

City of Flint, Michigan

*Second Floor, City Hall
1101 S. Saginaw Street
Flint, Michigan 48502
www.cityofflint.com*



Meeting Agenda - Final

Thursday, January 28, 2016

6:30 p.m.

City Council Chambers

CHARTER REVIEW COMMISSION

Cleora Magee, Chairperson
John Cherry, Vice Chairperson

Victoria McKenzie	Charles Metcalf
Quincy Murphy	Heidi Phaneuf
Jim Richardson	Marsha Wesley
Barry Williams	

CALL TO ORDER

INVOCATION

ROLL CALL

REVIEW AND APPROVAL OF MINUTES

PUBLIC COMMENT ON CHARTER ISSUES

REPORTS OF COMMITTEES

GENERAL COMMUNICATIONS

WRITTEN CORRESPONDENCE

- a. Receipt of Petitions

INTRODUCTIONS/FIRST READING OF PROPOSALS

SECOND READING OF PROPOSALS

- a. Public Comment on Second Reading

MOTIONS AND RESOLUTIONS

THIRD READING OF PROPOSALS

- a. Public Comment on Third Reading
- b. Final Discussion
- c. Final Vote

UNFINISHED BUSINESS

- a. Legal Consultant/Guidance and Research
- b. Charter Review Commission Calendar

NEW BUSINESS

ADJOURNMENT

CALL TO ORDER

INVOCATION

ROLL CALL

PUBLIC COMMENT

GENERAL ORDERS

ADJOURNMENT

January 28, 2016

I move the submission of the following attached proposal for inclusion into the Flint City Charter and that the proposal be referred to the Committee of the Whole, ordered written and distributed: Elections Article.

James Richardson, Commissioner

PROPOSAL NUMBER
ELECTIONS ARTICLE

☐ Sec. 2-101 QUALIFICATIONS FOR ELECTIVE OFFICE.

Every elected City official and every candidate for elective office shall be a registered elector in the district he or she represents or seeks to represent.

(Adopted by the electorate, 11-5-1974)

☐ Sec. 2-201 WARDS.

The City of Flint shall be divided into nine (9) wards, each of which shall nominate and elect a member of the City Council.

(Adopted by the electorate, 11-5-1974)

☐ Sec. 2-202 BOUNDARIES OF WARDS.

A. Each ward shall have the same boundaries as shall exist on the effective date of this Charter until changed in accordance with law.

B. The Election Commission shall revise the boundaries of the wards within sixty (60) days after the figures from a Federal decennial census become available.

C. The Election Commission shall, to the greatest extent possible, establish wards that are compact, contiguous and of equal population.

D. New ward boundaries created within 120 days of a City election shall become effective after the City election.

(Adopted by the electorate, 11-5-1974)

☐ Sec. 2-203 BOUNDARIES OF PRECINCTS.

The City Clerk shall revise the boundaries of precincts in accordance with statute and whenever necessary for the orderly administration of elections.

(Adopted by the electorate, 11-5-1974)

📖 Sec. 2-301 TIME OF ELECTIONS.

The primary and general elections for all City offices shall be at the time provided by law.

(Adopted by the electorate, 11-5-1974)

📖 Sec. 2-302 NONPARTISAN BALLOT.

The Clerk shall prepare ballots which shall conform to the provisions of law. However, no party designation or emblem shall appear on the ballot in regard to City offices.

(Adopted by the electorate, 11-5-1974)

📖 Sec. 2-303 METHOD OF NOMINATION.

A. The method of nomination to all elective offices in the City shall be by petition. A primary election shall be held on those occasions when the number of persons submitting valid nominating petitions exceeds twice the number of vacancies to be filled.

B. Nominating petitions submitted by candidates for the office of City Council member shall be signed by at least one hundred (100) of the registered voters of the City who shall be residents of the ward in which the election is to be held.

C. Nominating petitions submitted by candidates to the office of Mayor shall be signed by at least nine hundred (900) registered voters of the City.

D. No nominating petitions shall be accepted for filing unless accompanied by an affidavit sworn to by the candidate stating that the candidate possesses the legal qualifications for the office and requesting that the candidate's name be printed on the official ballot.

(Adopted by the electorate, 11-5-1974)

📖 Sec. 2-304 NOMINEES.

The number of nominees for each elective City office selected at each primary election may not exceed twice the number of vacancies to be filled. The nominees are entitled to have their names printed on the general election ballot.

(Adopted by the electorate, 11-5-1974)

📖 Sec. 2-305 STATE LAW TO APPLY.

Except as otherwise provided by this Charter or ordinance, State law applies to the qualifications and registration of voters, the filing for office by candidates, and the conduct and canvass of City elections.

(Adopted by the electorate, 11-5-1974)

☞ Sec. 2-401 INITIATIVE AND REFERENDUM.

The voters of the City reserve the power to enact City ordinances, called the “initiative” and the power to nullify ordinances enacted by the City, called “referendum.” However, these powers do not extend to the budget or any ordinance for the appropriation of money.

(Adopted by the electorate, 11-5-1974)

☞ Sec. 2-402 PETITIONS FOR INITIATIVE AND REFERENDUM.

A. Initiative and referendum petitions must be signed by a number of City electors equivalent to at least five percent (5%) of the total number of votes cast for Mayor at the last regular Mayoral election.

B. Petitions shall set forth in full the measure to be initiated or referred as well as a brief statement of its substance.

C. Signers of petitions shall be voters of the City. Each signer shall sign his or her name indelibly and shall indicate his or her residence and the date of signing. Each petition paper shall contain a sworn affidavit of the circulator stating that the circulator is a registered elector of the City; that each signature is, to the knowledge of the circulator, the genuine signature of a registered elector and the person whose name it purports to be; and that it was affixed in the presence of the circulator.

D. The City Clerk shall within ten (10) days, canvass the signatures and present the petition, if found sufficient and proper, to the City Council at its next regular meeting.

E. If the City Clerk does not find the petitions to be sufficient and proper, the City Clerk shall forthwith notify each circulator by mail of the deficiency.

(Adopted by the electorate, 11-5-1974)

☞ Sec. 2-403 TIME OF FILING.

A. An initiatory or referendary petition must be filed with the City Clerk not less than ninety (90) days before the election at which it is to be voted on. Any signature obtained more than ninety days (90) before filing of such petition with the Clerk shall not be counted or considered as a valid signature on the petition upon which it appears.

B. In addition, a referendary petition must be filed with the City Clerk no later than thirty (30) days from the effective date of the ordinance with which it deals.

(Adopted by the electorate, 11-5-1974)

☞ Sec. 2-404 COUNCIL ACTION ON INITIATORY OR REFERENDARY PETITIONS.

A. Upon receiving an initiatory or referendary petition from the City Clerk, the City Council shall within thirty (30) days either:

1. If it be an initiatory petition, adopt the ordinance as submitted in the petition or submit the proposal to the electors; or

2. If it be a referendary petition, repeal the ordinance to which the petition refers or submit the proposal to the electors.

B. Submission to the voters shall take place at the next election, or at a special election held prior to the next election.

C. The resolution calling for a special election must be adopted by the City Council at least forty-nine (49) days before the special election.

(Adopted by the electorate, 11-5-1974)

☞ Sec. 2-405 SUSPENSION OF ORDINANCE.

A referendary petition filed with the City Clerk and found to be sufficient shall suspend the operation of the ordinance in question pending repeal by the City Council or final determination by the voters of the City in the referendum election.

(Adopted by the electorate, 11-5-1974)

☞ Sec. 2-406 AMENDMENT, REPEAL AND REENACTMENT.

A. An ordinance adopted by the voters through initiative proceeding may not be amended or repealed by the City Council for a period of twelve (12) months after the date of the election at which it was adopted.

B. An ordinance nullified by the voters through referendum proceedings may not be reenacted by the City Council for a period of twelve (12) months after the election at which it was defeated.

(Adopted by the electorate, 11-5-1974)

☞ Sec. 2-407 SUBMISSION BY COUNCIL.

The City Council may, on the passage of its own motion by a two-thirds (2/3) majority of members elect, submit any proposed ordinance or any proposal for the repeal or amendment of any ordinance to the voters in the manner and with the effect in this Charter for submission of proposals initiated by petition.

(Adopted by the electorate, 11-5-1974)

☞ Sec. 2-408 DETERMINING RESULT OF ELECTION.

A. Except as otherwise required by law, the result of any initiative or referendum election shall be determined by a majority of the voters voting on the question.

B. If two or more initiative or referendum measures submitted to the voters of the City have conflicting provisions, or attempt to accomplish the same object, and more than one of these measures is approved by the voters, the measure receiving the highest number of affirmative votes shall prevail to the extent of their inconsistency.

(Adopted by the electorate, 11-5-1974)

☐ Sec. 2-409 SPECIAL ELECTIONS.

A. Special City elections shall be held when called by resolution of the City Council at least forty-nine (49) days in advance of such election, or when required by State law. Any resolution calling a special election shall set forth the purpose of such election.

B. Where this Charter requires that a vacancy in the office of Mayor or Council member be filled by special election, the special primary election to nominate candidates and the special general election to fill the office shall be called by a resolution of the City Council adopted at least sixty (60) days before the special primary election and at least ninety (90) days before the special general election. The special primary election shall be held at least twenty-five (25) days before the special general election.

(Adopted by the electorate, 11-5-1974)

☐ Sec. 2-410 VACANCY IN THE OFFICE OF COUNCIL MEMBER.

Whenever a vacancy occurs on the City Council, the remainder of the unexpired term shall be filled as follows:

A. If twelve (12) months or less remains in any unexpired term, the City Council shall within thirty (30) days appoint a person having the same qualifications for such office to fill the remainder of the term.

B. If more than twelve (12) months remain in any unexpired term, the City Council shall:

1. Within thirty (30) days appoint a person having the same qualifications for such office;
and

2. Schedule a special election as soon as possible.

The person appointed by the City Council shall serve until the special election is held and a candidate certified as elected.

(Adopted by the electorate, 11-5-1974)

☐ Sec. 2-411 VACANCY IN THE OFFICE OF MAYOR.

Whenever a vacancy occurs in the office of the Mayor, the remainder of the unexpired term shall be filled as follows:

A. If one year or less remains in the unexpired term, the Council shall within thirty (30) days appoint a person having the qualifications for such office to serve as Acting Mayor during the remainder of the unexpired term.

1. The Acting Mayor shall possess all the powers of the Mayor as provided in this Charter, except the power to remove Mayoral appointees. The power to remove appointees of the Mayor may not be exercised without the concurrence of the City Council.

2. The Acting Mayor shall receive the same compensation as provided for the office of Mayor.

B. If more than one year remains in the unexpired term, the City Council shall either:

1. Within ten (10) days call a special primary election to be held within ninety (90) days thereafter to fill such a vacancy. A general election shall be called not less than forty-nine (49) nor more than sixty (60) days after the date of the primary election, or

2. Call primary and general elections to be concurrent with the next State primary and general November election if such vacancy occurs within one year prior to said State general November election.

C. Until such time as the Acting Mayor is appointed pursuant to paragraph A above, or until a Mayor is elected pursuant to paragraph B above, the City Administrator shall serve as Temporary Mayor. The City Administrator shall possess all the powers of the Mayor as provided in this Charter, except the power to remove Mayor appointees and the power of veto. Appointees of the Mayor may not be removed by the City Administrator serving in the capacity of Temporary Mayor without the concurrence of the City Council.

(Adopted by the electorate, 11-5-1974)

Sec. 2-412 RECALL ELECTIONS.

Any elected official may be recalled from office by the electors of his or her electoral district in the manner provided by State law. A vacancy created by such recall shall be filled in the manner prescribed by this Charter and by State law.

(Adopted by the electorate, 11-5-1974)