



**City of Rochester Hills  
AGENDA SUMMARY  
NON-FINANCIAL ITEMS**

**1000 Rochester Hills Dr.  
Rochester Hills, MI 48309  
248.656.4630  
[www.rochesterhills.org](http://www.rochesterhills.org)**

---

**Legislative File No:** 2008-0342, 2008-0373, 2008-0375 & 2008-0343

**TO:** Mayor and City Council Members  
**FROM:** John D. Staran, City Attorney  
**DATE:** August 6, 2008  
**SUBJECT:** City Charter Amendments

---

City Council, at their meeting on July 21, 2008, adopted six (6) separate resolutions proposing charter amendments for placement on the November ballot. In accordance with those resolutions, the City Clerk promptly forwarded copies to the Governor and Attorney General for approval, as required by state law. We have already heard back from both the Governor's office and the Attorney General, and they appear to be satisfied with the amendments subject to a few minor, non-substantive changes. Therefore, I have made those changes and hereby transmit to you four (4) revised resolutions to be considered for adoption at the City Council's next meeting. The Assistant Attorney General, George Ellworth, has promised to quickly review and approve the revised language to keep us on track for the November election. The four (4) revised resolutions Council is asked to adopt are, as follows:

1. The first resolution relates to the proposed amendment to Charter Sec. 7.2 concerning Councilmember eligibility requirements. There was nothing wrong with the prior version, but the Attorney General suggested, and I agree, that there are payment obligations a councilmember can be in default of besides just taxes and assessments. There could be other debts, fees, charges, etc. The last sentence of the prior version of the proposed amendment of Sec. 7.2 referred to "default of payment of any tax or assessment owed to the City." This revised version says "default of payment of any tax, assessment *or obligation* owed to the City."
2. The second resolution relates to the proposed amendment to Charter Sec. 7.5 concerning adding a procedure to determine councilmember ineligibility. The proposed charter amendment remains unchanged, but the way the Attorney General counts words, the statement of purpose of the proposed charter amendment was deemed to exceed the 100-word maximum. Therefore, in paragraphs 4 and 7, you will see that I have deleted the 2<sup>nd</sup> sentence from the prior version so that the statement of purpose is within the 100-word count.
3. The third resolution relates to the proposed amendment to Charter Section 8.2 concerning the Mayor's eligibility requirements. I have revised the proposed charter amendment similar to what is done in charter section 7.2 (described above) concerning councilmembers.

4. The last resolution relates to the proposed amendment of charter sections 8.3 and 8.11 transferring oversight of the accounting function from the Clerk to the Mayor. Again, no changes are necessary to the action charter amendment, but the statement of purpose exceeded the 100 word max. In order to stay within the maximum word count, I have adopted the Attorney General's suggestion to delete from the statement of purpose (paragraphs 6 and 9) some of the prior language which said "and the maintenance of a system of accounts *which conform to such uniform system as may be required by state law* will be added to the Mayor's duties." The AG didn't think the phrase that I have italicized is necessary, and I concur, so I have deleted it.

As you can see, despite all the paperwork these changes are very minor. If satisfactory, these four (4) revised resolutions should be considered for adoption by City Council at their regular meeting on August 11, 2008.