CITY COUNCIL ACTION ITEM

Date April 16, 2009

TO: Mayor and City Council

FROM: John Szerlag, Acting City Manager
Lori Grigg Bluhm, City Attorney
Tonni L. Bartholomew, City Clerk

SUBJECT: Charter Revision Committee Recommendation of Proposed Ballot Language Proposed Amendment to Section 6.2(g) – Vacancies in Elective Office

Background:

- The Charter Revision Committee met on Friday, March 20, 2009, 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 and agenda backup documentation from the meeting of March 20th.

- The Charter Revision Committee reviewed Section 6.2(g) of the Charter, as requested by City Council. The current Charter Section stipulates:

  (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.

  The perceived concern with the above Charter requirement is the vacancy created by the resignation and the potential need for a Special Election to fill a vacant unexpired term. The following are possible scenarios that were discussed and considered in the drafting of the proposed amendment:

  - Should a Councilmember resign mid-term to run for another office a two-year term would be created. This term could not be filled by candidates running for a four-year term. A Special Election would be required.
  - Should a Councilmember resign at the completion of their term and there were sufficient candidates running to elect their successor, no Special Election would be required.
  - Should a Councilmember resign at the completion of their term and if there are not enough candidates to fill all of the four-year terms, a Special Election could be required.
  - Candidates may only run for any one elective office at a time (ie. a four-year term OR a two-year partial term).

The Charter Revision Recommendation is as follows:

MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 6.2(g) – Vacancies in Elective Office

Resolution #CR-2009-03-006
Moved by Bliss
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby recommends the Staff Proposed Amendment to Section 6.2(g), Vacancies in Elective Office, as presented, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bliss, Kanoza, Wilsher
No: Bernardi
Absent: Barno, Bloom, Solomon

MOTION CARRIED

Placement of Charter Amendment Proposals on a ballot requires five affirmative votes. The deadline for all local questions must be forwarded to the Oakland County Clerk prior to September 4, 2009. August 31th would be the last meeting prior to the required submittal date. It is recommended that City Council take final ballot placement action prior to the Regular City Council meeting of at the August 3, 2009 to allow for adequate time to forward the item to the Governor and Attorney General's Office for approval of ballot placement.

Options:

- Option one: **APPROVE** the Charter Revision Committee's recommended amendment to Section 6.2(g) and direct staff to forward the proposed amendment on to the Governor's Office and the Oakland County Clerk for placement on the November 3, 2009 General Election ballot.

- Option two: **REFER** the proposed amendment to Section 6.2(g) back to the Charter Revision Committee for consideration of additional amendment.

- Option three: **TAKE NO ACTION**.

Attachments:

- Charter Revision Committee Minutes and Meeting Supporting Documentation

CHARTER REVISION COMMITTEE RECOMMENDED MOTION TO SECTION 6.2(g):

Suggested Resolution
Resolution #2008-07-
Moved by
Seconded by

RESOLVED, That City Council **APPROVES** the placement of Section 6.2(g)-Vacancies to Elective Office as recommended by the Charter Revision Committee for placement on the November 3, 2009 General Election ballot as follows:

> **A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – VACANCIES IN ELECTIVE OFFICE**
>
> Shall the Troy Charter Section 6.2, Vacancies in Elective Office, be amended by deleting the current wording of Section 6.2(g) in its entirety and inserting "Any member of City Council whose term is not expiring at the next General City Election and who timely files for an office other than their own, shall file an irrevocable letter of resignation that shall be effective no later than the next General City Election Day, and which shall be filed with the City Clerk no later than 4:00 PM on the 120th day prior to the next General City Election."?
>
> YES ___ NO ___

Yes:
No:
Absent:

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 officer, except to succeed oneself, shall resign from their current Council position prior to the filing deadline of the 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, 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 ___

CHARTER REVISION COMMITTEE MINUTES - Draft March 20, 2009

A meeting of the Troy Charter Revision Committee was held March 20, 2009, at City Hall, 500 W. Big Beaver Road. Chairman Daniel Bliss called the Meeting to order at 3:15 PM.

ROLL CALL:

PRESENT:	Maryann Bernardi, Daniel Bliss, Shirley Kanoza, Cynthia A. Wilsher
ABSENT:	Lillian Barno, Jerry E. Bloom, Mark Solomon
ALSO PRESENT:	City Attorney Lori Bluhm, City Clerk Tonni Bartholomew

RESOLUTION TO EXCUSE MEMBER:

Resolution #CR-2009-03-004
Moved by Wilshire
Seconded by Bernardi

RESOLVED, That members Barno, Bloom, and Solomon be **EXCUSED** from the meeting of March 20, 2009.

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

MOTION CARRIED

Member Kanoza requested that the minutes reflect a statement indicating that members should contact City staff in advance of the meeting to advise staff of their inability to attend meetings.

APPROVAL OF MINUTES: March 5, 2009

Resolution #CR-2009-03-005
Moved by Bernardi
Seconded by Barno

RESOLVED, That the Charter Revision Committee Minutes of March 5, 2009 are hereby **APPROVED** as corrected.

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

MOTION CARRIED

PROPOSED CHARTER AMENDMENT: Section 6.2(g) – Vacancies in Elective Office

Member Wilshire reviewed her recollection of the history of the amendments to Section 6.2(g) of the Charter. She indicated that the intent of the amendment several years ago

was to remove the ability of candidates to position themselves and their friends on the ballot by resigning from their Council position when running for another elected position just before the filing deadline and prearranging for their friends to file for the unexpired portion of their term. She indicated the past discussion focused on the length of time required for the resignation period and that the Committee selected the 21 days as it appeared to give potential candidates notice of the vacancy and sufficient to gather signatures before filing. She noted that the recommendation to Council for placement of the proposed amendment on the ballot received unanimous approval from the committee.

Member Bernardi questioned if there was any history showing a need for the amendment prior to 1994. Was there a problem that initiated the amendment?

Member Wilshire indicated that she thought the amendment was tied to the introduction of term limits. Additionally, it was noted that the amendment to the Charter which eliminated the City Primary Election occurred along with the amendment to this section of the Charter and could have contributed to the perceived need for the proposed amendment.

City Attorney Bluhm referenced a communication she provided to the committee last year containing the history of the previous Charter amendment. She read from a portion of the minutes from 1983 which discussed the rational for the change.

Discussion continued on the impact of the amendment and potential for calling a Special Election with the Charter as written. Members Wilshire and Kanoza indicated that they would rather see the time requirement for resignation be extended as proposed in the staff recommended amendment over the potential of a very expensive Special Election, especially when the cost to run a Special Election could potentially result in the elimination or lay-off of one or more City employees.

Member Bernardi indicted that she believes the proposal could result in more Special Elections. She questioned what this amendment does other than force a resignation.

MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 6.2(g) – Vacancies in Elective Office

Resolution #CR-2009-03-006
Moved by Bliss
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby recommends the Staff Proposed Amendment to Section 6.2(g), Vacancies in Elective Office, as presented, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bliss, Kanoza, Wilsher
No: Bernardi
Absent: Barno, Bloom, Solomon

MOTION CARRIED

Member Kanoza voiced disappointment to the statement of “they can get it right this time” made by a Council member at the City Council Regular meeting the last time the Council discussed the proposed amendment to Charter Section 6.2(g). She noted that she has been on the Charter Revision Committee for many years. Member Kanoza stated that she has always tried to be very thorough and do her best as a Charter Revision Committee member. She believes that the Charter Revision Committee has always strived to serve the community in the best manner possible. She felt strongly that her remarks should be made part of the record.

AUDIENCE PARTICIPATION: None.

ADJOURNMENT

Resolution #CR-2009-03-007
Moved by Wilshire
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee Meeting of Friday, March 20, 2009 be **ADJOURNED**.

Meeting **ADJOURNED** at 4:01 PM.

Daniel Bliss, Chair

Tonni L. Bartholomew, City Clerk

CHARTER REVISION COMMITTEE MINUTES - Final March 5, 2009

A meeting of the Troy Charter Revision Committee was held March 5, 2009, at City Hall, 500 W. Big Beaver Road. Chairman Daniel Bliss called the Meeting to order at 3:14 PM.

ROLL CALL:

PRESENT:	Lillian Barno, Maryann Bernardi, Daniel Bliss, Mark Solomon – 3:14 PM
ABSENT:	Jerry E. Bloom, Shirley Kanoza, Cynthia A. Wilsher
ALSO PRESENT:	City Attorney Lori Bluhm, City Clerk Tonni Bartholomew

RESOLUTION TO EXCUSE MEMBER:

Resolution #CR-2009-03-001
Moved by Bliss
Seconded by Bernardi

RESOLVED, That members Bloom, Kanoza, and Wilsher be **EXCUSED** from the meeting of March 5, 2009.

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

MOTION CARRIED

APPROVAL OF MINUTES: June 30, 2008

Resolution #CR-2009-03-002
Moved by Bernardi
Seconded by Barno

RESOLVED, That the Charter Revision Committee Minutes of June 30, 2008 are hereby **APPROVED** as presented.

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

MOTION CARRIED

SUNSHINE LAW: Review by City Attorney Bluhm
City Attorney Bluhm provided the members a resource booklet and presented a brief overview of the Sunshine Laws.

PROPOSED CHARTER AMENDMENT: Section 6.2(g) – Vacancies in Elective Office

Clerk Bartholomew briefly explained the Agenda packet materials.

Member Bernardi noted concern with requiring members of Council to resign their position in order to seek another City of Troy elected office. She questioned the potential of having individuals resigning and challenging an incumbent with the risk of ending up with no position on Council. She indicated concern with the potential of not having members of the public having their first run for office being that of Mayor and the possibility of creating elections for the position of the Mayor being uncontested elections.

Member Solomon questioned the impact of having no requirement to require a resignation prior to filing.

Member Bernardi indicated that there could be a vacancy should the individual be successful however if the candidate was not successful there would be no impact. She also noted that the current amendment was adopted back in 1994 and since 1955 there was never any problem that she could discover. She noted she contacted the City Attorney earlier in the day to inquire about the history of the amendment.

City Attorney Bluhm indicated that it appears that the amendment was proposed and adopted the same time as the amendment eliminating the primary and term limits.

Chair Bliss indicated concern with the absence of 3 Committee members for the discussion and input on the matter. He made a motion to postpone the motion.

MOTION TO POSTPONE

Resolution #CR-2009-03-003
Moved by Bliss
Seconded by Barno

RESOLVED, That the this item be **POSTPONED** until all members of the Charter Revision Committee be present for discussion.

Yes: Barno, Bernardi, Bliss,
No: Solomon
Absent: Bloom, Kanoza, Wilsher

MOTION CARRIED

Member Solomon voiced a parliamentary objection to the vote. He stated it was his belief that the Chair did not allow adequate time for him to consider the motion prior to asking for the question. He noted that he believes that it is ill-advised for a committee to operate on the premise that all members need to be present for action and questioned the intention of a quorum.

Member Bernardi noted that she would have voted differently had she be apprised of Member Solomon's concern prior to voting.

Member Bernardi made a motion to reconsider the motion and indicated that the vote was too rapid. She appreciated the comments of the Chair, but respects Member Solomon's comments and believed that the vote was too quick and that he should have had an opportunity to voice his concerns prior to the vote.

There was no second to the vote and discussion ended abruptly when Member Barno indicated she quit and left the meeting.

ADJOURNMENT

Meeting **ADJOURNED** at 4:19 PM due to a lack of quorum.

Clerk Bartholomew requested that members submit any other potential amendments to the Clerk for inclusion in the next meeting Agenda.

Daniel Bliss, Chair

Tonni L. Bartholomew, City Clerk

CHARTER REVISION COMMITTEE MINUTES - Draft May 22, 2008

A meeting of the Troy Charter Revision Committee was held Thursday, May 22, 2008, at City Hall, 500 W. Big Beaver Road. In the absence of Chairman Bliss and Vice-Chairman Bloom, Wilsher (longest serving member present) called the Meeting to order at 3:04 PM.

ROLL CALL:

PRESENT:	Lillian Barno, Maryann Bernardi, Shirley Kanoza, Mark Solomon, Cynthia A. Wilsher
ABSENT:	Daniel Bliss, Jerry E. Bloom
ALSO PRESENT:	City Manager Phil Nelson, City Attorney Lori Bluhm

RESOLUTION TO EXCUSE MEMBER:

Resolution #CR-2008-05-001
Moved by Bernardi
Seconded by Kanoza

RESOLVED, That Bliss and Bloom be **EXCUSED** from the meeting of May 22, 2008.

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

MOTION CARRIED

APPROVAL OF MINUTES: Tuesday, July 31, 2007

Resolution #CR-2008-05-002
Moved by Kanoza
Seconded by Barno

RESOLVED, That the Charter Revision Committee Minutes of Tuesday, July 31, 2007 are hereby **APPROVED** as presented.

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

MOTION CARRIED

PROPOSED CHARTER AMENDMENTS:

SECTION 6.2(g) –VACANCIES IN ELECTED OFFICE

Resolution #CR-2008-05-003
Moved by Kanoza
Seconded by Barno

RESOLVED, That the Charter Revision Committee hereby **MOVES TO POSTPONE** consideration of an amendment to Section 6.2(g) of the Troy Charter until the next Charter Revision Committee meeting.

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

SECTION 9.16.5 – MILLAGE RATE LEVY LIMITATION

Resolution #CR-2008-05-004
Moved by Kanoza
Seconded by Solomon

RESOLVED, That the Charter Revision Committee hereby **MOVES TO POSTPONE** consideration of an addition to Chapter 9.16 to the Troy Charter concerning Millage Rate Levy Limitations until the next Charter Revision Committee meeting.

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

MOTION CARRIED

AUDIENCE PARTICIPATION: None.

ADJOURNMENT

Resolution #CR-2008-05-005
Moved by Solomon
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee Meeting of Thursday, May 22, 2008 be **ADJOURNED**.

Meeting **ADJOURNED** at 3:43 PM.

Cynthia A. Wilsher-Acting Chair

Lori G. Bluhm – City Attorney

Memorandum

To: Members of the Troy Charter Revision Committee
From: Lori Grigg Bluhm LGB
Date: June 24, 2008
Subject: Section 6.2(g) of the Troy Charter

On November 8, 1994, Section 6.2(g) was added to the Troy Charter. That section states:

> *Any elective 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:*
>
> . . .
>
> *(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.*

Although this provision was not added to Troy's Charter until 1994, the Charter Revision Committee minutes reveal discussion of this topic on previous occasions, dating back to at least 1980. Initially, the proposed provisions required resignation from Council upon filing as a candidate for any other elected office. This was modified to require resignation only when running for another City elected office, and was likely based on the fact that the City elections were in April, and most other elections occurred in November. Rather than paraphrasing the rationale, I have included a copy of the Charter Revision Committee minutes from August 2, 1994, with the attached minutes of the February 1983 Charter Revision Committee meeting.

This Charter provision was revisited by the Committee in 2007. One of the concerns expressed at that time was the possibility that more than one Council member could run for Mayor, and requiring resignation of more than one Council member may cause difficulties in those matters where supermajority votes were required. At the July 31, 2007 Charter Revision Committee meeting, the following Charter Revision proposal was recommended to City Council:

> **A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2-VACANCIES IN ELECTED 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 in 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 _____

This recommendation was forwarded to City Council. A copy of the August 20, 2007 City Council minutes is attached. At that time, there was some Council support to modify the ballot question to call for a deletion of the Charter provision. However, this proposal did not have the required five affirmative votes to place the question on the ballot, and the matter was therefore referred back to the Charter Revision Committee. The language considered by City Council is as follows:

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_____

The deadline for City Council to approve the language of any ballot question for the November 2008 election is on or before the **August 25, 2008** City Council meeting.

Please let me know if you have any additional questions on this matter.

CHARTER REVISION COMMITTEE

A Regular meeting of the Charter Revision Committee was held on Tuesday, August 2, 1994 in the Lower Level Conference Room at City Hall, 500 W. Big Beaver. The meeting was called to order at 7:45 p.m.

PRESENT: Lillian Barno
Elio Eusebi
Shirley Kanoza
Donald W. Ruff
Cynthia Wilsher

ALSO PRESENT: Peter A. Letzmann, City Attorney

ABSENT: Daniel H. Bliss
Mark Solomon

* *

MINUTES

Moved by Kanoza
Supported by Ruff

RESOLVED, That the minutes of the meeting of June 21, 1994 be approved.

Yeas: All-5
Absent: Bliss, Solomon

VACANCIES IN ELECTIVE OFFICE

The Charter Revision Committee reviewed the additional information provided by the City Attorney on other cities that require a member of Council to resign if they become a candidate for any other elective office and make their recommendation based on the following reasons:

Because it is in the best interests of the citizens of the City of Troy that its elected officials concentrate on the office to which they are elected; and

Because it is in the best interests of the citizens of the City of Troy to prevent divisiveness among its elected officials; and

Because it is in the best interests of the citizens of the City of Troy to elect its council members rather than appoint them as a result of obtaining other city elected office; and

Because it is in the best interests of the citizens of the City of Troy to avoid the potential costs of special elections as a result of a council member becoming a candidate for another city elected office; and

Because it is in the best interest of the citizens of the City of Tr to have the maximum openness in the opportunity to run for elect office.

Moved by Ruff
Seconded by Eusebi

RESOLVED, That the Charter Revision Committee hereby recommends to the City Council that they place the attached Charter Amendment on the ballot on the November 8, 1994 election and the ballot question shall read as follows:

"Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council at least ten (10) days prior to the filing deadline of the municipal election."

Yeas: All-5
Absent: Bliss, Solomon

NEXT MEETING

The next meeting is scheduled at the call of the Chairman.

* *

The meeting was adjourned at 8:50 p.m.

SURVEY

QUESTION: If an elected official chooses to run for another elected position, must he/she resign the first position in order to pursue the next elected position?

CITY SURVEYED	YES	NO	OTHER
Auburn Hills		x	
Berkley		x	
Birmingham		x	
Bloomfield Hills		x	
Clawson	x		
Farmington		x	
Ferndale	x		
Lathrup Village	x		
Madison Heights	x		
Northville	x		
Novi		x	
Oak Park	x		
Pleasant Ridge		x	
Pontiac		x	
Rochester		x	
Rochester Hills		x	
Royal Oak	x*		Only if the elected position is within city government
Southfield	x		

SURVEY

QUESTION: If an elected official chooses to run for another elected position, must he/she resign the first position in order to pursue the next elected position?

CITY SURVEYED	YES	NO	OTHER
Auburn Hills		x	
Berkley		x	
Birmingham		x	
Bloomfield Hills		x	
Clawson	x		
Farmington		x	
Ferndale	x		
Lathrup Village	x		
Madison Heights	x		
Northville	x		
Novi		x	
Oak Park	x		
Pleasant Ridge		x	
Pontiac		x	
Rochester		x	
Rochester Hills		x	
Royal Oak	x*		Only if the elected position is within city government
Southfield	x		

CHARTER REVISION COMMITTEE

A Regular meeting of the Charter Revision Committee was held on Wednesday, February 23, 1983 in Conference Room "A" at City Hall, 500 W. Big Beaver. The meeting was called to order at 7:40 P.M.

PRESENT: John Barno
John Classen
Elio Eusebi
Arthur Molinar
Donald W. Ruff

ABSENT: Arnold Blythe
Peter Treboldi

# # # #

Considering the large number of civic minded and interested persons who serve on these committees, whose qualifications have already been reviewed and accepted by the Council, this source for an interim member of the Council seems appropriate.

Upon election by the Council, and acceptance by the individual, the interim member shall be administered the oath of office, to serve as prescribed below.

b. During his term as an interim member of the Council the chosen member will receive financial remuneration at the same rate as other members of the Council, but will not be eligible to be appointed as a delegate or representative to conventions, or other meetings which a publicly elected member should attend, or shall he be eligible for personal, travel or educational expenses.

c. Beyond the restrictions and limitation expressed above, the interim Council member shall be able to fully participate in the Council's functions on a level equal to those of the other members.

Item 3

The following deadlines and limitations are suggested:

a. The Council shall select the interim Council member no later than two weeks after a resignation has been received. The term of office of the interim member shall begin on the date of his election and shall run no longer than the Call to Order of the next regularly scheduled Council meeting following a public election during which a candidate for a full term has been elected.

CONCLUSION

The Committee believes this procedure offers the following advantages:

It eliminates the necessity of a special election; it eliminates the disruption and expense that would be caused by a special election; it would reduce to a minimum the time the City Council would be functioning without its required number of members; and, it provides the maximum opportunity for the public to participate in the election of the City Council members.

We believe the Charter should not be permitted to continue to remain silent on this matter. We would urge the Council to take whatever steps are necessary toward implementation of these measures, or some modified version of them, within a reasonable length of time.

Proposal prepared by: John W. Classen, Committee member

Submitted to Committee September 22, 1982.

* *

The discussion on the proposal continued.

It was decided that the first paragraph of Item #1 should be Section 6.2(g) of the Charter and should be revised to read as follows:

> Should an incumbent member of the Council wish to present himself as a candidate for the office of Mayor, he shall be required to relinquish his council seat, through the process of formal resignation from Council membership, no later than the filing deadline.

Discussion continued on Section 6.2, and it was decided that the main part of the section and Sections 6.2(e) and (f) should be amended to read as follows:

> Any elective city office shall be declared vacant upon the occurrence of any of the following events before the expiration of the term of such office:
>
> - - - - - - - - - - - - - - - - - - -
>
> (e) If such officer shall miss five consecutive regular meetings of the Council or twenty-five per cent of such meetings in any fiscal year, <u>unless such absences shall be excused</u> by the Council and the reason therefor entered in the minutes at the time of the absence;
>
> (f) If the officer is removed from office by the Council in accordance with the provisions of this chapter.

It was decided that the second paragraph of Item 1 should be Section 6.2(g), and it was revised to read as follows:

> Should a Council member become a candidate for any other public office, he shall be required to resign his Council seat no later than the filing deadline date for such office.

It was decided that Section 6.7 should be amended to read as follows:

> <u>Section 6.7 Filling Vacancies in Elective Office:</u>
>
> Any vacancy which occurs in the Council or office of Mayor shall be filled within thirty days by a majority vote of the remaining members of the Council, said appointee to hold office until the Monday following the election at which such vacancy shall be filled for the balance of the unexpired original term.

The Clerk was directed to bring formal charter amendment resolutions to the next meeting.

NEXT MEETING

The next meeting was scheduled for 7:30 P.M. on March 23, 1983 in Conference Room "A" at City Hall.

# # # #

EXPOSITION AND SUGGESTED PROCEDURE

Resolution of this problem appears to be concerned with the following areas

1. Qualification for Candidacy for the office of Mayor for the City of Troy would require an incumbent Council member to resign his position on the Council.

2. A method of replacing the resigned incumbent must be devised, and the capacities and limitations of the interim Council member should be defined.

3. Certain deadlines, or other time constraints must be achieved in order to effectuate Items 1 and 2 above.

4. The entire procedure must be conducted in such a way as to insure maximum opportunity of the voting public to participate in the selection of the members of the Council.

We now deal with these items with expansion and detail:

Item 1

Should an incumbent member of the Council wish to present himself as a candidate for the office of Mayor, he shall be required to relinquish his council seat, through the process of formal resignation from Council membership, no later than Four O'Clock P.M. of the twenty-eighth (28) day preceding the third Monday of February of each year. (see Charter section 7.9)

Should a Council member choose to become a candidate for other public office that would eventually require vacating of the Council seat, he shall be required to resign his Council seat no later than the filing deadline dates for such office, or a date no later than that required in the preceding paragraph.

Item 2

The resigned incumbents seat on the Council shall be filled in the following manner, duration of office limited and limitations of office defined as follows:

a. The Mayor and remaining Council members shall elect an interim Council member from a list of interested persons who are at the time qualified members in good standing of the various Boards and Committees currently serving the Council in advisory capacities.

Considering the large number of civic minded and interested persons who serve on these committees, whose qualifications have already been reviewed and accepted by the Council, this source for an interim member of the Council seems appropriate.

Upon election by the Council, and acceptance by the individual, the interim member shall be administered the oath of office, to serve as prescribed below.

b. During his term as an interim member of the Council the chosen member will receive financial remuneration at the same rate as other members of the Council, but will not be eligible to be appointed as a delegate or representative to conventions, or other meetings which a publicly elected member should attend, or shall he be eligible for personal, travel or educational expenses.

c. Beyond the restrictions and limitation expressed above, the interim Council member shall be able to fully participate in the Council's functions on a level equal to those of the other members.

Item 3

The following deadlines and limitations are suggested:

a. The Council shall select the interim Council member no later than two weeks after a resignation has been received. The term of office of the interim member shall begin on the date of his election and shall run no longer than the Call to Order of the next regularly scheduled Council meeting following a public election during which a candidate for a full term has been elected.

CONCLUSION

The Committee believes this procedure offers the following advantages:

It eliminates the necessity of a special election; it eliminates the disruption and expense that would be caused by a special election; it would reduce to a minimum the time the City Council would be functioning without its required number of members; and, it provides the maximum opportunity for the public to participate in the election of the City Council members.

We believe the Charter should not be permitted to continue to remain silent on this matter. We would urge the Council to take whatever steps are necessary toward implementation of these measures, or some modified version of them, within a reasonable length of time.

Proposal prepared by: John W. Classen, Committee member

Submitted to Committee September 22, 1982.

* *

The discussion on the proposal continued.

It was decided that the first paragraph of Item #1 should be Section 6.2(g) of the Charter and should be revised to read as follows:

> Should an incumbent member of the Council wish to present himself as a candidate for the office of Mayor, he shall be required to relinquish his council seat, through the process of formal resignation from Council membership, no later than the filing deadline.

Discussion continued on Section 6.2, and it was decided that the main part of the section and Sections 6.2(e) and (f) should be amended to read as follows:

> Any elective city office shall be declared vacant upon the occurrence of any of the following events before the expiration of the term of such office:
>
> - - - - - - - - - - - - - - - - - - -
>
> (e) If such officer shall miss five consecutive regular meetings of the Council or twenty-five per cent of such meetings in any fiscal year, <u>unless such absences shall be excused</u> by the Council and the reason therefor entered in the minutes at the time of the absence;
>
> (f) If the officer is removed from office by the Council in accordance with the provisions of this chapter.

It was decided that the second paragraph of Item 1 should be Section 6.2(g), and it was revised to read as follows:

> Should a Council member become a candidate for any other public office, he shall be required to resign his Council seat no later than the filing deadline date for such office.

It was decided that Section 6.7 should be amended to read as follows:

> <u>Section 6.7 Filling Vacancies in Elective Office:</u>
>
> Any vacancy which occurs in the Council or office of Mayor shall be filled within thirty days by a majority vote of the remaining members of the Council, said appointee to hold office until the Monday following the election at which such vacancy shall be filled for the balance of the unexpired original term.

The Clerk was directed to bring formal charter amendment resolutions to the next meeting.

NEXT MEETING

The next meeting was scheduled for 7:30 P.M. on March 23, 1983 in Conference Room "A" at City Hall.

# # # #

POSTPONED ITEMS:

D-1 Resolution to Refer Charter Revision – Section 6.2 – Vacancies in Elective Office to the Charter Revision Committee

Pending 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.

Vote on Resolution to Amend Pending Resolution by Substitution

Resolution #2007-08-245
Moved by Broomfield
Seconded by Fleming

RESOLVED, That Troy City Council hereby **AMENDS** the pending resolution by **SUBSTITUTING** it in its entirety with the following language:

> *RESOLVED, That Troy City Council hereby **RECONSIDERS** Resolution #2007-08-234, as it appears below:*
>
> ***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

Yes: All-7

MOTION CARRIED

Proposed Substitute Amendment Resolution for Resolution #2007-08-234

Resolution
Moved by Broomfield
Seconded by Lambert

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2007-08-234, by **SUBSTITUTING** it in its entirety with the following language:

> **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?

Vote on Amendment to Proposed Substitute Resolution for Resolution #2007-08-234

Resolution #2007-08-246
Moved by Broomfield
Seconded by Lambert

RESOLVED, That Troy City Council hereby **AMENDS** proposed Substitute Amendment Resolution for Resolution #2007-08-234 by inserting:

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

Prior to:

> **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: Broomfield, Fleming, Howrylak, Lambert, Beltramini
No: Stine, Schilling

MOTION CARRIED

Vote on Amended Substitute Resolution

Resolution #2007-08-247
Moved by Broomfield
Seconded by Lambert

RESOLVED, That Troy City Council hereby **AMENDS** Resolution #2007-08-234, by **SUBSTITUTING** it in its entirety with the following language:

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

MOTION CARRIED

Vote on Substitute Amendment Resolution for Resolution #2007-08-247

Resolution #2007-08-248
Moved by Howrylak
Seconded by Broomfield

RESOLVED, That Troy City Council hereby **AMENDS** Substitute Resolution 2007-08-247 in its entirety as follows:

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

MOTION CARRIED

Vote on Main Resolution as Amended by Substitution

Resolution #2007-08-249
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: Lambert, Beltramini, Broomfield, Fleming, Howrylak
No: Stine, Schilling

MOTION CARRIED

CONSENT AGENDA:

E-1a Approval of "E" Items NOT Removed for Discussion

Resolution #2007-08-250-E-1a
Moved by Stine
Seconded by Beltramini

RESOLVED, That all items as presented on the Consent Agenda are hereby **APPROVED** as presented with the exception of Items E-2 and E-4a which **SHALL BE CONSIDERED** after Consent Agenda (E) items, as printed.

Yes: All-7

E-3 Proposed City of Troy Proclamation(s): None Submitted

E-4 Standard Purchasing Resolutions

b) Standard Purchasing Resolution 7: Proprietary Maintenance Service Contract Bentley Systems, Inc.

Resolution #2007-08-250-E-4b