



# Rochester Hills

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## Master

**File Number: 2008-0373**

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**Type:** Administration

**Status:** To Council

**Version:** 2

**Reference:** 2008-0373

**Controlling Body:** City Council  
Regular Meeting

**File Created Date :** 07/16/2008

**File Name:** Ballot Language - CC judge quals of members

**Final Action:**

**Title label:** Adoption of the Amended Ballot Language for the proposed Charter Amendment to Provide a Procedure for the City Council to Judge the Qualifications of Members to be placed on the November 4, 2008 General Election Ballot

**Notes:** 7/21/08 CC Meeting RES0239-2008

**Sponsors:**

**Enactment Date:**

**Attachments:** 072108 Agenda Summary.pdf ,072108  
Resolution.pdf ,072108 Resolution (Revised).pdf  
,0342 0373 0375 0343 Agenda Summary.pdf

**Enactment Number:**

**Contact:**

**Hearing Date:**

**Drafter:**

**Effective Date:**

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	City Council Regular Meeting	07/21/2008					
1	City Council Regular Meeting	07/21/2008	Adopted by Resolution				Pass

### Text of Legislative File 2008-0373

#### Title

Adoption of the Amended Ballot Language for the proposed Charter Amendment to Provide a Procedure for the City Council to Judge the Qualifications of Members to be placed on the November 4, 2008 General Election Ballot

#### Body

**WHEREAS**, the City Council of the City of Rochester Hills desires to initiate a proposed amendment to City Charter Section 7.5, Judge of qualifications of Members, to provide a procedure requiring the affirmative vote of five (5) members of Council, following investigation and public hearing, to determine that a Councilmember is not eligible or qualified to hold office under Charter Section 7.2.

**THEREFORE**, the City Council of the City of Rochester Hills resolves:

1. The City Council, by a three-fifths vote of its members-elect, pursuant to the authority granted under the Home Rule Cities Act, MCL 117.1, et seq, proposes to amend the City of Rochester Hills Charter to amend Charter Section 7.5, Judge of qualifications of Members.

2. Provisions of existing Section 7.5 of the City of Rochester Hills Charter to be amended if the proposed amendment is adopted now read as follows:

The Council shall be the judge of the eligibility and qualifications of its own Members, subject only to review by the courts.

3. As amended, Section 7.5 of the City of Rochester Hills Charter would read as follows:

The Council shall be the judge of the eligibility and qualifications of its own Members, subject only to review by the courts. If the Council, after investigation and public hearing, determines by the affirmative vote of at least five (5) members of Council that a The Council shall be the judge of the eligibility and qualifications of its own Members, subject only to review by the courts Councilmember is not eligible or qualified, under Section 7.2, above, to hold office, the Councilmember's office shall be deemed vacant.

4. The purpose of the proposed Charter amendment shall be stated on the ballot as follows:

A proposal to amend the City Charter by modifying Section 7.5. If adopted, the amendment will provide a procedure requiring the affirmative vote of five (5) members of Council, following investigation and public hearing, to determine that a Councilmember is not eligible or qualified to hold office under Charter Section 7.2..

5. The City Clerk shall forthwith transmit a copy of the proposed amendment to the Governor of the State of Michigan for the Governor's approval, and transmit a copy of the foregoing statement of purpose of the proposed Charter amendment to the Michigan Attorney General for the Attorney General's approval, as required by law.

6. The proposed Charter amendment shall be submitted to the qualified electors of this City at the general election to be held in the City of Rochester Hills on Tuesday, November 4, 2008, and the City Clerk is hereby directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the proposed Charter amendment to a vote of the electors as required by law.

7. The proposed amendment shall be submitted to the electors in the following form:

**PROPOSED CHARTER AMENDMENT TO  
PROVIDE A PROCEDURE FOR THE CITY COUNCIL  
TO JUDGE THE QUALIFICATIONS OF MEMBERS**

A proposal to amend the City Charter by modifying Section 7.5. If adopted, the amendment will provide a procedure requiring the affirmative vote of five members of Council, following investigation and public hearing, to determine that a Councilmember is not eligible or qualified to hold office under Charter Section 7.2.

Shall the City of Rochester Hills Charter be amended to modify Section 7.5 to provide a procedure requiring the affirmative vote of five members of Council, following investigation and public hearing, to determine that a Councilmember is not eligible or qualified to hold office under Charter Section 7.2?

Yes \_\_\_

No \_\_\_

8. The proposed Charter amendment shall be published in full together with the existing Charter provision that will be altered or abrogated thereby as part of the election notice not less than 10 days prior to the election.

9. The canvass and determination of the votes on the proposed Charter amendment shall be made in accordance with the laws of the State of Michigan and the City of Rochester Hills Charter.

10. This resolution is intended to supersede prior resolution RES0239-2008 adopted by Council on July 21, 2008.