

CHARTER REVISION COMMITTEE MINUTES - Draft**August 13, 2009**

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

No: None

Absent: Solomon

MOTION CARRIED**APPROVAL OF MINUTES: July 13, 2009**

Member Bernardi made a correction to the minutes regarding her statements listed on pages two and four. She also noted that she voted incorrectly on Resolution CR-09-07-018 and had emailed the City Council about this.

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 is being proposed to reduce the complexity of the ballot questions and reducing the number of ballot questions. Originally, 6.2(g) was being considered for a major amendment to accommodate the request of Council, however looking at the potential impacts of the amendment and the difficulty writing 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 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 Wilshire 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 the 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 that there is more flexibility with this election than there was 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 intended 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 are new language. They 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 but proposed the time constraints for placement of a vacancy on 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.

Member Weisgerber discussed the importance of the area’s demographic changes since the original drafting of the City Charter and believes that the demographic changes should be given important consideration in Charter deliberations. He specifically referenced the change in the City’s Registered Voter population; noting that there were 3,805 Registered Voters when the Charter was established. The City now has 55,816 Registered Voters. He referenced the number of signatures required to file a nominating petition as being 60 or roughly 1.6% of the 3,805 City’s Registered Voters when the Charter was adopted in 1955. If the percentage suggestion was utilized today to determine the number of signatures required to file a nomination petition, a candidate would be required to file 893 City of Troy Registered Voter signatures. He believes that the Charter requirement regarding the nomination petition signatures should be reviewed to consider using a percentage calculation to maintain the original intent of the City Charter.

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 three sections that are independent to the irrevocable letter of resignation proposals. The proposed modifications, specifically 6.2(g) could be moved forward and could 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 not be able to make an appointment and Section 7.9 directs the placement on a November odd-year ballot. Section 6.7 is the proposal that 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 in 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 the starting point with suggestions. She suggested that the Committee review the document and that the proposal be placed on the next agenda for deliberation and possible adoption. Ms. Bartholomew also noted that the document would be adopted as the Rules for the current committee. Should there be a change in the membership or at anytime the committee desires the document should be updated to reflect the will of the body the document is intended to govern.

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