

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30754
LANSING, MICHIGAN 48909

DANA NESSEL
ATTORNEY GENERAL

January 13, 2022

Via email only

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

Attention: Mark Totten
Legal Counsel to the Governor

Re: **City of Ann Arbor**

Section 8.26 – adds this section to authorize an annual tax levy of up to 1 mill during the years from 2023 through 2043 for the purpose of providing funds to advance community climate action, including: year-round composting; expanded residential/multifamily recycling; community and rooftop solar programs; rental and low-income household energy programs; bicycle and pedestrian infrastructure; neighborhood resource centers; electric vehicle infrastructure; and tree plantings

Dear Governor Whitmer:

You have referred to this office this proposed charter amendment adopted by resolution of the Ann Arbor city council at its meeting held on December 6, 2021, for submission to the voters at the election to be held on November 8, 2022.

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 the HRCA.

The Attorney General has a separate responsibility to review proposed ballot language for compliance with the requirements of Section 21 of the HRCA of being accurate, impartial and limited to 100 words. I have examined the ballot language

Honorable Gretchen Whitmer
City of Ann Arbor
Page 2
January 13, 2022

for the proposed amendment as set forth in the city council's resolution and conclude that the ballot language conforms to the requirements of Section 21 of the HRCA.

Sincerely,

/s/George M. Elworth

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

GME:bb

Enc.: Correspondence regarding the proposed amendment

cc: Jacqueline Beaudry, City Clerk, by email only: jbeaudry@a2gov.org
Stephen K. Postema, City Attorney, ATTN: Matthew P. Thomas, Asst. City Attorney, by email only: mthomas@a2gov.org
Kristina Gierhart, Executive Assistant, Governor's Office, by email only

2021-0335861-A



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

December 20, 2021

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 the Ann Arbor City Clerk, Jacqueline Beaudry, for your files. Please let me know if our office may provide you with any further information.

Sincerely,

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



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

December 20, 2021

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 attached letter dated December 20, 2021. 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 Clerk

CITY OF ANN ARBOR, MICHIGAN

301 E. Huron St., P.O. Box 8647, Ann Arbor, Michigan 48107-8647

Phone (734)794-6140 Fax (734)994-8296

www.a2gov.org

December 20, 2021

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 that the City shall, in 2023 through 2043, annually levy a tax of up to 1 mills on all taxable real and personal property situated within the City for the purpose of providing funds to advance Community Climate Action.

The proposed charter language is included in the enclosed certified resolution, adopted by the Ann Arbor City Council at its regular session of December 6, 2021. The resolution authorizes the charter amendment proposition to appear on the November 8, 2022 General Election Ballot.

Sincerely,

Jacqueline Beaudry
City Clerk

JB/rw

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-21-447

File Number: 21-2159

Enactment Number: R-21-447

Resolution to Order Election and to Determine Ballot Question for Charter Amendment for a Community Climate Action Millage (**7 Votes Required**)

Whereas, in November of 2019 Ann Arbor City Council unanimously passed a Climate Emergency Declaration and established the goal of a just transition to community-wide carbon neutrality by 2030;

Whereas, Ann Arbor City Council unanimously adopted the A2ZERO Carbon Neutrality plan in June of 2020 as a means to achieve that carbon neutrality goal;

Whereas, To ensure seamless planning and implementation of the A2ZERO plan and associated programs, a ballot question to approve a new millage should be considered in 2022 in advance of FY23;

Whereas, November 8, 2022 is the next regular City election;

RESOLVED, That the Ann Arbor City Council proposes that the City Charter be amended by adding Section 8.26 to read as follows:

Funds for Climate Action

SECTION 8.26. In addition to any other amount which the City is authorized to raise by general tax upon the real and personal property by this Charter or any other provision of law, the City shall, in 2023 through 2043, annually levy a tax of up to 1 mills on all taxable real and personal property situated within the City for the purpose of providing funds to advance Community Climate Action.

RESOLVED, That November 8, 2022 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:

PROPOSAL 1
ANN ARBOR CITY CHARTER AMENDMENT
TAX FOR COMMUNITY CLIMATE ACTION

Shall the Charter be amended to authorize a tax up to 1 mills to fund community climate action for 2023 through 2043, which will raise in the first year of levy the estimated revenue of \$6,800,000? 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.

Authorized uses include: year-round composting; expanded residential/multifamily recycling; community and rooftop solar programs; rental and low-income household energy programs; bicycle, pedestrian and transit infrastructure; neighborhood resource centers; electric vehicle infrastructure; and tree plantings.

Yes No

RESOLVED, That the proposed Charter amendment and proposed ballot question shall be published in full in the Washtenaw County Legal News and on the City’s website; and

RESOLVED, That if the amendment is adopted, it shall take effect on January 1, 2023.

I, Jacqueline Beaudry, Clerk of the City of Ann Arbor, Michigan, certify that this is a true copy of Resolution R-21-447, passed by the Ann Arbor City Council on 12/6/2021.

At a regular session of the Ann Arbor City Council held on December 6, 2021, the foregoing resolution was moved by Councilmember Disch, seconded by Councilmember Song, that this Resolution R-21-447 be approved.

The vote was as follows:

AYES: Councilmembers Grand, Griswold, Nelson, Ramlawi, Briggs, Disch, Song, Eyer, Radina, and Mayor Taylor, 10;

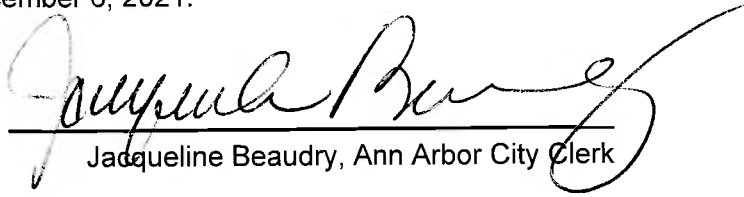
NAYS: Councilmember Hayner, 1;

ABSENT: 0.

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 December 6, 2021.

December 20, 2021



Jacqueline Beaudry, Ann Arbor City Clerk

