

City Charter Revision: Step by Step

Governing body Resolution or Initiatory Petition

Revision of a city charter may be initiated by a resolution adopted by 3/5 of the legislative body or by petition signed by at least five percent of the qualified and registered electors in the city.

Election

The question of whether or not to amend the charter shall be submitted to the electors at the next general or municipal election, or at a special election. If the electors declare in favor of a revision by a majority vote, a charter commission shall be elected within 60 days consisting of nine electors of such city; or, charter commissioners can be selected at the same election at which the proposition to revise the charter is submitted. This is the favored practice since it is more expensive to have two elections (accomplished in the legislative body's resolution or stated in the initiatory petition).

Duties of the Legislative Body

The legislative body shall fix, in advance of the election, the following criteria for the charter commission:

- (1) Place of meeting
- (2) Compensation for commissioners
- (3) Amount of money to be allowed for expenses of the charter commission
- (4) Provide the ballots for the election of commissioners

Meetings of the Charter Revision Commission

The charter commission convenes on the second Tuesday after the election. Meetings are open to the public. The clerk presides at the first meeting, administers oaths of office, and acts as the clerk of the commission. Charter commissions choose their officers, determine their rules of proceeding, keep a journal, fill their vacancies, and receive compensation for attending a maximum of 90 meetings (one per day).

Submission to the Governor

A proposed revised charter is submitted to the governor for review. This should be done 90 days prior to the filing deadline. The attorney general reviews it and advises the governor regarding its legality. The governor signs the charter if approved; if not, the charter is returned to the charter commission with a commentary of recommended corrections. If the governor does not approve a proposed charter, the scheduling of a vote is determined by the charter commission which generally seeks to obtain the approval of the governor.

Charter Publication

An approved proposed city charter is to be published in full as prescribed by the charter commission. (The attorney general's position is that publication is to be in a newspaper of general circulation in the community.)

The Vote

A revised charter is adopted by a simple majority vote of the electorate. If a proposed revised charter is rejected, the charter commission reconvenes and decides to either 1) take no further action or 2) to proceed with a further revision. If no action is taken, the charter commission ceases to exist. Proposed revised charters may be submitted to electors by a charter commission three times within a three-year period.

Charter Revision Commissions

1. Take oath of office, administered by clerk
2. May fill vacancies
3. Five members for quorum
4. Convene second Tuesday after election
- 5.a Frame charter in 90 days
(Directory only-OAG 1914, p.70)
- 5.b No compensation after 90 days
(Doesn't require completion in 90
Days—*Harvey v Port Huron*,
225 Mich. 368)
6. Chooses its officers
7. Fixes rules of procedure
8. Keeps journal
9. Record roll call vote on demand of two
members unless adopt rule for such action
on demand of one
10. Publish charter as commission prescribes
- 11.a Publish election notice
- 11.b By implication from MCL 117.26 the city's
legislative body does this
12. File charter with clerk 60 days before election
13. Submit charter to governor for approval
14. All sessions shall be public

Model Resolution Declaring for Charter Revision

RESOLVED, That the city council of the City of _____ hereby declares for a revision of the charter of the City, as provided and permitted by Public Act No. 279 of the Public Acts of 1909, State of Michigan, as amended.

FURTHER RESOLVED, That the question of having a general charter revision shall be submitted to the electors of the City of adoption or rejection at a special election, to be held concurrently with the general (or municipal) election to be held on the _____ day of _____, 20____.

FURTHER RESOLVED, That at such election there shall be elected from the City at large a charter commission consisting of nine electors of the City who are not officers or employees of the City, the selection of such charter commission to be void if the proposition to revise is not adopted. The candidates for such charter commission shall be nominated and elected in the manner prescribed by the City Charter for the nomination and election of members of the City Council. (In case the City Charter provides for ward elections, the following may be added—except that the nomination and election of said charter commissioners shall be from the city at large.)

FURTHER RESOLVED, That the City Clerk shall give notice of the last day for registration and the election in the manner provided by law and said question on the revision of the charter of the city shall be submitted to the electors in the following form:

"Shall there be a general revision of the charter of the City of _____ ?

For the charter revision yes

For the charter revision no

FURTHER RESOLVED, That the last day and hour for receiving nomination petitions for candidates for the office of charter commissioner shall be 4:00 on the _____ day of _____, 20____. (This date should be 49 days prior to election day by analogy unless the charter provides a different date as the last day for filing nominating petitions for council in which case the charter provision shall be used.) And the city clerk shall make available appropriate non-partisan petition forms and give due notice to the last day and hour for filing petitions by two publications of notice thereof in a paper of general circulation within the city, the first publication to be not less than ten days prior to the last day of filing.

Petition-Initiated Charter Revision

A city charter revision may also be initiated by petition. Much of the procedure will be the same as for a revision initiated by the governing body.

Initiation

Section 25 of the Home Rule City Act provides for two types of petitions, the so-called five percent petition and the 20 percent petition. An initiative petition must be signed by at least five percent of the registered electors of the city. When such petition is signed by 20 percent or more, the Act provides for certain differences with respect to election proceedings as explained under the Election Date heading.

Petition Form

The Act establishes certain standards for the completion of the petition, as follows:

1. The petition must be addressed to and filed with the city clerk.
2. Each signer must inscribe after his signature the date of signing, his street and address, and if known, his ward and precinct.
3. No signatures obtained more than one year before the filing of the petition shall be counted.
4. The petition must state what organization, if any, or, if none, what person or persons are primarily interested in and responsible for circulating the petition.
5. Each sheet of the petition must be verified by affidavit of the person who obtained the signatures, and the Act specifies what shall appear in the verification.

The city clerk has the function of insuring compliance with the statutory standards. Within 45 days from the date of receipt, he/she must check the petition and determine whether the petitioners are registered electors. If the petition conforms to the requirements, the city clerk shall certify the same, report that fact to the governing body, and establish the date of election. If the petition is found not to meet the statutory requirements, the city clerk will report this to the governing body and take no further action.

Election Date

Establishment of the election date by the city clerk will vary depending on whether the petition has been initiated by a five percent petition, or 20 percent petition.

In case of a five percent petition, the proposal can be submitted only at the next regular city or general state election occurring not less than 90 days after the filing of the petition (MCL 117.21). If a charter amendment initiated by a five percent petition is submitted at a special or primary election, it has been held that the vote is void (*Attorney General v. Bay City*, 334 Mich. 514 (1952)).

Section 25 is written in terms of submitting of a charter amendment. It applies to charter revision only because of the reference to section 25 found in section 18 of the Home Rule City Act. Nevertheless, it seems likely that the rule in *Attorney General v Bay City* would also apply to the submission of charter revision proposals.

A 20 percent petition may request that the proposed amendment be submitted at a special election. If such petition contains a request for a special election, the city clerk, within 90 days after the filing of the petition, must call a special election no less than 120 days nor more than 130 days after the filing of the petition, but if a primary or regular election occurs, or a special election has been or is called for a time within 150 days of the filing, the proposal shall be submitted at such election.