Grand Ledge City Council Resolution #04 of 2016

A Resolution in Opposition to Public Act 269

A resolution adopted by the Grand Ledge City Council, at a regular meeting held on Monday, 25 January 2016, in the Council chambers, City Hall, 310 Greenwood St, Grand Ledge, Michigan.

Whereas, the City of Grand Ledge, Michigan ("City") is a municipal corporation organized under the provisions of the Home Rule City Act, Public Act 279 of 1909, as amended, and is governed by the provisions of the Grand Ledge City Charter adopted 03 January 1963, as amended ("Charter"); and

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

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

Whereas, one of the last-minute amendments to Senate Bill 571, without the knowledge of the Michigan Municipal League or other local government organizations, and approved without any public testimony or awareness, was language inserted into Section 57, subsection (3), prohibiting 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 sixty days of an election, and

Whereas, this law places an immediate gag order on entries with ballot questions on the 08 March 2016 ballot and every election thereafter; and

Whereas, 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

Whereas, 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

Whereas, existing laws already provide for an allowance for elected and appointed officials to express their views without fear of violating the act; and

Whereas, because the new law bans only communication on local ballot issues, it creates inconsistent treatment of statewide ballot questions versus local initiatives; and

Whereas, there are substantial questions regarding the constitutionality and legality of the new law, including its possible ban on the freedom of speech;

Now, Therefore, It Is Resolved:

1. The City calls for an immediate repeal of the new language in Section 57, subsection (3) of PA 269 of 2016.

2. The City directs the City Clerk to forward a copy of this resolution to Rick Jones, Senator, 24th District, and Tom Barrett, Representative, 71st District.

   Motion by Roberts
   Second by Lantz

Ayes: Lantz, Malecki, Mulder, Roberts, Smith, Sowle, Willems

Nays: None
Grand Ledge City Council

Absent: None

Approved:

[Signature]

Keith O. Mulder, Mayor Pro-Tem

I, Gregory L. Newman, Grand Ledge City Clerk, certify this is Resolution #04 of 2016, adopted by the Grand Ledge City Council at a regular meeting held on Monday, 25 January 2016; a meeting held in accordance with the Open Meetings Act, Public Act No. 267 of 1976, as amended.

[Signature]

Gregory L. Newman, City Clerk