

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



CADILLAC PLACE
3030 WEST GRAND BOULEVARD
DETROIT, MICHIGAN 48202

DANA NESSEL
ATTORNEY GENERAL

August 12, 2026

By email only

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

Attention: Aditya Vedapudi

Re: City of Ann Arbor – Initiative Petition to Amend Charter

Dear Governor Whitmer:

You referred to this office the proposed charter amendment submitted by initiative petition, together with the City Clerk’s certification that the petition is sufficient to place the proposed amendment to the City of Ann Arbor’s Charter on the ballot. You have submitted the proposed amendment for this office’s review for the November 3, 2026 election.

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 proposed amendment would establish “a municipal electric utility and governance structure therefore.” This initiative petition has received some media attention.¹

The current Charter grants the City with “all the powers granted by law to acquire, construct, own, operate, improve, enlarge, extend, repair, and maintain public utilities. . .” (Charter Sec. 15.1(a).) The Council is authorized to establish a public utility, but ordinances providing for a newly owned and operated utility shall only be enacted after hearings and procedures as required by law. (*Id.*, Sec.

¹ [Ann Arbor public power proposal qualifies for November ballot, city determines Ann Arbor Voters to Decide on Public Power Board as DTE Pours In Cash Proposal for city takeover of power grid qualifies for Ann Arbor's November ballot | WNMU-FM](#)

15.1(b).) The Charter further provides that the Council fixes and collects just and reasonable rates for utilities. (*Id.*, Sec. 15.4-5.)

The proposed initiatory petition would provide “by ordinance for the establishment of a municipal electric utility to be governed by the Ann Arbor Municipal Electric Utility Board [Board].” (New Sec. 15.11(a).) This Board would have “jurisdiction, control, and management of any municipal electric utility established by the City and all its operations and facilities, except municipal utilities previously or otherwise established in the Charter.” (*Id.*, Sec. 15.11(b)(1).) It also provides that “[t]he Board shall have all the powers and duties possessed by the City to construct, acquire, expand, operate, study and maintain the utility system and to do any and all acts or things that are necessary, convenient, or desirable in order to preserve or promote an orderly, economic, and businesslike administration of the utility, including but not limited to making all contracts pertaining to utility business and acquiring property and interests in property in the name of the city for utility purposes.” (*Id.*) The proposed charter amendment further notes that the “Board shall operate as a separate department of City government.” (*Id.*)

Our concern with this initiative petition is whether it would require a revision versus an amendment. “A change in the form of government of a home rule city may be made only by revision of the city charter, not by amendment.” *Midland v. Arbury*, 38 Mich. App. 771, 774 (1972), citing *Kelly v. Laing*, 259 Mich. 212, 217 (1932). But it is not clear that the establishment of this Board with this level of authority (versus an advisory board) would require a revision. In *Kelly*, the court explained the differences between an amendment and revision:

‘Revision’ and ‘amendment’ have the common characteristics of working changes in the charter and are sometimes used inexactly, but there is an essential difference between them. Revision implies a re-examination of the whole law and a redraft without obligation to maintain the form, scheme, or structure of the old. As applied to fundamental law, such as a constitution or charter, it suggests a convention to examine the whole subject and to prepare and submit a new instrument, whether the desired changes from the old be few or many. Amendment implies continuance of the general plan and purport of the law, with corrections to better accomplish its purpose. *Basically, revision suggests fundamental change, while amendment is a correction of detail.* [Emphasis added.]

Id.

While this initiative petition provides the Board with certain control over the electrical utilities, it does not appear to change “in the form of government” nor does it appear to conflict with other Charter provisions. For example, the Charter provides that the City has various powers regarding public utilities, including electric light and power, but it does not refer to the Council’s powers except in certain scenarios. (Charter, Sec. 15.1(a)). The Council also “may” provide by ordinance for the establishment of a public utility, but this language does not provide exclusive power. Further, the Council has authority to create boards. (Charter, Sec. 5.17.) The Charter also provides that the Council will set rates and collect utility monies, but the initiative petition leaves this authority with the Council.

This amendment concerns a matter involving the administration of the city, which rests within the discretion of a city to include in its charter. Thus, the amendment is consistent with Section 4-j of the HRCA, which provides that a city charter “may . . . provide . . . for any act to advance the interests of the city, the good government and prosperity of the municipality and its inhabitants . . . subject to the constitution and general laws of this state.”

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 amendment and conclude that the ballot language conforms to the requirements of Section 21 of the HRCA.

Sincerely,

Kimberly Pendrick
First Assistant
Elections & Municipal Affairs Division
pendrickk@michigan.gov

KKP/kkp

Enc.

cc by email only with enc.:

Kristina Gierhart, Executive Assistant, Governor’s Office,
Gierhartk1@michigan.gov

Jacqueline Beaudry, City Clerk, City of Ann Arbor
cityclerk@a2gov.org