

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30754
LANSING, MICHIGAN 48909

DANA NESSEL
ATTORNEY GENERAL

July 3, 2024

By email only

Honorable Gretchen Whitmer
Governor, State of Michigan
The George Romney Building
Lansing, MI 48909

Attention: Christina Grossi
Legal Counsel to the Governor

Re: City of Ann Arbor – Proposed Charter Amendment

Section 8.19 (Funds for Park Maintenance and Capital Improvements) amends this section to authorize a tax up to 1.10 mills for park maintenance and capital improvements for 2025 through 2044 to replace the previously authorized tax for park maintenance and capital improvements for 2019 through 2024

Dear Governor Whitmer:

You have referred to this office the referenced charter amendment adopted by resolution of the Ann Arbor City Council at its meeting held on June 6, 2024, for submission to the city's voters at the General Election to be held on November 5, 2024.

The amendment amends this section to authorize a tax of up to 1.10 mills for park maintenance and capital improvements for 2025 through 2044 to replace the previously authorized tax for park maintenance and capital improvements for 2019 through 2024. The charter currently authorizes the city to levy up to 18.425 mills. If the proposed amendment is adopted, the city will continue to have a charter-authorized millage of 18.425 mills—still within the HRCA limit, which provides for a maximum levy of 20 mills. MCL 117.3(g).

Honorable Gretchen Whitmer
Page 2
City of Ann Arbor (park millage)
July 3, 2024

I have reviewed the proposed amendment in light of the Home Rule City Act (HRCA), 1909 PA 279, MCL 117.1 *et seq.*, and conclude that the proposed amendment is consistent with that act.

Review of Ballot language

The Attorney General has a separate responsibility to review proposed ballot language for compliance with the requirements of Section 21 of the HRCA. I have examined the ballot language for the proposed amendments as set forth in the City Council's resolutions and conclude that the ballot language conforms to the requirements of Section 21(2) of the HRCA, including being accurate, impartial, and not more than 100 words, exclusive of caption.

Sincerely,

/s/George M. Elworth

George M. Elworth
Assistant Attorney General
State Operations Division
(517) 335-7573

GME:bjb

Enc.

cc by email only with enc.:

Jacqueline Beaudry, Ann Arbor City Clerk, jbeaudry@a2gov.org
Matthew Thomas, Ann Arbor City Attorney's office, mthomas@a2gov.org
Kristina Gierhart, Executive Assistant, Governor's Office,
Gierhartk1@michigan.gov



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

June 6, 2024

George Elworth
Attorney General's Office
State Operations Division
G. Mennen Williams Building
Second Floor

RE: **Proposed Charter Amendment– City of Ann Arbor**

Dear Mr. Elworth,

Enclosed please find a proposed charter amendment from the City of Ann Arbor for your legal review.

I have included a copy of my cover letter to Jacqueline Beaudry, City Clerk for the City of Ann Arbor, for your files. Please let me know if our office may provide you with any further information.

Sincerely,

/s/ Kristina Gierhart

Kristina Gierhart
Executive Assistant for Legal Services
Office of Governor Whitmer
(517) 241-5630

c: Attorney General's Office, State Operations Division



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

June 6, 2024

City of Ann Arbor
Jacqueline Beaudry
City Clerk
301 E. Huron Street
P.O. Box 8647
Ann Arbor, MI 48107

Re: Proposed Charter Amendment – City of Ann Arbor

Dear Ms. Beaudry,

On behalf of Governor Whitmer, I am responding to your email and attachments received on June 6, 2024. I am forwarding your information to the Attorney General's Office for legal review of the proposed charter amendment for the City of Ann Arbor. Our office will respond upon completion of that review and recommendation.

Please contact me if you have any questions or concerns.

Sincerely,

/s/Kristina Gierhart

Kristina Gierhart
Executive Assistant for Legal Services
Office of Governor Whitmer
(517) 241-5630

c: Attorney General's Office, State Operations Division



CITY OF ANN ARBOR, MICHIGAN
301 E. Huron Street, P.O. Box 8647 | Ann Arbor, Michigan 48107-8647
(p) 734.794.6140 | (f) 734.994.8296
cityclerk@a2gov.org | www.a2gov.org

City Clerk

June 7, 2024

The Honorable Gretchen Whitmer
Governor of the State of Michigan
ATTN: Legal Division
George W. Romney Bldg.
P.O. Box 30013
Lansing, MI 48909-7513

Dear Governor Whitmer:

Pursuant to statute, a copy of the proposed amendment to the Ann Arbor City Charter is being submitted for your approval. The proposed charter amendment would be to authorize a tax up to 1.10 mills for park maintenance and capital improvements for 2025 through 2044 to replace the previously authorized tax for park maintenance and capital improvements for 2019 through 2024, which will raise in the first year of the levy an estimated revenue of \$8,519,150.

The proposed charter language is included in the enclosed certified resolution, adopted by the Ann Arbor City Council at its regular session of June 3, 2024. The resolution authorizes the charter amendment proposition to appear on the November 5, 2024 General Election Ballot.

Sincerely,

Jacqueline Beaudry
City Clerk

JB/rr

c: Attorney General Dana Nessel, Washtenaw County Clerk Lawrence Kestenbaum



City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Certified Copy

Resolution: R-24-184

File Number: 24-0992

Enactment Number: R-24-184

Resolution to Order Election, Determine Ballot Question for Charter Amendment for Approval of the Park Maintenance and Capital Improvements Millage for 2025 through 2044, and Reaffirm the Park Maintenance and Capital Improvements Administrative Millage Policy (**7 Votes Required**)

Whereas, The Park Maintenance and Capital Improvements Millage is the principal funding source for the City's park and recreation capital improvement programs and park repair and restoration programs;

Whereas, The Park Maintenance and Capital Improvements Millage was approved by the voters in 2018 for six years;

Whereas, The Park Maintenance and Capital Improvements Millage will expire in 2024;

Whereas, It is in the City's best interest to present a new millage to the voters which supports the objectives of the expiring millage and provides essential resources for the ongoing maintenance and improvement of the parks system; and

Whereas, The Parks Advisory Commission, at its May 21, 2024 meeting unanimously supported presentation of a new millage to the voters;

RESOLVED, That City Council amend Section 8.19 of the City Charter to read as follows:
Funds for Park Maintenance and Capital Improvements:

Section 8.19. In addition to any other amount which the City is authorized to raise by general tax upon the real and person property by this Charter or any other provision of law, the City shall, in 2025 through 2044 annually levy a tax of 1.10 mills on all taxable real and personal property situated within the City for the purpose of financing park maintenance activities in the following categories: forestry and horticulture, natural area preservation, park operations, park equipment repairs, park security, and recreation facilities; and for the purpose of financing park capital improvement projects for active parks, forestry and horticulture, historic preservation, neighborhood parks and urban plazas, pathways, trails, boardwalks, greenways, the Huron River watershed, recreation facilities and park equipment acquisitions.

RESOLVED, That November 5, 2024 is designated as the day for holding an election on the proposed Charter amendment;

RESOLVED, That the Clerk shall transmit a copy of the proposed amendment to the Attorney General and the Governor of Michigan and shall perform all other acts required by law for holding the election;

RESOLVED, That the proposed Charter amendment shall appear on the ballot in the following form:

ANN ARBOR CITY CHARTER AMENDMENT
AUTHORIZING TAX FOR PARK MAINTENANCE AND CAPITAL IMPROVEMENTS

Shall the Charter be amended to authorize a tax up to 1.10 mills for park maintenance and capital improvements for 2025 through 2044 to replace the previously authorized tax for park maintenance and capital improvements for 2019 through 2024, which will raise in the first year of the levy an estimated revenue of \$8,519,150? In accordance with State law, a portion of the millage may be subject to capture by the Ann Arbor Downtown Development Authority and the Washtenaw County Brownfield Redevelopment Authority.

Yes No

RESOLVED, That the proposed Charter amendment and proposed ballot question shall be published in full not fewer than twice in the Washtenaw Legal News and posted to the City's website;

RESOLVED, That if the amendment is adopted, it shall take effect on January 1, 2025; and

RESOLVED, That City Council reaffirms its intent to administer the Park Maintenance and Capital Improvements Millage as amended and approved by Resolution R-11-186 on May 16, 2011.

At a regular session of the Ann Arbor City Council held on June 3, 2024, the foregoing resolution was moved by Councilmember Cornell, seconded by Councilmember Eyer, that this Resolution R-24-184 be approved.

The vote was as follows:

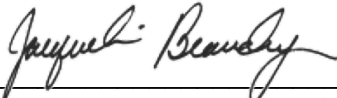
AYES: Councilmembers Disch, Song, Eyer, Radina, Harrison, Ghazi Edwin, Akmon, Cornell, Mayor Taylor, 9;

NAYS: 0;

ABSENT: Councilmembers Briggs, Watson, 2

The resolution was declared adopted.

I hereby certify that the foregoing resolution was adopted by the Council of the City of Ann Arbor, Michigan, at its Regular Session of June 3, 2024.



Jacqueline Beaudry, Ann Arbor City Clerk

June 6, 2024

Date Certified