

Whereas, Section 12.2 of the City Charter currently reads:

### **Eligibility for City Office-General Qualifications**

SECTION 12.2. Except as otherwise provided in this charter, a person is eligible to hold a City office if the person has been a registered elector of the City, or of territory annexed to the City or both, and, in the case of a Council Member, a resident of the ward from which elected, for at least one year immediately preceding election or appointment. This requirement may be waived as to appointive officers by resolution concurred in by not less than seven members of the Council.

Whereas, The City's durational residency and registered voter eligibility requirements for elective officers have been determined invalid and unenforceable by decisions of the United States District Court;

Whereas, Section 2 of Act 212 of 1999 (the "Act") establishes residency requirements for public employees, including those employees identified in Section 12.1 of the Ann Arbor City Charter;

Whereas, Section 2(4) of the Act specifically exempts unpaid appointed officials from the residency requirements of the Act and allows eligibility to be established pursuant to charter or ordinance; and

Whereas, It is necessary to establish valid and enforceable eligibility requirements for elective and paid and unpaid appointed officers of the City;

RESOLVED, That it is proposed to amend Section 12.2 of the City Charter by modifying the first sentence of Section 12.2 and inserting a new sentence immediately after it and separating the two sentences as a separate subsection from the remainder of the paragraph, to read as follows:

Except as otherwise provided in this charter, a person is eligible to hold an elected City office if the person on the date of filing of that person's nominating petition for election or when nominated by a party caucus has been is (i) a registered elector of the City, or of territory annexed to the City or both, and, (ii) in the case of a Council Member, a resident registered elector of the ward from which elected. for at least one year immediately preceding election or appointment. To be eligible for appointment to fill a vacancy in an elected office, a person must be a registered elector of the City, and, in the case of a Council Member, of the ward, on the date of appointment.

and that the proposed amendment above shall be placed on the ballot in the following form and submitted to the voters at the next general city election:

CHARTER AMENDMENT 1  
ANN ARBOR CITY CHARTER AMENDMENT ESTABLISHING  
ELIGIBILITY REQUIREMENTS FOR ELECTED CITY OFFICES

Shall SECTION 12.2 OF the Charter be amended to require a person seeking elective City offices on the date they file their nominating petition with the City Clerk, or ~~on the date of nomination by a party caucus, or~~ on the date of appointment to fill a vacancy be a registered elector of the City, and in the case of a Council member the ward they are seeking to represent?,

Yes                       No

RESOLVED, That it is proposed to amend Section 12. 2 of the City Charter by modifying the second sentence of Section 12.2 and inserting a new sentence immediately before it and separating the two sentences as a separate subsection from the remainder of the paragraph, to read as follows:

Residency eligibility requirements for paid appointed officers shall be in accordance with State law. An unpaid appointive officer to a board or commission established pursuant to law, this charter, or ordinance shall be eligible for appointment if he/she is a registered elector of this City, unless~~†~~this requirement ~~may be is~~ waived ~~as to appointive officers~~ by a resolution concurred in by not less than seven members of the Council.

and that the proposed amendment above shall be placed on the ballot in the following form and submitted to the voters at the next general city election:

CHARTER AMENDMENT 2  
ANN ARBOR CITY CHARTER AMENDMENT ESTABLISHING  
ELIGIBILITY REQUIREMENTS FOR PAID AND UNPAID APPOINTED CITY OFFICES

Shall SECTION 12.2 OF the Charter be amended to ACKNOWLEDGE ~~comply with~~ State law residency requirements for paid appointed officials and require a person nominated for a board or commission unpaid appointed office to be a registered elector of the City on the date of appointment unless waived by resolution of Council?

Yes                       No

STATEMENT OF PURPOSE

The proposed amendment ~~revises Section 12.2~~ acknowledges residency requirements for paid appointed officials (i.e. public employees) are subject to State law and establishes a residency requirement for unpaid appointed City board and commission

officials while retaining the existing authority of City Council to waive this requirement by a vote of Council.

RESOLVED, That if Charter Amendment 1 is adopted by the voters but Charter Amendment 2 is not adopted that Section 12.2 shall read as follows:

### Eligibility for City Office-General Qualifications

#### SECTION 12.2.

(a) Except as otherwise provided in this charter, a person is eligible to hold an elect City office if the person on the date of filing of that person's nominating petition for election or when nominated by a party caucus has been is (i) a registered elector of the City, ~~or of territory annexed to the City or both,~~ and, (ii) in the case of a Council Member, a resident registered elector of the ward from which elected, ~~for at least one year immediately preceding election or appointment. To be eligible for appointment to fill a vacancy in an elected office, a person must be a registered elector of the City, and, in the case of a Council Member, of the ward, on the date of appointment.~~

(b) This requirement may be waived as to appointive officers by resolution concurred in by not less than seven members of the Council.

RESOLVED, That if Charter Amendment 2 is adopted by the voters but Charter Amendment 1 is not adopted that Section 12. 2 shall read as follows:

#### SECTION 12.2.

(a) Except as otherwise provided in this charter, a person is eligible to hold a City office if the person has been a registered elector of the City, or of territory annexed to the City or both, and, in the case of a Council Member, a resident of the ward from which elected, for at least one year immediately preceding election or appointment.

(b) Residency eligibility requirements for paid appointed officers shall be in accordance with State law. An unpaid appointive officer to a board or commission established pursuant to law, this charter, or ordinance shall be eligible for appointment if he/she is a registered elector of this City, unless ~~if~~ this requirement may be is waived ~~as to appointive officers~~ by a resolution concurred in by not less than seven members of the Council.

RESOLVED, That if Charter Amendment 1 and 2 are adopted by the voters that Section 12.2 shall read as follows:

### Eligibility for City Office-General Qualifications

SECTION 12.2.

(a) Except as otherwise provided in this charter, a person is eligible to hold an elected City office if the person on the date of filing of that person's nominating petition for election or when nominated by a party caucus has been is (i) a registered elector of the City, or of territory annexed to the City or both, and, (ii) in the case of a Council Member, a resident registered elector of the ward from which elected, for at least one year immediately preceding election or appointment. To be eligible for appointment to fill a vacancy in an elected office, a person must be a registered elector of the City, and, in the case of a Council Member, of the ward, on the date of appointment.

(b) Residency eligibility requirements for paid appointed officers shall be in accordance with State law. An unpaid appointive officer to a board or commission established pursuant to law, this charter, or ordinance shall be eligible for appointment if he/she is a registered elector of this City, unless this requirement may be is waived as to appointive officers by a resolution concurred in by not less than seven members of the Council.

RESOLVED, That November 4, 2014, be designated as the day for holding an election on the proposed Charter amendment;

RESOLVED, That the Clerk shall transmit a copy of the proposed amendments to the Attorney General and the Governor of Michigan and shall perform all other acts required by the law for holding the election.