

# COUNCIL COMMUNICATION

## RESOLUTION APPROVING BALLOT LANGUAGE FOR CHARTER AMENDMENTS

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

Council \_\_\_\_\_ offered and moved 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

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

And,

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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:

## PROPOSAL 1

### PROPOSED CITY CHARTER AMENDMENT TO SECTION 14

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.

Shall this proposal be adopted?

YES \_\_\_\_\_

NO \_\_\_\_\_

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## SECOND CHARTER BALLOT QUESTION.

WHEREAS, Section 18 of Chapter IV, Legislation, presently reads as follows:

### **Regular Meetings**

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)

And,

WHEREAS, Section 18 of Chapter IV, Legislation, regarding the time when the council shall meet, may be made more flexible to improve efficiency 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.

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 18 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 Section 18 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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## PROPOSAL 2

### PROPOSED CITY CHARTER AMENDMENT TO SECTION 18

This amendment would allow the council to meet twice monthly rather than every two weeks. The elected officials shall be designated as councilpersons, rather than councilmen.

Shall this proposal be adopted?

YES \_\_\_\_\_

NO \_\_\_\_\_

# COUNCIL COMMUNICATION

## THIRD & FOURTH CHARTER BALLOT QUESTIONS.

WHEREAS, Section 21 of Chapter IV, Legislation, presently reads as follows:

### **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, Section 21 of Chapter IV, Legislation, regarding the publication of a summary of council proceedings by the city clerk, 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:

### **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. The minutes of each council meeting shall be prepared by the city clerk and made available to the public. Copies of the 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 Section 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 Section 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:

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## PROPOSAL 3

### PROPOSED CITY CHARTER AMENDMENT TO SECTION 21

This amendment would discontinue the requirement to publish summaries of the council meetings in the official newspaper, which no longer publishes daily, but rather require the city clerk to have the minutes otherwise available to the public.

Shall this proposal be adopted? YES \_\_\_\_\_  
NO \_\_\_\_\_

## PROPOSAL 4

### PROPOSED CITY CHARTER AMENDMENT TO SECTION 21

This amendment would add a sentence to the original Section 21 and provide that the public must pay for copies of the minutes of council meetings.

Shall this proposal be adopted? YES \_\_\_\_\_  
NO \_\_\_\_\_

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## FIFTH CHARTER BALLOT QUESTION.

WHEREAS, Section 22 of Chapter IV, Legislation, presently reads 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.

And,

WHEREAS, Section 22 of Chapter IV, Legislation, regarding the introduction, enactment and repeal of ordinances, to improve efficiency should reflect a simple majority of the councilpersons elected, appointed and seated to enact an ordinance and this same majority plus one to immediately enact and ordinance, 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 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. 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 elected, 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, 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 22 of Chapter IV, Legislation.

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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 22 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:

## PROPOSAL 5

### PROPOSED CITY CHARTER AMENDMENT TO SECTION 22

This amendment would require a simple majority of the councilpersons elected, appointed and seated to enact an ordinance (instead of the current requirement of 5 votes), and this same majority plus one to enact an emergency ordinance needing immediate effect (instead of the current requirement of 6 votes), and changes reference from councilmen to councilpersons.

Shall this proposal be adopted?

YES \_\_\_\_\_

NO \_\_\_\_\_

# COUNCIL COMMUNICATION

## SIXTH 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**

Section 25. The council shall appoint a city 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 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:

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## PROPOSAL 6

### PROPOSED CITY CHARTER AMENDMENT TO SECTION 25

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".

Shall this proposal be adopted?

YES \_\_\_\_\_

NO \_\_\_\_\_

# COUNCIL COMMUNICATION

## SEVENTH 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**

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.

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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:

## PROPOSAL 7

### PROPOSED CITY CHARTER AMENDMENT TO SECTION 27

This amendment would increase the number of councilpersons needed to remove a city manager from a simple majority to 2/3 of those elected or appointed and serving as councilpersons in all circumstances. The reference to the city manager has been changed from "him" to "him or her".

Shall this proposal be adopted?

YES \_\_\_\_\_

NO \_\_\_\_\_

# COUNCIL COMMUNICATION

## EIGHTH CHARTER BALLOT QUESTION.

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 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

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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:

## PROPOSAL 8

### PROPOSED CITY CHARTER AMENDMENT TO SECTION 33

This amendment would increase the threshold for requiring sealed bids for purchases from \$2,000 or more, to \$10,000 or more, 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 approve the contract without competitive bidding.

Shall this proposal be adopted?

YES \_\_\_\_\_

NO \_\_\_\_\_

# COUNCIL COMMUNICATION

## NINTH CHARTER BALLOT QUESTION.

WHEREAS, Section 43 of Chapter VII, General Finance, presently reads 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 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 further modernize the language council 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 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

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

## PROPOSAL 9

### PROPOSED CITY CHARTER AMENDMENT TO SECTION 43

This amendment would delete the role of the director of finance to review the itemized estimate of expenditures submitted by the departments for the next fiscal year and submit the proposed budget to council, and provide instead that such activities be the responsibility of the city manager. With respect to city department heads, the reference to "his" is changed to "his or her".

Shall this proposal be adopted?

YES \_\_\_\_\_

NO \_\_\_\_\_

# COUNCIL COMMUNICATION

## 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%) 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**

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 amount of property taxes which may be levied by the city in any year shall not exceed 2% of the taxable value of the real and personal property in the city.

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 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:

## PROPOSAL 10

### PROPOSED CITY CHARTER AMENDMENT TO SECTION 45

The present section limits the property tax rate to the lesser of 7.5 mills or that needed to yield the same revenue as was received in the 1978-1979 fiscal year, (\$3,828,778). It also provides for a temporary 3 mill additional tax for a declared emergency. The proposed amendment would eliminate these provisions and allow a millage rate up to 20 mills.

Shall this proposal be adopted?

YES \_\_\_\_\_

NO \_\_\_\_\_

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**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 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:

**PROPOSAL 11**

**PROPOSED CITY CHARTER AMENDMENT TO DELETE SECTION 45(a)**

This amendment deletes Section 45(a) which is a provision regarding city taxes that was applicable to the period from July 1, 1963 through June 30, 1973. As such, Section 45(a) has no current effect.

Shall this proposal be adopted?

YES \_\_\_\_\_  
NO \_\_\_\_\_

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## TWELFTH CHARTER BALLOT QUESTION.

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

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 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 any office when an officer dies, resigns, is removed from office, is convicted of a felony or judicially declared to be mentally incompetent. Also, a vacancy shall be deemed to exist in City Council when a councilperson moves from the city.

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

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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:

## PROPOSAL 12

### PROPOSED CITY CHARTER AMENDMENT TO SECTION 92

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

Should this proposal be adopted?

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.