



500 West Big Beaver
Troy, MI 48084
troymi.gov

CITY COUNCIL AGENDA ITEM

Date: January 23, 2020

To: Honorable Mayor and Troy City Council Members

From: Mark F. Miller, City Manager
Lori Grigg Bluhm, City Attorney

Subject: City Council Vacancy (Introduced by City Attorney Lori Grigg Bluhm)

Council Member Pennington announced his resignation from City Council during the Monday, January 13, 2020 regular City Council meeting. The purpose of this memo is to advise the City Council regarding the procedure to fill the vacancy.

Resignation

City Charter Section 6.5 requires resignations of elective officers to be made in writing and filed with the City Clerk. Council Member Pennington filed the attached written resignation with the City Clerk. City Charter Section 6.5 also requires resignations to “be acted upon by the Council at its next regular meeting following receipt thereof by the Clerk.” Accordingly, the City Council will formally accept the resignation at its Monday, January 27, 2020 regular meeting.

Vacancy

City Charter Section 6.2 provides any elective City office shall be declared vacant by the Council for any reason specified by statute or by the City Charter. While the City Charter does not expressly recognize resignation as a reason for a vacancy in Section 6.2, state statute does. As part of the election law statutes, MCL 201.3 provides that every office shall become vacant upon resignation of the incumbent. This statute extends to municipal elected offices. Accordingly, the City Council shall declare the office vacant at its Monday, January 27, 2020 regular meeting.

Filling the Vacancy

Filling the vacancy includes the appointment of a successor within 30 days of the vacancy and the subsequent election of a successor on Tuesday, August 4, 2020.

Appointment

City Charter Section 6.7 requires a majority of the City Council act to fill a City Council vacancy within 30 days. The term of the appointed successor will end at 7:30 PM on Monday, August 10, 2020, the first regular City Council meeting following the August 4, 2020 election.



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Election

City Charter Section 6.7 provides the election of a successor shall be on the next November or even-year August Election date. Accordingly, a successor will be elected on August 4, 2020. The elected successor will serve the rest of the term from Monday, August 10, 2020 until 7:30 PM on Monday, November 8, 2021.

Candidates, including the appointed successor, seeking the elective office must file nominating petitions by 4:00 PM on April 21, 2020. The withdrawal deadline elapses at 5:00 PM on April 24. The City Clerk's Office will make filing packets available on Monday, February 3, 2020.

Recommendation

City Administration recommends the following schedule for appointing a successor:

- **Tuesday, January 28, 2020 through Friday, February 7, 2020:** Qualified and registered electors of the City desiring to be considered for appointment will submit an application to the City Clerk on or before February 7, 2020 at 12:00 PM (noon). City Administration will provide public notice of the eligibility requirements, application process and deadlines. Applications for appointment may remain confidential if the applicant requests confidentiality.
- **Monday, February 10, 2020 Regular City Council Meeting:** All applications received before the deadline will be shared with the City Council prior to this meeting. Each City Council Member will review the applications and come to the meeting prepared to identify his or her top five applicants. Applicants requesting confidentiality will be identified by a number rather than by name. City Administration will tally the number of times each applicant is identified among a City Council member's top five. The five applicants receiving the greatest number of "votes" will then be invited to interview at the February 24, 2020 Regular City Council meeting. The identity of any confidential applicants will be released after he or she confirms his or her willingness to participate in the public interview.
- **Monday, February 24, 2020 Regular City Council Meeting:** The City Council will conduct public interviews and fill the vacancy "by a majority vote of the remaining members of the Council" pursuant to City Charter Section 6.7. The term of the appointed successor will end at 7:30 PM on Monday, August 10, 2020.

January 22, 2020

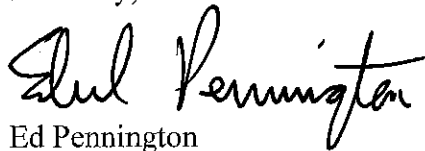
City Of Troy
500 W. Big Beaver
Troy, Michigan 48084

Dear Mayor and Troy City Council:

Please be advised that I am submitting my resignation as a member of Troy City Council, effective immediately. I am disappointed that some current council members feel that there is a conflict of interest in Pennington Collision repairing vehicles for the city while simultaneously serving on City Council. I agree with Mayor Baker that seven years without conflict should be sufficient proof that there is no need for concerns to arise now. Pennington Collision has been repairing city vehicles on and off for 52 years and will be proud to continue this relationship moving forward.

It has been my honor to represent the residents of Troy for seven years. I am proud to have been a major force in bringing a divided council together and for helping to make this great city a better place in which to live and work.

Sincerely,

A handwritten signature in black ink that reads "Ed Pennington". The signature is written in a cursive style with a large, prominent "E" and "P".

Ed Pennington



Application for City Council Appointment

**APPLICATIONS DUE TO THE CITY CLERK BY FEBRUARY 7, 2020 at NOON
PUBLIC INTERVIEWS TO BE HELD ON FEBRUARY 24, 2020 at 7:30 PM**

Check box to keep application confidential

Thank you for your interest in serving on City Council. The purpose of this form is to provide the Mayor and City Council with basic information about applicants considered for appointment.

(PLEASE PRINT OR TYPE)

Date: _____

Name: _____

Phone: _____

Address: _____

City/Zip _____

Employer: _____

Phone: _____

Address: _____

City/Zip _____

E-Mail: _____

How long have you lived continuously in the City of Troy? _____

Are you a registered voter in the City of Troy? Yes No

(Verified by Clerk's Office)

Are you affiliated with any political party? Yes No

Are you a graduate of Troy's Citizen Academy? Yes No

Are you related to an elected official or employee of the City of Troy? Yes No

Insert your relationship to elected official or employee of the City of Troy: _____

Have you ever been convicted for anything other than a minor traffic violation? Yes No

City Administration utilizes electronic methods to disseminate information for meetings. Are you able to take advantage of electronic documents (email, Internet access, home computer)? Yes No

Professional Qualifications and/or Work Experience: _____

Community Activities and/or Other Experience: _____

Educational Background:

References (Please list name and address):

Indicate reasons for desiring to serve:

Applicant's Signature: _____

FOR OFFICE USE ONLY	
Received by: _____	Date: _____
<input type="checkbox"/> Confirmed voter status	<input type="checkbox"/> Confirmed current <i>Full Disclosure Statement</i> on file
<input type="checkbox"/> Confirmed compliance with applicable federal, state and local statutes	
Confirmed by: _____	



Full Disclosure Statement

BOARD & COMMITTEE: City Council

Name: _____
(Last) (First) (Middle Initial) (Spouse)

Home Address: _____
(Street Number & Name) (City) (State) (Zip)

NOTE: The following sections also apply to joint property ownership and contributions/donations/gifts to your spouse, children and spouse of any of them.

REAL ESTATE - Property A (listed above)

Not Applicable: I do not own wholly or a portion of the [above](#) real estate listed as my home address.

I hereby disclose that the following is a complete description of the [above](#) real estate listed as my home address and is **owned** by me, wholly or in part.

Co-Owner(s): _____

Parcel# _____ Town & Range _____ Section # _____ Lot Size _____

Subdivision/
Condo Name _____ Lot, Bldg
and/or Unit#: _____

REAL ESTATE - Property B

Not Applicable - I do not own any [other](#) real estate wholly or a portion of any real estate.

I hereby disclose that the following is a complete description of [other](#) real estate owned by me, wholly or in part.

Property Address: _____
(Street Number & Name) (City) (State) (Zip)

Co-Owner(s) and/or Principal Officers: _____

Parcel# _____ Town & Range _____ Section # _____ Lot Size _____

Subdivision/
Condo Name _____ Lot, Bldg
and/or Unit#: _____

Check box if additional sheets listing [other properties](#) (include vacation and rental properties) are attached.

NOTE: The following sections also apply to joint property ownership and contributions/donations/gifts to your spouse, children and spouse of any of them.

CORPORATIONS, PARTNERSHIPS, JOINT VENTURES OR SOLE PROPRIETORSHIPS

Not Applicable

I hereby disclose that the following is a complete listing of all corporations, partnerships, private ventures, sole ownerships or proprietorships in which I presently possess or have possessed ownership interests during the past twelve (12) months, and which are doing or have done business in the City of Troy, as well as those located in the City of Troy.

Name of Firm & Principal Officers: _____

Principal Address of Firm: _____

Check box if additional sheets listing [additional firms and/or principal officers](#) are attached.

POLITICAL CONTRIBUTIONS, DONATIONS AND GIFTS

Not Applicable

The following is a true and complete list of all contributions, donations, and/or gifts, received from land developers, real estate companies, real estate brokers, contractors, and/or any combination of businesses or firms doing business with the City of Troy requiring licenses, permits, zoning changes, or variances required to operate in the City of Troy.

Check box if Michigan Department of State "Campaign Finance Statement" can be accessed at: <https://courts.oakgov.com/cfrs/>

Check box if Michigan Department of State "Campaign Finance Statement" is attached itemizing Candidate Committee campaign contributions.

Check box if additional sheets listing [additional contributions](#) are attached.

I hereby certify that the above statements are true and accurate.

X

Signature Required

Date