

News from the City of Dearborn

Dearborn – Clean and Safe

FOR IMMEDIATE RELEASE

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Court confirms O'Reilly is Dearborn's Mayor Pro Tem

*He will direct the administration of the city
and assume executive role*

DEARBORN, Mich. – John B. (Jack) O'Reilly, Jr. has been confirmed as mayor pro tem of the City of Dearborn following an opinion issued on January 2 by Chief Judge of the Wayne County Circuit Court Mary Beth Kelly.

As mayor pro tem, O'Reilly will direct the operations of the city, overseeing administrative departments.

He had been filling the mayor pro tem responsibilities regarding contracts and other legal requirements since Mayor Michael A. Guido passed away on Dec. 5, and will now fully assume the executive duties of that position.

A special election will be held on Feb. 27 to elect a mayor to serve out Mayor Guido's term, which goes through December 2009. O'Reilly is a candidate in that election.

Now that the court has issued its opinion, O'Reilly will vacate his seat as City Council president to fulfill the mayor pro tem responsibilities until the Feb. 27 election.

This is according to state law, which prohibits a person from holding two offices that are incompatible. The mayor pro tem position is an administrative

position with the right to veto council actions, and so holding both represents a conflict of interest.

O'Reilly being confirmed as mayor pro tem creates a vacancy on the City Council, which means that George Darany, as the next highest vote-getter in the 2005 election, will be sworn in as a council member.

The January 2 court opinion also validated Dearborn's Charter section 6.2. The court said the section is enforceable.

That section states, "The office of any elective officer of the City who files and does not withdraw petitions to become a candidate for another city office shall become vacant upon the passage of the deadline for withdrawal of said petitions."

This section applies to any elected city official who runs for a different city office. For the Feb. 27 special election, it would apply to the City Clerk or City Council members if they chose to run for mayor, since that is a different office from the ones they now hold.

For the Feb. 27 election, this section is not relevant for the mayor pro tem.

If an elected official does not voluntarily resign after the deadline to withdraw from the race passes, another Charter section, section 6.14, would apply, according to the court's opinion.

That section gives the City Council the right to declare an office vacant if a Charter violation is at issue. The section stipulates that the council must have a formal hearing and must cast a majority vote for removal.

Judge Kelly stated, however, that an elected official could avoid the complications of a council hearing by resigning once the appropriate deadline had passed.

In her opinion, she explained, “Of course, an incumbent City Council member who did decide to become a candidate for other office could obviate the time and trouble that formal City Council proceeding would entail by simply resigning upon the filing of nominating petitions and the expiration for the withdrawal of candidacy.”