



## MEMORANDUM

TO: Members of the Troy City Council  
FROM: John Szerlag, City Manager  
Lori Grigg Bluhm, City Attorney  
Tonni L. Bartholomew, City Clerk  
DATE: September 9, 2009  
SUBJECT: Ballot Question Brochure

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The attached explanatory brochure for the November 3, 2009 election has been prepared, as directed by City Council. The brochure follows the yes/ no format used for previous brochures. Through cooperative efforts, we were able to fit the descriptions so that it could be reproduced on two double sided 8 ½ x 11 pages. We have also created it with a two color format, as requested.

Official approval of the ballot language has not yet been received from the Governor and the Attorney General. However, approval is anticipated in the immediate future. City Administration does not foresee any significant change to the proposals, as part of the Governor's approval. Due to the very tight time frame, the brochure must be finalized by September 14, 2009 in order to mail the brochure in advance of the absentee ballots.

Please let us know if you have any questions concerning the above.

**Vote**

City of Troy  
500 W Big Beaver  
Troy, MI 48084-5285

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PERMIT NO. 19

**November 3, 2009 Election  
Informational Brochure  
For the Registered Voters at:**



**CITY OF TROY GENERAL ELECTION DATES:**

**Election Day: Tuesday, November 3, 2009**

Polls are open from **7:00 AM** until **8:00 PM**

**Last day to Register to Vote: Monday, October 5, 2009**

**The City Clerk's Office will be open:**

**Saturday, October 31, 2009**

**10:00 AM** until **2:00 PM**

for **ABSENTEE BALLOTING**

**In addition to the six (6) Charter Amendment Proposals, your November ballot will contain candidates for three (3) City Council terms and school board candidates for the following school districts:**

<b>Troy City Council:</b>	Three (3) City Council Positions	4-Year Terms
<b>Avondale School District:</b>	Four (4) Members of the Board of Education	4-Year Terms
<b>School District for the City of Birmingham:</b>	One (1) Member of Board of Education	4-Year Term
<b>School District for the City of Royal Oak:</b>	Two (2) Members of the Board of Education	4 -Year Terms
<b>Troy School District:</b>	Two (2) Members of the Board of Education	4-Year Terms
	Two (2) Members of the Board of Education	6-Year Terms

**NOTE:** If you are unsure of your school district, need an Absentee Ballot or have any other questions, please contact the Troy City Clerk's Office at: (248) 524-3316 or [elections@troymi.gov](mailto:elections@troymi.gov)

**PROPOSAL 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 \_\_\_

<b>YES</b>	A YES vote means that the City Council would elect the Mayor Pro Tem annually for a one-year term. This election will occur at the first City Council meeting every November.	<b>NO</b>	A NO vote means that the Mayor Pro Tem would continue to be elected by the City Council for a two-year term. This election will occur at the first City Council meeting every odd-year November.
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**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.

**PROPOSAL 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?

<b>YES</b>	A YES vote means that Charter language will be brought into compliance with Michigan law and provide for the City Manager to reside within 20 miles of the City unless the City Manager is permitted to reside in a location more distant from the City due to certain circumstances as provided for by Michigan Law.	<b>NO</b>	A NO vote means that the Charter will remain in conflict with the Michigan Law. Michigan law takes precedence over the City of Troy Charter, and would therefore preclude the requirement for the City Manager to live within the City boundaries.  The City Manager would not have any residency restrictions.
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**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.

**PROPOSAL 3**

**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 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 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 \_\_\_

<b>YES</b>	A YES vote means that a Council member wishing to run for any other City office must resign from Council prior to July 1 <sup>st</sup> . They could resign with an irrevocable letter of resignation for a date in the future. The Council member would continue to serve until the replacement Council member takes office.	<b>NO</b>	A NO vote means that a Council member wishing to run for any other City office must resign from Council prior to the Council filing deadline. The current Charter may not be enough time for the Charter required notice of the vacancy publication prior to the filing deadline. Under the Charter, Council could fill the vacancy by appointment. If Council is unable to appoint a replacement, a Special Election to fill the vacancy could be required.
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**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.

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

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

<b>YES</b>	A YES vote means that a Council member wishing to resign from Council at a date in the future can submit a irrevocable letter of resignation to allow the future vacancy to be filled by the voters for the remainder of the unexpired term.	<b>NO</b>	A NO vote means that a Council member wishing to resign from Council could submit a letter of resignation and the Council could appoint an individual to fill the vacancy for the remainder of the unexpired term. If Council was unable to make an appointment, a Special Election to fill the vacancy could be required.
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**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.

**PROPOSAL 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 \_\_\_

<b>YES</b>	A YES vote means City Council could appoint members to fill vacancy City elected offices only until the next regularly scheduled election, where the replacement Council member would be elected by the voters.	<b>NO</b>	A NO vote means that the City Council could fill any vacancies of City elected offices by appointment of a member for the remainder of the term. If City Council was unable to make an appointment, a Special Election could be required to fill the vacancy.
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**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.

**PROPOSAL 6**

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

Shall Section 7.9 be amended to remove the references to specific elections by requiring 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 \_\_\_

<b>YES</b>	A YES vote means that City elected offices could be placed on any available election ballot. Under State law elections may only be scheduled in February, May, August and November.	<b>NO</b>	A NO vote means City elected offices could only be elected in November of odd-years. However, under Charter specified circumstances, a Special Election could also be scheduled in February, May or August.
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**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.