At a Regular meeting of the City Council of the City of Ferndale, Oakland County, Michigan, held in the Council Chambers at 300 E. Nine Mile, Ferndale MI 48220 on the 11th day of January, 2016

The following resolution was moved by Council Member Piana, and seconded by Council Member Martin:

Governor Snyder signed into law, with immediate, effect Public Act 269 (Senate Bill 571) despite wide spread calls for a veto of this bill, including from members of his own party; and

Both the Michigan Senate and the Michigan House of Representatives passed Senate Bill 571 late into the night of December 16, 2015, just prior to recessing for the year; and

One of the last minute amendments made to Senate Bill 571, without the knowledge of the Michigan Municipal League or other local government organization, and approved without any public testimony or awareness, was the new language inserted into Section 57, subsection (3); and

This new law prohibits a public body, or a person acting for a public body, from using public funds or resources for the purpose of communicating any information to the electorate regarding a local ballot question that is to appear on the ballot, within 60 days of an election, and

This law places an immediate gag order on entities with ballot questions on the March 8 ballot and every election thereafter; and

Municipal elected and appointed officials have a civic and legal duty to the residents of their communities to fully inform them regarding the issues placed before them, upon which they may exercise their constitutional right to vote; and

Existing laws, including the former language in Section 57, and decades of guidance from the Michigan Secretary of State, already prohibit the use of public funds to advocate for or against ballot issues; and

Existing laws already provided for an allowance for elected and appointed officials to express their views without fear of violating the act; and

Because the new law bans only communication on *local* ballot issues, it creates inconsistent treatment of statewide ballot questions versus local initiatives; and
There are substantial questions regarding the constitutionality and legality of the new law, including a possible ban on freedom of speech;

THEREFORE, BE IT RESOLVED, that the City Council of the City of Ferndale calls for an immediate repeal of the new language in Section 57, subsection (3) of PA 269 of 2016; and

THEREFORE, BE IT FINALLY RESOLVED that a copy of this Resolution be forwarded to Ferndale’s state representatives in the Michigan House of Representatives and the Michigan Senate.

AYES: Council Members Leaks-May, Martin, Pawlica, Piana and Mayor Coulter
NAYS: None
ABSENT: None
RESOLUTION ADOPTED

I, Marne McGrath, the duly appointed City Clerk of the City of Ferndale, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of a Resolution duly adopted by the City Council of the City of Ferndale at a regular meeting held on January 11, 2016.

IN WITNESS WHEREOF, I have hereunto affixed my official signature on this 11th day of January, 2016.

[Signature]

Marne McGrath, City Clerk