

**Ann Arbor City Council Regular Session: July 02, 2018
Email Redactions List Pursuant to Council Resolution R-09-386**

	A	B	C	D	E	F	G
1	<u>Received</u>						
	<u>Sent Time</u>	<u>Time</u>	<u>TO</u>	<u>From</u>	<u>CC</u>	<u>Redactions</u>	<u>Reason for Redaction</u>
2	7:31 PM		Jane Lumm, Kirk Westphal	Bob Gavin		Email address	Privacy
3	7:50 PM		Jacqueline Beaudry	Jane Lumm			
4	8:47 PM		Jane Lumm	Jessica Frazier		Email address	Privacy
5	10:42 PM		Chuck Warpehoski, Chip Smith, Christopher Taylor, Howard Lazarus, Lori Saginaw, Graydon Krapohl, Sumi Kailasapathy	J. Letaw		Email address	Privacy
6	10:51 PM		Jane Lumm, Kirk Westphal	Bob Gavin		Email address	Privacy
7	10:57 PM		City Council	Peter Nagourney		Email address	Privacy
8	11:24 PM		Peter Nagourney	Eric Lipson	City Council	Email address	Privacy

Archive, Journal

From: Bob Gavin [REDACTED]
Sent: Monday, July 02, 2018 7:31 PM
To: Lumm, Jane; Westphal, Kirk
Attachments: IMG_1480.JPG; ATT00001.txt; IMG_1477.JPG; ATT00002.txt; IMG_1475.JPG; ATT00003.txt

Jane and Kirk, as you can see in the pictures below, the gypsy moth egg laying has commenced!







Archive, Journal

From: Lumm, Jane
Sent: Monday, July 02, 2018 7:50 PM
To: Beaudry, Jacqueline
Subject: FW: Non-Partisan Charter Amendment - DC-2
Attachments: JL Proposed Charter Amendment-AG Updates.docx

Jackie, Please send to Mayor/Council.

All, I will be amending DC-2 as follows:

- To delete the last Whereas clause
- To delete the fourth Resolved clause
- To make the changes in the ballot language as noted in the attached.

Resolution to Order Election, Approve Charter Amendment of the Ann Arbor City Charter Sections to Establish Non-Partisan Nomination and Election for th Offices of Mayor and Council and Determine Ballot Language for this Amendment (7 Votes Required)

Whereas, Ann Arbor is one of only three cities in Michigan to conduct local elections on a partisan basis and all of Ann Arbor's traditional benchmark cities (Boulder, Berkely, Madison, Austin) conduct local elections on a non-partisan basis; and

Whereas, voter turnout in November is significantly and consistently higher than turnout in August and holding the meaningful election of the Mayor and City Council members on a date when turnout is highest strengthens democratic representation; and

Whereas, fewer restrictions on holding office are more consistent with open and democratic government and conducting local elections on a non-partisan basis is likely to increase the number of qualified candidates interested in running for local office: and

Whereas, Ann Arbor residents have not had an opportunity to provide input on this question of partisan/non-partisan local elections since the 1950's and in May, City Council rejected a proposed FY19 budget amendment to survey the community's preferences on the matter; and

Whereas, it is wholly appropriate and consistent with democratic principles to allow citizens to determine the basis on which their local elections are conducted; and

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:

Whereas, the resolution must set forth the ballot language for the proposed charter amendment with each proposal being limited to a single subject,

Whereas, section 21(2) of the HRCA, MCL 117.21(2), requires that the ballot language for the submission to the city voters of each proposed amendment, including any separate statement of purpose, shall be limited to 100 words, exclusive of caption, shall be a fair and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment:

Whereas, section 13.4 of the City Charter currently reads:

Primary Elections

Section 13.4

(a) A City primary election for the purposes of nominating such officers of the City as this Charter provides shall be held August 8, 2017 and in succeeding years on the first Tuesday following the first Monday in August as provided for in Section 12.4. If, upon expiration of the time for filing nomination petitions for any elective office, it appears that petitions have been filed for no more than one candidate for the office from each political party nominating candidates therefor, no primary election shall be held with respect to the office. The candidates receiving the highest number of votes of their respective parties at any city primary election shall be declared the nominees for election to the respective offices for which they are candidates. As to any office with respect to which no primary is necessary, persons named in petitions as candidates for election to the office shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the next subsequent regular election under the party heading set forth in the nomination petitions for the candidates.

(b) No person who is a sticker candidate for nomination, or whose name is written in on the ballots of any primary election, shall be declared nominated unless that person receives at least fifty votes.

Whereas, Section 13.8 of the City Charter currently reads:

Nomination Petitions

Section 13.8

(a) A person desiring to qualify as a candidate for an elective City office shall file with the Clerk a nomination petition consisting of one or more official petition forms. Each petition filed by or on behalf of a person seeking nomination to the offices of Mayor shall be signed by not less than 250 nor more than 350 registered electors including at least 50 signatures of resident of each ward. Each petition filed by or on behalf of a person seeking nomination to the office of Council Member shall be signed by not less than 100 nor more than 200 registered electors of the ward from which the person seeks to be elected.

(b) Official petition forms, substantially similar to those required by law for state and county officers, shall be prepared and furnished by the Clerk. Before the Clerk furnishes petition forms to any person, the Clerk shall enter thereon, in ink or by typewriter, the name of the person in whose behalf the petition is to be circulated and the name of the office for which the person is a candidate. No petition form which has been altered with respect to such entries shall be received by the Clerk for filing. Nomination petitions for the purpose of filling a vacancy shall so state. Petitions shall be filed with the Clerk not later than 5:00 p.m., on the seventh Monday prior to the date of the regular City primary election. The Clerk shall publish notice of the last day, time, and place for filing nomination petitions at least one week but not more than three weeks before that date.

(c) Upon the filing thereof, nomination petitions shall be public records and open to public inspection, but only in the presence and upon the authority of the Clerk or an authorized employee of the Clerk's Office.

Whereas, Section 13.11 of the City Charter currently reads:

Form of Ballots

Section 13.11. The names of all persons nominated for election to each office shall be placed upon the ballot. The form of the ballot used in any City primary or election and the printing and numbering thereof shall conform, as nearly as may be, with the requirements of the general election laws of the State.

Whereas, Section 13.12 of the City Charter currently reads:

Canvass of Votes

~~Section 13.12. The members of the Council, who are not candidates for elective office, shall be the Board of Canvassers to canvass the votes cast at all City primaries and elections. The Board of Canvassers shall meet on the first Thursday after each City primary and election, shall publicly canvass the returns of such primary or election, shall determine the vote upon all questions and propositions, and shall declare whether the same have been adopted or rejected and what persons have been nominated or elected. In the event that a majority of the Board does not convene to canvass the returns of any primary or election, such members as do convene, together with the Clerk, the Attorney, and the Chief of Police, or any two of them, shall constitute the Board of Canvassers for such purpose.~~

RESOLVED, That the following amended charter provision be placed on the ballot and submitted to the voters at the next general city election:

Primary Elections

Section 13.4

(a) A City non-partisan primary election for the purpose of nominating such officers of the City as this Charter provides Charter provides shall be held August 8, 2017 and in succeeding years on the first Tuesday following the first Monday in August as provided for in Section 12.4. If, upon expiration of the time for filing nomination petitions for any elective office, it appears that petitions have been filed for no more than one two candidates for the office from each political party nominating candidates therefor, no primary election shall be held with respect to the office. The two candidates receiving the highest number of votes of their respective parties at any city primary election shall be declared the nominees for election to the respective offices for which they are candidates. As to any office with respect to which no primary is necessary, persons named in petitions as candidates for election to the office shall be certified by the Clerk to the Election Commission to be placed upon the ballot for the next subsequent regular election under the party heading set forth in the nomination petitions for the candidates.

(b) No person who is a sticker candidate for nomination, or whose name is written in on the ballots of any primary election, shall be declared nominated unless that person receives at least fifty votes.

RESOLVED, That the following amended charter provision be placed on the ballot and submitted to the voters at the next general city election:

Nomination Petitions

Section 13.8

(a) A person desiring to qualify as a candidate for an elective City office shall file with the Clerk a non-partisan nomination petition consisting of one or more official petition forms. Each petition filed by or on behalf of a person seeking nomination to the offices of Mayor shall be signed by not less than 250 nor more than 350 registered electors including at least 50 signatures of resident of each ward. Each petition filed by or on behalf of a person seeking nomination to the office of Council Member shall be signed by not less than 100 nor more than 200 registered electors of the ward from which the person seeks to be elected.

(b) Official petition forms, substantially similar to those required by law for state and county officers, shall be prepared and furnished by the Clerk. Before the Clerk furnishes petition forms to any person, the Clerk shall enter thereon, in ink or by typewriter, the name of the person in whose behalf the petition is to be circulated and the name of the office for which the person is a candidate. No petition form which has been altered with respect to such entries shall be received by the Clerk for filing. Non-partisan Nomination petitions for the purpose of filling a vacancy shall so state. Petitions shall be filed with the Clerk not later than 54:00 p.m., on the seventh Monday fifteenth Tuesday prior to the date of the regular City primary election. The Clerk shall publish notice of the last day, time, and place for filing nomination petitions at least one week but not more than three weeks before that date.

(c) Upon the filing thereof, nomination petitions shall be public records and open to public inspection, but only in the presence and upon the authority of the Clerk or an authorized employee of the Clerk's Office.

RESOLVED, that the following amended charter provision be placed on the ballot and submitted to the voters at the next general city election:

Form of Ballots

Section 13.11. The names of all persons nominated for election to each office shall be placed upon the ballot. The form of the ballot used in any City primary or election and the printing and numbering thereof shall conform, as nearly as may be, with the requirements of the general election laws of the State. No party vignette or emblem or other designation shall appear on the ballot.

~~**RESOLVED**, that deletion of the following charter provision be placed on the ballot and submitted to the voters at the next general city election:~~

Canvass of Votes

~~Section 13.12. The members of the Council, who are not candidates for elective office, shall be the Board of Canvassers to canvass the votes cast at all City primaries and elections. The Board of Canvassers shall meet on the first Thursday after each City primary and election, shall publicly canvass the returns of such primary or election, shall determine the vote upon all questions and propositions, and shall declare whether the same have been adopted or rejected and what persons have been nominated or elected. In the event that a majority of the Board does not convene to canvass the returns of any primary or election, such members as do convene, together with the Clerk, the Attorney, and the Chief of Police, or any two of them, shall constitute the Board of Canvassers for such purpose.~~

RESOLVED, That the proposed Charter amendment shall appear on the ballot in the following form, which includes the statement of purpose:

CHARTER AMENDMENT PROPOSAL NO. 1

AMENDMENT ESTABLISHING NON-PARTISAN NOMINATION AND ELECTION FOR THE OFFICES OF MAYOR AND COUNCIL.

It is proposed City Charter Sections 13.4, 13.8, and 13.11 be amended and ~~Section 13.12 be deleted~~ to provide for the nomination and election of non-partisan candidates for those offices by filing of nominating petitions and removal of reference to a candidate's party designation on the ballot.

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

Yes

No

RESOLVED, that November 6, 2018, 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.

Submitted by CM Lumm
28, 2018

June

Archive, Journal

From: Jessica Frazier [REDACTED]
Sent: Monday, July 02, 2018 8:47 PM
To: Lumm, Jane
Subject: Council Meeting

Jane,

I can not explain how much I appreciate you sticking up for me(GBC residents) so we could be heard before the end of the Council Meeting. Thanks a million times over, coffee/lunch on me sometimes. Roben also says

Thanks

Talk to you soon,

Jessica

Archive, Journal

From: J. Letaw [REDACTED]
Sent: Monday, July 02, 2018 10:42 PM
To: Warpehoski, Chuck; Smith, Chip; Taylor, Christopher (Mayor); Lazarus, Howard; Saginaw, Lori (PTF); Krapohl, Graydon; Kailasapathy, Sumi
Subject: Tonight's extra public comment speaker

CMs Smith, Warpehoski, Kailasapathy, and Krapohl, Mayor Taylor, Mr. Lazarus, and Ms. Saginaw, I'd like to ask your help in understanding what category of public meetings merit regular staffing with law enforcement officers, and then finding out from you whether it would be feasible to add a policy to staff them with social workers as well. This evening ended without incident, but that wasn't a given, and I wonder how events might have unfolded differently if someone from CMH had been on hand.

Thanks in advance for your help in understanding.

Best,

Jessica

Archive, Journal

From: Bob Gavin [REDACTED]
Sent: Monday, July 02, 2018 10:51 PM
To: Lumm, Jane; Westphal, Kirk
Subject: Re:

Jane and Kirk, we are watching the city Council meeting, and just want you to know that in one day on our property we have 40 to 50 egg masses. Each egg mass, as I understand it, contains between 500 - 1000 eggs. I am prone to doubt that this will be a peak year.

Sent from my iPhone

> On Jul 2, 2018, at 7:30 PM, Bob Gavin [REDACTED] wrote:

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> Jane and Kirk, as you can see in the pictures below, the gypsy moth egg laying has commenced!

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> <IMG_1475.JPG>

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> Sent from my iPhone

Archive, Journal

From: Peter Nagourney [REDACTED]
Sent: Monday, July 02, 2018 10:57 PM
To: CityCouncil
Subject: DC-5, on the July 2, 2018 Agenda

Dear Councilmembers,

I have just listened to your discussion of DC-5, and totally agree that citizens lack information about the library lot issue. I also agree that many will be confused about the proposed ballot language for the Center of the City. Of course it is important that complete information about these important questions be made available to citizens.

However, the explanatory caption language is not, and cannot be, the medium to convey the kind of information Councilmembers want disseminated.

The reason for this is very simple. The applicable standard for a statement included on the ballot is as follows:

The purpose of the proposed charter amendment or question shall be designated on the ballot in not more than 100 words, exclusive of caption, that shall consist of a true and impartial statement of the purpose of the amendment or question in language that does not create prejudice for or against the amendment or question. The text of the statement shall be submitted to the attorney general for approval as to compliance with this requirement before being printed.

MCL 117.21(2) - Charter amendment; procedure

In light of this standard, it is clear that adding your explanatory caption language violates every part of this applicable standard for a ballot statement.

The standard calls for *"A true and impartial statement of the purpose of the amendment or question, in language that does not create prejudice for or against the amendment or question."*

As was pointed out during your discussion at the July 2 discussion, the city's language for the caption, when preceding the ballot question, means the total ballot language is no longer impartial, and it no longer deals with the purpose of the question. Instead, it creates prejudice against the petition by including arguments for an alternative usage, thereby promoting the Core Spaces project.

Several Councilmembers pointed out how positive but not negative information about the Core Spaces project was included, along with negatives but not positives about the proposed Center of the City. This is not impartial.

You also seemed to ignore what one of the first public speakers, an attorney, pointed out: that unless the ballot language calls for it, no explanatory statement can be added.

So it is difficult to understand why a vote was held on language that is obviously in violation of the applicable standard, unless your secret plan is based on knowing that the Michigan Attorney General

will reject the illegal explanatory caption along with the legal ballot language, thereby depriving Ann Arbor voters of the opportunity to vote on this important issue.

It is obvious that much time, effort, and money will be dedicated to educating Ann Arbor voters about the relative merits of this ballot proposal before November. That will take many forms, but it should have been clear to you that the explanatory caption is not an appropriate or legal medium for those arguments.

It will be unfortunate if litigation is required to correct the error that your city attorney should have cautioned you about.

Peter Nagourney

Archive, Journal

From: Eric Lipson [REDACTED]
Sent: Monday, July 02, 2018 11:24 PM
To: Peter Nagourney
Cc: CityCouncil
Subject: Re: DC-5, on the July 2, 2018 Agenda

Well put. It's illegal. But the majority doesn't care.

Sent from my iPhone

On Jul 2, 2018, at 10:57 PM, Peter Nagourney [REDACTED] wrote:

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Peter Nagourney