Legislation Text

File #: 15-0903, **Version:** 2

Resolution to Order Election, Approve Charter Amendment of the Ann Arbor City Charter Section for Election of Mayor and City Council Members Increasing the Term Of Office for each Member of Council, Including the Mayor, from Two to Four Years and Determine the Ballot Language for this Amendment (**7 Votes Required**)

MCL 117.21 of the Home Rule City Act provides that amendment to an existing city charter may be proposed by the legislative body of a city on a 3/5 vote of the members-elect.

The proposed amendment increases the term of office for Mayor and members of City Council from two to four years. It retains the partisan nomination and election process. It also retains staggered terms for members of City Council; however, it does so, on the basis of City Council's adoption by operation of law of the elimination of annual elections, consolidating odd-year and even-year elections, so that elections for City Council are moved to even-years.

The Public Hearing and Resolution to Change to Even Year Elections is proposed for consideration by City Council at its August 6, 2015 regular meeting. Passage of that Resolution is a pre-requisite to placement of this ballot question before the voters at the November 3, 2015 general election. If both the Resolution to Change to Even Year Elections is adopted by City Council and the ballot question to increase the terms of office for the Mayor and City Council members is approved by the voters, the next local primary election would be held in August 2016 for Mayor and five Council seats. The remaining five Council seats would be up for election in 2018. However, if this ballot question fails to be adopted, the provisions of the Resolution to Change to Even Year Elections states it becomes null and void and City would continue to hold elections in odd-years.

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Whereas, Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by three-fifths vote of its members-elect and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election:

Whereas, The resolution must set forth the ballot language for the proposed charter amendment with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition;

Whereas, Section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment, including any separate statement of purpose, shall be limited to 100 words, exclusive of caption, shall be a fair and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment:

Whereas, Section 12.4 of the City Charter currently reads:

Terms of Office

Section 12.4

(a) The term of office of each member of the Council, including the Mayor, except as by this section provided, shall be two years. Such term shall commence on the Monday next following the regular City election at which such officers are elected. The term of the members of the Council elected on April 6, 1992 shall terminate on the Monday next following the regular City election held November 2, 1993. The term of the Mayor and members of the Council elected on April 5, 1993 shall commence on the Monday next following their election and shall terminate on the Monday following the regular City election held on November 8, 1994.

(b) Each appointive officer, except members of City boards and commissions, shall serve at the pleasure of the appointing officer or authority.

(c) All other officers of the City shall serve for the terms specifically stated in this charter or in the law or ordinance creating the office.

(d) With the consent of the Council, an officer may continue provisionally, in office, after the expiration of the term of office, until a successor has been elected or appointed and has qualified for and assumed the duties of the office.

Whereas, Section 13.1 of the City Charter currently reads:

Officers to be Elected

Section 13.1

(a) At the City primary election held in August, 1993, and at the regular City election held in November, 1993, and at each City primary election and regular City election thereafter, one member of the Council shall be nominated and elected from each ward.

(b) At the City primary election held in August, 1994, and at the regular City election held in November, 1994, and at the City primary election and regular City election held in each even numbered year thereafter, a Mayor shall be nominated and elected from the City at large.

Whereas, Section 13.2 of the City Charter currently reads:

Regular City Elections

Section 13.2. A regular City election shall be held on April 5, 1993, on November 2, 1993 and in succeeding years on the first Tuesday following the first Monday in November of each year.

Whereas, Section 13.4 of the City Charter currently reads:

Primary Elections

Section 13.4

(a) A City primary election shall be held on February 15, 1993, on August 3, 1993, and in succeeding years on the first Tuesday following the first Monday in August of each year. If, upon expiration of the time for filing nomination petitions for any elective office, it appears that petitions have been filed for no more than one candidate for the office from each political party nominating candidates therefor, no primary election shall be held with respect to the office. The candidates receiving the highest number of votes of their respective parties at any city primary election shall be declared the nominees for election to the respective offices for which they are candidates. As to any office with respect to which no primary is necessary, persons named in petitions as candidates for election to the office shall be certified by the Clerk to the Election Commission to be placed upon the ballot for th3e next subsequent regular election under the party heading set forth in the nomination petitions for the candidates.

(b) No person who is a sticker candidate for nomination, or whose name is written in on the ballots of any primary election, shall be declared nominated unless that person receives at least fifty votes.

and

Whereas, Lengthening the terms of Mayor and City Council in conjunction with the consolidation of City local elections for these offices to even-year elections provides potential budgetary efficiencies and the potential likelihood of voter turnout for local elections;

RESOLVED, That the following amended charter provision be placed on the ballot and submitted to the voters at the next general city election:

Terms of Office

Section 12.4

(a) The term of office of each member of the Council, including the Mayor, except as by this section provided, shall be ~~two~~ four years. Such term shall commence on the Monday next following the regular City election at which such officers are elected. ~~The term of the members of the Council elected on April 6, 1992 shall terminate on the Monday next following the regular City election held November 2, 1993~~The term of the ~~Mayor and~~ members of the Council elected on ~~April 5, 1993~~November 8, 2016 shall commence on the Monday next following their election and shall terminate on the Monday following the regular City election held on November ~~8~~3, 2020~~1994~~.The term of the Mayor and members of the Council elected November 6, 2018 shall commence on the Monday following the regular City election held on November 8, 2022.

(b) Each appointive officer, except members of City boards and commissions, shall serve at the pleasure of the appointing officer or authority.

(c) All other officers of the City shall serve for the terms specifically stated in this charter or in the law or ordinance creating the office.

(d) With the consent of the Council, an officer may continue provisionally, in office, after the expiration of the term of office, until a successor has been elected or appointed and has qualified for and assumed the duties of the office.

RESOLVED, That the following amended charter provision be placed on the ballot and submitted to the voters at the next general city election:

Officers to be Elected

Section 13.1

(a) At the City primary election held in August, ~~1993~~2016, and at the regular City election held in November, ~~1993~~2016, and at each City primary election and regular City election held in every even numbered year thereafter, one member of the Council shall be nominated and elected from each ward.

(b) At the City primary election held in August, ~~1994~~2018, and at the regular City election held in November, ~~1994~~2018, and at the City primary election and regular City election held in ~~each~~ every second even numbered year thereafter, a Mayor shall be nominated and elected from the City at large.

RESOLVED, That the following amended charter provision be placed on the ballot and submitted to the voters at the next general city election:

Regular City Elections

Section 13.2. A regular City election shall be held ~~on April 5,1993, on November 2, 1993 and in succeeding years~~ on the first Tuesday following the first Monday in November of each even-numbered year.

RESOLVED, That the following amended charter provision be placed on the ballot and submitted to the voters at the next general city election:

Primary Elections

Section 13.4

(a) A City primary election shall be held on ~~February 15, 1993,~~ on August 2~~3~~, ~~1993~~2016, and in succeeding years on the first Tuesday following the first Monday in August of each even-numbered year. If, upon expiration of the time for filing nomination petitions for any elective office, it appears that petitions have been filed for no more than one candidate for the office from each political party nominating candidates therefor, no primary election shall be held with respect to the office. The candidates receiving the highest number of votes of their respective parties at any city primary election shall be declared the nominees for election to the respective offices for which they are candidates. As to any office with respect to which no primary is necessary, persons named in petitions as candidates for election to the office shall be certified by the Clerk

to the Election Commission to be placed upon the ballot for the next subsequent regular election under the party heading set forth in the nomination petitions for the candidates.

(b) No person who is a sticker candidate for nomination, or whose name is written in on the ballots of any primary election, shall be declared nominated unless that person receives at least fifty votes.

RESOLVED, That the proposed Charter amendment shall appear on the ballot in the following form, which includes the statement of purpose:

CHARTER AMENDMENT PROPOSAL NO. 2

AMENDMENT TO INCREASE THE TERMS OF MAYOR AND COUNCIL
FROM TWO TO FOUR YEARS

It is proposed Sections 12.4, 13.1, 13.2 and 13.4 of the Ann Arbor City Charter be amended to provide a four-year term for Mayor and four-year staggered terms for Council members. Currently the Mayor has a two-year term and Council members have two-year staggered terms. City Council's intention, as expressed in its Resolution of August 6, 2015, is for the City to switch to even-year elections (rather than annual elections) commencing in 2016 provided the proposed amendment is adopted by the voter at this election.

Shall this proposed amendment to the Ann Arbor City Charter be adopted?

☐ Yes ☐ No

RESOLVED, That November 3, 2015, be designated as the day for holding an election on the proposed Charter amendment and the City Clerk is directed to give notice of the election and in a manner prescribed by law and to do all things necessary to submit the Charter amendment to a vote of the electors on the designated day as required by law;

RESOLVED, That the Clerk shall transmit a certified copy of this Resolution to the Governor of the State of Michigan for approval of the proposed amendment and transmit a certified copy of this Resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment;

RESOLVED, That the City Clerk be directed to publish the proposed charter amendment in full, together with the existing charter provisions amended as required by law and in accordance with resolution of Council, post the proposed charter amendment in full together with the existing charter provisions to the City's website; and

RESOLVED, That the amendment if adopted, shall take immediate effect.