



Legislation Text

File #: 16-0984, **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.

If the ballot question is approved by the voters, the members of Council elected on November 8, 2016 would continue to serve until their successors were elected November 5, 2018.

Prepared by: Mary Joan Fales, Senior Assistant City Attorney

Sponsored by: Council members Westphal, Warpehoski and Grand

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 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.

Whereas, Voter turnout in even years is significantly and consistently higher than in odd years;

Whereas, Holding the meaningful election of City Council members on a date when turnout is highest is best for strengthening democratic representation;

Whereas, A majority of cities nationally elect their council members to four-year terms;

Whereas, The change in the length of term for the Mayor and Council will result in election administrative cost savings; and

Whereas, In recent Ann Arbor election history most council members are re-elected to a second term when it is sought;

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

Term 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. **Terms of office of members of the Council shall be staggered so that one member of Council nominated from each ward shall stand for election every two years. The Mayor shall be nominated and elected from the City at large.** 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 **Mayor and Council elected on November 8, 2016 shall terminate on the Monday next following the regular City election held November 6, 2018.** ~~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 **November 7, 2017** ~~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~~ **November 3, 2020.**
- (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 deletion of the following charter provision be placed on the ballot and submitted to the voters at the next general election:

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 held 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.~~

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 **in 2017, in 2018,** and of each **every two** year**s thereafter.**

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 **for the purpose of nominating such officers of the City as this Charter provides** shall be held on February 15, 1993, on August 3, 1993, **August 8, 2017,** and in succeeding years on the first Tuesday following the first Monday in August of each year **as provided for in Section 12.4.** 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 for, which includes the statement of purpose:

CHARTER AMENDMENT PROPOSAL NO. 2

AMENDMENT TO INCREASE THE TERM OF THE MAYOR TO FOUR YEARS AND COUNCIL MEMBERS FROM TWO TO FOUR-YEAR STAGGERED TERMS

It is proposed Sections 12.4, 13.2 and 13.4 of the Ann Arbor City Charter be amended and Section 13.1 be deleted 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. If approved by the voters, Mayor and Council members elected November 8, 2016 would serve a two-year term. Council members elected November 7, 2017 would serve a three-year term. Four year terms would commence with 2018 elections.

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

☐ Yes ☐ No

RESOLVED, That November 8, 2016, 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 is 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

As Amended by Ann Arbor City Council on July 7, 2016