Commissioner Trobeck offered Resolution No. 2016-05 – a Resolution of Opposition to Public Act 269, seconded by Commissioner Wieber.

CITY OF OTSEGO
ALLEGAN COUNTY
MICHIGAN

RESOLUTION NO. 2016-05
A RESOLUTION OF OPPOSITION TO PUBLIC ACT 269

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

WHEREAS, 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

WHEREAS, 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

WHEREAS, 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

WHEREAS, this law places an immediate gag order on entities with ballot questions on the March 8 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 provided 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 a possible ban on freedom of speech;

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

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

YEAS: Commissioners: Tom Gilmer, Kathy Misner, Cyndi Trobeck, Ryan Wieber, & Stacey Withee

NAYS: Commissioners: None.

ABSTAIN: Commissioners: None.

ABSENT: Commissioners: None.

RESOLUTION DECLARED ADOPTED.

Dated: February 1, 2016

Angela M. Cronen, City Clerk

CERTIFICATE
I, Angela M. Cronen, duly qualified and acting Clerk of the City of Otsego, Allegan County, Michigan, hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Commission of the City of Otsego at a regular meeting held on Monday, February 1, 2016, the original of which is on file in the Office of the City Clerk. Public notice of said meeting was given pursuant to and in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended

Dated: February 1, 2016

Angela M. Cronen, City