



Legislation Text

File #: 16-1136, **Version:** 1

Resolution to Order Election, Approve Charter Amendment of the Ann Arbor City Charter to Add a New Section Defining and Designating a District as a Civic Center Commons to Chapter 1, Name and Boundaries, of the City Charter and Determine the Ballot Language for This Amendment (**7 Votes Required**)

Whereas, Michigan's Home Rule City Act (MCL 117.25) provides that citizen-initiated City Charter amendments shall be placed in front of voters if a petition is signed by at least 5% of the qualified and registered electors of the municipality;

Whereas, On June 6, 2016, the count of registered voters in the City of Ann Arbor was 92,321, requiring 4,616 signatures (5% of registered voters) for a citizen-initiated Charter amendment;

Whereas, An attempt to place a local proposal on the November 8, 2016 general election by citizen-initiated petition was filed with the City Clerk, which proposed to amend the Ann Arbor City Charter to add a new Section 1.4 to Chapter 1, Name and Boundaries, requiring certain City-owned property be permanently retained as a civic center commons;

Whereas, The filed petition comprised 539 petition sheets and approximately 5,700 signatures which met the minimum required percentage of signatures;

Whereas, Any petition filed must be checked by the City Clerk to determine if it complies with the governing provision of the Home Rules Cities Act, Michigan election law; and Michigan Bureau of Elections guidance;

Whereas, The City Clerk review of a filed petition is done in two steps:

- the preliminary inspection being a visual review for completeness and accuracy
All area of the petition sheet must be completed - incomplete addresses, addresses outside the City, undated signatures, incomplete or undated circulator affidavits void the signature
- final review and inspection requires voter registration status of each signer must be checked to confirm that the voter was register to vote in the City on the date the petition was signed; the signature is verifiable based on State voting records and that the petition has been signed only once by the voter. Failure to meet these requirements voids the signature.

once a petition sheet is filed it becomes a public record and may not be released or altered;

Whereas, After completing final inspection and review of the petition submitted for completeness, accuracy and compliance with Michigan election law signature verification requirements, the petition was determined deficient on several points:

- petition sheets were not signed by the circulator

- petition sheets were not properly dated by the circulator
- signature was crossed out or incomplete
- signers addresses were outside the City limits
- signers executed the petition more than once
- signers were not register voters

with the result that the petition failed to meet the required signature number of 5% of the register voters by approximately 200 signatures;

Whereas, Although the minimum voter requirement was not met, the submitted petition indicates some interest by the citizenry in the proposal;

Whereas, The City has previously solicited offers for purchase of the property identified in the initiatory petition and received an offer which is currently under negotiation but not yet accepted by Council;

Whereas, Section 21(1) of the Home Rule City Act (HRCA), MCL 117.21(1), authorizes a city council to adopt a resolution proposing to amend the city charter by three-fifths vote of its members-elect and the resolution proposing to amend the city charter must set forth the exact wording of the proposed amendment to be submitted to the city voters for approval at a regular or special election

RESOLVED, That the Ann Arbor City Council acknowledge the attempt to preserve the property described for public use and determine an opportunity to vote on the proposed City Charter amendment is appropriate;

RESOLVED, That the following charter provision adding a new Section 1.4 to Chapter 1, Name and Boundaries, of the City Charter be placed on the ballot and submitted to the voters at the next general city election:

Civic Center Commons

Section 1.4 The City-owned public land bounded by Fifth Avenue, and William, Division and Liberty Streets shall be retained in public ownership, in perpetuity, and developed as an urban central park and civic center commons to be designated as the "Center of the City."

RESOLVED, That the following amended charter provision shall appear on the ballot in the following form, which includes the statement of purpose:

CHARTER AMENDMENT PROPOSAL AMENDMENT TO DESIGNATE A CIVIC CENTER COMMONS

Shall the City-owned public land bounded by Fifth Ave, and William, Division and Liberty Streets be retained in public ownership, in perpetuity, and developed as an urban park and civic center commons, to be designated as the "Center of the City" by adding a new Section 1.4 to Chapter 1 of the City Charter?

Shall this proposed amendment to the Ann Arbor City Charter be adopted?

☐ Yes

☐ No

RESOLVED, That November 8, 2016, be designated as the day for holding an election on the proposed Charter amendment and the City Clerk is directed to give notice of the election and in a manner prescribed by law and to do all things necessary to submit the Charter amendment to a vote of the electors on the designated day as required by law;

RESOLVED, That the Clerk shall transmit a certified copy of this Resolution to the Governor of the State of Michigan for approval of the proposed amendment and transmit a certified copy of this Resolution to the Attorney General of the State of Michigan for approval of the proposed ballot language for the proposed amendment;

RESOLVED, That the City Clerk is directed to publish the proposed Charter amendment in full, together with the existing Charter provisions amended as required by law and in accordance with resolution of Council, post the proposed Charter amendment in full together with the existing Charter provisions to the City's website; and

RESOLVED, That the amendment if adopted, shall take immediate effect.

Sponsored by: Councilmembers Eaton, Briere, Lumm, and Kailasapathy