



CITY COUNCIL ACTION ITEM

Date: August 14, 2009

TO: Mayor and City Council

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

SUBJECT: 2009 Proposed Charter Amendments

Background:

City Council requested City Administration to draft proposed ballot questions and present them to the Charter Revision Committee for review and recommendation to Council. Taking into consideration Council's concerns voiced at the August 3, 2009 Regular City Council Meeting, City Administration revisited the proposed Charter amendments and is recommending a few minor adjustments to lessen the number of ballot questions and to clarify the amendments. The proposed amendments will require six (6) Charter Amendment ballot question proposals which must be tie-barred together to assure the passage of all of the questions and thus allowing implementation of the proposed resignation process. City Council approved placement of two additional ballot questions (Proposal 09-01 - Section 3.7 – Election of Mayor Pro Tem - Annual Term, which provided for the election of the Mayor Pro Tem annually and Proposal 09-02 - Section 3.10 – City Manager; Appointment and Qualification, which provided for a change in the residency requirements) at their July 20, 2009 Regular Meeting.

City Administration reviewed the proposals with Assistant Attorney General George Elworth and made slight modifications to the proposals as requested by Mr. Elworth.

The proposals were presented to the Charter Revision Committee at their meeting on August 13, 2009. A draft copy of the meeting Minutes along with a document showing the existing Charter language, the proposed Charter language and proposed ballot language is attached to this memorandum. The following is a brief overview of the proposed amendments and the proposed resolutions including the proposed ballot language and recommended proposal number, which also indicates the placement of the question on the ballot:

Section 6.2(g) – Vacancies in Elective Office – PROPOSAL 09-03

The proposal reflects a change to the date in which a candidate must resign from office when desiring to run for an elective office (except to succeed oneself). This proposal provides time prior to the last day of filing to allow for the vacancy created to be properly advertised and for candidates to file petitions for the partial term. The current provision

would force a Special Election should Council not be able to fill the vacancy with an appointment. This amendment is tie-barred to all of the proposals; however, it may stand alone and be approved without the passage of the remaining proposals.

Suggested Resolution

Resolution #2009-08-

Moved by

Seconded by

RESOLVED, That the Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

Charter Amendment Proposal 09-03

A PROPOSAL TO AMEND THE DATE AN ELECTED OFFICIAL MUST RESIGN FROM OFFICE WHEN DESIRING TO RUN FOR A CITY ELECTED OFFICE EXCEPT TO SUCCEED ONESELF.

Shall Section 6.2 (g) be amended to establish July 1st as the date by which a City elected official must submit a letter of resignation in order to run for a City elected office (except to succeed oneself) in place of the current requirement that such letter of resignation be filed no later than the deadline for filing his or her candidacy for election to that office with the City Clerk?

NOTE: *PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04, 09-05, 09-06, 09-07, AND 09-08. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.*

Yes:

No:

Yes:

No:

Section 6.2.1 - Irrevocable Letter of Resignation - PROPOSAL 09-04

The proposal provides for an irrevocable letter of resignation opportunity for elected officials and establishes the time frame for placement on Regular and Primary Elections. This amendment is tie-barred to all of the proposals; passage of proposals 09-03, 04, 05, 06, 07 and 08 are required for passage of this proposal.

Suggested Resolution

Resolution #2009-08-

Moved by

Seconded by

RESOLVED, That the Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

Charter Amendment Proposal 09-04

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – TO ADD NEW PROVISIONS 6.2.1 (A), (B) AND (C) TO ALLOW ELECTED OFFICIALS TO RESIGN FROM CITY OFFICE BY AN IRREVOCABLE LETTER OF RESIGNATION AND ESTABLISH TIME FRAMES FOR PLACEMENT OF THE RESULTING VACANCY ON THE NEXT AVAILABLE ELECTION.

Shall Section 6.2 be amended to add new provisions under 6.2.1 (a), (b) and (c), which allow elected officials to resign by irrevocable letter of resignation effective no later than the date the successor takes office, which will commence the first Monday after the election or as stated in the irrevocable letter of resignation?

NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04, 09-06, AND 09-07. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.

Yes:
No:

Yes:
No:

Section 6.7 – Filling Vacancies in Elective Office - PROPOSAL 09-05

The proposal restructures the appointment process of a vacancy in elected office with City Council appointing replacement members until a successor is elected at the next Regular or Primary Election. This amendment is tie-barred to all of the proposals. However, it may stand alone and be approved without passage of the remaining proposals.

Suggested Resolution

Resolution #2009-08-

Moved by

Seconded by

RESOLVED, That the Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

Charter Amendment Proposal 09-05

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.7 – TO RESTRUCTURE THE APPOINTMENT PROCESS OF A VACANCY IN ELECTED OFFICE WITH CITY COUNCIL APPOINTING A REPLACEMENT MEMBER UNTIL A SUCCESSOR IS ELECTED. THE SUCCESSOR WILL BE ELECTED AT THE NEXT REGULAR OR PRIMARY ELECTION.

Shall Section 6.7 be amended to direct City Council to fill vacancies in elective office, pursuant to Section 6.2, until a successor is elected at the next Regular or Primary Election?

NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04, 09-06, AND 09-07. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08

WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.

Yes:
No:

Yes:
No:

Section 6.7.1 – Filling Vacancies in Elective Office Created by an Irrevocable Letter of Resignation by Regular Election - PROPOSAL 09-06

The proposal adds provisions for electing a successor to fill a mid-term vacancy created by an elected official resignation. The time frame is associated to placement on a Regular Election. This amendment is tie-barred to all of the proposals; passage of proposals 09-03, 04, 05, 06, 07 and 08 are required for passage of this proposal.

Suggested Resolution

Resolution #2009-08-

Moved by

Seconded by

RESOLVED, That the Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

Charter Amendment Proposal 09-06

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.7 – TO ADD A PROVISION FOR ELECTING A SUCCESSOR TO FILL A MID-TERM VACANCY OF A CITY ELECTED OFFICIAL AT A REGULAR ELECTION

Shall Section 6.7 be amended to add new provisions designated as 6.7.1 to allow for the election of candidates to fill any mid-term vacancy created prior to July 1st and after April 1st in even-years and prior to July 1st in odd-years for the remainder of a City elected office term at the next Regular Election?

NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04, 09-06, AND 09-07. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.

Yes:
No:

Yes:
No:

Section 6.7.2 – Filing Vacancies in Elective Office Created by an Irrevocable Letter of Resignation by Primary Election - PROPOSAL 09-07

The proposal adds provisions for electing a successor to fill a mid-term vacancy created by an elected official resignation. The time frame is associated to placement on a Primary Election. This amendment is tie-barred to all of the proposals; passage of proposals 09-03, 04, 05, 06, 07 and 08 is required for passage of this proposal.

Suggested Resolution
Resolution #2009-08-
Moved by
Seconded by

RESOLVED, That the Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

Charter Amendment Proposal 09-07

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.7 – TO ADD A PROVISION FOR ELECTING A SUCCESSOR TO FILL A MID-TERM VACANCY OF A CITY ELECTED OFFICIAL AT A PRIMARY ELECTION

Shall Section 6.7 be amended to add new provisions designated as 6.7.2 to allow for the election of candidates to fill any mid-term vacancy created prior to April 1st in even-years for the remainder of a City elected office term at the next Primary Election?

NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04, 09-06, AND 09-07. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.

Yes:
No:

Yes:
No:

Section 7.0 – Nominations - PROPOSAL 09-08

City Charter Section 7.3 designates that the Regular City Election shall be held on the first Tuesday after the first Monday of every odd year November. The proposed language in Section 7.9 removes the references to the “City Election” to allow for placement of partial-term vacancies on Regular, Primary or Special Election Ballots.

Suggested Resolution
Resolution #2009-08-
Moved by
Seconded by

RESOLVED, That the Troy City Council **APPROVES** as to form the following proposed Charter Amendment for the November 3, 2009 City General Election:

Charter Amendment Proposal 09-08

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 7.9 – NOMINATIONS - TO PERMIT THE ELECTION OF CANDIATES FOR CITY OFFICES AT ANY AVAILABLE ELECTION.

Shall Section 7.9 be amended to remove the references to specific elections to provide for the nomination of any candidate for City elected office to be placed on Regular,

Primary or Special Election Ballots?

NOTE: *PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04, 09-06, AND 09-07. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.*

Yes:

No:

Yes:

No:

A meeting of the Troy Charter Revision Committee was held August 13, 2009, at City Hall, 500 W. Big Beaver Road. Chairman Daniel Bliss called the Meeting to order at 10:48 AM.

ROLL CALL:

PRESENT: Mary Ann Bernardi, Daniel Bliss, Jerry E. Bloom, Shirley Kanoza, William Weisgerber, Cynthia A. Wilsher
ABSENT: Mark Solomon
ALSO PRESENT: Assistant City Attorney Christopher Forsyth, City Clerk Tonni Bartholomew

RESOLUTION TO EXCUSE MEMBER:

Resolution #CR-2009-08-020
Moved by Wilsher
Seconded by Bernardi

RESOLVED, That Member Solomon be **EXCUSED** from the meeting of August 13, 2009 due to a health issue.

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

MOTION CARRIED

APPROVAL OF MINUTES: July 13, 2009

Member Bernardi made a correction to her statements listed on pages two and four. She also noted that she voted incorrectly on Resolution CR-09-07-018.

Resolution #CR-2009-07-021
Moved by Bloom
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee Minutes of July 13, 2009 are hereby **APPROVED** as amended.

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

MOTION CARRIED

PROPOSED CHARTER AMENDMENTS

A. Section 6.2(g) – Vacancies in Elective Office

City Clerk Bartholomew gave a brief overview of the proposed amendment and noted that the proposed amendment will reduce the complexity of the ballot questions and reduce the number of ballot questions. Originally, 6.2(g) was being considered for a major amendment to accommodate a request from Council. However, looking at the potential impacts of the amendment and the difficulty writing the ballot language for the proposed amendment to be contained within one section of the Charter, it was determined that a slight modification to Section 6.2(g) to only modify the date of the submittal and dissect the amendment into three actions would be desirable for both the final Charter should the amendments be adopted and for the ease of understanding as a ballot question. Ms. Bartholomew also noted that the current Charter provision for resignation is problematic. Should a member of Council resign under the current provision and Council did not exercise its right to appoint, a Special Election would be called as there is no time provision for the notification of the vacancy of office or for potential candidate to file petitions to run for a two-year term created by the resignation.

Discussion continued on the impact of the amendment. Member Weisgerber suggested that the amendments be drafted as one item. Assistant City Attorney Forsyth noted that each Section and/or topic requires a ballot question.

Member Wilsher questioned the rationale for the amendments. She inquired if the changes are from a personal agenda and if there are other communities with similar provisions. Assistant City Attorney Forsyth noted that there is similar resignation language provision in Township law.

Member Bernardi reviewed potential for resignations tied to several different life circumstances. She identified some resignation potentials as job relocation, illness, and other family circumstances.

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

Resolution #CR-2009-08-022

Moved by Bliss

Seconded by Bernardi

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: Bernardi, Bliss, Bloom, Kanoza, Weisgerber, Wilsher

No: None

Absent: Solomon

MOTION CARRIED

B. Section 6.2.1 – Irrevocable Letter of Resignation

Member Bloom suggested that the word “takes” be replaced with “shall take” in both the proposed Charter language and proposed ballot question.

Member Bernardi referenced comments made by the Council at the City Council meeting of August 3, 2009. She questioned the placement of a vacant Council seat on a Primary Election ballot as the election is a partisan election. The City Clerk indicated that the Primary Election ballot contains a non-partisan section as well as the partisan section and mechanically the office could be placed on the ballot.

Member Wilsher noted that the proposed amendments are very complex and it will be very difficult to convey the intent of the amendments to the voter. She asked if there will be sufficient time to provide the voter with information on the proposals. Member Wilsher stated that City Attorney Bluhm indicated to Council that the time frame will be tight. Member Wilsher referenced the untimely distribution of election materials prior to the November General Election last year and asked if there is enough time to get the task accomplished this year. She referenced the problems associated with the distribution of materials after the Absent Voter (AV) ballot mailing. City Clerk Bartholomew noted that if City Council requested the distribution of materials there is more flexibility with this election than in the situation referenced by Member Wilsher as this is not an even-year State-wide Primary. The time frame is very tight and every effort will be made to get the publication out before the AV Ballots.

Chair Bliss informed the Committee that he does not like the irrevocable letter of resignation provision and intends to vote “no”. He believes that a Council member should resign from their seat if they choose to run for another office.

MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 6.2.1 – Irrevocable Letter of Resignation

Resolution #CR-2009-08-023
Moved by Bloom
Seconded by Bernardi

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the Staff Proposed Amendment to Section 6.2.1, Irrevocable Letter of Resignation, as presented with substitution of the word “shall take” for the word “takes” in both the proposed Charter language and the proposed ballot question, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

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

MOTION FAILED

C. Section 6.7 – Filing Vacancies in Elective Office

Member Bernardi voiced concern and noted that she believes that recommending the placement of the proposed question to City Council for placement on the ballot is very important. She referenced the importance of having the voter elect representation especially when a partial term could be as long as four years.

Member Kanoza stated that the electorate voted in the City Council members and she believes that they should be trusted to make decisions on the voter's behalf, including decisions on difficult decisions such as Council partial term appointments.

Member Bernardi indicated that she agrees on most of Member Kanoza's statement, except when the term is very lengthy. She stated it could be as long as four years.

CALL THE QUESTION

Resolution #CR-2009-08-024
Moved by Bloom
Seconded by Weisgerber

RESOLVED, That the Chair **CALL** the question.

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

MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 6.7 – Filing Vacancies in Elective Office

Resolution #CR-2009-08-023
Moved by Bloom
Seconded by Bernardi

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the Staff Proposed Amendment to Section 6.7, Filing Vacancies in Elective Office, as presented, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

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

MOTION CARRIED

Chair Bliss recessed the meeting at 11:43 AM and reconvened the meeting at 11:46 AM.

D. Section 6.7.1 – Filing Vacancies in Elective Office Created by an Irrevocable Letter of Resignation by Regular Election

City Clerk Bartholomew gave a brief overview of the proposed amendment. She noted that proposed amendments to Section 6.7.1 and 6.7.2 is new language. The amendments are very similar, with 6.7.1 designating the time constraints for placement of a vacancy on a Regular Election ballot and 6.7.2 designating the time constraints for placement of the vacancy of a Primary Election ballot.

MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 6.7.1 – Filing Vacancies in Elective Office Created by an Irrevocable Letter of Resignation by General Election

Resolution #CR-2009-08-024

Moved by Bloom

Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the Staff Proposed Amendment to Section 6.7.1, Filing Vacancies in Elective Office Created by an Irrevocable Letter of Resignation by General Election, as presented, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bernardi, Bloom, Kanoza, Weisgerber, Wilsher

No: Bliss

Absent: Solomon

MOTION CARRIED

E. Section 6.7.2 – Filing Vacancies in Elective Office Created by an Irrevocable Letter of Resignation by Primary Election

City Clerk Bartholomew indicated that the language and purpose is very similar to 6.7.1 except that this proposed amendment addresses the time constraints for placement of a vacancy on a Primary Election ballot.

MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 6.7.2 – Filing Vacancies in Elective Office Created by an Irrevocable Letter of Resignation by Primary Election

Resolution #CR-2009-08-025

Moved by Bloom

Seconded by Bernardi

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the Staff Proposed Amendment to Section 6.7.2, Filing Vacancies in Elective Office Created by an Irrevocable Letter of Resignation by Primary Election, as presented, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bernardi, Bloom, Kanoza, Weisgerber, Wilsher

No: Bliss

Absent: Solomon

MOTION CARRIED

F. Section 7.9 – Nominations

City Clerk Bartholomew indicated that the Charter (Section 7.3) designates that the Regular City election shall be held on the first Tuesday after the first Monday of every odd year November. The proposed language in Section 7.9 removes the references to the “City Election” to allow for placement of partial-term vacancies on Regular, Primary or Special Election Ballots.

MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 7.9 – Nominations

Resolution #CR-2009-08-026

Moved by Bloom

Seconded by Bernardi

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the Staff Proposed Amendment to Section 7.9, Nominations, as presented, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot.

Yes: Bernardi, Bliss, Bloom, Kanoza, Weisgerber, Wilsher

No: None

Absent: Solomon

MOTION CARRIED

SECTION 6.2(G) – VACANCIES IN ELECTIVE OFFICE, 6.7 FILLING VACANCIES IN ELECTIVE OFFICE, AND SECTION 7.9 NOMINATIONS

City Clerk Bartholomew reminded the Committee that Sections 6.2(g), 6.7 and 7.9 are independent and not tied to the irrevocable letter of resignation proposals. The proposed modifications, specifically 6.2(g) may be moved forward and may be recommended as a solution should a vacancy of a Council member occur and require placement on a ballot. Section 6.2(g), as it is currently written, would force a Special Election should the Council be unable to make an appointment. Section 7.9 directs the placement on a November odd-year ballot. Section 6.7 allows for the Council to make an appointment until a successor is elected.

MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 6.2(g) – Vacancies in Elective Office – PLACEMENT AS A STAND ALONE BALLOT PROPOSAL

Resolution #CR-2009-08-027

Moved by Bloom

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 as a stand alone ballot proposal should the Council not approve the placement of the tie-barred proposal package on the ballot as the proposal has independent benefits in removing the potential for the calling of a Special Election to fill a vacancy by requiring a resignation date of July 1st.

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

MOTION CARRIED

MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 6.7 – Filling Vacancies in Elective Office – PLACEMENT AS A STAND ALONE BALLOT PROPOSAL

Resolution #CR-2009-08-028
Moved by Bloom
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the Staff Proposed Amendment to Section 6.7, Filling Vacancies in Elective Office, as presented, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot as a stand alone ballot proposal should the Council not approve the placement of the tie-barred proposal package on the ballot as the proposal may have independent benefits by restructuring the appointment process of a vacancy in elected office.

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

MOTION CARRIED

MOTION TO RECOMMEND PROPOSED CHARTER AMENDMENT: Section 7.9 – Nominations – PLACEMENT AS A STAND ALONE BALLOT PROPOSAL

Resolution #CR-2009-08-029
Moved by Bloom
Seconded by Kanoza

RESOLVED, That the Charter Revision Committee hereby **RECOMMENDS** the Staff Proposed Amendment to Section 7.9, Nominations, as presented, be forwarded to City Council for placement on the November 3, 2009 General Election Ballot as a stand alone ballot proposal should the Council not approve the placement of the proposal package on the ballot as the proposal has independent benefits in removing references to the “City

Election” to allow for placement of partial-term vacancies on Regular, Primary or Special Election Ballots.

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

MOTION CARRIED

RULES OF PROCEDURE

City Clerk Bartholomew indicated that the proposed Rules of Procedure were drafted as requested by the Committee. The proposal is meant to be a starting point with suggestions. She suggested that the Committee review the document and that the proposal be placed on their next agenda for deliberation and possible adoption. Ms. Bartholomew also noted that the document would be adopted as the Rules for the current committee.

Member Bloom requested that the September meeting of the Committee be cancelled. It was the consensus of the members to cancel the September Committee meeting. The next meeting of the Charter Revision Committee will be October 8th in the evening with at least one item of business, Rules of Procedure.

AUDIENCE PARTICIPATION: None.

ADJOURNMENT:

Resolution #CR-2009-08-0
Moved by Kanoza
Seconded by Wilsher

RESOLVED, That the Charter Revision Committee Meeting of Monday, August 13, 2009 be **ADJOURNED**.

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

Meeting **ADJOURNED** at 12:10 PM.

Daniel Bliss, Chair

Tonni L. Bartholomew, City Clerk

VACANCIES IN ELECTIVE OFFICE

BALLOT PROPOSAL 09-03

EXISTING CHARTER LANGUAGE:

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~~ July 1st.

PROPOSED CHARTER LANGUAGE:

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 elected officer desiring to become a candidate for any City elective office, except to succeed oneself, shall resign from the Council prior to July 1st.

PROPOSED BALLOT QUESTION:

Charter Amendment Proposal 09-03

A PROPOSAL TO AMEND THE DATE AN ELECTED OFFICIAL MUST RESIGN FROM OFFICE WHEN DESIRING TO RUN FOR A CITY ELECTED OFFICE, EXCEPT TO SUCCEED ONESELF.

Shall Section 6.2 (g) be amended to establish July 1st as the date by which a City elected official must submit a letter of resignation in order to run for a City elected office (except to succeed oneself) in place of the current requirement that such letter of resignation be filed not later than the deadline for filing his or her candidacy for election to that office with the City Clerk?

NOTE: *PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04, 09-05, 09-06, 09-07, AND 09-08. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.*

Yes:

No:

VACANCIES IN ELECTIVE OFFICE BY LETTER OF RESIGNATION

BALLOT PROPOSAL 09-04

EXISTING CHARTER LANGUAGE:

Section 6.2.1 - Irrevocable Letter of Resignation: – (New Language Proposed)

PROPOSED CHARTER LANGUAGE:

Section 6.2.1 - Irrevocable Letter of Resignation:

Before the expiration of the term of any City elected office, an elected official may file an irrevocable letter of resignation with the City Clerk effective no later than the date the successor takes office. An elected official who wants to run for a City office different from the office currently held may file a letter of irrevocable resignation effective no later than the date the successor takes office, prior to July 1st and pursuant to Section 6.2(g). City Council shall declare vacant the elective office as of the effective date set forth in the letter of resignation and shall direct the City Clerk to place the vacant office on the next election under the following circumstances:

- (a) An elected official who wants to run for a City office different from the office currently held may file a letter of irrevocable resignation prior to July 1st to allow for the future vacancy created to be placed on the next Regular Election ballot.
- (b) An elected official may file a letter of irrevocable resignation prior to July 1st to allow for the future vacancy created to be placed on the next Regular Election ballot.
- (c) An elected official may file a letter of irrevocable resignation prior to April 1st in even-years to allow for the future vacancy to be placed on the next Primary Election ballot.

PROPOSED BALLOT QUESTION:

Charter Amendment Proposal 09-04

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2 – TO ADD NEW PROVISIONS 6.2.1 (A), (B) AND (C) TO ALLOW ELECTED OFFICIALS TO RESIGN FROM CITY OFFICE BY AN IRREVOCABLE LETTER OF RESIGNATION AND ESTABLISH TIME FRAMES FOR PLACEMENT OF THE RESULTING VACANCY ON THE NEXT AVAILABLE ELECTION.

Shall Section 6.2 be amended to add new provisions under 6.2.1 (a), (b) and (c), which allow elected officials to resign by irrevocable letter of resignation effective no later than the date the successor takes office, which will commence the first Monday after the election or as stated in the irrevocable letter of resignation?

NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04, 09-06, AND 09-07. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.

Yes:

No:

FILLING VACANCIES IN ELECTIVE OFFICE

BALLOT PROPOSAL 09-05

EXISTING CHARTER LANGUAGE:

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 as provided in Section 7.9 for any balance of the unexpired original term.

If any vacancy in the office of Councilman or Mayor which the Council is authorized to fill is not so filled within thirty (30) days after such vacancy occurs, or if three or more vacancies exist simultaneously in the office of Councilman, such vacancies shall be filled for the respective unexpired terms at a special election, which shall be forthwith called by the City Clerk unless such vacancy or vacancies shall occur and be unfilled less than ninety days prior to a regular election. In connection with any special election to fill a vacancy or vacancies in any elective office no primary election shall be held; candidates shall be nominated by petitions in a manner identical to that provided in Section 7.9; the names of all qualified candidates who file sufficient valid nomination petitions thirty days before such special election shall be certified to the Election Commission and placed on the ballot; and all other provisions of this charter, not inconsistent with this section shall govern.

PROPOSED CHARTER LANGUAGE:

Section 6.7 - Filling Vacancies in Elective Office:

City Council shall fill vacancies of an elective office that are declared vacant pursuant to Section 6.2 within thirty days by a majority vote of the remaining members of the Council, said appointee to hold office until the successor takes office, the election of which shall be on the next available election date.

PROPOSED BALLOT QUESTION:

Charter Amendment Proposal 09-05

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.7 – TO RESTRUCTURE THE APPOINTMENT PROCESS OF A VACANCY IN ELECTED OFFICE WITH CITY COUNCIL APPOINTING A REPLACEMENT MEMBER UNTIL A SUCCESSOR IS ELECTED. THE SUCCESSOR WILL BE ELECTED AT THE NEXT REGULAR OR PRIMARY ELECTION

Shall Section 6.7 be amended to direct City Council to fill vacancies in elective office, pursuant to Section 6.2, until a successor is elected at the next Regular or Primary Election?

NOTE: PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04, 09-06, AND 09-07. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.

Yes:

No:

**FILLING VACANCIES IN ELECTIVE OFFICE CREATED BY AN
IRREVOCABLE LETTER OF RESIGNATION BY REGULAR ELECTION
BALLOT PROPOSAL 09-06**

EXISTING CHARTER LANGUAGE:

Section 6.7.1 – (New Language Proposed)

Section 6.7.1- Filling Vacancies in Elective Office Created by an Irrevocable Letter of Resignation by Regular Election:

Any vacancy of an elective officer that occurs as a result of the receipt of an Irrevocable Letter of Resignation filed prior to July 1st and after April 1st in even-years and prior to July 1st in odd-years shall be filled at the next Regular Election; such vacancy shall be filled for any balance of the unexpired original term.

PROPOSED BALLOT QUESTION:

Charter Amendment Proposal 09-06

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.7 – TO ADD A PROVISION FOR ELECTING A SUCCESSOR TO FILL A MID-TERM VACANCY OF A CITY ELECTED OFFICIAL AT A REGULAR ELECTION

Shall Section 6.7 be amended to add new provisions designated as 6.7.1 to allow for the election of candidates to fill any mid-term vacancy created prior to July 1st and after April 1st in even-years and prior to July 1st in odd-years for the remainder of a City elected office term at the next Regular Election?

NOTE: *PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04, 09-06, AND 09-07. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.*

Yes:

No:

**FILLING VACANCIES IN ELECTIVE OFFICE CREATED BY AN
IRREVOCABLE LETTER OF RESIGNATION BY PRIMARY ELECTION
BALLOT PROPOSAL 09-07**

EXISTING CHARTER LANGUAGE:

Section 6.7.2 - (New Language Proposed)

PROPOSED CHARTER LANGUAGE:

Section 6.7.2- Filling Vacancies in Elective Office Created by an Irrevocable Letter of Resignation by Primary Election:

Any vacancy of an elective officer that occurs as a result of the receipt of an Irrevocable Letter of Resignation filed prior to April 1st in even-years shall be filled at the next Primary Election; such vacancy shall be filled for any balance of the unexpired original term.

PROPOSED BALLOT QUESTION:

Charter Amendment Proposal 09-07

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.7 – TO ADD A PROVISION FOR ELECTING A SUCCESSOR TO FILL A MID-TERM VACANCY OF A CITY ELECTED OFFICIAL AT A PRIMARY ELECTION

Shall Section 6.7 be amended to add new provisions designated as 6.7.2 to allow for the election of candidates to fill any mid-term vacancy created prior to April 1st in even-years for the remainder of a City elected office term at the next Primary Election?

NOTE: *PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04, 09-06, AND 09-07. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.*

Yes:

No:

NOMINATIONS

BALLOT PROPOSAL 09-08

EXISTING CHARTER LANGUAGE:

Section 7.9- Nominations:

The method of nomination of all City elective office candidates at ~~city~~ elections shall be by petition. Each petition may comprise one or more pages. The petition for each candidate must be signed by not less than sixty registered electors of the City.

Nomination petitions for candidates for ~~regular city~~ elections are to be filed with the Clerk on or before 4 o'clock p.m. of the one hundredth (100th) day preceding the City next election ~~for each election year~~.

The Clerk shall, prior to every election, publish notice of the last day permitted for filing nomination petitions and of the number of persons to be elected to each office, at least one week and not more than three weeks before such day.

PROPOSED CHARTER LANGUAGE:

Section 7.9- Nominations:

The method of nomination of all City elective office candidates at elections shall be by petition. Each petition may comprise one or more pages. The petition for each candidate must be signed by not less than sixty registered electors of the City.

Nomination petitions for candidates for elections are to be filed with the Clerk on or before 4 o'clock p.m. of the one hundredth (100th) day preceding the next election.

The Clerk shall, prior to every election, publish notice of the last day permitted for filing nomination petitions and of the number of persons to be elected to each office, at least one week and not more than three weeks before such day.

PROPOSED BALLOT QUESTION:

Charter Amendment Proposal 09-08

A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 7.9 – NOMINATIONS - TO PERMIT THE ELECTION OF CANDIATES FOR CITY OFFICES AT ANY AVAILABLE ELECTION.

Shall Section 7.9 be amended to remove the references to specific elections to provide for the nomination of any candidate for City elected office to be placed on Regular or Primary Elections?

NOTE: *PASSAGE OF THIS PROPOSAL IS NECESSARY FOR THE PASSAGE OF PROPOSALS 09-04, 09-06, AND 09-07. DEFEAT OF ANY ONE OR MORE OF PROPOSALS 09-03, 09-04, 09-05, 09-06, 09-07, AND 09-08 WILL RESULT IN DEFEAT OF PROPOSALS 09-04, 09-06, AND 09-07.*

Yes:

No: