

**PROPOSAL 2:**

**RESOLUTION PROPOSING AMENDMENT TO  
THE CHARTER OF THE CITY OF MADISON HEIGHTS**

The following Resolution was offered by the City of Madison Heights' City Council Member \_\_\_\_\_,

(Name)

and seconded by Council Member \_\_\_\_\_,

(Name)

which Motion was adopted according to the following vote:

**Yeas:**

**Nays:**

**BY VIRTUE OF THE FOREGOING VOTE, THE CITY COUNCIL OF THE CITY OF MADISON HEIGHTS ADOPTS THE FOLLOWING RESOLUTION:**

**WITNESSETH:**

**WHEREAS**, the City of Madison Heights is a Michigan municipal corporation, duly and legally incorporated as a Home-Rule City, pursuant the provisions of 1909 Public Act 279, being specifically Michigan Compiled Laws (MCL) 117.1, et seq.; and,

**WHEREAS**, the Charter of the City of Madison Heights was adopted by a vote of the electors on December 6, 1955; and,

**WHEREAS**, Chapter 5, Section 5.1 of the City Charter, titled "Officers, Qualification," specifically to wit: The eighth (8<sup>th</sup> full and unnumbered section), states as follows:

**Section 5.1.-Officers, Qualifications:**

No person shall be eligible to become a candidate for or hold an elective office in the City of Madison Heights who, at the time of the filing of his nominating petition for such elective office, has been elected to or is the holder of, an elective office in any other political subdivision of the State of Michigan. Such political subdivisions of the State of Michigan shall be deemed to mean any municipality, township, county or State of Michigan, other than the City of Madison Heights. No person shall be eligible to become a candidate for any elective office in the City of Madison Heights, except to succeed himself, who at the time of filing his nominating petition for elective office is the holder of any other elective office in the City of Madison Heights, unless at the time he files his nominating petition for elective office, he shall also file his resignation from such office to be effective not later than the first Monday in April following. At the time of the filing of the petition for an elective office in the City of Madison Heights in the manner

hereinabove set forth, the candidate shall, upon the filing of petitions, file an affidavit setting forth his name, that fact that he is a qualified elector in the City of Madison Heights, the length of residence, and that he does not hold an elective office in any political subdivision of the State of Michigan, except the office he seeks, or, if he holds an elective office in the City, other than the office he seeks, that he has submitted his resignation therefrom. Such affidavit together with his petitions, shall be filed with the City Clerk. If any candidate fails to file such an affidavit at the time of filing of his petitions the Clerk shall not accept such petitions for filing. The candidate shall also file all of the affidavits or those instruments required under the election of the State of Michigan.

No person shall be a candidate for any or city election for more than one elective office.

(Amended September 12, 1961)

**WHEREAS**, the foregoing Charter section requires the resignation of any elected officeholder, from any non-city office, to become a candidate for mayor or city council, at the time of filing nominating petitions, instead of at the time of being elected to city office.

**WHEREAS**, the foregoing Charter section requires the resignation of an elected city council member, from any city office, to become a candidate for mayor, at the time of filing nominating petitions, instead of at time of being elected as mayor;

**NOW, THEREFORE, BE IT RESOLVED**, that Chapter 5, Section 5.1 of the City Charter, titled "Officers, Qualification," specifically to wit: The eighth (8<sup>th</sup> full and unnumbered section), should be amended, in pertinent part, to state as follows:

#### **Section 5.1. Officers, Qualifications**

No person, eligible to become a candidate for or hold the office mayor or council member of the City of Madison Heights, shall be required to resign their non-city elective office or city elective office, prior to their election as mayor or city council member. Non-city elective office shall be deemed to mean any municipal, township, county or state office. City elective office shall be deemed to mean mayor or council member of the city. When a person files their nominating petitions for mayor or city council, they shall also file a signed affidavit with the city clerk's office, in conformity with state law. A person, who wins election as mayor or city council member, shall resign their non-city elective office or prior city elective office.

**BE IT FURTHER RESOLVED** that all other sections in Chapter 5, Section 5.1., not otherwise amended herein, shall remain in full force and effect; and,

**BE IT FURTHER RESOLVED** that said Charter Proposition shall be submitted to the voters for approval shall be as follows:

A proposed amendment to Section 5.1 of the Madison Heights City Charter  
(Officers, Qualifications) – Proposal No. 2

Currently, Section 5.1 requires, in order to be eligible to be a candidate for election as mayor or council member, that a candidate for mayor or council must resign from **any** Madison Heights elective office and from elective office in any other local government unit. The proposed amendment states that no candidate for mayor or city council must resign from their current elected offices **in the city or any other local unit** until they win election as mayor or city council member. If approved, the revision takes effect with the 2025 regular city election and continues until otherwise amended.

Shall the proposed amendment to Section 5.1 be adopted?

☐ Yes.

☐ No.

**BE IT FURTHER RESOLVED**, that the city clerk shall transmit a copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment and a copy of this resolution to the Attorney General of the State of Michigan for approval of proposed ballot language for the proposed amendment, as required by law.

**BE IT FURTHER RESOLVED**, that said Charter Amendment be submitted to the electors of the City of Madison Heights for a vote of approval at the election to be held on November 7, 2023; and,

**BE IT FURTHER RESOLVED**, that the Clerk of the City of Madison Heights is hereby authorized and directed to cause the notice of submission of said Charter Amendment proposition to be posted and published as a part of the notice of said election in the manner required by law.

CERTIFICATION:

I, Cheryl E. Rottmann, the duly appointed City Clerk of the City of Madison Heights, County of Oakland, State of Michigan, do hereby certify that the foregoing is a resolution adopted by the Madison Heights City Council at their Regular Meeting held on June 12, 2023.

\_\_\_\_\_  
Cheryl E. Rottmann  
City Clerk