



cityofnovi.org

CITY of NOVI CITY COUNCIL

**Agenda Item 1
November 8, 2010**

SUBJECT: Discussion of recommended procedure to fill City Council Vacancy.

SUBMITTING DEPARTMENT: Neighborhood and Business Relations

CITY MANAGER APPROVAL:

BACKGROUND INFORMATION:

A vacancy will be created on City Council with the election of Member Crawford to the position of member of the County Board of Commissioners. The City Council is obligated under the City Charter, Section 5.6©, to fill the vacancy within 30 days after a vacancy occurs. The vacancy is filled by a majority vote of the members of Council remaining in office. If the position is not filled within 30 days after the vacancy occurs, a special election is required.

Historically, the City has held interviews of candidates to fill the vacancy. While there is no statutory, charter, or ordinance requirements to do interviews before the appointment, the benefit of doing so is that it provides a clear and transparent process that meets the requirements of the Open Meetings Act.

With the upcoming presentation of the National Citizen Survey Results on December 6, 2010 and Goal Setting Session on January 8, 2011, a proposed schedule to fill the vacancy is recommended:

- November 9 – 23 Advertise the vacancy in the Novi News, City website, and other media outlets
- November 23 Deadline for application submission is 4 p.m.
- November 29 Special City Council Meeting to conduct interviews at 7 p.m.
- December 6 City Council appoints new member

RECOMMENDED ACTION: Discussion of recommended procedure to fill City Council Vacancy.

	1	2	Y	N
Mayor Landry				
Mayor Pro Gatt				
Council Member Crawford				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Staudt				

Novi Charter Provisions

Vacancy in Office

Section 3.11. Vacancies for unexpired terms.

When vacancies for unexpired terms of the elective officers are to be filled by election under provisions of Section 5.6(c) of this Charter, separate provisions shall be made on the ballot for such purpose.

Section 5.6. Filling vacancies.

(a) *Vacancies in Offices Appointed by Council.* Vacancies in offices appointed by the Council shall be filled in the manner provided for the original filling of such offices.

(b) *Vacancy in Office of Mayor.* In the event of the vacancy of the office of the Mayor, the Mayor Pro Tem will serve the remainder of that unexpired term as Acting Mayor, and the Council position made temporarily vacant (by Mayor Pro Tem's filling office of Mayor) shall be filled in accordance with Section 5.6(c). Upon the expiration of the term as Acting Mayor, the Mayor Pro Tem shall resume the office of Councilman, provided that his term has not expired.

(c) *Vacancies in Elective Office.* Vacancies in elective offices other than the Mayor, including the temporary vacancy created by the Mayor Pro Tem's assuming the office of Acting Mayor as provided in Section 5.6(b), shall, within thirty (30) days after such vacancy occurs, be filled for a term expiring on the date of the next regular City election, by appointment of a person possessing the qualifications for the office by a majority vote of the members of the Council then in office.

If any such vacancy in the position of Councilman, including the temporary vacancy created by the Mayor Pro Tem's assuming the office of Acting Mayor, as provided in Section 5.6(b), which the Council is authorized to fill, is not so filled within thirty (30) days or if three (3) or more vacancies exist simultaneously in such position, such vacancy or vacancies shall be filled for the respective unexpired terms at a special election. The temporary vacancy in the Council position created by the Mayor Pro Tem's assuming the office of Acting Mayor shall be filled for a term expiring on the date of the next regular City election. Notice of such special election shall be given by the Clerk ninety (90) days prior to such election, and the election shall be held in manner provided by this Charter. Candidates shall qualify by the filing of nominating petitions or cash payment in accordance with Section 3.18 and shall be certified to the Election Commission and placed on the ballot in manner identical to that provided in Sections 3.17, 3.18, and 3.20 hereof. No primary election shall be held.

Notwithstanding the foregoing, any vacancies which occur one hundred twenty (120) days or less before the next regular City election shall not be filled.

NOTICE OF CITY COUNCIL VACANCY
CITY OF NOVI

Notice is hereby given of a vacancy on the Novi City Council. If you are interested in applying for appointment for the term ending November 2011, please obtain and complete an application at www.cityofnovi.org or contact the City Clerk's office, 45175 W. 10 Mile, Novi, MI 48375 or by email to mcornelius@cityofnovi.org, by phone 248-347-0456 or by fax 248-347-0577. The deadline for submission of applications is November 23, 2010 at 4 p.m. The City Council will hold interviews at 7:00 p.m. on Monday, November 29, 2010 in the Council Chambers.

Publish 11/11/10 and 11/18/10

Maryanne Cornelius, MMC
City Clerk