

**CITY OF LATHRUP VILLAGE
OAKLAND COUNTY, MICHIGAN**

**RESOLUTION ESTABLISHING CHARTER AMENDMENT BALLOT
PROPOSAL LANGUAGE**

At a Regular meeting of the City Council of the City of Lathrup Village,
Oakland County, Michigan (the "City"), held on the _____ day of _____ 2023.

PRESENT: _____

ABSENT: _____

The following preamble and Resolution were offered by
_____ and seconded by _____.

WHEREAS, the City of Lathrup Village City Council desires to Amend the City Charter to be consistent with voter-initiated changes to the Michigan Constitution and election laws, Proposal 2-22, which allows military and overseas voters to have their votes counted on election day. The new law states that all military and overseas votes shall be counted as long as they are postmarked on the election date, which moves the certification of the election one week, creating conflict with Sections 4.5, 5.10 and 6.1 of the Charter of the City of Lathrup Village; and

WHEREAS, MCL 117.21 states "The form in which a proposed charter amendment or question shall appear on the ballot, unless provided for in the initiatory petition, shall be determined by resolution of the legislative body, and if provided for by the initiatory petition, the legislative body may add an explanatory caption."; and

NOW, THEREFORE, BE IT RESOLVED as follows:

1. By a 3/5 vote of its members, pursuant to the authority granted by Public Act 279 of 1909, as amended, City Council proposes that Chapters 4, 5 and 6 of the Charter of the City of Lathrup Village be amended to read as follows:

Section 4.5. Elective Officers and Terms of Office:

The elective officers of the city shall be five Councilpersons and a Justice of the Peace, all of whom shall be nominated and elected from the city at large.

At each regular city election there shall be elected three Councilpersons and such additional number as may be required to fill vacancies pursuant to the provisions of Section 5.7. For the regular city election of November, 1996 the two receiving the highest number of votes shall be elected for a term of office of three years, the one receiving the third highest number of votes shall be elected for a term of office of one year. Beginning at the regular city election in November, 1997 and at each odd year regular city election thereafter, the two receiving the highest number of votes shall be elected for a term of four years, the one receiving the third highest number of votes shall be elected for a term of two years. The terms of office of Councilpersons shall commence at 8:00 p.m. on the Monday next following the regular city election at which they are elected after certification of the election results by the board of county canvassers, as provided in MCL 168.822, and upon taking the oath of office, as provided in Section 5.10 of this charter.

~~At the regular city election in 1955 and every fourth year thereafter there shall be elected one Justice of the Peace for a term of four years commencing on the fourth day of July next following his election.~~

Section 5.10. Oath of Office and Bond:

Every officer, elected or appointed, before entering upon the duties of his office, shall take the oath of office prescribed by Section 2 of Article XVI of the Constitution of the State [now Mich. Const. 1963 art. XI, § 1] and shall file the same with the Clerk, together with any bond required by statute, this charter, or by the Council. In case of failure to comply with the provisions of this section on or before the date of the first regular meeting, following election or appointment, within ten days from the date of his election or appointment, such officer shall be deemed to have declined the office and such office shall thereupon become vacant unless the Council shall, by resolution, extend the time in which such officer may qualify as above set forth.

Section 6.1. Regular Meetings:

The Council shall provide by resolution for the time and place of its regular meetings and shall hold at least one regular meeting each month. An organizational meeting shall be held ~~on the Monday~~ at the first regular meeting following each regular city election.

2. That the City of Lathrup Village determines the charter amendment question shall appear on the ballot of the next regular election as follows:

CHARTER AMENDMENT PROPOSAL 1

Shall the City of Lathrup Village Charter be amended to eliminate conflicts with the state constitution and election laws.

This proposed Charter amendment would:

- Modify the commencement date of an elected official's term until after certification of the election results;
- Extend the time for elected officials to take the oath of office to allow for certification of the election results;
- Delay the organizational meeting of City Council until after certification of the election results.

Should this proposal be adopted?

[YES]

[NO]

3. The city clerk shall transmit a copy of the proposed amendment to the Governor of the State of Michigan for approval and transmit a copy of the foregoing statement of purpose of such proposed amendment to the Attorney General of the State of Michigan for approval, as required by law.
4. The proposed charter amendment shall be submitted to the qualified electors of this city at a regular election to be held in the City of Lathrup Village on

_____, and the city clerk is directed to give notice of the election and notice of registration in the manner prescribed by law.

5. The City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all supplies necessary to submit the Charter amendment to a vote of the electors as required by law.
6. The proposed amendment shall be published in full together with the existing charter provision altered or abrogated by the amendment as part of the notice of election.

YEAS:

NAYS:

ABSENT/
ABSTAIN

STATE OF MICHIGAN)

)ss

COUNTY OF OAKLAND

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Lathrup Village, Oakland County, Michigan at a special meeting duly called and held on the _____, the original of which resolution is on file in my office, and that notice of said meeting was given, the meeting was held and the minutes filed

in accordance with the Open Meetings Act, Act No. 267, Public Acts of Michigan,
1976, as amended.

Kelda London
City Clerk

DRAFT