



## CITY COUNCIL ACTION REPORT

June 8, 2009

TO: Honorable Mayor and City Council  
FROM: John Szerlag, Acting City Manager  
SUBJECT: Potential Charter Revision Referrals

As you know, the attached memoranda (attachment 1) relative to the above referenced matter was to be a study item at the June 1, 2009 Council meeting. However, I recommended that this matter be delayed in favor of having an executive session to discuss strategies for a collective bargaining agreement.

We will therefore have this item surface again as a study item for the June 15, 2009 meeting. And while we still have time, we don't have a lot of time. As such, I have asked the Clerk's office to work in conjunction with the Law department to develop proposed charter amendment proposal language as well as proposed charter language should the proposal pass. Attachment 2 is a result of this assignment. The existing charter language is in green; charter amendment proposals are in red; and the proposed charter language should the amendment be adopted is in blue.

In closing, please know that the city administration is neither an opponent nor proponent of any of the proposed charter revision referrals. We just want to assure that there is adequate time should the governing body decide to advance any or all of the proposed revisions.

Please feel free to contact Lori Bluhm, Tonni Bartholomew or myself should you have any questions.

c: Lori Bluhm, City Attorney  
Tonni Bartholomew, City Clerk



## CITY COUNCIL REPORT

Date May 7, 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 Referrals

### Background:

The City Council at their Regular meeting on Monday, April 20, 2009, identified the following potential Charter Revisions:

1. Increasing the time an Acting City Manager can serve prior to the appointment of a permanent City Manager to something more than the current 120-day period – Section 3.10 – City Manager; Appointment and Qualification
2. Annual Term of Mayor Protem – Section 3.7 – Election of Mayor Protem
3. Election of Mayor by the Council or in a manner other than directly by the electorate – Sections 3.7 Election of Mayor (new), 3.1 – City Council, 3.4 – Elective Officers and Terms of Office, 3.4.1 – Elective Officers Term Limitations, 3.5 Qualifications of Councilmen, and 3.6 - Compensation of Councilmen
4. Additional consideration of the process wherein a Council member chooses to run for an elected office other than their own – Section 6.2(g)
5. Requirement of the minimum number of Charter Revision Committee members present and voting to recommend items to Council.

City Administration has isolated the sections of the Charter governing each of Council's requested revisions.

The first and second items, increasing the term of an Acting City Manager and changing the term of the Mayor Protem, appear to be relatively simple amendments.

The third item, election of the Mayor, is governed or referenced in several Charter Sections. Several of the amendments are relatively minor in nature. The most significant amendment, the creation of a new section specifically providing for the election of a Mayor, is also fairly easy to create ballot language once City Council provides direction. The significant and perhaps unforeseen result of the elimination of the election of the Mayor directly by the electorate would require a tie-bar of the ballot questions to assure passage of all of the Sections before adoption. Additionally, it should be noted that the elimination of the Mayor's position as a direct elect position would also eliminate the two terms associated with the office, and thus reduce the potential terms for Council members who were seeking to serve in that capacity. The change could result in the elimination of

two four-year terms.

The fourth item, revisions to Section 6.2(g) has been discussed several times by the Council and the Charter Revision Committee. The proposed language for the recommended amendments is included. Section 6.2(g) could also potentially be impacted with the voter approved elimination of the current Mayoral election process.

Finally, the fifth item requiring a full complement of Charter Revision Committee members to vote on items recommended to the Council could have unforeseen restrictions. Council could, by resolution enact the same requirement.

Since City Council has not yet been provided with the potential impact of the Charter revision items discussed at the April 20, 2009 City Council Meeting, this memo is submitted prior to the compilation of statistics from other communities.

City Administration will prepare ballot wording upon receiving direction from Council. The wording can then be forwarded to the Charter Revision Committee for review and consideration.

The City Charter is the primary organizational document that was adopted over 50 years ago, and it should be changed only after deliberate consideration. City Administration respectfully requests that due to the gravity of any changes to the Charter, that Council formally approve a resolution to direct the Charter Revision Committee to review and recommend to Council possible Charter revision questions that would be submitted to the Troy voters.

### **Section 3.1 - City Council:**

The government of the City of Troy shall be known as the Council Manager form. There is hereby created a Council of seven (7) members consisting of six (6) elected Councilmen and the Mayor who shall be, elected from the members of Council by the Council and deemed to be a member of the Council for all purposes. All members of the Council shall possess the qualifications hereinafter set forth and shall be elected at large in the manner hereinafter provided.

### **Section 3.4- Elective Officers and Terms of Office:**

The elective officers of the City shall be the ~~six (6)~~ seven (7) members of council ~~and the Mayor~~ all of whom shall be nominated and elected from the city at large for the terms provided herein. City Council Members ~~and the Mayor~~ shall be elected for terms of four (4) years and shall serve until 7:30 PM on the first Monday following the regular election of the fourth year of their term.

### **Section 3.4.1- Elective Officers Term Limitations:**

An 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.

### **Section 3.5 - Qualifications of Councilmen:**

Members of the Council must meet the eligibility contained in Section 6.1 of this Charter. The Council shall be the sole judge of whether its members ~~and the Mayor are~~ eligible and qualified for office under the provisions of this Charter, the statutes and the Constitution of this State.

### **Section 3.6 - Compensation of Councilmen:**

Members of the Council ~~and the Mayor~~ shall receive as compensation for their services the sum of one hundred seventy-five (\$175.00) dollars per member per month. In addition, each member of the Council shall receive his reasonable and necessary expenses incurred in service on behalf of the City and authorized in advance by the Council, itemized and ordered paid by the Council.

### **Section 3.7 - Election of Mayor:**

The Council shall, at its first meeting in November, annually, elect one of its members to serve as Mayor. He or she shall serve for a term expiring upon the election of their successors.

### **Section 3.7.5 - Election of Mayor Protem:**

The Council shall, at its first meeting in November, annually, ~~following each regular City Election, and after the newly elected members take office,~~ elect one of its members to serve as Mayor Protem. He or she shall serve for a term expiring upon the election of their successors.

**Section 3.10 - City Manager; Appointment and Qualification:**

The City Manager shall be the chief administrative officer of the City. He shall be selected on the basis of fitness and ability alone. At the time of his appointment, he need not be a resident of the City or State, but during the tenure of his office, he shall reside within the City. A vacancy in this office shall be filled by the City Council within \_\_\_\_\_  
\_\_\_\_\_ ~~one hundred and twenty (120)~~ days.

**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:

- (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.

**STAFF PROPOSED AMENDMENT- April 20, 2009- Correcting subject verb grammatical error:**

**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~~ except to succeed oneself, 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 120<sup>th</sup> day prior to the next General City Election.”?

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

**CHARTER REVISION COMMITTEE - Action of June 30, 2008:**

**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 filing deadline of the municipal election.”?

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

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

**MOTION CARRIED**

**CHARTER REVISION COMMITTEE - Action of July 31, 2007:**

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

Shall Section 6.2 of the Troy Charter, regarding vacancies in elective office, be amended to allow members of Council, whose terms are expiring at the next municipal election, to file for an office (other than their own) without resigning from Council by deleting the wording of current Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign their current Council position at least 21 days before filing for municipal election.”?

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

**COUNCILMEMBER HOWRYLAK’S AUGUST 20, 2007 RECOMMENDATION TO DELETE 1994 CHARTER AMENDMENT:**

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

Shall Section 6.2 (g) of the City of Troy Charter, which provides that “Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election”, be deleted in its entirety?

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

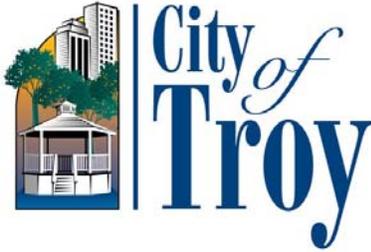
**STAFF PROPOSED AMENDMENT – March 5, 2009:**

**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 \_\_\_



## 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 20<sup>th</sup>.
- 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 31<sup>th</sup> 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 120<sup>th</sup> 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 \_\_\_

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 rationale 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 indicated 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.

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Daniel Bliss, Chair

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Tonni L. Bartholomew, City Clerk

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.

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Daniel Bliss, Chair

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Tonni L. Bartholomew, City Clerk

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.

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Cynthia A. Wilsher-Acting Chair

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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

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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 is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign their current Council position at least 21 days before filing for municipal election"?

Yes \_\_\_\_\_ No \_\_\_\_\_

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

D-1

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?

<u>CITY SURVEYED</u>	<u>YES</u>	<u>NO</u>	<u>OTHER</u>
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?

<u>CITY SURVEYED</u>	<u>YES</u>	<u>NO</u>	<u>OTHER</u>
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

#####

MINUTES

The minutes of the meeting of January 23, 1983 were received and placed on file.

CHARTER STUDY

Motion by Molinar  
Supported by Ruff

RESOLVED, That the proposal be taken from the table for action at this time, and that it be inserted into the main body of the minutes.

Yeas: All-5

\*\*\*\*\*

A PROPOSED AMENDMENT OF THE CITY CHARTER

INTRODUCTION

(NOTE: In the following text the pronouns "he", "his", or "himself" shall be used with reference to particular candidates or members involved, but the intention that these pronouns shall refer to both males and females is explicit.)

The Charter Revision Committee, in its ongoing review of the City's Charter, is aware of what it considers a weakness in provisions dealing with qualifications as a candidate for the office of Mayor as such qualifications would relate to incumbent members of the Council.

As the situation now stands, should an incumbent member of the council win election as Mayor, assumption of said office would create a vacancy on the council which would require a special election to return the Council to its proper level of membership. In addition, such a special election would be an unwelcome, burdensome, and we hold, unnecessary, expense to the taxpayers.

From an historical perspective, the present citation by this committee of the above mentioned problem is not new, having been drawn to the Council's attention in several past instances. In order that the Charter will not continue to remain silent on this matter, we resubmit our statement of concern together with the following development and suggestions toward a satisfactory procedure that should become incorporated within the Charter.

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, unless such absences shall be excused 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:

Section 6.7 Filling Vacancies in Elective Office:

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.

#####

The meeting was adjourned at 9:14 P.M.

#####

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, unless such absences shall be excused 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:

Section 6.7 Filling Vacancies in Elective Office:

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.

#####

The meeting was adjourned at 9:14 P.M.

#####

**POSTPONED ITEMS:**

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**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:**

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**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

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

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**E-4 Standard Purchasing Resolutions**

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

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

## ELECTION OF MAYOR PROTEM

### **Section 3.7.5 - Election of Mayor Protem:**

The Council shall, at its first meeting ~~in November, annually, following each regular City Election, and after the newly elected members take office,~~ elect one of its members to serve as Mayor Protem. He or she shall serve for a term expiring upon the election of their successors.

### EXISTING CHARTER LANGUAGE

#### **Section 3.7 – Election of Mayor Protem:**

The Council shall, at its first meeting following each regular City Election, and after the newly elected members take office, elect one of its members to serve as Mayor Protem. He shall serve for a term expiring upon the election their successors.

### PROPOSED BALLOT QUESTION

#### Charter Amendment Proposal 09-

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 3.7.5 – TO CAUSE THE MAYOR PROTEM TO BE ELECTED ANNUALLY, NUTERALIZE THE GENDER REFERENCE AND TO RENUMBER THE SECTION.**

Shall Section 3.7.5 be amended to renumber Section 3.7 to 3.7.5 and strike “following each regular City Election, after the newly elected members take office,” and insert “in November, annually,” following the word “meeting” and insert the words “or she” after the word “He”?

Yes:

No:

### CHARTER LANGUAGE IF ADOPTED BY VOTERS

#### Charter Language if Adopted by Voters

#### **Section 3.7.5 – Election of Mayor Protem:**

The Council shall, at its first meeting in November, annually, elect one of its members to serve as Mayor Protem. He or she shall serve for a term expiring upon the election of their successors.

# CITY MANAGER; APPOINTMENT AND QUALIFICATION

## Section 3.10 - City Manager; Appointment and Qualification:

The City Manager shall be the chief administrative officer of the City. He shall be selected on the basis of fitness and ability alone. At the time of his appointment, he need not be a resident of the City or State, but during the tenure of his office, he shall reside within the City. A vacancy in this office shall be filled by the City Council within \_\_\_\_\_  
~~one hundred and twenty (120)~~ days.

## EXISTING CHARTER LANGUAGE

### Section 3.10 - City Manager; Appointment and Qualification:

The City Manager shall be the chief administrative officer of the City. He shall be selected on the basis of fitness and ability alone. At the time of his appointment, he need not be a resident of the City or State, but during the tenure of his office, he shall reside within the City. A vacancy in this office shall be filled by the City Council within one hundred and twenty (120) days.

## PROPOSED BALLOT QUESTION

### Charter Amendment Proposal 09-

**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 3.10 – TO INCREASE THE LENGTH OF TIME ALLOWED FOR CITY COUNCIL TO FILL A VACANCY OF THE CITY MANAGER POSITION**

Shall Section 3.10 be amended to increase the length of time City Council has to fill a vacancy of the City Manager position by striking “one hundred and twenty (120)” and inserting “ \_\_\_\_\_ ” prior to the word “days”?

Yes:

No:

## CHARTER LANGUAGE IF ADOPTED BY VOTERS

### Proposed Charter Language

### Section 3.10 – City Manager; Appointment and Qualification:

The City Manager shall be the chief administrative officer of the City. He shall be selected on the basis of fitness and ability alone. At the time of his appointment, he need not be a resident of the City or State, but during the tenure of his office, he shall reside within the City. A vacancy in this office shall be filled by the City Council within \_\_\_\_\_ days

**CHARTER REVISION ADVISORY COMMITTEE MEMBERS  
PRESENT VOTING REQUIREMENT FOR PROPOSED CHARTER  
AMENDMENTS REFERRED TO CITY COUNCIL**

**PROPOSED RESOLUTION:**

RESOLVED, The Troy City Council hereby **REQUIRES** two-thirds of the Charter Revision Advisory Committee members appointed present when voting on all proposed Charter Amendment Referrals to City Council.

## ELECTION OF MAYOR

(As submitted to City Council on April 20, 2009 and June 1, 2009 without additional staff recommendations)

### Section 3.1 - City Council:

The government of the City of Troy shall be known as the Council Manager form. There is hereby created a Council of seven (7) members consisting of six (6) elected Councilmen and the Mayor who shall be elected from the members of Council by the Council and deemed to be a member of the Council for all purposes. All members of the Council shall possess the qualifications hereinafter set forth and shall be elected at large in the manner hereinafter provided.

### Section 3.4- Elective Officers and Terms of Office:

The elective officers of the City shall be the ~~six (6)~~ seven (7) members of council ~~and the Mayor~~ all of whom shall be nominated and elected from the city at large for the terms provided herein. City Council Members ~~and the Mayor~~ shall be elected for terms of four (4) years and shall serve until 7:30 PM on the first Monday following the regular election of the fourth year of their term.

### Section 3.4.1- Elective Officers Term Limitations:

An 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.

### Section 3.5 - Qualifications of Councilmen:

Members of the Council must meet the eligibility contained in Section 6.1 of this Charter. The Council shall be the sole judge of whether its members ~~and the Mayor are~~ eligible and qualified for office under the provisions of this Charter, the statutes and the Constitution of this State.

### Section 3.6 - Compensation of Councilmen:

Members of the Council ~~and the Mayor~~ shall receive as compensation for their services the sum of one hundred seventy-five (\$175.00) dollars per member per month. In addition, each member of the Council shall receive his reasonable and necessary expenses incurred in service on behalf of the City and authorized in advance by the Council, itemized and ordered paid by the Council.

### Section 3.7 - Election of Mayor:

The Council shall, at its first meeting in November, annually, elect one of its members to serve as Mayor. He or she shall serve for a term expiring upon the election of their successors.

## VACANCIES IN ELECTIVE OFFICE

(Forwarded from the Charter Revision Advisory Committee. As submitted to City Council on April 20, 2009 and June 1, 2009 without additional staff recommendations)

### 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:

- (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.

### STAFF PROPOSED AMENDMENT- April 20, 2009- Correcting subject verb grammatical error:

#### 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~~ except to succeed oneself, 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 120<sup>th</sup> day prior to the next General City Election.”?

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

### CHARTER REVISION COMMITTEE - Action of June 30, 2008:

#### 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 filing deadline of the municipal election.”?

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

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

**MOTION CARRIED**

**CHARTER REVISION COMMITTEE - Action of July 31, 2007:**

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

Shall Section 6.2 of the Troy Charter, regarding vacancies in elective office, be amended to allow members of Council, whose terms are expiring at the next municipal election, to file for an office (other than their own) without resigning from Council by deleting the wording of current Section 6.2(g) in its entirety and inserting “Any member of City Council whose term is not expiring at the next municipal election, filing a petition for any City elective office, except to succeed oneself, shall resign their current Council position at least 21 days before filing for municipal election.”?

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

**COUNCILMEMBER HOWRYLAK’S AUGUST 20, 2007 RECOMMENDATION TO DELETE 1994 CHARTER AMENDMENT:**

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

Shall Section 6.2 (g) of the City of Troy Charter, which provides that “Any City Council member desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to the filing deadline of the municipal election”, be deleted in its entirety?

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

**STAFF PROPOSED AMENDMENT – March 5, 2009:**

**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 \_\_\_