



Resolution No. 2014-185
August 7, 2014

Resolution to amend the City Charter to permit the publication of ordinances and notices by newspaper, posting in at least three conspicuous places within the city, or placing such on the City's website in a manner as to make it easily accessible to the public

IT IS RESOLVED BY THE COUNCIL OF THE CITY OF YPSILANTI that:

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 a 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, and;

WHEREAS, The resolution must set forth the ballot language for the proposed charter amendment—with each proposal being limited to a single subject, and if the subject of a proposal includes more than one related proposition, each proposition shall be separately stated as a ballot proposal to afford an opportunity for a separate vote of the city voters for or against each proposition, and

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 shall be limited to 100 words, exclusive of caption, shall be a true and impartial statement of the purpose of the amendment, and shall not create prejudice for or against the proposed amendment,

NOW THEREFORE BE IT RESOLVED that the fourth sentence of Article II, Section 2.06 of the Ypsilanti City Charter shall be amended as follows:

A Member charged with conduct constituting ground for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published at least one week in advance of the hearing.

BE IT FURTHER RESOLVED that Article II, Section 2.10(d) of the Ypsilanti City Charter shall be amended as follows:

"Publish" Defined. As used in this Section, the term "publish" means publishing as provided in Section 11.13: (1) The ordinance or a brief summary, and (2) the places where copies of it have been filed and the times when they are available for public inspection.

BE IT FURTHER RESOLVED that Article V, Section 5.05(a) of the Ypsilanti City Charter shall be amended as follows:

(a) Notice and Hearing. The City Council shall publish the general summary of the budget and a notice stating:

- (1) The times and places where copies of the message and budget are available for inspection by the public, and
- (2) The time and place, not less than two weeks after such publication, for a public hearing on the budget.

BE IT FURTHER RESOLVED that Article V, Section 5.12(a) of the Ypsilanti City Charter shall be amended as follows:

(a) Notice and Hearing. The City Council shall publish the general summary of the capital program and a notice stating:

- (1) The times and places where copies of the capital program are available for inspection by the public, and
- (2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.

BE IT FURTHER RESOLVED that the fourth paragraph of Article X, Section 10.07 of the Ypsilanti City Charter shall be amended as follows:

When approval of the voters of the City is required, the ordinance as approved by the City Council shall be published not less than 30 days before the election at which it is submitted to the voters. The City Council may not call a special election unless the expense (as determined by the City Council) of holding the election has first been paid to the Treasurer by the grantee.

BE IT FURTHER RESOLVED that Article XI, Section 11.03 of the Ypsilanti City Charter shall be amended as follows:

- (a) Within six months after the effective date of this Charter, the Planning Commission shall review a list of all real property owned by the City and shall designate certain parcels as protected lands based on the character of the land as parkland, likely parkland or environmentally sensitive land such as wetlands or riverfront.

Protected lands may not thereafter be sold or disposed of without a vote of the people or the potential for a vote of the people. Land will be considered sold or disposed of when there has been a binding grant of rights in the land for any period of time to any individual or organization which is likely to significantly affect the character or use of the land during the period of the grant or after. A parcel with a market value of \$500,000 or more may not be sold or disposed of without a vote of the people. A parcel of protected land with a market value of less than \$500,000 may not be sold or disposed of

until 45 days after a public hearing before the City Council on the question. There shall be a prominent notice of the public hearing published. If petitions with signatures amounting to ten percent of the vote cast for Mayor in the most recent election are filed in the office of the City Clerk requesting a vote of the people on the sale or disposition, the City Council shall either cancel the proposed sale or disposition or schedule a vote of the people. A majority of affirmative votes shall be required to approve the sale or disposition of land.

(b) In accordance with State law, no park or cemetery or any parts of a park or cemetery may be sold except where the park is not required under an official master plan of the City unless approved by a majority of the voters voting thereon at a general or special election.

BE IT FURTHER RESOLVED that Article XI of Ypsilanti City Charter shall be amended by adding a new Section 11.13 that reads as follows:

11.13 Publication defined.

Unless otherwise required by law or this Charter, the requirement contained in this Charter for the publishing or publication of notices, ordinances, or proceedings of city council or other city boards, commissions, or authorities is met by publishing (a) at least once in a newspaper published in the English language for news of general character, with general circulation at regular intervals in the city for at least one (1) year immediately prior to the publication of the notice, ordinance, or proceeding; (b) by posting in at least three (3) conspicuous places within the city; or (c) placing such on the City's website in a manner as to make it easily accessible to the public. If an applicable law requires a different method of publication, then that law will control.

Prima facie evidence of such publication, and when this Charter requires the mailing of notices, must be in the form of an affidavit of the officer or employee responsible for such mailing or posting.

The current charter section(s) being altered by this amendment provides as follows:

2.06. Judge of qualifications (fourth sentence).

A Member charged with conduct constituting ground for forfeiture of office shall be entitled to a public hearing on demand, and notice of such hearing shall be published in one or more newspapers of general circulation in the City at least one week in advance of the hearing.

2.10(d) *"Publish" Defined.*

As used in this Section, the term "publish" means to print in one or more newspapers or equivalent media of general circulation in the City: (1) The ordinance or a brief summary, and (2) the places where copies of it have been filed and the times when they are available for public inspection.

5.05 City Council action on budget.

(a) Notice and Hearing. The City Council shall publish in one or more newspapers of general circulation in the City the general summary of the budget and a notice stating:

- (1) The times and places where copies of the message and budget are available for inspection by the public, and
- (2) The time and place, not less than two weeks after such publication, for a public hearing on the budget.

5.12 City Council action on capital programs

(a) Notice and Hearing. The City Council shall publish in one or more newspapers of general circulation in the City the general summary of the capital program and a notice stating:

- (1) The times and places where copies of the capital program are available for inspection by the public, and
- (2) The time and place, not less than two weeks after such publication, for a public hearing on the capital program.

10.07 Limitation on a franchise (fourth paragraph)

When approval of the voters of the City is required, the ordinance as approved by the City Council shall be published in a daily newspaper or equivalent of general circulation in the City not less than 30 days before the election at which it is submitted to the voters. The City Council may not call a special election unless the expense (as determined by the City Council) of holding the election has first been paid to the Treasurer by the grantee.

11.03 Protected lands

- (a) Within six months after the effective date of this Charter, the Planning Commission shall review a list of all real property owned by the City and shall designate certain parcels as protected lands based on the character of the land as parkland, likely parkland or environmentally sensitive land such as wetlands or riverfront.

Protected lands may not thereafter be sold or disposed of without a vote of the people or the potential for a vote of the people. Land will be considered sold or disposed of when there has been a binding grant of rights in the land for any period of time to any individual or organization which is likely to significantly affect the character or use of the land during the period of the grant or after. A parcel with a market value of \$500,000 or more may not be

sold or disposed of without a vote of the people. A parcel of protected land with a market value of less than \$500,000 may not be sold or disposed of until 45 days after a public hearing before the City Council on the question. There shall be a prominent notice of the public hearing published in a newspaper of general circulation in the City. If petitions with signatures amounting to ten percent of the vote cast for Mayor in the most recent election are filed in the office of the City Clerk requesting a vote of the people on the sale or disposition, the City Council shall either cancel the proposed sale or disposition or schedule a vote of the people. A majority of affirmative votes shall be required to approve the sale or disposition of land.

(b) In accordance with State law, no park or cemetery or any parts of a park or cemetery may be sold except where the park is not required under an official master plan of the City unless approved by a majority of the voters voting thereon at a general or special election.

11.13.

Article XI of the Ypsilanti City Charter does not currently contain a Section 11.13.

BE IT FURTHER RESOLVED that the ballot language for the proposed amendment shall be as follows:

Shall sections 2.06, 2.10(d), 5.05(a), 5.12(a), 10.07, and 11.03 of the Ypsilanti City Charter be amended and Section 11.13 be added to permit the publication of ordinances, notices, or proceedings by one or more of the following methods: (a) at least once in a newspaper published in the English language for news of general character, (b) by posting in at least three (3) conspicuous places within the city, or (c) placing such on the City's website in a manner as to make it easily accessible to the public?

Yes ____ No ____

BE IT FURTHER RESOLVED that the City Clerk shall transmit a certified copy of this resolution to the Governor of the State of Michigan for approval of the proposed amendment (MCL 117.22) 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 (MCL 117.21).

BE IT FURTHER RESOLVED that the proposed amendment shall be submitted to the qualified electors of the City of Ypsilanti at the general election to be held in the City on November 4, 2014, and the City Clerk is directed to give notice of the election and notice of registration in a manner prescribed by law and to do all things and to provide all

supplies necessary to submit the Charter amendment to a vote of the electors as required by law.

BE IT FURTHER RESOLVED that the proposed charter amendment shall be published in full, together with the existing charter provision amended as required by law.

BE IT FURTHER RESOLVED that this proposed charter amendment must be posted, in full, in a conspicuous place in each polling location.

OFFERED BY: Council Member Moeller

SUPPORTED BY: Council Member Murdock

YES: 6 NO: 0 ABSENT: 1 VOTE: CARRIED
Schreiber

I do hereby certify that the above resolution is a true and correct copy of Resolution 2014-185 as passed by the Ypsilanti City Council, at their meeting held on August 7, 2014.

Frances McMullan, City Clerk