



Memo

To: Honorable Mayor Armitage; City Council
From: City Manager LaPere, MPAP
Date: May 9, 2022
Re: Staff report on discussion on Charter Amendment for election precincts

Background

City Council is comprised of seven elected officials, a Mayor and six Councilmembers. Per City Charter, the council membership is divided among the wards and at-large with two members elected at-large, and two elected from each district. Council terms are for four years, staggered so that one at-large, and one from each ward are elected every two years. The Mayor's term is for two years. Regular city elections are held in odd-numbered years in November.

Earlier this year, Council directed Administration and the City Attorney to draft language for three ballot proposals to be placed before voters on the November 2022 ballot. First, whether to change the election to have representatives from districts to all at-large seats. Second, whether to modify the Mayor's term from two to four years. Third, whether to change from odd year elections to even year elections. Each of these changes would necessitate the vote of the people to amend the City Charter. Each proposal will be considered independently and approval or rejection of one does not impact another. Attached are the resolutions for each ballot amendment draft for City Council to review and consider.

Procedure to Propose Charter Amendment

There are statutory requirements to proceed with a Charter Amendment. An excerpt from the Home Rule City Act is attached for reference. In summary, the amendment proposal must be passed on a 3/5 vote of the legislative body (or by initiatory petition), and must be submitted to the electors at the next regular municipal or state general election. There is a requirement for the proposed amendment(s) to be published in full, and the purpose cannot be more than 100 words. The text must be approved by the Attorney General prior to being printed. Each Charter Amendment must be stated separately, with copies of language in full posted at each polling place. If rejected it cannot be resubmitted for a period of 2 years. The City would have to have approved language back from the Attorney General's office before the deadline for the November ballot, which is by 4:00 p.m., August 16, 2022 per Section 168.646a, when ballot wording of county and local proposals to be presented at the November general election certified to county and local clerks; local clerks receiving ballot wording forward to county clerk within two days.

Suggested Motion

See attached resolutions for approval.

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attachments

THE HOME RULE CITY ACT (EXCERPT)
Act 279 of 1909
117.21 Charter amendment; procedure.

Sec. 21.

(1) An amendment to an existing city charter, whether the charter was adopted under this act or formerly granted or passed by the legislature for the government of a city, may be proposed by the legislative body of a city on a 3/5 vote of the members-elect or by an initiatory petition. If the amendment is proposed by the legislative body of the city, the amendment shall be submitted to the electors of the city at the next regular municipal or general state election, or at a special election, held not less than 60 days after the proposal of the amendment. If the amendment is proposed by an initiatory petition, the amendment shall be submitted to the electors of the city at the next regular municipal or general state election held in the city not less than 90 days after the filing of the petition.

(2) Proposed charter amendments and other questions to be submitted to the electors shall be published in full with existing charter provisions that would be altered or abrogated by the proposed charter amendment or other question. The purpose of the proposed charter amendment or question shall be designated on the ballot in not more than 100 words, exclusive of caption, that shall consist of a true and impartial statement of the purpose of the amendment or question in language that does not create prejudice for or against the amendment or question. The text of the statement shall be submitted to the attorney general for approval as to compliance with this requirement before being printed. In addition, the proposed charter amendment in full shall be posted in a conspicuous place in each polling place. The form in which a proposed charter amendment or question shall appear on the ballot, unless provided for in the initiatory petition, shall be determined by resolution of the legislative body, and if provided for by the initiatory petition, the legislative body may add an explanatory caption.

(3) A proposed charter amendment shall be confined to 1 subject. If the subject of a charter amendment includes more than 1 related proposition, each proposition shall be separately stated to afford an opportunity for an elector to vote for or against each proposition. If a proposed charter amendment is rejected at an election, the amendment shall not be resubmitted for a period of 2 years.

(4) A city charter formerly granted by a different act of the state legislature, including the charter of a city of the fourth class, that adopts or comes under any part of this act by amendment under this section, and not by general revision, adoption, or incorporation under this act, may again be amended under this section, as to the part or parts that are amended, by re-enacting under this section that part or parts of the original act of incorporation that existed before any amendment was made under this act. The part or parts of the original act of incorporation that are re-enacted shall not be construed as operating or coming under the provisions of this act in any manner, it being the intention to permit a city described in this subsection, to adopt by amendment any part of the provisions of this act permissible or to withdraw from the provisions of this act.

(5) Propositions and questions shall be proposed, initiated, submitted and canvassed in a manner similar to that provided for charter amendments.