



## CITY COUNCIL ACTION REPORT

TO: Members of Troy City Council

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

SUBJECT: City Charter Amendments

### Background:

- City Council approved six charter amendment ballot questions, which were submitted to the Governor, Attorney General, Secretary of State, and Oakland County Clerk, prior to the filing deadline of August 25, 2009.
- Subsequently, the Attorney General's Office has reviewed the proposed charter amendment ballot questions, and has requested minor modification to the proposals. Modifications do not substantively change the approved ballot questions.
- The Attorney General's Office has required a format change to include the charter language, if approved by the voters. Therefore, since City Council's original motion approved the ballot language as to form, Council will need to take action on these non-substantive revisions.
- The Attorney General's Office has indicated that City Council can approve all six ballot questions as an attachment, therefore requiring only one motion to approve all six ballot questions for placement on the November 3, 2009 General Election.
- Due to the lateness of the communication from the Attorney General's Office, the proposed ballot questions, as revised by the Attorney General's Office, will be submitted in a separate delivery on Friday, August 28, 2009. This allowed for State approval prior to submitting the revisions in the agenda packet. It is anticipated that the State will not require further amendments to the proposed ballot questions.

### Suggested Resolution:

RESOLVED, That the Troy City Council hereby **APPROVES** as to form the six ballot questions, as set forth in the attached document, for placement on the November 3, 2009 General Election Ballot, with a copy to be **ATTACHED** to the Original Minutes and **DIRECTS** the City Clerk to forward this Resolution, with attachments, to the Governor, Secretary of State, Attorney General, and Oakland County Clerk.

## **BALLOT QUESTION 1**

### **PROPOSED AMENDMENT TO THE TROY CITY CHARTER, SECTION 3.7 - ELECTION OF MAYOR PRO TEM.**

Shall Section 3.7 be amended to provide that the Mayor Pro Tem be elected by the Council from among its members, annually in November, rather than in November in every odd-numbered year?

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

### **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.

### **CHARTER LANGUAGE IF ADOPTED BY VOTERS:**

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

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

## BALLOT QUESTION 2

### **PROPOSED AMENDMENT TO THE TROY CITY CHARTER, SECTION 3.10 - CITY MANAGER; APPOINTMENT AND QUALIFICATION.**

Shall Section 3.10 be amended to delete the requirement that the Troy City Manager reside in the City (which is not enforceable under current State Law) and to substitute in its place a requirement that the City Manager shall reside within 20 miles of the City unless by law the City Manager is permitted to reside in a location even more distant from the City?

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

#### **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.

#### **CHARTER LANGUAGE IF ADOPTED BY VOTERS:**

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

The City Manager shall be the Chief Administrative Officer of the City. He or she shall be selected on the basis of fitness and ability alone. At the time of his or her appointment, he or she need not be a resident of the City or State, but during the tenure of his or her office, he or she shall reside within 20 miles of the City, unless otherwise provided for under State Law. A vacancy in this office shall be filled by the City Council within one hundred and twenty (120) days.

### **BALLOT QUESTION 3**

#### **PROPOSED AMENDMENT TO SECTION 6.2(g) OF THE TROY CITY CHARTER- VACANCIES IN ELECTIVE OFFICE.**

Shall Section 6.2(g) be amended by deleting the requirement that a City Council member seeking to be a candidate for any other City elective office shall resign from the Council prior to the filing deadline for the municipal election and substituting in its place a requirement that a City Council member seeking to be a candidate for any other City elective office shall file with the City Clerk, prior to July 1<sup>st</sup> an irrevocable letter of resignation to allow for the future vacancy created to be placed on the next November Election ballot?

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

#### **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.

#### **PROPOSED REVISED CHARTER LANGUAGE:**

##### **Section 6.2 - Vacancies in Elective Office:**

(g) Any member of City Council who wants to run for a City elective office different from the office currently held shall file an irrevocable letter of resignation effective no later than the date and time the successor takes office. The letter of irrevocable resignation shall be filed with the City Clerk prior to July 1<sup>st</sup> to allow for the future vacancy created to be placed on the next Regular Election ballot.

## **BALLOT QUESTION 4**

**PROPOSED ADDITION TO THE TROY CITY CHARTER, SECTION 6.2.1- IRREVOCABLE LETTER OF RESIGNATION, TO ALLOW ELECTED OFFICIALS TO RESIGN FROM CITY OFFICE WITH AN IRREVOCABLE LETTER OF RESIGNATION FOR SOME TIME IN THE FUTURE AND TO ESTABLISH TIME FRAMES FOR PLACEMENT OF THE RESULTING VACANCY ON THE NEXT AVAILABLE ELECTION.**

Shall Section 6.2 be amended to add a new provision, designated as Section 6.2.1, to allow elected officials to resign with an 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 CONDITIONED UPON THE PASSAGE OF BALLOT QUESTIONS 5 AND 6 IN THIS ELECTION.***

Yes:

No:

### **EXISTING CHARTER LANGUAGE:**

**Section 6.2.1 - Irrevocable Letter of Resignation: (No existing provisions- section to be added to existing charter provisions)**

### **CHARTER LANGUAGE IF ADOPTED BY VOTERS:**

#### **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. 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 November or even year August Election under the following circumstances:

- (a) An elected official may file an irrevocable letter of resignation prior to July 1st to allow for the future vacancy created to be placed on the next November Election ballot.
  
- (b) An elected official may file an irrevocable letter of resignation prior to April 1st in even-years to allow for the future vacancy to be placed on the next even year August Election ballot.

## BALLOT QUESTION 5

### **PROPOSED AMENDMENT TO THE TROY CITY CHARTER, SECTION 6.7 - FILLING VACANCIES IN ELECTIVE OFFICE.**

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 November or even year August Election?

Yes:

No:

#### **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 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.

#### **CHARTER LANGUAGE IF ADOPTED BY VOTERS:**

##### **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 30 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 November or even year August Election date.

## **BALLOT QUESTION 6**

### **PROPOSED AMENDMENT TO THE TROY CITY CHARTER, SECTION 7.9 - NOMINATIONS.**

Shall Section 7.9 be amended to require the filing deadline for any City elective office to be 100 days prior to any election where City candidates are elected, instead of 100 days prior to the November City election, as currently provided?

Yes:

No:

### **EXISTING CHARTER LANGUAGE:**

#### **Section 7.9- Nominations:**

The method of nomination of all 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 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.

### **CHARTER LANGUAGE IF ADOPTED BY VOTERS:**

#### **Section 7.9- Nominations:**

The method of nomination of all City elective office candidates for election 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.

**RED LINED VERSION OF PROPOSED REVISIONS AFTER  
COUNCIL APPROVAL**

(Deletions are done with strike-thru, Additions appear in red)

**BALLOT QUESTION 1 (as authorized by Resolution 2009-07-217):**

~~A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 3.7 –  
TO PROVIDE THAT THE MAYOR PRO TEM SHALL BE ELECTED BY  
THE COUNCIL MEMBERS ANNUALLY, RATHER THAN NOVEMBER IN  
EVERY ODD-NUMBERED YEAR.~~

**PROPOSED AMENDMENT TO THE TROY CITY CHARTER, SECTION  
3.7 - ELECTION OF MAYOR PRO TEM.**

Shall Section 3.7 be amended to provide that the Mayor Pro Tem be  
elected by the Council from among its members, annually in November,  
rather than in November in every odd-numbered year?

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

**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.

**CHARTER LANGUAGE IF ADOPTED BY VOTERS:**

**Section 3.7 - Election of Mayor Pro Tem:**

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

**BALLOT QUESTION 2 (as authorized by Resolution 2009-07-218):**

**~~A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 3.10 – TO AMEND THE RESIDENCY REQUIREMENT FOR THE TROY CITY MANAGER, WHICH IS NOT ENFORCEABLE UNDER STATE LAW, AND REPLACE WITH STATUATORILY ALLOWABLE RESIDENCY REQUIREMENTS.~~**

**PROPOSED AMENDMENT TO THE TROY CITY CHARTER, SECTION 3.10- CITY MANAGER; APPOINTMENT AND QUALIFICATION.**

Shall Section 3.10 be amended to delete the requirement that the Troy City Manager reside in the City (which is not enforceable under current State Law) and to substitute in its place a requirement that the City Manager shall reside within 20 miles of the City unless by law the City Manager is permitted to reside in a location even more distant from the City?

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

**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.

**CHARTER LANGUAGE IF ADOPTED BY VOTERS:**

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

The City Manager shall be the Chief Administrative Officer of the City. He or she shall be selected on the basis of fitness and ability alone. At the time of his or her appointment, he or she need not be a resident of the City or State, but during the tenure of his or her office, he or she shall reside within 20 miles of the City, unless otherwise provided for under State Law. A vacancy in this office shall be filled by the City Council within one hundred and twenty (120) days.

**BALLOT QUESTION 3 (as authorized by Resolution 2009-08-255):**  
**A PROPOSAL TO AMEND THE TROY CITY CHARTER SECTION 6.2(g)**  
**– VACANCIES IN ELECTIVE OFFICE TO ALLOW FOR CONTINUED**  
**SERVICE FOR SITTING COUNCIL MEMBERS SEEKING ANOTHER**  
**ELECTED CITY OFFICE UNTIL THE SEATING OF THE NEW COUNCIL.**

**PROPOSED AMENDMENT TO THE TROY CITY CHARTER, SECTION 6.2 (g) - VACANCIES IN ELECTIVE OFFICE.**

Shall Section 6.2(g) be amended by deleting the requirement for ~~that~~ a City Council member seeking to be a candidate for any other City elective office ~~shall~~ resign from the Council prior to the filing deadline for the municipal election and ~~submitting~~ ~~substituting~~ in its place a requirement that a City Council member ~~seeking to be a candidate for any other City elective office~~ shall file with the City Clerk, prior to July 1<sup>st</sup> an irrevocable letter of resignation to allow for the future vacancy created to be placed on the next ~~Regular~~ **November** Election Ballot?

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

**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.

**PROPOSED REVISED CHARTER LANGUAGE:**

**Section 6.2 - Vacancies in Elective Office:**

(g) Any member of City Council who wants to run for a City **elective** office different from the office currently held shall file an irrevocable letter of resignation effective no later than the date and time the successor takes office. The letter of irrevocable resignation shall be filed with the City Clerk prior to July 1<sup>st</sup> to allow for the future vacancy created to be placed on the next **Regular November** Election ballot.

**BALLOT QUESTION 4 (as authorized by Resolution 2009-08-242):**

~~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.~~

**PROPOSED ADDITION TO THE TROY CITY CHARTER, SECTION 6.2.1 - IRREVOCABLE LETTER OF RESIGNATION, TO ALLOW ELECTED OFFICIALS TO RESIGN FROM CITY OFFICE WITH AN IRREVOCABLE LETTER OF RESIGNATION FOR SOME TIME IN THE FUTURE AND TO ESTABLISH TIME FRAMES FOR PLACEMENT OF THE RESULTING VACANCY ON THE NEXT AVAILABLE ELECTION.**

Shall Section 6.2 be amended to add a new provisions ~~under~~ **designated as** 6.2.1 (a), (b) and (c), ~~which~~ **to** 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 LOCAL BALLOT QUESTIONS 5 AND 6. DEFEAT OF ANY ONE OR MORE OF BALLOT QUESTIONS 4, 5, OR 6 WILL RESULT IN DEFEAT OF ALL THREE BALLOT QUESTIONS 4, 5, AND 6.**~~

**NOTE: PASSAGE OF THIS PROPOSAL IS CONDITIONED UPON THE PASSAGE OF BALLOT QUESTIONS 5 AND 6 IN THIS ELECTION.**

Yes:

No:

**EXISTING CHARTER LANGUAGE:**

**Section 6.2.1 - Irrevocable Letter of Resignation: (No existing provisions- section to be added to existing charter provisions)**

## CHARTER LANGUAGE IF ADOPTED BY VOTERS:

### **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 Regular **November or even year August** 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 **November or even year August** 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 Regular **November or even year August** Primary Election ballot.

**BALLOT QUESTION 5 (as authorized by Resolution 2009-08-243):**

~~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 AUGUST PRIMARY ELECTION.~~

**PROPOSED AMENDMENT TO THE TROY CITY CHARTER, SECTION 6.7- FILLING VACANCIES IN ELECTIVE OFFICE.**

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 ~~November~~ or ~~even year~~ August Primary Election?

~~**NOTE: PASSAGE OF THIS BALLOT QUESTION IS NECESSARY FOR THE PASSAGE OF BALLOT QUESTIONS 4 AND 6. DEFEAT OF ANY ONE OR MORE OF BALLOT QUESTIONS 4, 5, AND 6 WILL RESULT IN DEFEAT OF ALL THREE BALLOT QUESTIONS 4, 5, AND 6.**~~

Yes:

No:

**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 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.

**CHARTER LANGUAGE IF ADOPTED BY VOTERS:**

**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 30 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-~~ **November or even year August** election date.

**BALLOT QUESTION 6 (as authorized by Resolution 2009-08-254):**

~~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.~~

**PROPOSED AMENDMENT TO THE TROY CITY CHARTER, SECTION  
7.9- NOMINATIONS.**

Shall Section 7.9 be amended to require the filing deadline for any City elective office to be 100 days prior to any election where City candidates are elected, instead of 100 days prior to the November City Election, as currently provided? ~~remove the references to specific elections to provide for the nomination of any candidate for City elected office to be placed on Regular, August Primary or Special Election Ballots?~~

**~~NOTE: — PASSAGE OF THIS BALLOT QUESTION IS NECESSARY  
FOR THE PASSAGE OF BALLOT QUESTIONS 4 AND 5.  
DEFEAT OF ANY ONE OR MORE OF BALLOT QUESTIONS  
4, 5 OR 6 WILL RESULT IN DEFEAT OF ALL THREE BALLOT  
QUESTIONS 4, 5 AND 6.~~**

Yes:

No:

**EXISTING CHARTER LANGUAGE:**

**Section 7.9- Nominations:**

The method of nomination of all 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 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.

## **CHARTER LANGUAGE IF ADOPTED BY VOTERS:**

### **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.