

The City Commission Rules of Procedure are correctly printed for Charter Chapter II Plan of Government Section 7 Mayor and Mayor Pro-Tem and Charter Chapter III Registrations, Nominations and Elections Section 14 Candidates for Mayor.

My research shows the following:

- Scanned electronic minutes as far back as **April 13, 1970** Reorganization Meeting the Chair called for nominations by a motion and support for Office of Mayor and Mayor Pro-Tem.
- Minutes of **April 9, 1973** show for a call of nominations by a motion and support for Mayor and Mayor Pro-Tem also noting the first advisory vote by the electors at an April 2, 1973 election.
- Minutes from 1973 through present show the advisory vote by ballot of the electors at the city elections through present.
- On **April 6, 1992** an election was held to pass five charter amendments with one of them being to add Charter Chapter III Registrations, Nominations and Elections Section 14 Candidates for Mayor.

Full sections of the Charter below:

Charter Chapter II Plan of Government Sec. 7. - [Mayor; mayor pro tem.]

The commission, at its first regular meeting following the first election under this Charter, and following each municipal election thereafter, shall elect, by ballot, one of its members mayor, who shall be the presiding officer and executive head of the city, and perform such other duties as are, or may be imposed or authorized by the laws of the state or this Charter. In times of public danger or emergency he may, with the consent of the commission, take command of the police and such other department and subordinates of the city as may be deemed necessary by the commission, and maintain order and enforce laws. The commission shall also, at the first regular meeting elect by ballot another member of the commission mayor pro tem, who during the absence or disability of the mayor to perform his duty, shall act in the name and instead of the mayor, and shall, during the time of such absence or disability, exercise all the duties and possess all the powers of the mayor. The mayor and mayor pro tem shall receive compensation only as commissioners.

State Law reference— Mandatory that Charter provide for selection of mayor, MCL 117.3(a); mandatory that Charter provide for duties of officers, MCL 117.3(d).

Charter Chapter III Registrations, Nominations and Elections Sec. 14. - [Candidates for mayor.]

[At city elections, electors may vote for their recommended candidate for mayor from among any of the incumbent commissioners. The city commission is required to consider such recommendation when it elects the mayor of the city, but is not bound by such recommendation.]

(Election of 4-6-1992)

Editor's note— Charter ch. III, § 14, has been editorially added to reflect the results of referendum approved by the voters on April 6, 1992.

Summary:

Nominations for Mayor and Mayor Pro-Tem have been by motion and support of Commissioners since at least 1970; advisory vote began on the ballot on April 2, 1973 but was not amended in the Charter as a requirement until April 6, 1992. It appears that the Commissions nominated the person with the highest vote for Mayor however I did not verify every election, but I do know that to be the case since I have been Clerk (2008). If for some reason the Commission was not going to nominate the Commissioner who the people voted for on the Advisory Vote, then the Commission could/should do a paper ballot at the organization meetings. I did not seek our attorney's opinion on the matter at this time.