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Daniel E. Galeski
Ted Miciura Jr.
Leonard T. Sabuda
Donald C. Schultz
Lawrence S. Stec

PLEASE FIND ATTACHED THE RESPONSE TO THE
UNFINISHED BUSINESS RELATIVE TO THE SPECIAL ELECTION

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January 2, 2014

Mayor Joseph R. Peterson & City Councilmembers
3200 Biddle Avenue
Wyandotte, Michigan 48192

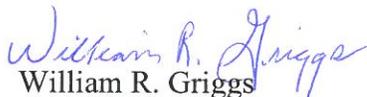
Dear Mayor Peterson & City Councilmembers:

Council resolution of December 16, 2013 referred to the undersigned the request for additional information relative to cost and consolidation of a special election with a previously scheduled August 5, 2014, election date.

Discussion with Mr. David Foster of the Michigan election Division, Lansing, Michigan confirms that a special election for operational millage could be held on the same date as the State wide August 5, 2014 election with no additional expense to the City of Wyandotte. Further discussion with Delphine Oden, Director of Wayne County Elections indicated that the City of Wyandotte millage question could be included with the August 5, 2014 State wide election administered by Wayne County with no additional cost other than the canvass cost by the County of Wayne that is already in place.

Should you require additional information, please advise.

Sincerely yours,


William R. Griggs
City Clerk

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January 2, 2014

Mayor Joseph R. Peterson & City Councilmembers
3200 Biddle Avenue
Wyandotte, Michigan 48192

Dear Mayor Peterson & City Councilmembers:

The Home Rule City Act governs the procedure for amending a City Charter. Section 21 of the Act states in part:

“If the amendment is proposed by the legislative body of the city, the amendment shall be submitted to the electors of the city at the next regular municipal or general state election, or at a special election, held not less than 60 days after the proposal of the amendment.”

The term “General Election” is defined by state law as the “election required by law to be held in the month of November but do not include any primary election.” MCL 8.3s Section 21 as currently written, states the charter amendment may be submitted at 1) the next regular municipal or 2) next general state election, or 3) at a special election. It omits reference to a primary election.

At one time, Section 21 permitted a charter amendment to be submitted at a primary, regular or special election. However, that version of Section 21 was amended in 1939 to only allow charter amendments to be voted upon at a regular municipal or state election.

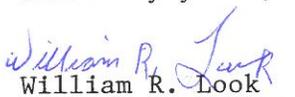
The City of Bay City in 1951 submitted a charter amendment at a city primary election and the amendment passed. However, a court proceeding challenging the result was filed and the Michigan Supreme Court in 1952 held that the submission of the charter amendment and the subsequent approval by the voters was null and void.

The Court referenced another Supreme Court decision in *Oakland County Drain Commissioners vs. City of Royal Oak* which stated that when the legislature amended Section 21 to remove special elections and primary elections as to when charter amendments could be submitted to the voters, that the legislature intended to preclude the vote at a primary:

“It is apparent that the amendment was intended to eliminate the submission of charter amendments at primary and special elections and to require submission at a regular city or state and county election.”

The Court also ruled a primary election is not a regular election. The current version of Section 21 of the Home Rule City Act was last amended in 1955. The legislature has amended it since the above cited cases to permit charter amendments to also be submitted at a special election (like the law did prior to the 1939 amendment) but the legislature did not include a primary election as a time when a charter amendment could be voted upon. Therefore I would recommend keeping the election in May of 2014 and not running the risk of a court challenge based upon the above cases should the millage pass.

Sincerely yours,


William R. Look
City Attorney *wrl*

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December 17, 2013

RESOLUTION

Councilwoman Sheri M. Fricke
3200 Biddle Avenue
Wyandotte, Michigan 48192

By Councilwoman Sheri M. Fricke
Supported by Councilman Ted Miciura Jr.

RESOLVED by the City Council that WHEREAS the Special Election scheduled for May 6, 2014 for 3 mills for five years would cost the City of Wyandotte approximately \$15,000 and WHEREAS the City of Wyandotte could attach this ballot proposal to the scheduled August 5, 2014 Election for no additional cost; THEREFORE BE IT FURTHER RESOLVED that said issue is hereby referred to the City Attorney and City Clerk for a review and report back in three (3) weeks.

YEAS: Councilmembers Fricke Galeski Miciura Sabuda
NAYS: Councilmembers Schultz Stec

RESOLUTION DECLARED ADOPTED

I, William R. Griggs, City Clerk for the City of Wyandotte, do hereby certify that the foregoing is a true and exact copy of a resolution adopted by the Mayor and Council of the City of Wyandotte, at the regular meeting held on December 16, 2013.

William R. Griggs
William R. Griggs
City Clerk

CC: Department of Legal Affairs, City Clerk