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TO: The Honorable Detroit City Council

FROM: David D. Whitaker 
Legislative Policy Division Staff

DATE: November 12, 2014

RE: **Resolution Adopting A Process To Fill The City Council Vacancy**

The Legislative Policy Division was requested to draft a resolution relative to the procedure to fill the vacancy currently on City Council. That resolution is attached for your consideration.

RESOLUTION BY THE DETROIT CITY COUNCIL

RESOLUTION ADOPTING A PROCESS TO FILL THE CITY COUNCIL VACANCY CREATED BY THE RESIGNATION OF MEMBER JENKINS

WHEREAS, Effective November 7, 2014, Council Member Saunteel Jenkins resigned from the Detroit City Council to pursue other endeavors, creating an at-large vacancy on the Council; and

WHEREAS, The 2012 Detroit City Charter (Charter) at Section 3-105, entitled *City Elections and City Council Initiated Ballot Proposals*, requires the remaining Council members to appoint a new member to fill the vacancy until the next general election is held in November 2016. The provision reads in pertinent part as follows:

If a vacancy occurs on City Council it shall be filled by appointment, based on a two-thirds (2/3) vote of the members. The person appointed shall serve until an elected member takes office. The election to fill the vacant position shall occur at the next general election to be held not sooner than one hundred eighty (180) days after occurrence of the vacancy.

WHEREAS, The Charter does not provide guidance or direction on the manner or method that Council should utilize to make the appointment, nor does the Charter set forth the time period in which the Council must act in making its selection; consequently, City Council must exercise its sound discretion in formulating a process of appointment in a fair, just and reasonably expeditious manner; and

WHEREAS, City Council has developed a process that will allow all interested and qualified members of the community to apply for the opening. **NOW THEREFORE BE IT**

RESOLVED, That the Detroit City Council shall utilize the following process to fill the vacancy created by the resignation of Council Member Jenkins:

1. City Council will begin accepting applications on November 19, 2014 and the application period will end on December 5, 2014, at 4:00 p.m. Applications will **ONLY** be accepted at the City Clerk's Office located at The Coleman A. Young Municipal Center, 2 Woodward Ave, Ste. 200, Detroit, Michigan 48226 during the stated application period. **Other applications, resumes or other materials received before or after the application period or through other channels outside of the Clerk's Office (including through Council Members) will not be considered.**

2. To be qualified for appointment an applicant must meet the following requirements:
 - Be at least eighteen (18) years of age;
 - Be a citizen of the United States; and
 - Be a resident and a qualified and registered voter of the City of Detroit for one (1) year at the time of application; and
3. All persons seeking appointment shall submit a resume and a signed and notarized application to the City Clerk's Office by the due date. An applicant may submit supporting documents, such as a writing sample; however, none are required; and
4. The City Clerk shall canvas all applicants to determine that each have met the qualifications for holding office. The Clerk shall forward all qualified candidates' resumes and applications to City Council along with a list of candidates who failed to meet the qualifications with the corresponding reasons; and
5. Each Council Member may submit up to three (3) names from the qualified applicants' pool for further consideration in the interview phase of the process. The interview choices should be submitted to the Legislative Policy Division (LPD) by January 9, 2015 at 5:00 p.m. LPD shall provide a report indicating results of the submissions and a list of those who will be interviewed; and
6. All interviews shall be conducted in open session within the Committee of the Whole to be scheduled during the week of January 19, 2015; and
7. Once the interviews have concluded, City Council shall, during a meeting, implement a run-off voting system to narrow the pool of candidates to three. The run-off system shall require members to vote for three candidates delineating their first, second, and third choices. A value of three will be given to each member's first choice, a value of two for second choice and a value of 1 for third choice. The three candidates receiving the top three scores, including ties, shall be considered further for appointment. If necessary, City Council may implement other voting strategies to narrow the number of finalists to three; and
8. City Council shall vote to appoint a new council member from the remaining candidates until a single candidate obtains a two-thirds (2/3) majority vote. If no candidate receives a two-thirds vote of members, only the two candidates with the highest number of votes shall be considered further. If there is a tie for second place, then the Council shall vote between the tied candidates to determine who will be considered further. **BE IT FURTHER**

RESOLVED, The Detroit City Council directs this application process to be posted on the City's website and directs the City Clerk to publish notice in newspapers of daily circulation.

November 12, 2014