

COUNCIL COMMUNICATION

RESOLUTION APPROVING BALLOT LANGUAGE FOR CHARTER AMENDMENTS

Manager's Recommendation: Approval of the resolution as follows:

Council _____ offered and moved the adoption of the following resolution:

WHEREAS, the Council of the City of Saginaw, pursuant to the authority granted by Act No. 279 of the Public Acts of 1909, as amended, has determined that it would be in the best interest of the city and would promote good and efficient government to amend certain sections of the City Charter; and

I. FIRST CHARTER BALLOT QUESTION.

WHEREAS, Sections 3, 4, 5, 6, 7, 8, 9, 10 and 11 of Chapter II, Elections, presently read as follows:

Section 3. A non-partisan regular city election shall be held on the first Monday in April in each odd numbered year. Special elections shall be held when called by resolution of the council at least thirty (30) days in advance of such election, or when required by this charter or the general laws of the state. Such resolution shall set forth the purpose of the election.

Regular City elections to be held on the Tuesday after the first Monday in November in the odd years (1970 P.A. 239, MCLA 168.644a et seq., Ordinance Number D-975, Article 4, Chapter II, General Code). Date of special election must be approved by County Election Scheduling Committee (1969 P.A. 322, MCLA 168.639).

Nominating Petitions

Section 4. Candidates for the office of councilman shall be nominated by petition. Nominating petitions on official blanks, signed by not less than fifty (50) nor

Nominating petitions must be filed before 4 p.m. on the seventh Tuesday prior to the election (1970 P.A. 239, MCLA 168.644e, Ordinance Number D-975, Article 4, Chapter II, General Code).

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more than one hundred (100) registered electors of the city shall be filed with the city clerk not later than twelve (12) noon on the fourth Saturday prior to the date of the city election. Official blank petitions shall be prepared by the city clerk and shall be furnished by him upon receipt of consent of the candidate in whose behalf petitions are requested.

Approval of Petitions

Section 5. The city clerk shall accept for filing only such nominating petitions for qualified candidates as are on official blanks and contain the required number of signatures. He shall forthwith determine the sufficiency of the signatures on each petition filed and, if he finds any petition does not contain the required number of legal signatures of registered electors, he shall forthwith notify the candidate, who may file an amended petition not later than five (5) days after the date and hour for filing the original petition. Petitions which are found by the city clerk to contain the required number of signatures of registered electors for qualified candidates shall be marked "Approved," with the date thereof.

Election Procedure

Section 6. The general election laws of the state shall apply to and control, as near as may be, all procedure relating to elections, except as such laws relate to political parties or partisan procedure or require more than one publication of notice and except as otherwise provided by this charter. In any circumstance where the application of said laws may be uncertain, the election commission shall construe the same and prescribe the procedure.

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Canvass of Vote

Section 7. The council shall be the board of canvassers to canvass the votes at all elections under this charter. The council shall meet at seven-thirty (7:30) p.m., on the first Thursday after each election and publicly canvass the election returns, and shall determine the vote upon all questions and propositions and declare whether the same have been adopted or rejected and what persons have been elected at such election. The candidate or candidates (where more than one [1] are to be elected to the same office) who shall receive the greatest number of votes shall be elected.

Superseded by 1963, second extra session P.A. 65, as amended, which created City Board of Canvassers (MCLA 168.30a et seq.).
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Tie Vote

Section 8. If at any municipal election there shall be no choice between candidates by reason of two (2) or more having received an equal number of votes, then the council shall proceed to determine the election of such candidates by lot in the same manner, as near as may be, as shall be provided by the general election laws of the state.

Election Commission

Section 9. The election commission shall consist of the city clerk, the chief of police and the city attorney. The city clerk shall be chairman. The commission shall appoint the inspectors of election and fix their compensation and shall perform all of the duties required of city election commissions by state law or this charter.

Voting Hours

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Section 10. The polls for all elections shall be opened at seven (7) a.m., or as soon thereafter as may be, on election day and remain open until eight (8) p.m. of the same day.

Justice of the Peace

Section 11. Justice of the Peace as established in Act No. 4 of the Public Acts of Michigan of 1917 shall be nominated and elected in accordance with the provisions of this charter regulating the nomination and election of councilmen.

Act No. 4, P.A. 1917, Repealed 1939 P.A. 322 Changed to "Municipal Judge," 1947 P.A. 103 and Council Resolution adopted July 11, 1949. (CP p.355). These judicial duties are performed by the 70 th District Court (MCLA 600.8135).
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And,

WHEREAS, Sections 3, 4, 5, 6, 7, 8, 10 and 11 of Chapter II, Elections, regarding the scheduling and conduct of elections is now covered by Michigan election laws and may be summarized by a modified version of Section 3, to read as follows:

Elections

Section 3. The general election laws of the State of Michigan shall apply to and control, as near as may be, all procedures relating to elections, except as otherwise provided by this charter.

And,

WHEREAS, Section 9 of Chapter II, Elections, regarding the local election commission, may be retained, but improved with gender neutral language, to read as follows:

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Election Commission

Section 9. The Election Commission shall consist of the city clerk, the chief of police and the city attorney. The city clerk shall be chairperson. The commission shall appoint the inspectors of election and fix their compensation and shall perform all of the duties required of city election commissions by state law or this charter.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provisions before the qualified electors of the City of Saginaw to repeal Sections 4, 5, 6, 7, 8, 10 and 11 of Chapter II, Elections and to amend Sections 3 and 9 of Chapter II, Elections.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to repeal Section 4, 5, 6, 7, 8, 10 and 11 and to amend Sections 3 and 9, be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

STATEMENT OF PURPOSE

This amendment deals with those provisions of the City Charter pertaining to elections and offices that are now regulated by state law. This amendment would repeal these provisions. The local Election Commission shall be retained, but the city clerk shall be designated as chairperson, rather than chairman, to modernize the language.

BALLOT QUESTION

Shall Sections 3 and 9 of the charter be amended and shall Sections 4, 5, 6, 7, 8, 10 and 11 be repealed?

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YES _____ NO _____

II. SECOND CHARTER BALLOT QUESTION.

WHEREAS, Section 14 of Chapter III, Governing Body, presently reads as follows:

Qualifications

Section 14. No person shall be eligible for the office of councilman unless he is a duly registered elector in the city and has been a resident of the city or any area annexed thereto for at least three (3) years immediately prior to the election at which he is a candidate.

Section 14 amended (Amendment No. 11)

Effective April 17, 1959

Three-year residency ruled unconstitutional. Hargrove v City of Saginaw. U.S. Federal District Court, 1979.

And,

WHEREAS, Section 14 of Chapter III, Governing Body, regarding the eligibility to become a candidate for council has had its 3-year residency requirement ruled unconstitutional, and the council wishes to replace that with a 1-year residency requirement and to modernize the language, to read as follows:

Qualifications

Section 14. No person shall be eligible for the office of councilperson unless he or she is a duly registered elector in the city and has been a resident of the city or any

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area annexed thereto for at least 1 year immediately prior to the election at which he or she is a candidate.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provision before the qualified electors of the City of Saginaw to amend Section 14 of Chapter III, Governing Body.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Section 14 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

STATEMENT OF PURPOSE

This amendment would reduce the residency requirement from three years to one year to become a candidate for City Council. The office shall be designated as councilperson, rather than councilman, to modernize the language.

BALLOT QUESTION

Shall Section 14 of the charter be amended?

YES _____ NO _____

III. THIRD CHARTER BALLOT QUESTION.

WHEREAS, Sections 18 and 21 of Chapter IV, Legislation, presently reads as follows:

Regular Meetings

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Section 18. The council shall meet at the official council chamber at seven-thirty (7:30) p.m., on the Monday next following each regular city election at which session newly elected councilmen shall assume the duties of this office. Regular meetings shall be held at least once every two (2) weeks.

Regular meetings shall be posted within ten days after the first meeting in each calendar or fiscal year. (1976 P.A. 267, MCLA 15.265)
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Rules

Section 21. The council shall determine its own rules, and shall keep a journal of its proceedings in the English language which shall be signed by the city clerk. All regular and special meetings of the council shall be open to the public. A summary of the council proceedings at each meeting shall be prepared by the city clerk and published in the official newspaper.

And,

WHEREAS, Sections 18 and 21 of Chapter IV, Legislation, regarding the time when the council shall meet and its council rules may be made more flexible to improve efficiency and to recognize the different means of providing minutes of meetings to citizens and to modernize the language, to read as follows:

Regular Meetings

Section 18. The council shall meet at least twice monthly. At the first regular meeting following each regular city election, newly elected councilpersons shall assume their duties of office.

Rules

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Section 21. The council shall determine its own rules, and shall keep a journal of its proceedings in the English language, which shall be signed by the city clerk. All regular and special meetings of the council shall be open to the public. The minutes of each council meeting shall be prepared by the city clerk and available to the public. Copies of minutes will be made available at cost.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provisions before the qualified electors of the City of Saginaw to amend Sections 18 and 21 of Chapter IV, Legislation.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Sections 18 and 21 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

STATEMENT OF PURPOSE

This amendment would allow the council to meet twice a month, rather than every two weeks, and instead of publishing summaries of the meetings in the official newspaper, which no longer publishes daily, it would require copies to be made available to the public at cost. The elected officials shall be designated as councilpersons, rather than councilmen, to modernize the language.

BALLOT QUESTION

Shall Sections 18 and 21 of the charter be amended?

YES _____ NO _____

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IV. FOURTH CHARTER BALLOT QUESTION.

WHEREAS, Sections 22, 23 and 24 of Chapter IV, Legislation, presently read as follows:

Ordinances

Section 22. Legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The style of all ordinances shall be "The City of Saginaw Ordains." The effective date of an ordinance shall be prescribed therein. At least two (2) weeks shall elapse between the introduction and enactment of an ordinance; enactment shall require the affirmative vote of not less than five (5) councilmen and the effective date shall not be earlier than ten (10) days after enactment; except that ordinances immediately necessary for the preservation of the public peace, health or safety may be enacted on the date of introduction and given immediate effect by the affirmative vote of not less than six (6) councilmen. No ordinance shall be amended by reference to its title only, but the section or sections amended shall be enacted in full. An ordinance may be repealed by reference to its number and title only.

Ordinance Record

Section 23. All ordinances and the dates of introduction and enactment and the vote thereon shall be recorded by the city clerk in a book to be called "The Ordinance Book," and it shall be the duty of the mayor and the city clerk to authenticate such record by their official signatures. Except as otherwise provided by this charter, all ordinances when enacted shall be forthwith published by the city clerk, and he shall enter his certificate as to the manner and date of publication under each ordinance in

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the ordinance book; provided that, if codes (e.g. building regulations) be enacted by ordinance, publication may be had by printing not less than one hundred (100) copies in booklet form to be available for public distribution without cost on application.

Compilation and Revision

Section 24. The council shall, by resolution, order a general revision and compilation of ordinances within two (2) years from the date this charter is adopted by the electors and every ten (10) years thereafter. Such revision and compilation, when completed, shall be adopted by appropriate ordinance which shall also designate when such revised and compiled ordinances shall become effective. Such revised and compiled ordinances need not be recorded in the "The Ordinance Book" or the council proceedings. The printing and binding of not less than one hundred (100) copies in book form, available for public distribution at cost, shall be deemed sufficient publication.

And,

WHEREAS, Section 22 regarding the introduction, enactment and repeal of ordinances should reflect a simple majority of the councilpersons elected, appointed and seated to enact an ordinance, and this same majority plus one to enact immediately, and to modernize the language to read as follows:

Ordinances

Section 22. Legislation shall be by ordinance. Each ordinance shall be identified by a number and a short title. The style of all ordinances shall be "The City of Saginaw Ordains." The effective date of an ordinance shall be prescribed therein. At least 2 weeks shall elapse between the introduction and enactment of an ordinance; enactment

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shall require the affirmative vote of not less than a simple majority of the councilpersons elected, appointed and seated, and the effective date shall not be earlier than 10 days after enactment; except that ordinances immediately necessary for the preservation of the public peace, health or safety may be enacted on the date of introduction and given immediate effect by the affirmative vote of not less than a simple majority plus one of the councilpersons, appointed and seated. No ordinance shall be amended by reference to its title only, but the section or sections amended shall be enacted in full. An ordinance may be repealed by reference to its number and title only.

And

WHEREAS, Section 23 will allow the city clerk to publicize an introduction of a proposed ordinance, as opposed to publicizing the entire ordinance thereby saving publication costs and further eliminate the need to publish 100 copies in booklet form, as all ordinances will otherwise be made available at cost, and to further modernize the language to read as follows:

Ordinance Record

Section 23. All ordinances and the dates of introduction and enactment and the vote thereon shall be recorded by the city clerk in a book to be called "The Ordinance Book," and it shall be the duty of the mayor and city clerk to authenticate such record by their official signatures. Except as otherwise provided by this charter, subsequent to the introduction of an ordinance, the city clerk shall publish a notice of such introduction, which notice shall include the date the ordinance will be enacted and become effective, and shall enter his or her certificate as to the manner and date of publication under each ordinance in The Ordinance Book.

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And,

WHEREAS, Section 24 will give council the option to make a general revision and compilation of ordinances, eliminating a mandatory requirement, and further eliminate the need to publish 100 copies in book in book form, as all ordinances will otherwise be made available at cost, to read as follows:

Compilation and Revision

Section 24. The council may, by resolution, order a general revision and compilation of ordinances. Such revision and compilation, when completed, shall be adopted by appropriate ordinance, which shall also designate when such revised and compiled ordinances shall become effective. Such revised and compiled ordinances need not be recorded in "The Ordinance Book" or the council proceedings. Ordinances shall be available to the public at cost.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provision before the qualified electors of the City of Saginaw to amend Sections 22, 23 and 24 of Chapter IV, Legislation.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Sections 22, 23 and 24 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

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STATEMENT OF PURPOSE

This amendment would increase the number of councilpersons needed to enact an ordinance from a simple majority to 5 councilpersons elected or appointed and serving, and 5 plus 1 for ordinances of immediate effect. It would allow the publication of an introduction as opposed to the full ordinance, gives Council the option to compile and revise ordinances and eliminates the need to produce 100 copies thereof, and changes reference from councilmen to councilperson and city clerk from "him" to "him or her", to modernize the language.

BALLOT QUESTION

Shall Sections 22, 23 and 24 of the charter be amended?

YES _____ NO _____

V. FIFTH CHARTER BALLOT QUESTION.

WHEREAS, Section 25 of Chapter V, Administrative Service, presently reads as follows:

City Manager

Section 25. The council shall appoint a city manager for an indefinite term who shall be the chief administrative officer and the head of the administrative branch of the city government. The manager need not be a resident of the city or the state at the time of his appointment. The council may designate a qualified administrative officer of the city to perform the duties of manager during his absence or disability.

And,

WHEREAS, Section 25 of Chapter V, Administrative Service, regarding the appointment by council of the city manager should reflect a similar 2/3 majority of the entire council to appoint as is proposed to remove a manager, and the council wishes to reflect that change and to modernize the language, to read as follows:

City Manager

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Section 25. The council shall appoint a city manager (hereinafter "manager") for an indefinite term by a 2/3 majority vote of the elected, appointed and seated members of the Council. The manager shall be the chief administrative officer and the head of the administrative branch of the City government. The manager need not be a resident of the city or the state at the time of his or her appointment. The Council may designate a qualified administrative officer of the city to perform the duties of manager during his or her absence or disability.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provision before the qualified electors of the City of Saginaw to amend Section 25 of Chapter V, Administrative Service.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Section 25 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

STATEMENT OF PURPOSE

This amendment would increase the number of councilpersons needed to select a city manager from a simple majority to 2/3 of those elected or appointed and serving as councilpersons. The reference to the city manager has been changed from: "him" to: "him or her", to modernize the language.

BALLOT QUESTION

Shall Section 25 of the charter be amended?

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YES _____ NO _____

VI. SIXTH CHARTER BALLOT QUESTION.

WHEREAS, Section 27 of Chapter V, Administrative Service, presently reads as follows:

Removal

Section 27. The manager may be removed by a majority vote of the members of the council as herein provided, except that no manager who has been in the service of the city for one (1) year or more prior to a regular city election shall be removed within the ninety (90) days subsequent to such election unless by a two-thirds vote of the members of the council. At least thirty (30) days before removal of the manager, the council shall adopt a resolution stating its intention to remove him and the reasons therefore, a copy of which shall be served forthwith on the manager, who may within ten (10) days demand a public hearing, in which event the final resolution removing the manager shall not be adopted until such public hearing has been held. Upon passage of a resolution stating the council's intention to remove the manager, the council may suspend him from duty, but his pay shall continue until his removal. The action of the council in removing the manager shall be final.

And,

WHEREAS, Section 27 of Chapter V, Administrative Service, regarding the removal by council of the city manager should require a 2/3 majority of the entire council, and the council wishes to clarify the time frame and to modernize the language, to read as follows:

Removal

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Section 27. The manager may be removed by a 2/3 majority vote of the elected, appointed and seated members of the council. At least 30 days before removal of the manager, the council shall adopt a resolution stating its intention to remove him or her and the reasons therefore, a copy of which shall be served forthwith on the city manager, who may within 10 days demand a public hearing, in which event the final resolution removing the manager shall not be adopted until such public hearing has been held. Upon passage of a resolution stating the council's intention to remove the manager, the council may suspend him or her from duty, but his or her pay shall continue until his or her removal. The action of the council in removing the manager shall be final.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provision before the qualified electors of the City of Saginaw to amend Section 27 of Chapter V, Administrative Service.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Section 27 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

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STATEMENT OF PURPOSE

This amendment would increase the number of councilpersons needed to remove a city manager in some circumstances from a simple majority to 2/3 of those elected or appointed and serving as councilpersons. It specifies whether the time limits involved are calendar days or business days, and the reference to the city manager has been changed from: "him" to: "him or her", to modernize the language.

BALLOT QUESTION

Shall Section 27 of the charter be amended?

YES _____ NO _____

VII. SEVENTH CHARTER BALLOT QUESTION.

WHEREAS, Sections 31 and 32 of Chapter V, Administrative Service, presently reads as follows:

Appointive Officers

Section 31. The manager shall appoint a city clerk, treasurer, assessor, police chief, fire chief, health officer, purchasing officer, city attorney, director of public works and director of finance who shall be ex-officio controller and shall appoint such other officers and heads of departments as may be deemed necessary. The powers and duties of these officers and heads of departments shall be those prescribed by state law, by charter and by ordinance. The compensation of officers and employees shall be fixed by the council.

Administrative Departments

Section 32. The administrative service shall be divided into such departments, divisions, and bureaus as may be provided by ordinance upon recommendation of the manager. Such ordinance shall be known as "Administrative Code." Pending the passage of such code the manager may establish temporary regulations. Each officer

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or director shall, subject to approval by the manager, have supervision and control of his department and shall have power to prescribe rules and regulations, not inconsistent with this charter and the administrative code.

And,

WHEREAS, Sections 31 and 32 of Chapter V, Administrative Service, regarding the manager appointing other officers and employees includes references to positions no longer in existence and other outdated terms, and the council wishes to provide more flexibility to the manager in the organization of the city departments, and therefore suggests that Sections 31 and 32 be amended to read as follows:

Appointive Officers

Section 31. The manager shall appoint a city clerk, treasurer, assessor, police chief, fire chief, city attorney, director of public services and director of finance. The manager shall also appoint such other officers and heads of departments as may be deemed necessary. The powers and duties of these officers and heads of departments shall be those prescribed by law, by charter and by ordinance. The compensation of officers and employees shall be fixed by council. The manager may create such additional administrative offices, or combine any administrative offices in any manner not inconsistent with state law, and prescribe the duties thereof as he or she may deem necessary for the proper operation of the city government.

Administrative Departments

Section 32. The administrative service shall be divided into such departments, divisions, and bureaus as may be provided by ordinance upon recommendation of the manager. Such ordinance shall be known as "Administrative Code." Pending the

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passage of such code the manager may establish temporary regulations. Each officer or director shall, subject to approval by the manager, have supervision and control of his or her department and shall have power to prescribe rules and regulations, not inconsistent with this charter and local ordinance.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provision before the qualified electors of the City of Saginaw to amend Sections 31 and 32 of Chapter V, Administrative Service.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Sections 31 and 32 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

STATEMENT OF PURPOSE

This amendment would remove reference to outdated and eliminated positions and allow the city manager to reorganize the administration of the city without requiring an amendment to the charter. It would remove reference to the: "Administrative Code" as that has now been consolidated with the General Code. The reference to "his" is changed to: "his or her", to modernize the language.

BALLOT QUESTION

Shall Sections 31 and 32 of the charter be amended?

YES _____ NO _____

VIII. EIGHTH CHARTER BALLOT QUESTION.

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WHEREAS, Section 33 of Chapter V, Administrative Service, presently reads as follows:

Purchasing Procedure

Section 33. Competitive bids for all purchases and public improvements shall be obtained where practicable and contracts awarded to the lowest and best bidders. Sealed bids shall be asked for in all transactions involving the expenditure of two thousand dollars (\$2,000) or more and the transaction evidenced by written contract submitted to and approved by the council; provided that, in cases where it is clearly to the city's advantage to contract without competitive bidding, the council upon recommendation of the manager may so authorize. Detailed purchasing and contracting procedure shall be established by ordinance. The council may authorize the making of public improvements by day labor.

And,

WHEREAS, Section 33 of Chapter V, Administrative Service, regarding the necessity of sealed competitive bids for purchases of \$2,000 or more does not reflect the effect of inflation on the price of goods and materials since 1935 and is unduly burdensome and inefficient, and the council wishes to increase this amount to \$10,000, and therefore suggests that Section 33 be amended to read as follows:

Purchasing Procedure

Section 33. Competitive bids for all purchases and public improvements shall be obtained where practicable and contracts awarded to the lowest and best bidders. Sealed bids shall be asked for in all transactions involving the expenditure of \$10,000 or more and the transaction evidenced by written contract submitted to and approved by

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the council; provided that, in cases where it is clearly to the city's advantage to contract without competitive bidding, the council upon recommendation of the manager may so authorize. Detailed purchasing and contracting procedure shall be established by ordinance. The council may authorize the making of public improvements by day labor.
And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provision before the qualified electors of the City of Saginaw to amend Section 33 of Chapter V, Administrative Service.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Section 33 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

STATEMENT OF PURPOSE

This amendment would increase the threshold for requiring sealed bids for purchases from \$2,000 to \$10,000.

BALLOT QUESTION

Shall Section 33 of the charter be amended?

YES _____ NO _____

IX. NINTH CHARTER BALLOT QUESTION.

WHEREAS, Section 43 of Chapter VII, General Finance, presently reads as follows:

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Budget Procedure

Section 43. At such time as may be requested by the manager or specified by ordinance, each officer or director of a department shall submit to the director of finance an itemized estimate of the expenditures for the next fiscal year for the departments or activities under his control. The director of finance shall prepare and submit to the manager a complete budget for the next fiscal year in such detail and with such supporting schedules as the manager shall require. After review by the manager he shall submit the proposed budget to the council on or before the last Monday in April.

And,

WHEREAS, Section 43 of Chapter VII, General Finance, regarding the creation and presentation of the budget created some ambiguity in the past over who had responsibility for what functions, and the council wishes to make it clear that this is the responsibility of the manager, and to modernize the language and therefore suggests that Section 43 be amended to read as follows:

Budget Procedure

Section 43. At such time as may be requested by the manager or specified by ordinance, each officer or director of a department shall submit an itemized estimate of the expenditures for the next fiscal year for the departments or activities under his or her control. The manager shall review and submit the proposed budget to the council on or before the last Monday in April.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City

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Charter provision before the qualified electors of the City of Saginaw to amend Section 43 of Chapter VII, General Finance.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Section 43 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

STATEMENT OF PURPOSE

This amendment would clarify and emphasize that it is the responsibility of the city manager to prepare the budget and submit it to City Council. The reference to "his" is changed to: "his or her", to modernize the language.

BALLOT QUESTION

Shall Section 43 of the charter be amended?

YES _____ NO _____

X. TENTH CHARTER BALLOT QUESTION.

WHEREAS, Section 45 of Chapter VII, General Finance, presently reads as follows:

Adoption of Budget, Tax Limit

Section 45. The council shall, by resolution, determine and adopt the budget and make the appropriations for the next fiscal year and shall provide, by resolution, for a tax levy of the amount necessary to be raised by taxation at least thirty (30) days prior to the first day of the upcoming fiscal year. The amount of property taxes which may be levied by the city in any year shall not exceed three-quarters of one percent (.75 of 1%)

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of the assessed valuation as equalized of all taxable real and personal property in the city. If the assessed value of all property in the city as determined on the first Monday in May, 1979, is increased in subsequent years for any reason, the maximum millage rate provided herein shall be permanently reduced to yield the same gross dollar revenue as the fiscal 1978-79 property tax revenue yield.

This limit may be exceeded up to three-tenths of one percent (.3 of 1%) of the assessed value over the maximum limit provided herein as reduced only if the mayor declares a specific emergency, the dollar amount of the emergency and the portion of such dollar amount that is needed from property taxes, and the council thereafter, by a three-quarters recorded vote of the full council, declares an emergency in accordance with the specifics of the mayor's request. The millage limit may be exceeded only during the fiscal year for which the emergency is declared. Millage levied pursuant to Article 9, Section 6, 1963 Michigan Constitution, is exempt from these limitations.

Section 45 amended (Amendment No. 10)

Effective November 22, 1957

Section 45 amended (Amendment No. 16)

Effective December 5, 1979

And,

WHEREAS, Section 45 of Chapter VII, General Finance, regarding the 7.5 mill general property tax limit and the dollar general tax limit has restricted tax revenues and the council therefore suggests that Section 45 be amended to read as follows:

Adoption of Budget, Tax Limit

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Section 45. The council shall, by resolution, determine and adopt the budget and make the appropriations for the next fiscal year and shall provide, by resolution, for a tax levy of the amount necessary to be raised by taxation at least 30 days prior to the first day of the upcoming fiscal year. The millage rate that may be levied for operating purposes shall not exceed 20 mills or the limit provided by the Michigan Constitution.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to place an amendment of the above-cited City Charter provision before the qualified electors of the City of Saginaw to amend Section 45 of Chapter VII, General Finance.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Section 45 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

STATEMENT OF PURPOSE

The present section limits the property tax rate to 7.5 mills or that needed to yield the same revenue as that received in the 1978-1979 fiscal year, or \$3,828,778. That maximum tax rate would be 5.5849 mills for the 2009-2010 fiscal year. The proposed amendment would remove the dollar based tax limit and raise the maximum millage rate to 20 mills. The present section has a provision for a temporary 3 mill additional tax for a declared emergency. That proposed amendment would eliminate the ability to impose that additional tax.

BALLOT QUESTION

Shall Section 45 of the charter be amended?

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YES _____ NO _____

X1. ELEVENTH CHARTER BALLOT QUESTION.

WHEREAS, Section 45(a) of Chapter VII, General Finance, presently reads as follows:

Reduction of Tax Limit

Section 45(a). The tax limit created by Section 45 of Chapter VII of the charter shall be reduced by 3/10 of 1% of the assessed valuation as equalized of the real and personal property subject to taxation in the city during each of the fiscal years in the ten-year period beginning July 1, 1963, in which the council imposes the tax authorized by Section 1 of Chapter XIX of the charter.

Section 45(a) added (Amendment No. 14)

Effective January 16, 1963

Question of adding Section 1, Chapter XIX

Defeated January 7, 1963

And,

WHEREAS, Section 45(a) of Chapter VII, General Finance, references a provision of the charter that was never enacted and would have expired by its own terms on or before 1973, and therefore Section 45(a) should be repealed; and

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to repeal Section 45(a) of Chapter VII, General Finance.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to repeal Section 45(a) be submitted to the electors

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of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

STATEMENT OF PURPOSE

Present Section 45(a) theoretically limits the operation of Section 1, Chapter XIX during the years 1963 through 1973. The question of adding Chapter XIX was defeated in 1963 and Chapter XIX was never actually added to the charter. Therefore Section 45(a) has no effect. And any effect it might have had expired in 1973. Repealing this section would remove an ineffective provision from the charter.

BALLOT QUESTION

Shall Section 45(a) of the charter be repealed?

YES _____ NO _____

XII. TWELFTH CHARTER BALLOT QUESTION.

WHEREAS, Section 91 of Chapter XIV, Miscellaneous Provisions, presently reads as follows:

Restrictions

Section 91. No person in default to the city shall be eligible for election or appointment to any city office. No officer or employee shall hold any remunerative elective or supervisor. member of actively in partisan politics, except that a councilman may be a candidate to succeed himself.

1976 P.A. 169, superseded provision regarding employee political activity. "or participate actively in partisan politics" ruled unconstitutional – Hargrove v. City of Saginaw U.S. Federal District Court 1984.

y public or office or a participate

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And,

WHEREAS, Section 91 of Chapter XIV, Miscellaneous Provisions, was ruled unconstitutional in part as it was in conflict with state and federal law, and because the council wishes to remove that language and also to extend the default provision into the term of office of the elected or appointed official, the council suggests that the section be amended and divided into two subsections, to read as follows:

Restrictions

Section 91. No person in default to the city shall be eligible for election or appointment to any city office or appointment to any city board or commission. No officer shall hold any remunerative elective or appointive office outside of the city government except notary public or supervisor. No officer shall be a candidate for any partisan elective office.

Section 91(a). Any elected or appointed councilperson or person holding a position on any board or commission to which they have been appointed by the mayor or the council shall be deemed to have abandoned their position if they remain in default to the city for 45 days after they have been properly notified.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to amend Section 91 of Chapter XIV, Miscellaneous Provisions.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Section 91 be submitted to the electors

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of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

STATEMENT OF PURPOSE

Present Section 91 has been superceded in part by state law on employee participation in politics and has been ruled to be in conflict with federal law with regard to a restriction on the involvement of officials in partisan politics. This amendment would remove those ineffective provisions from the charter. It would also add a subsection extending the default restriction into the term of the elected or appointed official.

BALLOT QUESTION

Shall Section 91 of the charter be amended?

YES _____ NO _____

XIII. THIRTEENTH CHARTER BALLOT QUESTION.

WHEREAS, Section 92 of Chapter XIV, Miscellaneous Provisions, presently reads as follows:

Vacancy Defined

Section 92. In addition to other provisions of this charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, moves from the city, is convicted of a felony or judicially declared to be mentally incompetent.

And,

WHEREAS, Section 92 of Chapter XIV, Miscellaneous Provisions, presently requires that both elective and appointed officers be residents of the city, and that

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restriction may not properly apply to all appointed officers, the council suggests that the section be amended and divided into two subsections, to read as follows:

Vacancy Defined

Section 92. In addition to other provisions of this charter, a vacancy shall be deemed to exist in City Council when a city councilperson dies, resigns, is removed from office, moves from the city, is convicted of a felony or judicially declared to be mentally incompetent.

Section 92(a). In addition to other provisions of this charter, a vacancy shall be deemed to exist in any office when an officer dies, resigns, is removed from office, is convicted of a felony or judicially declared to be mentally incompetent.

And,

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to amend Section 92 of Chapter XIV, Miscellaneous Provisions.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to amend Section 92 be submitted to the electors of the City of Saginaw at the general election to be held on Tuesday, November 3, 2009; and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question of such amendment be designated on the ballot to read as follows:

STATEMENT OF PURPOSE

Present Section 92 requires that both elective or appointed officers must reside in the city or the office will be considered vacated. This amendment would continue that requirement with regard to City Council. But it would remove that

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requirement from appointed office and leave any restriction to ordinance or state law.

BALLOT QUESTION

Shall Section 92 of the charter be amended?

YES _____ NO _____

XIV. FOURTEENTH CHARTER BALLOT QUESTION.

WHEREAS, Section 96 of Chapter XIV, Miscellaneous Provisions, presently reads as follows:

Notice by Publication

Section 96. Notices or proceedings requiring publication shall, unless otherwise provided by this charter, be published once in the official newspaper. The council shall annually in May designate the official newspaper for the next fiscal year. In lieu of publication in the official newspaper the council in any particular instance may order such notice or proceeding printed and posted in at least 5 public places in the city.

And,

WHEREAS, Section 96 of Chapter XIV, Miscellaneous Provisions, presently requires specific publications in official newspapers that may no longer be available, the council suggests that the section be repealed: and

WHEREAS, the City Council of the City of Saginaw believes it would promote fair, equitable and good government to repeal Section 96 of Chapter XIV, Miscellaneous Provisions.

NOW, THEREFORE, BE IT RESOLVED, by a 3/5 vote of the City Council of the City of Saginaw, that the proposition to repeal Section 96 be submitted to the electors of

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the City of Saginaw at the general election to be held on Tuesday, November 3, 2009;
and

BE IT FURTHER RESOLVED, that the statement of purpose and ballot question
of such amendment be designated on the ballot to read as follows:

STATEMENT OF PURPOSE

Present Section 96 requires that publication of notices or proceedings, when
required, be made through official newspapers, previously designated. Repeal of
this section would allow publication by other methods.

BALLOT QUESTION

Shall Section 96 of the charter be repealed?

YES _____ NO _____

BE IT FURTHER RESOLVED, that the city clerk be and is hereby directed to
submit a certified copy of this resolution and proposition to the Governor of the State of
Michigan for her approval of said amendment of said charter provision pursuant to
Section 22 of 1909 PA 279; MCL 117.22; and

BE IT FURTHER RESOLVED, that before the submission of said amendment to
the qualified electors of the City of Saginaw, the amendment herein proposed shall be
published in full together with the existing charter provisions which will be repealed
thereby, and a notice of said election shall be published in a newspaper of general
circulation in the City of Saginaw; and

BE IT FURTHER RESOLVED, that the city clerk shall perform all acts required
by City Charter, ordinance or state law for the conduct of this election.