



Grand Ledge City Council
Regular Meeting Agenda

REGULAR MEETING AGENDA
MONDAY, 25 JANUARY 2016
7:30 P.M.
COUNCIL CHAMBERS, CITY HALL
310 GREENWOOD ST., GRAND LEDGE MI 48837

- I. **ROLL CALL OF COUNCIL** – Mayor Kalmin Smith; Mayor Pro-Tem Keith Mulder; and Council members Rick Lantz, Jamie Malecki, Sue Roberts, Thom Sowle, and Don Willems

- II. **PLEDGE OF ALLEGIANCE** – Any person(s) attending may participate in reciting the Pledge of Allegiance to the American Flag. The Mayor may choose to designate, with their consent, a Council member or a person attending to lead the Pledge of Allegiance. The City Council shall not require any Council member or person(s) attending to recite the Pledge of Allegiance.

- III. **AUDIENCE PARTICIPATION** – Any person(s) attending may comment on any subject. All presentations before the City Council shall be limited to five minutes per individual presentation.

- IV. **APPROVAL OF CONSENT AGENDA** – The City Council approves items listed on the consent agenda by a single roll call vote without debate. If the City Council desires to debate any item listed on the consent agenda, it may remove the item and place it on the regular agenda for consideration in due order.
 - A. **Motion** – To approve the Monday, 25 January 2016 City Council consent agenda, as follows:
 - i. Financial transactions and bills.
 - ii. Monday, 11 January 2016 regular City Council minutes.
 - iii. Public Service and Facilities Committee recommendation confirming the City’s policy position to not allow private use of public right-of-way; use of public right-of-way at 609 Liberty St. denied, accordingly.

- V. **APPROVAL OF REGULAR AGENDA** – The City Council may remove any item from or add any item to the regular agenda.
 - A. **Motion** – To approve the Monday, 25 January 2016 regular City Council agenda.

- VI. **COMMITTEE AND BOARD REPORTS** – Council members and staff may report on discussions and actions of committees and boards.

- VII. **STAFF REPORTS** – The City Council may receive reports from various department heads.

Police Department

- VIII. UNFINISHED BUSINESS** – The City Council may again debate any item(s) previously debated but not finally disposed of and may or may not act upon the item(s) as indicated.
- IX. NEW BUSINESS** – The City Council may debate any item(s) under its authority not previously debated and may or may not act upon the item(s) as indicated.
- A. Motion** – To approve board and commission appointments.
- X. AUDIENCE PARTICIPATION** – Any person(s) attending may comment on any subject. All presentations before the City Council shall be limited to five minutes per individual presentation.
- XI. COMMUNICATIONS FROM THE MAYOR AND COUNCIL** – The Mayor may make appointments and reappointments to boards and committees, may report on subjects referred by Council members, staff and residents, and may comment on any subject. City Council members may comment on any subject.
- XII. CLOSED SESSION** – The Open Meetings Act allows the City Council to discuss certain subjects without the presence of the public. The City Council may request a staff member or any other person the City Council determines to be necessary, by a majority of the Council members present, to attend the closed session. Once the Closed Session has ended, the City Council will resume the regular meeting.
- XIII. ADJOURNMENT** – When the City Council has completed all items listed on the approved agenda, it may not take any further action until its next regular meeting or a special meeting. If the time is significantly late and items remain on the approved agenda, the presiding officer may ask for a motion to adjourn the meeting to another specific date, time, and place at which to resume and complete the approved agenda.



Gregory L. Newman, City Clerk

THE GRAND LEDGE CITY COUNCIL WILL HOLD ITS NEXT REGULAR MEETING ON MONDAY, 25 JANUARY 2016, AT 7:30 P.M. IN THE COUNCIL CHAMBERS, CITY HALL, 310 GREENWOOD ST., GRAND LEDGE, MICHIGAN.



Memo

To: Grand Ledge City Council
From: Adam Smith, City Administrator
Date: January 22, 2016

A handwritten signature in blue ink, appearing to be "AS", located to the right of the "From:" and "Date:" fields.

An allocation of \$15,000 is requested for the general fund city hall building maintenance line item to address our fire alarm system. The funding would come from general fund balance.

GRAND LEDGE CITY COUNCIL
310 GREENWOOD ST.
GRAND LEDGE MI 48837
(517) 627-2149

CITY COUNCIL MINUTES – REGULAR MEETING
MONDAY, 11 JANUARY 2016
7:30 P.M.
COUNCIL CHAMBERS, CITY HALL
310 GREENWOOD ST.

- I. **ROLL CALL OF COUNCIL** – Mayor Kalmin Smith; Mayor Pro-Tem Keith Mulder; and Council members Rick Lantz, Jamie Malecki, Sue Roberts, Thom Sowle, and Don Willems
OTHERS PRESENT – Adam Smith, City Administrator; Gregory Newman, City Clerk; Martin Underhill, Chief of Police; Ameer King, Assistant City Administrator; Chad Brunton, Street Supervisor; Kurt Ristow, Utilities Supervisor;

II. **PLEDGE OF ALLEGIANCE**

Mayor Smith led those in attendance in the Pledge of Allegiance.

III. **AUDIENCE PARTICIPATION**

Shirlee Bobryk, Eaton County District Court Judge candidate, introduced herself.

Joseph Frazier, Fairview Adult Foster Care, presented updated interest rate information for his request.

IV. **APPROVAL OF CONSENT AGENDA**

- A. **Motion (from staff)** – To approve the Monday, 11 January 2016 City Council consent agenda, as follows:

- i. Financial transactions and bills.
- ii. Monday, 14 December 2015 regular City Council minutes.
- iii. Resolution to approve an ICMA Retirement Corporation Governmental Money Purchase Plan and Trust Adoption Agreement.

COUNCIL MEMBER ROBERTS MOVED, COUNCIL MEMBER LANTZ SECONDED, TO APPROVE THE MONDAY, 11 JANUARY 2016 CITY COUNCIL CONSENT AGENDA. MOTION CARRIED UNANIMOUSLY.

V. **APPROVAL OF REGULAR AGENDA**

- A. **Motion** – To approve the Monday, 11 January 2016 regular City Council agenda.

COUNCIL MEMBER LANTZ MOVED, COUNCIL MEMBER WILLEMS SECONDED, TO APPROVE THE MONDAY, 11 JANUARY 2016 REGULAR CITY COUNCIL AGENDA. MOTION CARRIED UNANIMOUSLY.

VI. **COMMITTEE AND BOARD REPORTS**

VII. STAFF REPORTS

Administrator's Office

Amee King, Assistant City Administrator, reported on new employees, Abrams Municipal Airport reporting, the Fortino's canopy removal, and City Hall building maintenance.

Clerk's Department

Gregory Newman, City Clerk, reported on the Tuesday, 08 March 2016, Presidential Primary, information technology system changes, and a City facility use policy.

Finance Department - Revenue / Expenditure Report

Cheryl Grice, Finance Director / Treasurer, reported on transferring responsibilities from Charles Remenar, Finance Director / Treasurer.

Police Department

Martin Underhill, Chief of Police, reported on an uneventful holiday, staffing changes, delivery of the new vehicle and the need for additional new vehicles, and a K-9 presentation at the Monday, 25 January 2016 City Council meeting.

Department of Public Services

Chad Brunton, Street Supervisor, reported on holiday season road maintenance and additional sidewalk clearing due to availability of crews.

Kurt Ristow, Utilities Supervisor, reported on Saginaw Hwy. elevated tower maintenance and Oakwood Cemetery winter staffing.

Assessing Department

Adam Smith, City Administrator, reported on Tax Tribunal and Board of Review matters.

Planning and Zoning Department

Building Department

- A. Motion** – To receive and place on file the December 2015 staff reports.

COUNCIL MEMBER ROBERTS MOVED, COUNCIL MEMBER SOWLE SECONDED, TO RECEIVE AND PLACE ON FILE THE DECEMBER 2015 STAFF REPORTS. MOTION CARRIED UNANIMOUSLY.

VIII. UNFINISHED BUSINESS

- A. Public Hearing** – On an ordinance amending the Grand Ledge City Code Chapter 220, Zoning, Article X, CBD: Central Business District, §220-36, Uses Permitted Subject to Special Conditions., to add new subsection F to allow overnight lodging and G to regulate accessory structures.

Adam Smith, City Administrator, mentioned the Planning Commission recommendation to strike F(4),

MAYOR SMITH OPENED THE PUBLIC HEARING ON AN ORDINANCE AMENDING THE GRAND LEDGE CITY CODE CHAPTER 220, ZONING, ARTICLE X, CBD: CENTRAL BUSINESS DISTRICT, §220-36, USES

PERMITTED SUBJECT TO SPECIAL CONDITIONS., TO ADD NEW SUBSECTION F TO ALLOW OVERNIGHT LODGING AND G TO REGULATE ACCESSORY STRUCTURES, AT 8:01 P.M.

No public comment.

MAYOR SMITH CLOSED THE PUBLIC HEARING ON AN ORDINANCE AMENDING THE GRAND LEDGE CITY CODE CHAPTER 220, ZONING, ARTICLE X, CBD: CENTRAL BUSINESS DISTRICT, §220-36, USES PERMITTED SUBJECT TO SPECIAL CONDITIONS., TO ADD NEW SUBSECTION F TO ALLOW OVERNIGHT LODGING AND G TO REGULATE ACCESSORY STRUCTURES, AT 8:01 P.M.

- B. Ordinance #556** – Amending the Grand Ledge City Code Chapter 220, Zoning, Article X, CBD: Central Business District, §220-36, Uses Permitted Subject to Special Conditions., to add new subsection F to allow overnight lodging and G to regulate accessory structures.

COUNCIL MEMBER MULDER MOVED, COUNCIL MEMBER WILLEMS SECONDED, TO ADOPT ORDINANCE #556, AMENDING THE GRAND LEDGE CITY CODE CHAPTER 220, ZONING, ARTICLE X, CBD: CENTRAL BUSINESS DISTRICT, §220-36, USES PERMITTED SUBJECT TO SPECIAL CONDITIONS., TO ADD NEW SUBSECTION F TO ALLOW OVERNIGHT LODGING AND G TO REGULATE ACCESSORY STRUCTURES.

Adam Smith, City Administrator, mentioned the Planning Commission recommendation to strike F(4).

COUNCIL MEMBER MULDER MOVED, COUNCIL MEMBER WILLEMS SECONDED, TO AMEND ORDINANCE #556, AMENDING THE GRAND LEDGE CITY CODE CHAPTER 220, ZONING, ARTICLE X, CBD: CENTRAL BUSINESS DISTRICT, §220-36, USES PERMITTED SUBJECT TO SPECIAL CONDITIONS., TO ADD NEW SUBSECTION F TO ALLOW OVERNIGHT LODGING AND G TO REGULATE ACCESSORY STRUCTURES, BY STRIKING F(4). MOTION CARRIED UNANIMOUSLY.

The City Council debated the wording of G(6).

COUNCIL MEMBER MULDER MOVED, COUNCIL MEMBER ROBERTS SECONDED, TO AMEND ORDINANCE #556, AMENDING THE GRAND LEDGE CITY CODE CHAPTER 220, ZONING, ARTICLE X, CBD: CENTRAL BUSINESS DISTRICT, §220-36, USES PERMITTED SUBJECT TO SPECIAL CONDITIONS., TO ADD NEW SUBSECTION F TO ALLOW OVERNIGHT LODGING AND G TO REGULATE ACCESSORY STRUCTURES, BY STRIKING “UNLESS THEY ARE INTENDED TO BE USED FOR HUMAN OCCUPANCY” FROM G(6).

The City Council debated the wording of G(6), the variance options for property owners.

MOTION TO AMEND ORDINANCE #556, AMENDING THE GRAND LEDGE CITY CODE CHAPTER 220, ZONING, ARTICLE X, CBD: CENTRAL BUSINESS DISTRICT, §220-36, USES PERMITTED SUBJECT TO SPECIAL CONDITIONS., TO ADD NEW SUBSECTION F TO ALLOW OVERNIGHT LODGING AND G TO REGULATE ACCESSORY STRUCTURES, BY STRIKING “UNLESS THEY ARE INTENDED TO BE USED FOR HUMAN OCCUPANCY” FROM G(6), CARRIED UNANIMOUSLY.

MOTION TO ADOPT ORDINANCE #556, AMENDING THE GRAND LEDGE CITY CODE CHAPTER 220, ZONING, ARTICLE X, CBD: CENTRAL BUSINESS DISTRICT, §220-36, USES PERMITTED SUBJECT TO SPECIAL CONDITIONS., TO ADD NEW SUBSECTION F TO ALLOW OVERNIGHT LODGING AND G TO REGULATE ACCESSORY STRUCTURES, AS AMENDED STRIKING F(4) AND AS AMENDED BY STRIKING “UNLESS THEY ARE INTENDED TO BE USED FOR HUMAN OCCUPANCY” FROM G(6), CARRIED UNANIMOUSLY.

IX. NEW BUSINESS

- A. Resolution #01 of 2016** – To propose a general revision of the City Charter.

COUNCIL MEMBER WILLEMS MOVED, COUNCIL MEMBER LANTZ SECONDED, TO ADOPT RESOLUTION #01 OF 2016, TO PROPOSE A GENERAL REVISION OF THE CITY CHARTER.

Adam Smith, City Administrator, explained the initial step to revise the City Charter.

MOTION TO ADOPT RESOLUTION #01 OF 2016, TO PROPOSE A GENERAL REVISION OF THE CITY CHARTER, CARRIED UNANIMOUSLY.

B. Resolution #02 of 2016 – To call for the election of a Charter Commission.

COUNCIL MEMBER ROBERTS MOVED, COUNCIL MEMBER LANTZ SECONDED, TO ADOPT RESOLUTION #02 OF 2016, TO CALL FOR THE ELECTION OF A CHARTER COMMISSION.

Adam Smith, City Administrator, explained the second step to revise the City Charter, and mentioned the resolution sets no compensation for the Charter Commission and allocates \$10,000 for the Charter Commission.

The City Council debated the possibility of less than nine candidates filing petitions for the Charter Commission.

MOTION TO ADOPT RESOLUTION #02 OF 2016, TO CALL FOR THE ELECTION OF A CHARTER COMMISSION, CARRIED UNANIMOUSLY.

C. Motion – To adopt the 2016-2017 City Council Priorities.

COUNCIL MEMBER LANTZ MOVED, COUNCIL MEMBER WILLEMS SECONDED, TO ADOPT THE 2016-2017 CITY COUNCIL PRIORITIES.

Adam Smith, City Administrator, explained the summary document of 2016-2017 City Council Priorities.

The City Council debated the ability to move priorities and amend the document, and the need to provide the document to City boards and commissions.

MOTION TO ADOPT THE 2016-2017 CITY COUNCIL PRIORITIES, CARRIED UNANIMOUSLY.

D. Motion – To _____ the request from Fairview Adult Foster Care regarding the water capital investment fee.

Adam Smith, City Administrator, explained the options to collect the fees in full, allow annexation or a 425 agreement, or establish a special assessment to collect the fees.

The City Council debated the options to collect the fees in full, allow annexation or a 425 agreement, or establish a special assessment to collect the fees, any impact of the water capital investment fee on Fairview Adult Foster Care's construction schedule, the City's inability to place a lien on the property, and the possibility of referring the request to the Public Service and Facilities Committee for review and recommendation.

CONSENSUS OF CITY COUNCIL TO REFER THE REQUEST FROM FAIRVIEW ADULT FOSTER CARE REGARDING THE WATER CAPITAL INVESTMENT FEE TO THE PUBLIC SERVICE AND FACILITIES COMMITTEE FOR REVIEW OF AND RECOMMENDATION ON A SPECIAL ASSESSMENT.

E. Motion – To _____ the request from Logan McAnallen for the use of public right-of-way.

Adam Smith, City Administrator, mentioned the request from Logan McAnallen, reported on the variance granted by the Zoning Board of Appeals allowing a six-foot fence, recommended not allowing construction of the fence in the public right-of-way, mentioned the proposed license agreement drafted by the requestor, and reported on the recent required removal of a structure in the public right-of-way.

The City Council debated the Zoning Board of Appeals decided the issue of the six-foot fence, the City Council's issue of placement of the fence in the public right-of-way, the impact of locating the fence in the public right-of-way, and the possibility of referring the request to the Public Service Committee for review and recommendation.

COUNCIL MEMBER ROBERTS MOVED, COUNCIL MEMBER LANTZ SECONDED TO REFER THE REQUEST FROM LOGAN MCANALLEN FOR THE USE OF PUBLIC RIGHT-OF-WAY TO THE PUBLIC SERVICE AND FACILITIES COMMITTEE FOR REVIEW AND RECOMMENDATION. MOTION CARRIED UNANIMOUSLY.

X. AUDIENCE PARTICIPATION

XI. COMMUNICATIONS FROM THE MAYOR AND COUNCIL

Mayor Smith reappointed Cana Garrison and Ryan Humphreys to the Abrams Municipal Airport Advisory Commission for terms expiring January 2019, reappointed Dick McKeon to the Board of Review for a term expiring January 2019, reappointed Raechel Marks and Chuck Mills to the Parks and Recreation Commission for terms expiring January 2019, reappointed William Kane and Eric Morris to the Planning Commission for terms expiring January 2019.

COUNCIL MEMBER ROBERTS MOVED, COUNCIL MEMBER WILLEMS SECONDED, TO APPROVE THE MAYOR'S REAPPOINTMENT OF CANA GARRISON AND RYAN HUMPHREYS TO THE ABRAMS MUNICIPAL AIRPORT ADVISORY COMMISSION FOR TERMS EXPIRING JANUARY 2019. MOTION CARRIED UNANIMOUSLY.

COUNCIL MEMBER LANTZ MOVED, COUNCIL MEMBER WILLEMS SECONDED, TO APPROVE THE MAYOR'S REAPPOINTMENT OF DICK MCKEON TO THE BOARD OF REVIEW FOR A TERM EXPIRING JANUARY 2019. MOTION CARRIED UNANIMOUSLY.

COUNCIL MEMBER ROBERTS MOVED, COUNCIL MEMBER WILLEMS SECONDED, TO APPROVE THE MAYOR'S REAPPOINTMENT OF RAEHEL MARKS AND CHUCK MILLS TO THE PARKS AND RECREATION COMMISSION FOR TERMS EXPIRING JANUARY 2019. MOTION CARRIED UNANIMOUSLY.

COUNCIL MEMBER ROBERTS MOVED, COUNCIL MEMBER LANTZ SECONDED, TO APPROVE THE MAYOR'S REAPPOINTMENT OF WILLIAM KANE AND ERIC MORRIS TO THE PLANNING COMMISSION FOR TERMS EXPIRING JANUARY 2019. MOTION CARRIED UNANIMOUSLY.

XII. CLOSED SESSION

XIII. ADJOURNMENT

COUNCIL MEMBER ROBERTS MOVED, COUNCIL MEMBER WILLEMS SECONDED, TO ADJOURN THE MONDAY, 11 JANUARY 2016, REGULAR CITY COUNCIL MEETING, AT 9:04 P.M. MOTION CARRIED UNANIMOUSLY.

Gregory L. Newman, City Clerk

Kalmin D. Smith, Mayor

Grand Ledge City Council Resolution # _____ of 2016

A Resolution in Opposition to Public Act 269

A resolution adopted by the Grand Ledge City Council, at a regular meeting held on Monday, 25 January 2016, in the Council chambers, City Hall, 310 Greenwood St. Grand Ledge, Michigan.

Whereas, the City of Grand Ledge, Michigan (“City”) is a municipal corporation organized under the provisions of the Home Rule City Act, Public Act 279 of 1909, as amended, and is governed by the provisions of the Grand Ledge City Charter adopted 03 January 1963, as amended (“Charter”); and

Whereas, both the Michigan Senate and the Michigan House of Representatives passed Senate Bill 571 late into the night of 16 December 2015, just prior to recessing for the year; and

Whereas, Governor Snyder signed into law, with immediate effect, Public Act 269 (Senate Bill 571), despite wide-spread calls to veto the bill, including from members of his own political party; and

Whereas, one of the last-minute amendments to Senate Bill 571, without the knowledge of the Michigan Municipal League or other local government organizations, and approved without any public testimony or awareness, was language inserted into Section 57, subsection (3), prohibiting a public body, or a person acting for a public body, from using public funds or resources for the purpose of communicating any information to the electorate regarding a local ballot question that is to appear on the ballot, within sixty days of an election, and

Whereas, this law places an immediate gag order on entities with ballot questions on the 08 March 2016 ballot and every election thereafter; and

Whereas, municipal elected and appointed officials have a civic and legal duty to the residents of their communities to fully inform them regarding the issues placed before them, upon which they may exercise their constitutional right to vote; and

Whereas, existing laws, including the former language in Section 57, and decades of guidance from the Michigan Secretary of State, already prohibit the use of public funds to advocate for or against ballot issues; and

Whereas, existing laws already provide for an allowance for elected and appointed officials to express their views without fear of violating the act; and

Whereas, because the new law bans only communication on local ballot issues, it creates inconsistent treatment of statewide ballot questions versus local initiatives; and

Whereas, there are substantial questions regarding the constitutionality and legality of the new law, including its possible ban on the freedom of speech;

Now, Therefore, It Is Resolved:

1. The City calls for an immediate repeal of the new language in Section 57, subsection (3) of PA 269 of 2016.
2. The City directs the City Clerk to forward a copy of this resolution to Rick Jones, Senator, 24th District, and Tom Barrett, Representative, 71st District.

Motion by

Second by

Ayes:

Nays:

Absent:

Approved:

Kalmin D. Smith, Mayor

I, Gregory L. Newman, Grand Ledge City Clerk, certify this is Resolution #_____ of 2016, adopted by the Grand Ledge City Council at a regular meeting held on Monday, 25 January 2016; a meeting held in accordance with the Open Meetings Act, Public Act No. 267 of 1976, as amended.

Gregory L. Newman, City Clerk



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Press Release

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FOR IMMEDIATE RELEASE: Jan. 7, 2016

Civic and Education Leaders Call for Repeal of Gag Provision in PA 269/SB 571

60-day Gag Order Officially Starts Friday for March 8 Election

LANSING, Mich. – A coalition of organizations representing local government and schools is calling for a repeal of a gag order provision included in a campaign finance bill signed into law by Gov. Rick Snyder on Wednesday, Jan. 6.

The Michigan Municipal League, Michigan Association of Counties, Michigan Townships Association, Michigan Infrastructure & Transportation Association, Michigan Association of School Administrators, Michigan Association of School Boards and Michigan Association of Intermediate School Administrators today are jointly seeking removal of language added to Section 57 in PA 269/SB 571. The organizations also are responding to Gov. Rick Snyder's letter to lawmakers asking them to fix a section in the new law that drastically limits the ways local officials can inform voters about local ballot measures:

"Public Act 269 essentially gags local officials from giving voters important information on local ballot issues, and the only way to fix that is to repeal that new addition to the law," said Dan Gilmartin, executive director and CEO of the Michigan Municipal League. "City, township, county, school and other officials agree that constituents need to have the facts to become informed voters on key matters that come before them, including charter changes, land transfers, millage questions and other issues required by state law to go to local elections. Repealing the provision is the only way to guarantee officials will be able to continue to give voters the facts."

The provisions causing such concern ban local officials or employees of local governments from using public resources for a communication 60 days before an election "by means of radio, television, mass mailing or prerecorded telephone message if that communication references a local ballot question."

The coalition points out that Gov. Snyder, in signing Senate Bill 571 into law Wednesday, called on the Legislature to enact new legislation to address local government and school officials' concerns. The governor stated in his letter to lawmakers that local governments and schools "should still be allowed to distribute basic information about an election including the proposed or final ballot language and the date of the election."

The groups behind today's statement agree that local governments should be able to communicate basic information that's factual and does not sway the voting public. However, the language in Section 57 does not allow for that – therefore a repeal is necessary.

"Voters are entitled to, and expect, their local officials to fully explain the ramifications of local ballot issues," said Larry Merrill, executive director of the Michigan Townships Association. "Local public bodies are regularly required by law to defer to the wisdom of voters on many complex issues of public policy. It is imperative that voters be well-informed on the purpose, intent and consequences of the decisions they make when they vote on local ballot issues."

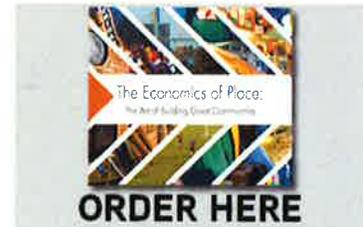
"This is a matter of extreme importance to the principle of local democracy," Merrill added. "Contrary to the characterization of interest groups supporting these restrictions, local elected officials are neither 'bureaucrats' nor 'lobbyists,' but are persons who have been elected by these same voters to serve as trustees and fiduciaries of the public interest."

State law already prohibits electioneering using public resources, making that section of the new law unnecessary and possibly unconstitutional. In recent days a number of legislators who voted for the bill admitted they were not aware of its scope and some have expressed regret at the limitations created by the local ballot measure section.

Michigan Association of Counties Executive Director Timothy K. McGuire said, "This is about effective, transparent government. The law in its current form harms counties' ability to be transparent with their residents."

The groups issuing today's statement want the provision removed from PA 269 immediately because the law took effect Wednesday, Jan. 6, and will impact nearly 50 school districts and local governments in communities from Benton Harbor to Iron County in the Upper Peninsula

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that have local ballot questions in the upcoming election. Entities with ballot items heading to voters on March 8 include Clare County, East Grand Rapids Public Schools, Goodrich Schools, Lansing School District, Ottawa County, Pontiac School District, Tuscola County, Iron County, and the cities of Birmingham, Fremont, Marine City, Romulus and Roseville.

"Those entities with items on the March 8 ballot will be within that 60-day window on Jan. 8 and under the gag order called for in the current law," said Don Wotruba, executive director of the Michigan Association of School Boards.

"Voters need access to accurate information on how the money would be spent and what the consequences will be for area children – including their own – if school districts win or lose those elections," he added. "School and local officials already are banned from advocating for a tax increase or bond renewal. They shouldn't be banned from giving voters the facts."

About Michigan Municipal League:

Michigan Municipal League is dedicated to making Michigan's communities better by thoughtfully innovating programs, energetically connecting ideas and people, actively serving members with resources and services, and passionately inspiring positive change for Michigan's greatest centers of potential: its communities. The League advocates on behalf of its member communities in Lansing, Washington, D.C., and the courts; provides educational opportunities for elected and appointed municipal officials; and assists municipal leaders in administering services to their communities through League programs and services. Learn more at mml.org.

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PA 269/SB 571

[Sample Resolution](#)

[Entitles Putting Items on the March 8, 2016 Ballot](#)

Explanation and Talking Points

History

SB 571 was initially a non-controversial 12-page bill that had bipartisan support. But on late Wednesday night (Dec. 17, 2015) the House brought the bill up for consideration and a substitute version was adopted that increased the 12-page bill to 53 pages in length. This included inserting new language into Section 57 of the existing act that deals with permissible and prohibited activities by public bodies on election-related issues. This language was inserted without any notice to the League or other local government organizations and moved without any public testimony, let alone public awareness of what was in the new version of the bill. The bill was passed around 10:30 pm Dec. 17 largely along party lines and sent to Governor Snyder for his signature.

The new language in Section 57 states:

(3) EXCEPT FOR AN ELECTION OFFICIAL IN THE PERFORMANCE OF HIS OR HER DUTIES UNDER THE MICHIGAN ELECTION LAW, 1954 PA 116, MCL 168.1 TO 168.992, A PUBLIC BODY, OR A PERSON ACTING FOR A PUBLIC BODY, SHALL NOT, DURING THE PERIOD 60 DAYS BEFORE AN ELECTION IN WHICH A LOCAL BALLOT QUESTION APPEARS ON A BALLOT, USE PUBLIC FUNDS OR RESOURCES FOR A COMMUNICATION BY MEANS OF RADIO, TELEVISION, MASS MAILING, OR PRERECORDED TELEPHONE MESSAGE IF THAT COMMUNICATION REFERENCES A LOCAL BALLOT QUESTION AND IS TARGETED TO THE RELEVANT ELECTORATE WHERE THE LOCAL BALLOT QUESTION APPEARS ON THE BALLOT.

In the days and weeks following approval of SB 571, many legislators—both Republicans and Democrats—said they did not fully read or know what was in the amended language. Some Republicans, after reading the bill and learning of its full negative implications and many unanswered questions, even said they encouraged the governor to veto the bill.

Despite the many concerns raised about the bill, Governor Snyder signed it into law Wednesday, Jan. 6, 2016. The governor, in a somewhat unusual move, [sent out a letter](#) explaining why he signed the legislation despite the many unknowns and questions about the bill.

In his letter, the governor also called on the Legislature to enact new legislation to address the many concerns raised by the Michigan Municipal League and other organizations. Here is an excerpt from that letter:

However, recognizing that many local governmental entities and schools have raised concerns regarding confusion with the new language in section 57, I am calling on the Legislature to enact new legislation to address those concerns, and clarify that the new language does not impact the expression of personal views by a public official, the use of resources or facilities in the ordinary course of business, and that it is intended only to prohibit the use of targeted, advertisement style mass communications that are reasonably interpreted as an attempt to influence the electorate using taxpayer dollars. Local governmental entities and schools should still be allowed to distribute basic information about an election including the proposed or final ballot language and the date of the election. This is keeping within the spirit of the existing restrictions in the Act. The Senate Majority Leader and the Speaker of the House have agreed to work together on follow-up legislation clarifying the provision in section 57 of the Act in time for the March 2016 election.

New legislation to "fix" PA 269/SB 571 could be dropped in the Legislature as early as next week (week of Jan 11, 2016).

The League and several other organizations, including the Michigan Association of Counties, Michigan Townships Association, Michigan Association of School Boards, Michigan Association of School Administrators, believe there are significant constitutional and legal questions regarding PA 269, including a potential ban on freedom of speech. Repealing the provision is the only way to guarantee officials will be able to continue to give voters the facts. Ironically, Section 57, prior to the new language in SB 571, already provided the controls lawmakers were seeking.

Specific concerns with the new language:

- The previous language in Section 57 (prior to the amendments) appropriately provided an allowance of elected and appointed officials to express their views without fear of violating the act. This new subsection does not appear to account for that allowance and could be read as a ban on freedom of speech.

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- The prohibition on any communication by television that references a local ballot question would seem to put every public access broadcast of a city council meeting at risk for violating this new provision. There is also no allowance for a public broadcast of a debate or voter forum, even if that forum is hosted by a third party.
- Community newsletters, and potentially even election-day reminders, that are mailed to residents could be banned under this language.
- Because this language specifically bans communication on only local ballot questions, the provision creates inconsistent treatment between communicating with residents on statewide ballot questions versus local questions.
- Any violation of this section puts a community at risk for a state fine of up to \$20,000 and for an individual a fine of up to \$1,000 and/or a year in jail.
- Because the law took immediate effect, it places an immediate gag order on local government entities with issues on the March 8, 2016 ballot and all subsequent elections. This impacts more than 100 cities, villages, townships, school districts, counties, and other entities that have ballot questions before the voters in the March 8 election.

In summary, this language puts an undue burden on communities and their residents, blocking access to unbiased, objective communication on the local issues that matter most to the residents in every community in Michigan. Please contact your lawmakers and tell them to repeal the new language in Section 57 of PA 269.

[View a joint statement](#) from the League and other organizations calling for a repeal of this new language.