

May 23, 2016

Honorable Mayor and Council  
Municipal Building  
Southfield, Michigan 48076

RE: *Proposed City Charter Amendments*

Dear Sirs and Mesdames:

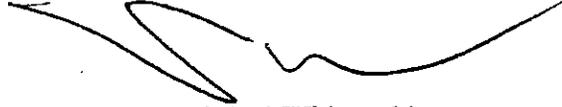
At the May 11, 2015 Committee-of-the-Whole meeting, City Council discussed the consideration of a charter amendment for the November, 2016 ballot, requiring all incumbent, elective officers who become a candidate for any other elective city office to first resign his or her then, incumbent, elective City office. Section 5.3(e) of the Charter currently provides an exception to the requirement that incumbent elective officers who become candidates for any other elective city office to first resign his or her incumbent office; the exception is as follows: "Provided, however, that the provisions hereof shall not apply to any incumbent, elective city officer whose term of office will expire with the election at which he or she is to be a candidate for another elective city office." The discussion at the May 11, 2015 meeting, was that the exception as stated in Section 5.3(e) of the Charter should be removed, thereby requiring all elective officers who desire to become a candidate for any other elective city office, to first resign his or her incumbent elective office. This potential amendment was further discussed with Council at your May 9, 2016 Committee-of-the-Whole meeting.

Additionally, staff discussed with Council at the May 9, 2016 Committee-of-the-Whole meeting, an additional amendment to the last sentence of Section 5.3(e) which currently provides that: "A person shall be deemed a candidate upon the filing of nominating petitions for such office." Staff feels that it is appropriate to amend that sentence to state that a person shall be deemed a candidate upon certification by the City Clerk that the nominating petitions filed by such person are complete and comply with requirements of the Charter and state law.

Attached hereto for your review and possible adoption is a formal resolution which incorporates and provides for the submission of proposed amendments to Chapter V, Section 5.3(e) of the City Charter to the electors of the City at the General Election scheduled for Tuesday, November 8, 2016. In addition, the resolution sets forth the ballot questions which the voters will consider in determining whether to approve these amendments. Changes to current, Charter provisions are indicated by strikeouts of deleted terms.

If you adopt the attached resolution (which requires at least five [5] votes for passage), I will then forward it to the Governor's Office for his approval of the proposed amendments, and to the Attorney General's Office for his approval of the proposed wording of the ballot question as required by law.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Susan P. Ward-Witkowski'. The signature is fluid and cursive, with a large loop at the beginning and a wavy line at the end.

Susan P. Ward-Witkowski  
City Attorney

## RESOLUTION FOR CHARTER AMENDMENTS

At a Regular Meeting of the Southfield City Council held on May \_\_\_\_, 2016, it was moved by \_\_\_\_\_ and seconded by \_\_\_\_\_ that the following Resolution be adopted:

**RESOLVED**, that the City Council of the City of Southfield hereby proposes that Chapter V, Executive Division, of the Charter of the City of Southfield be amended to amend subsection (e) of Section 5.3, Qualifications, to read as follows, which would: 1) eliminate the exception allowing incumbent, elective city officer whose term of office will expire with the election at which he or she is to be a candidate for another elective city officer from having to first resign his or her incumbent, elective city office; and, 2) provide that a person shall be deemed a candidate upon certification by the City Clerk of the person's nominating petitions.

### Sec. 5.3 Qualifications

(a) No person shall be eligible for any elective office of the city, unless he is a duly qualified and registered elector in the city and has continuously resided in the area incorporated into the city for at least one (1) year immediately prior to his appointment to such elective office or the election at which he is a candidate and so remains through his tenure of office.

(b) No person who has been convicted of violating any provision of the election laws of the state or of the city, or who has been convicted, as an adult, of a felony, or of any offense involving a violation of his oath of office, or who is in default to the city, shall be eligible for any city office or employment. A criminal history background check shall be conducted to determine if a person is ineligible for any city office or employment

pursuant to this subsection.

(c) Unless otherwise in this Charter specifically provided, or required by law, no person shall hold simultaneously, any elective or appointive office in the city and any other elective public office, federal, state, county, or otherwise; provided, however, that the foregoing provisions shall not be construed as to bar the appointment of any elective officer of the city from membership on the Oakland County Board of Supervisors or on any joint board or commission having representation from the city and one (10) or more units of government.

(d) Any person, who holds or has held any elective office of the city, shall not be eligible for appointment to a city office or employment for which compensation is paid by the city, except for a position on a city board or commission, until after one (1) year has elapsed following the term for which he was elected. No person shall be a candidate for more than one (1) office on the same ballot at the same election.

(e) No incumbent elective city officer shall become a candidate for any elective city office, except to succeed himself or herself, without first resigning from his or her then incumbent, elective city office. ~~Provided, that the provisions hereof shall not apply to any incumbent, elective officer whose term of office will expire with the election at which he or she is to be a candidate for another elective city office.~~ A person shall be deemed a candidate upon the filing of certification of the person's nominating petitions for such office by the City Clerk.

**BE IT FURTHER RESOLVED**, that the proposed amendments shall be submitted to the qualified electors of the City of Southfield and printed on the ballot in the following form:

SHALL CHAPTER V, EXECUTIVE DIVISION, OF THE CITY CHARTER BE AMENDED TO AMEND SUBSECTION (E) OF SECTION 5.3, QUALIFICATIONS, WHICH WOULD REQUIRE THE RESIGNATION FROM OFFICE BY ANY CITY OFFICER WHO BECOMES A CANDIDATE FOR ANY OTHER ELECTIVE CITY OFFICE, EXCEPT TO SUCCEED HIMSELF OR HERSELF?

SHALL CHAPTER V, EXECUTIVE DIVISION, OF THE CITY CHARTER BE AMENDED TO ESTABLISH THAT A PERSON SHALL BE DEEMED A CANDIDATE FOR OFFICE UPON CERTIFICATION OF THE PERSON'S NOMINATING PETITIONS BY THE CITY CLERK?

**BE IT FURTHER RESOLVED**, that the City Attorney shall forthwith transmit a copy of the proposed amendments to the Governor of the State of Michigan for his approval, and transmit a copy of the foregoing ballot designation of such proposed amendments to the Attorney General of the State of Michigan for his approval as required by law.

**BE IT FURTHER RESOLVED**, that the above ballot question shall be modified, if necessary, to comply with any changes in wording that may be required by the Attorney General, pursuant to M.C.L. 117.21.

**BE IT FURTHER RESOLVED**, that the proposed Charter amendments shall be, and the same is hereby ordered to be submitted to the qualified electors of the City of Southfield at the General Election to be held on the 8<sup>th</sup> day of November, 2016, and, the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit such Charter amendment to the vote of the electors as required by law.

**BE IT FURTHER RESOLVED**, that the proposed amendments together with the question shall be published in full, together with the existing Charter provisions which would be altered thereby as part of the notice of election.

**BE IT FURTHER RESOLVED**, that the proposed amendments in full shall be posted in a conspicuous place in each polling place.

**BE IT FURTHER RESOLVED**, that the City Clerk is hereby directed to give such notice as is required by law of such election and of the registration of the electors entitled to participate therein.

AND BE IT FURTHER RESOLVED, that the canvass and determination of the votes on said question shall be made in accordance with the laws of the State of Michigan and the Charter of the City of Southfield.

AYES:

NAYES:

ABSENT:

ABSTAIN:

I, Nancy L.M. Banks, the duly elected and qualified Clerk of the City of Southfield, County of Oakland, Michigan, do hereby certify that the foregoing resolution was adopted by the Southfield City Council, at a Regular Meeting held on Monday, \_\_\_\_\_, 2016.

DATED: \_\_\_\_\_

\_\_\_\_\_  
NANCY L.M. BANKS, City Clerk