



**CITY OF NOVI CITY COUNCIL  
NOVEMBER 20, 2023**

**SUBJECT:** Discussion on the process to fill the open Council seat.

**SUBMITTING DEPARTMENT:** City Manager's

**BACKGROUND INFORMATION:**

With the election of Council Member Justin Fischer to Mayor, a vacancy on City Council has been created. The Council is obligated under Section 5.6(c) of the Charter ("Filling Vacancies") to fill the vacancy in an elective office within 30 days after the vacancy occurs "by appointment of a person possessing the qualifications for the office by a majority vote of the members of the Council then in office." Section 3.2 requires that the individual be qualified to hold office under the laws of the state and be a resident of the City.

If the position is not filled within 30 days after the vacancy occurs, a special election is required. In which case the City Clerk must give notice of a special election 90 days before the election, and the general provisions for filing nominating petitions, etc., apply. Historically, before making an appointment the City Council has held interviews with interested candidates. For instance, interviews held when vacancies were created in:

- 2009 (Burke) 6 Applicants
- 2010 (Wrobel) 5 Applicants
- 2014 (Poupard) 8 Applicants
- 2018 (Verma) 13 Applicants
- 2019 (Poupard) *Used list of applicants from the preceding October 2018 process*
- 2020 (Maday) 4 applicants

In each instance, a public notice was published in the newspaper two weeks before the date set for interviews for interested persons to apply. While there is no statutory, charter, or ordinance requirement to do interviews before the appointment, doing so provides a clear and open process that meets the requirements of the Open Meetings Act. There is also no set process for voting on the actual appointment. In each of the above instances it was done by written ballot as opposed to a voice motion and vote (said signed ballots are a public record). A nomination and seconding process can

also be used. A majority vote of the remaining members (four votes, in this case) is required for the appointment.

With the postponement of the November 13 meeting, City Council would have three (3) meetings in quick succession (November 20, 27, and December 4). Staff suggests that the December 4<sup>th</sup> meeting be postponed to the 11<sup>th</sup>. Depending on the course of action City Council decides, a call for applicants could be made, and interviews can take place on the 11<sup>th</sup> with an appointment on the following 18<sup>th</sup>.

**RECOMMENDED ACTION:** Discussion on the process to fill the open Council seat.