 11 for the same reasons as Charter Revision Proposal 10.

Recommended Charter Revision Proposal #12

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?

City Attorney Bluhm advised that the Charter Revision Proposal #12 provides for City Council to have the authority to place legislative advisory questions on ballots in future elections. City Attorney Bluhm explained that if approved by the voters in November, this ability would become effective for the next subsequent election. It is City Attorney Bluhm's opinion that such authority is not permissible without express authority in the City Charter.

Member Solomon understands that an advisory ballot question is not binding and that City Council may still take whatever action they deem to be appropriate.

City Attorney Bluhm agreed that advisory ballot questions are not binding and that is why there is no authority to expend city funds to do that. City Attorney Bluhm noted there is another element to this, which ties into her memo. She explained they have separated the legislative functions from the administrative and executive functions and noted that ballot proposals should be limited to legislative matters only, not administrative or executive matters. City Attorney Bluhm advised this concern was mentioned in her memo to City Council.

Member Bloom asked whether Charter Revision Proposal #12 would allow the I-75 question to appear on the ballot as a legislative advisory ballot question.

City Clerk Bartholomew advised that the I-75 question is an administrative question and not a legislative question.

City Attorney Bluhm explained that the proposed Charter revision language provides for questions that would be appropriate for voters to vote on such as ordinances.

Recommended Charter Revision Proposal #12

Resolution

Moved by Bloom

Seconded by Kanoza

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

Member Solomon stated that it is difficult to object to something that is a way for City Council to find out what the public thinks. However, on the other hand he asked what do we need Council for?

Chair Bliss does not personally believe that advisory questions should appear on a ballot because there are other effective ways to poll the public on particular issues. He explained that there are many ways for the public to voice their opinions to elected officials such as going to City Council meetings, write letters, talk to Council Members directly or Council Members could poll the public directly. Further, there could be dozen of advisory questions appearing on a single ballot for the public to vote on. He believes that it is the responsibility of City Council to make decisions when appropriate.

Member Solomon interjected that advisory questions could also cause delays in the decision making process.

Chair Bliss agreed and continued by stating that it could add additional costs because there is a cost for everything.

Member Wilsher believes that most people who are concerned about a particular issue will make their concerns known. She added that none of the people she knows in Troy were contacted whenever any survey has been conducted by the city.

City Attorney Bluhm reminded the Charter Revision Committee members that there is a mechanism already in place in the City Charter to bring forward a new ordinance that would be binding.

Member Bloom sympathizes with City Council. He does not know if there is any governing body that is wise enough to make a decision about issues such as the I-75 interchange because the public seems to be closely divided. He continued by stating that to a certain extent it would be nice to determine what the public wants using a scientific measure such as elections. He further stated that this proposed language would only apply to a legislative proposition and that the Committee agrees that because the I-75 issue is an administrative issue, that it would not be appropriate to place it on a ballot anyway.

Member Wilsher suggested inserting "legislative" to clarify the intent of the proposed language.

City Attorney Bluhm agreed that inserting the word "legislative" would be appropriate to clarify that a advisory ballot question could not be used for administrative or executive issues.

Member Bloom stated he would support the resolution because he believes City Council is the appropriate governing body to determine whether or not this particular question should appear on the ballot.

Vote on Resolution to Amend Recommended Charter Revision Proposal #12

Resolution #CR-2005-06-014

Moved by Wilsher

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **AMENDS** the Resolution to *Support Recommended Charter Revision Proposal #12* language by **INSERTING** “nonbinding legislative” **BEFORE** “advisory”.

Yes: All-7

12) Vote on Resolution to Support Recommended Charter Revision Proposal #12 as Amended

Resolution #CR-2005-06-015

Moved by Bloom

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **SUPPORTS** the proposed language for *Recommended Charter Revision Proposal #12* to read as follows, “*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 nonbinding legislative advisory ballot questions on the Regular City Election Ballot, by an affirmative majority vote of the members elect?*”

Yes: Bloom, Noce

No: Barno, Bliss, Kanoza, Solomon, Wilsher

MOTION FAILED

Audience Participation: No audience present.

13) Vote on Resolution to Recommend a Charter Revision Provision for City Council to Hold Study Sessions

Resolution #CR-2005-06-016

Moved by Solomon

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** that the City Charter have a provision permitting City Council to hold “Study Sessions” whereby no City Council action is taken; and

BE IT FURTHER RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** that if City Council supports the Charter Revision Committee recommendation that City Council **DIRECT** the City Attorney to **DRAFT** the appropriate ballot language.

Yes: Bloom, Kanoza, Noce, Solomon, Wilsher, Barno

No: Bliss

MOTION CARRIED

14) Vote on Resolution to Adjourn

Resolution #CR-2005-06-017

Moved by Wilsher

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee meeting of Monday, June 20, 2005 hereby be adjourned.

Yes: All-7

Attached to and made a part of the original Minutes of this meeting is a memorandum dated May 18, 2005 to the Mayor and Members of Troy City Council from Lori Grigg Bluhm, City Attorney regarding, "*I-75 Ballot Question*".

The meeting **ADJOURNED** at 2:40 PM.

Daniel H. Bliss, Chair

Tonni L. Bartholomew, City Clerk