

Approval of Charter Review Committee Ballot Proposals Language

The Honorable Mayor Fournier and
Members of the City Commission:

The Charter Review Committee (CRC) proposes four amendments to the city charter to eliminate a provision requiring certain city commissioners to resign from office as a condition to run for mayor, and secondly, to align the charter recall provisions with state law.

Proposed resolutions have been prepared for your Honorable Body's consideration. The Home Rule City Act requires a supermajority of **five or more votes in the affirmative** to place the measure on the ballot, subject to the review and approval of the attorney general and the governor. The commission can adopt the proposals as presented, amend the language, turn down the proposals, or present the proposals to the electorate at a different election than proposed by the committee (currently Tuesday, November 2, 2021).

Proposal Amending the Charter to Acknowledge State Law on Elections

Two years ago the electors approved revisions eliminating charter provisions in conflict with state law on recall of elected officials. Subsequently, sections 29-39 of Chapter Four were removed from the charter.

This proposal, if adopted, would add a new section 30 to the charter making it clear that in cases of conflict between the charter between state election laws, state election laws would supersede (not limited to recall).

Charter language if adopted:

Chapter Four

Section 30. Notwithstanding any provision in this chapter, when there is a conflict between this chapter and the Michigan Election Law, Public Act 116 of 1954, as amended, or its equivalent, Michigan Election Law controls.

Should the City Commission wish to present this proposal to the electorate, the following resolution is presented for your consideration:

Be it resolved, that the City Clerk shall transmit a copy of the proposal and this resolution to the Governor and to the Attorney General of the State of Michigan for review and approval.

Be it further resolved, that the Clerk shall also publish the current text of the sections of the Charter proposed for amendment or deletion and the proposed text of the Charter amendments and changes in accordance to Michigan law.

Be it further resolved, that once approved by the governor, the proposed Charter amendment proposal be placed before the electors at the municipal election scheduled for Tuesday, November 2, 2021:

PROPOSAL _____

Proposal to Amend the City of Royal Oak Charter to Acknowledge Michigan State Law, Public Act 116 of 1954, as amended, controls elections in Michigan

This proposal, if adopted, would add Section 30 of Chapter 4 of the City of Royal Oak making it clear that state election laws apply to all elections in the city.

Shall this proposal be adopted?

Yes

No

Proposal Amending Chapter 10, Section 3 Allowing the Assessor to Designate a Designee to Attend Board of Review

Based on the input of the City Assessor James Geiermann, the Charter Review Committee is proposing language to amend Chapter 10 (Assessment of Taxes) at Section 3 which requires the city assessor to attend all meetings of the Board of Review. The changes, if adopted, would allow the assessor to designate a designee to attend the meetings instead.

Current charter language:

Chapter Ten – Assessment of Taxes Section 3. The Board of Review shall consist of three qualified electors, who shall be freeholders of the City, to be appointed by the Commission, and who shall not be connected in any other way with the City Administration. The City Assessor shall attend the meetings of the Board of Review and the City Clerk shall act as Secretary of said Board. The Board of Review shall have and exercise all the powers and duties at present or which in the future may be possessed by Boards of Review under the General Laws of the State, except as herein otherwise provided. The Board of Review shall review and equalize the assessment roll of the City. A majority of such Board shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day. They shall have the power and it shall be their duty to examine said assessment roll, and they shall have authority to, and shall correct any errors or deficiencies found therein, either as to the names, valuations, or descriptions; and of their own motion, or on cause shown, may reduce or increase the valuation of any property found on the said roll, and shall add thereto any taxable property in said City that may have been omitted, and shall value the same and shall strike from said roll any property wrongfully thereon, and generally shall perfect said roll in any respect by said Board deemed necessary and proper. [Amended and adopted 11-2-1954]

Charter language if adopted:

Chapter Ten – Assessment of Taxes Section 3. The Board of Review shall consist of three qualified electors, who shall be freeholders of the City, to be appointed by the Commission, and who shall not be connected in any other way with the City Administration. The City Assessor or their designee shall attend the meetings of the Board of Review and the City Clerk shall act as Secretary of said Board. The Board of Review shall have and exercise all the powers and duties at present or which in the future may be possessed by Boards of Review under the General Laws of the State, except as herein otherwise provided. The Board of Review shall review and equalize the assessment roll of the City. A majority of such Board shall constitute a quorum for the transaction of business, but a less number may adjourn from day to day. They shall have the power and it shall be their duty to examine said assessment roll, and they shall have authority to, and shall correct any errors or deficiencies found therein, either as to the names, valuations, or descriptions; and of their own motion, or on cause shown, may reduce or increase the valuation of any property found on the said roll, and shall add thereto any taxable property in said City that may have been omitted, and shall value the same and shall strike from said roll any property wrongfully thereon, and generally shall perfect said roll in any respect by said Board deemed necessary and proper.

Should the City Commission wish to present this proposal to the electorate, the following resolution is presented for your consideration:

Be it resolved, that the City Clerk shall transmit a copy of the proposal and this resolution to the Governor and to the Attorney General of the State of Michigan for review and approval.

Be it further resolved, that the Clerk shall also publish the current text of the sections of the Charter proposed for amendment or deletion and the proposed text of the Charter amendments and changes in accordance to Michigan law.

Be it further resolved, that once approved by the governor, the proposed Charter amendment proposal be placed before the electors at the municipal election scheduled for Tuesday, November 2, 2021:

PROPOSAL _____

Proposal to Amend the City of Royal Oak Charter allowing the city assessor to designate a designee to attend meetings of the Board of Review

Currently the city charter at Chapter Ten [Assessment of Taxes] , Section 3 requires the city assessor to attend meetings of the Board of review. This proposal, if adopted, would allow the City Assessor to designate a designee to attend meetings of the Board of Review

Shall the proposal be adopted?

Yes []

No []

Charter Amendment Eliminating the Requirement of a Public Health Officer

Chapter Three (form of government) at Section 11, specifically mandates six departments: Law, Finance, Public Works, and Service, Public Welfare, Public Safety, and *Public Health*.

Most public health functions have been moved to county governments and the state, and the city of Royal Oak hasn't apparently designated a public health official in decades. The proposal from the Charter Review Committee would remove the department as mandatory. That, nevertheless, would not prohibit the city commission from designating the department in the future should it decide to do so.

In its continuing effort to modernize the charter to reflect current use and traditions in the city, the Charter Review Committee recommends the elimination of this mandatory provision.

***Charter language if adopted,
(changes in red, strikeout are removed language, underlines are added language):***

Chapter Three – Form of Government

Section 11. The administrative functions and powers of the City shall be divided into ~~six~~
~~five~~ departments as follows: Law, Finance, Public Works, and Service, Public Welfare,
~~and~~ Public Safety, ~~and~~ Public Health, subject to modifications as hereinafter provided.

Section 12. There shall be a director of every department who shall have the supervision and control thereof and who, with the exception of the Director of Law, shall be appointed by and be immediately responsible to the City Manager for the administration of the department. The Director of Law shall be responsible to the Commission for the discharge of their duties. Excepting the Department of Law ~~and Public Health~~, the Manager shall be the Director of each and every department of the City, until otherwise provided for by the Commission. [Amended and adopted 11-8-2005]

Section 15. The Commission shall appoint a City Manager, City Clerk, City Treasurer, City Assessor, ~~City Health Officer~~, and Director of Law, each of whom shall be appointed for an indefinite period and be subject to removal by the Commission.

~~Section 32. The Director of Public Health shall be a person of recognized qualifications in public health administration, and shall have and exercise for the City all the powers and authority conferred upon boards of health and health officers by the general laws of the State and by this Charter. It shall be his or her duty to enforce all laws and ordinances pertaining to public health, and such other duties as the Commission may by resolution or ordinance prescribe.~~

Should the City Commission wish to present this proposal to the electorate, the following resolution is presented for your consideration:

Be it resolved, that the City Clerk shall transmit a copy of the proposal and this resolution to the Governor and to the Attorney General of the State of Michigan for review and approval.

Be it further resolved, that the Clerk shall also publish the current text of the sections of the Charter proposed for amendment or deletion and the proposed text of the Charter amendments and changes in accordance to Michigan law.

Be it further resolved, that once approved by the governor, the proposed Charter amendment proposal be placed before the electors at the municipal election scheduled for Tuesday, November 2, 2021:

PROPOSAL _____

Proposal to Amend the City of Royal Oak Charter concerning the Public Health Department and city health officer

This proposal, if adopted, would eliminate language in the charter making the Public Health Department and the position of City Health Officer a mandatory city department and department head.

Shall this proposal be adopted?

Yes
 No

Charter Amendment: Vacancy in the Mayor's Office

This proposal seeks to recognize the current traditions in the city of Royal Oak by formalizing the succession to the mayor's office if a vacancy occurs. It also clarifies a longstanding but silent issue concerning the 'unused' term of any city commissioner with more than two years remaining in their term of office, who is elected by their colleagues to fill the vacancy in the mayor's office.

Over the years, a vacancy in the mayor's office has been filled with the election by the commission of a commissioner serving as mayor *pro tem*. All of the commissioners serving as mayor *pro tem* where in their last two years of their four-year terms. Although the issue has never been presented, the question remains on the rights of the new mayor, once their term was completed, of returning to their former seat as a commissioner. This issue can become more complicated if the vacancy in the mayor *pro tem*'s vacant seat is filled with the appointment of a person to fill that seat.

To prevent these potential issues, the proposed change would mandate that the mayor *pro tem* fill the vacancy in the mayor's office and resign from their seat as a commissioner.

Charter language if adopted, (changes in red, strikeouts are removed language, underlines are added language):

Section 7. In times of public danger or emergency, the Mayor may take command of the police and of such other departments and subordinates as may be deemed necessary by him or her to maintain order and enforce laws. The Commission shall also, at the first regular meeting or upon resignation of the current Mayor pro tem, select a member of the Commission Mayor pro tem, who, during the absence or the disability of the Mayor, shall perform his or her duties and shall act in the name and stead of the Mayor, and shall during the time of such absence or disability, exercise all the duties and possess all the powers of the Mayor.

A vacancy in the office of the Mayor shall be filled by the Mayor pro tem, who shall resign as a City Commissioner and shall hold the office of Mayor until the next biennial municipal election.

...
Section 9. A vacancy on the City Commission, other than the office of Mayor who has a two-year term, shall be filled by appointment by a majority of the remaining members of the Commission. A vacancy in the office of Mayor shall be filled as provided for in Section 7. Such appointee shall hold office until the next biennial municipal election, at which election a successor shall be elected for the unexpired term, if any, of the person in whose office the vacancy occurs, beginning the following third Monday in November.

Should the City Commission wish to present these proposals to the electorate, the following resolution is presented for your consideration:

Be it resolved, that the City Clerk shall transmit a copy of the proposals and this resolution to the Governor and to the Attorney General of the State of Michigan for review and approval.

Be it further resolved, that the Clerk shall also publish the current text of the sections of the Charter proposed for amendment or deletion and the proposed text of the Charter amendments and changes in accordance to Michigan law.

Be it further resolved, that once approved by the governor, the proposed Charter amendment proposal be placed before the electors at the municipal election scheduled for Tuesday, November 2, 2021:

PROPOSAL _____

**Proposal to Amend the City of Royal Oak Charter to have the
Mayor Pro Tem Fill a Vacancy in the Office of the Mayor**

This proposal, if adopted, amending Chapter Three, Section 9, provides that the Mayor *pro tem* would fill any vacancy in the office of the mayor and resign as a city commissioner. Currently, the city commission would appoint a qualified voter of the city to fill a vacancy in the office of mayor.

This proposal would only be effective if Proposal _____ is also adopted at this election.

Shall this proposal be adopted?

Yes []
No []

PROPOSAL _____

Proposal to Amend the City of Royal Oak Charter to Eliminate the Ability of the City Commission to Fill a Vacancy in the Office of the Mayor with a Qualified Voter of the City of Royal Oak

This proposal, if adopted, amending Chapter Three, Section 7, provides that a vacancy in the office of the Mayor would be filled automatically by the current Mayor *pro tem*. Currently, the city commission would appoint a qualified voter of the city to fill a vacancy in the office of mayor. This proposal would eliminate that option.

This proposal would only be effective if Proposal _____ is also adopted at this election.

Shall this proposal be adopted?

Yes []
No []

If you have any questions, please contact our office.

Respectfully submitted,

Anne McClorey McLaughlin

Anne McClorey McLaughlin
Interim City Attorney

Mark O. Liss
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