



CITY ATTORNEY'S OFFICE

ONE CITY SQUARE, SUITE 400

WARREN, MI 48093-5285

(586) 574-4671

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www.cityofwarren.org

February 29, 2016

Ms. Kelly Colegio
Council Secretary
Mayor Pro Tem

**Re: Proposed Resolutions Approving Ballot Proposals to Renew Levy of
Additional 4.9 Mills for Police and Fire Safety Protection, and 2.1
Mills for Local Street and Road Repairs and Replacement**

Dear Secretary Colegio:

Attached please find the above-noted resolutions authorizing ballot proposals to renew the local road millage and the police and fire safety services millage.

The local road millage expires December 2016, and this resolution authorizes a ballot proposal to renew the millage for an additional five years, to year 2021. The additional police and fire safety protection expires July 2017. This resolution seeks renewal at this time, with an effective date the current levy.

If acceptable, the ballot proposals would be submitted to the electorate at the primary election to be held August 2, 2016. Please be advised that the estimate of revenues to be collected in the first year may be adjusted downward in the final ballot proposal to account for the Headlee rollback. Both resolutions have been informally forwarded to the Attorney General's Office for preliminary review.

If acceptable, please submit the resolutions to the Council for consideration.

Respectfully,

Mary Michaels
Assistant City Attorney

cc: Marcia D. M. Smith, City Assessor
Robert Maleszyk, City Controller
Renee Rezak, Budget Director

Read and concur:

James R. Fouts
Mayor

**RESOLUTION TO APPROVE MILLAGE RENEWAL FOR
POLICE AND FIRE SAFETY PROTECTION**

At a Special meeting of the City Council of the City of Warren, County of Macomb, Michigan, held on March 1, 2016, at 6 p.m. Eastern _____ Time, in Conference Room A in the Warren Community Center, 5460 Arden, Warren, Michigan.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following preamble and resolution were offered by Councilmember _____ and supported by Councilmember _____:

The residents of the City of Warren deserve dependable police protection and fire safety operations that are sufficiently equipped and staffed to respond to public safety situations.

Budgetary projections for the next five years indicate that the tax revenues will not support the City's police and fire operations at optimum levels.

At a regular election held on August 7, 2012, the electors of the City of Warren approved a ballot proposal to levy an additional 4.9 mills for the preservation of the City's police and fire protection safety operations.

During the past years, the City revenues have slowly rebound from the declining tax losses, but have not nearly attained the level necessary to fund the City's police and fire services at optimal levels.

The City Controller and Budget Director are recommending renewal of the millage of 4.9 mills for an additional five years to provide the funding dedicated to police and fire services at the current level.

THEREFORE, IT IS RESOLVED, that in accordance with Act No. 279 of the Public Acts of Michigan, 1909, as amended, Section 9.1 of the Charter of the City of Warren, which reads as follows:

“The city shall have the power to assess taxes and to lay and collect rents, tolls and excises. The annual general ad valorem tax levy for municipal purposes shall not exceed nine-tenths of one percent of the assessed value of all real and personal property in the city: Provided that in addition to the foregoing, the city shall have the power to levy three-tenths of one mill of the assessed valuation as equalized, of all property in the city for the purpose of additional fire department life support units: Provided further that in addition to the foregoing, the city shall have the power to levy .9798** of one mill each year for police protection for a period of twenty (20) years: Provided further that in addition to the foregoing, the city shall have the power to levy .9798** of one mill each year for fire and emergency medical rescue services for a period of twenty (20) years: Provided further that in addition to the foregoing, the city shall have the power to levy one mill** for Parks and Recreation and Forestry effective August 4, 1992: Provided further that in addition to the foregoing, the City shall have the power to levy an additional 2.1 mills for the repair and replacement of local streets and roadways for a period of five (5) years: Provided further that in addition to the foregoing, the city shall have the power to levy an additional 4.9 mills each year for police protection and fire safety protection for a period of five (5) years, effective August 7, 2012.”

*(**actual amounts may be lower than as stated above due to the Headlee reductions. The library millage is set forth in section 7.23 of the City Charter).*

Shall read as follows, subject to approval of the electorate of the City of Warren:

“The city shall have the power to assess taxes and to lay and collect rents, tolls and excises. The annual general ad valorem tax levy for municipal purposes shall not exceed nine-tenths of one percent of the assessed value of all real and personal property in the city: Provided that in addition to the foregoing, the city shall have the power to levy three-tenths of one mill of the assessed valuation as equalized, of all property in the city for the purpose of additional fire department life support units: Provided further that in addition to the foregoing, the city shall have the power to levy .9798** of one mill each year for police protection for a period of twenty (20) years: Provided further that in addition to the foregoing, the city shall have the power to levy .9798** of one mill each year for fire and emergency medical rescue services for a period of twenty (20) years: Provided further that in addition to the foregoing, the city shall have the power to levy one mill for Parks and Recreation and Forestry effective August 4, 1992: Provided further that in addition to the foregoing, the City shall have the power to levy an additional 2.1 mills** for the repair and replacement of local streets and

roadways for a period of five (5) years^{***}: **Provided further that in addition to the foregoing, the city, effective July 2017, shall have the power to continue to levy an additional 4.9^{**} mills each year for police protection and fire safety protection for a period of five (5) years, after the expiration of the tax levy of the additional 4.9 mills authorized on August 7, 2012."**

*(**actual amounts may be lower than stated due to the Headlee reductions. The library millage is set forth in section 7.23 of the City Charter).*

*(***subject to voter approval)*

IT IS FURTHER RESOLVED, that the purposes of such proposed Charter Amendment shall be designated on the ballot to be submitted to the electorate as follows:

MILLAGE RENEWAL PROPOSAL
FOR POLICE AND FIRE SAFETY PROTECTION

Shall the City of Warren continue to levy a total of an additional 4.9 mills (\$4.90 per \$1,000.00) on taxable value of property located in the City of Warren each year for a period of five (5) years, beginning July 2017 and running through the 2022 tax year, inclusive, which will raise in the first year of such levy an estimated revenues of \$17,115,500 to be used for the specific purpose of preserving police and fire safety protection at current levels? If approved, this would be a renewal of a previously authorized millage.

Yes _____

No _____

IT IS FURTHER RESOLVED, that this resolution shall be severable, and if any provision or part of this resolution is found to be invalid or unlawful by the Attorney General, Governor, or by any court of competent jurisdiction, or by other operation of law, the remaining provisions or parts of the resolution shall be unaffected, and shall remain in full force and effect.

IT IS FURTHER RESOLVED, that the City Clerk shall submit this resolution to the Governor and Attorney General for approval.

IT IS FURTHER RESOLVED, that the proposed charter amendment shall be submitted to the qualified electors of the City at the Primary Election to be held in the

City of Warren, the 2nd day of August, 2016 and the City Clerk is directed to give notice of the election and notice of registration in the manner prescribed by law, and to perform all tasks and provide all supplies necessary to submit such charter amendment to the vote of the electors as required by law.

AYES: Councilmembers _____

NAYS: Councilmembers _____

RESOLUTION DECLARED ADOPTED this 1st day of March, 2016 by a three-fifths vote of its membership pursuant to the authority granted by Act 279 of the Public Acts of 1909, as amended.

KELLY COLEGIO
Secretary to the Council
Mayor Pro Tem

CERTIFICATION

STATE OF MICHIGAN)
)SS.
COUNTY OF MACOMB)

I, PAUL WOJNO, duly elected City Clerk for the City of Warren, Macomb County, Michigan, hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Council of the City of Warren at its meeting held on March 1, 2016.

PAUL WOJNO
City Clerk

**RESOLUTION TO AUTHORIZE BALLOT PROPOSAL TO RENEW MILLAGE FOR
LOCAL STREET AND ROAD REPAIRS AND REPLACEMENT**

At a Special Meeting of the City Council of the City of Warren, County of Macomb, Michigan, held on March 1, 2016 at 6 p.m. Eastern _____ Time, in Conference Room A of the Warren Community Center, 5460 Arden, Warren, Michigan.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following preamble and resolution were offered by Councilmember _____ and supported by Councilmember _____:

The residents of the City of Warren deserve local roads and streets that are maintained in optimum condition.

The City is solely responsible for the cost of local roadway repairs and replacement because local roads are generally not eligible for funds from State of Michigan or the County of Macomb.

Due to insufficient funding from the State of Michigan, the City of Warren must continue to raise the revenues that would sustain the proper repair and replacement of local streets and roadways.

At a general election held on November 8, 2011, the electors in the City of Warren adopted an amendment to the City Charter to authorize the levy of an additional 2.1 mills for a five year period for local roads and streets.

This additional millage levy has provided the City with resources to effectively respond to residents' concerns, repair road defects in neighborhoods, avoid deterioration and major reconstruction, and has provided overall improvement in the City's local road condition.

The Mayor, Public Service Director and City Engineer are recommending that the millage be renewed to continue the City's existing local road repair program, and to provide the revenues to continually improve and maintain local roads.

THEREFORE, IT IS RESOLVED, that in accordance with Act No. 279 of the Public Acts of Michigan, 1909, as amended, Section 9.1 of the Charter of the City of Warren, which reads as follows:

"The city shall have the power to assess taxes and to lay and collect rents, tolls and excises. The annual general ad valorem tax levy for municipal purposes shall not exceed nine-tenths of one percent of the assessed value of all real and personal property in the city: Provided that in addition to the foregoing, the city shall have the power to levy three-tenths of one mill of the assessed valuation as equalized, of all property in the city for the purpose of additional fire department life support units: Provided further that in addition to the foregoing, the city shall have the power to levy .9798** of one mill each year for police protection for a period of twenty (20) years: Provided further that in addition to the foregoing, the city shall have the power to levy .9798** of one mill each year for fire and emergency medical rescue services for a period of twenty (20) years: Provided further that in addition to the foregoing, the city shall have the power to levy one mill** for Parks and Recreation and Forestry effective August 4, 1992: Provided further that in addition to the foregoing, the City shall have the power to levy 2.1 mills for the repair and replacement of local streets and roadways for an additional five (5) years, effective August 8, 2016. Provided further that in addition to the foregoing, the City shall have the power to levy an additional 4.9 mills each year for police and fire safety protection for a period of five years, effective August 7, 2012."

*(**actual amounts are lower than as stated above due to the Headlee reductions).*

Shall read as follows, subject to approval of the electorate of the City of Warren:

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(** actual amounts are lower than as stated above due to the Headlee reductions).

(*** actual language subject to renewal of millage and effective date).

IT IS FURTHER RESOLVED, that the purposes of such proposed Charter Amendment shall be designated on the ballot to be submitted to the electorate as:

**MILLAGE RENEWAL PROPOSAL FOR LOCAL STREET
AND ROAD REPAIR AND REPLACEMENT**

“Shall the City of Warren continue to levy a total of 2.1 mills (\$2.10 per \$1,000) on taxable value of property located in the City of Warren each year for five (5) years beginning with the tax levy in December 2016, and continuing through the 2021 tax levy year, inclusive, which will raise in first year of such levy an estimated revenue of \$7,335,100 to be used for the specific purpose of repairing and replacing local streets and roads? If approved this would be a renewal of a previously authorized millage.”

Yes _____

No _____

IT IS FURTHER RESOLVED, that this resolution shall be severable, and if any provision or part of this resolution is found to be invalid or unlawful by the Attorney General, Governor, or by any court of competent jurisdiction, or by other operation of law, the remaining provisions or parts of the resolution shall be unaffected, and shall remain in full force and effect.

IT IS FURTHER RESOLVED, that the City Clerk shall submit this resolution to the Governor and Attorney General for approval.

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If acceptable, please submit the resolutions to the Council for consideration.

Respectfully,

A handwritten signature in cursive script that reads "Mary Michaels".

Mary Michaels
Assistant City Attorney

cc: Marcia D. M. Smith, City Assessor
Robert Maleszyk, City Controller
Renee Rezak, Budget Director

Read and concur:

James R. Fouts
Mayor

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PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following preamble and resolution were offered by Councilmember _____ and supported by Councilmember _____:

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Budgetary projections for the next five years indicate that the tax revenues will not support the City's police and fire operations at optimum levels.

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During the past years, the City revenues have slowly rebound from the declining tax losses, but have not nearly attained the level necessary to fund the City's police and fire services at optimal levels.

The City Controller and Budget Director are recommending renewal of the millage of 4.9 mills for an additional five years to provide the funding dedicated to police and fire services at the current level.

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*(**actual amounts may be lower than as stated above due to the Headlee reductions. The library millage is set forth in section 7.23 of the City Charter).*

Shall read as follows, subject to approval of the electorate of the City of Warren:

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Yes _____

No _____

IT IS FURTHER RESOLVED, that this resolution shall be severable, and if any provision or part of this resolution is found to be invalid or unlawful by the Attorney General, Governor, or by any court of competent jurisdiction, or by other operation of law, the remaining provisions or parts of the resolution shall be unaffected, and shall remain in full force and effect.

IT IS FURTHER RESOLVED, that the City Clerk shall submit this resolution to the Governor and Attorney General for approval.

IT IS FURTHER RESOLVED, that the proposed charter amendment shall be submitted to the qualified electors of the City at the Primary Election to be held in the

City of Warren, the 2nd day of August, 2016 and the City Clerk is directed to give notice of the election and notice of registration in the manner prescribed by law, and to perform all tasks and provide all supplies necessary to submit such charter amendment to the vote of the electors as required by law.

AYES: Councilmembers _____

NAYS: Councilmembers _____

RESOLUTION DECLARED ADOPTED this 1st day of March, 2016 by a three-fifths vote of its membership pursuant to the authority granted by Act 279 of the Public Acts of 1909, as amended.

KELLY COLEGIO
Secretary to the Council
Mayor Pro Tem

CERTIFICATION

STATE OF MICHIGAN)
)SS.
COUNTY OF MACOMB)

I, PAUL WOJNO, duly elected City Clerk for the City of Warren, Macomb County, Michigan, hereby certify that the foregoing is a true and correct copy of the resolution adopted by the Council of the City of Warren at its meeting held on March 1, 2016.

PAUL WOJNO
City Clerk

**RESOLUTION TO AUTHORIZE BALLOT PROPOSAL TO RENEW MILLAGE FOR
LOCAL STREET AND ROAD REPAIRS AND REPLACEMENT**

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The following preamble and resolution were offered by Councilmember _____ and supported by Councilmember _____:

The residents of the City of Warren deserve local roads and streets that are maintained in optimum condition.

The City is solely responsible for the cost of local roadway repairs and replacement because local roads are generally not eligible for funds from State of Michigan or the County of Macomb.

Due to insufficient funding from the State of Michigan, the City of Warren must continue to raise the revenues that would sustain the proper repair and replacement of local streets and roadways.

At a general election held on November 8, 2011, the electors in the City of Warren adopted an amendment to the City Charter to authorize the levy of an additional 2.1 mills for a five year period for local roads and streets.

This additional millage levy has provided the City with resources to effectively respond to residents' concerns, repair road defects in neighborhoods, avoid deterioration and major reconstruction, and has provided overall improvement in the City's local road condition.

The Mayor, Public Service Director and City Engineer are recommending that the millage be renewed to continue the City's existing local road repair program, and to provide the revenues to continually improve and maintain local roads.

THEREFORE, IT IS RESOLVED, that in accordance with Act No. 279 of the Public Acts of Michigan, 1909, as amended, Section 9.1 of the Charter of the City of Warren, which reads as follows:

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(*** actual language subject to renewal of millage and effective date).

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Yes _____

No _____

IT IS FURTHER RESOLVED, that this resolution shall be severable, and if any provision or part of this resolution is found to be invalid or unlawful by the Attorney General, Governor, or by any court of competent jurisdiction, or by other operation of law, the remaining provisions or parts of the resolution shall be unaffected, and shall remain in full force and effect.

IT IS FURTHER RESOLVED, that the City Clerk shall submit this resolution to the Governor and Attorney General for approval.

IT IS FURTHER RESOLVED, that the proposed charter amendment shall be submitted to the qualified electors of the City at the Primary Election to be held in the

RESOLUTION

At a _____ Meeting of the City Council of the City of Warren, County of Macomb, Michigan, held on _____, 2016, at ___ p.m. Daylight Savings Time, in Conference Room A in the Warren Community Center, 5460 Arden, Warren, Michigan.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following preamble and resolution were offered by Councilmember _____ and supported by Councilmember _____:

In November 1998, the electors in the City of Warren voted to impose terms limits on the office of mayor, city council, city clerk and city treasurer to three terms or 12 years.

Subsequently, in 2010, the voters approved a ballot proposal to change the size and composition of City Council from nine at-large members to two at-large members and five district members.

The Michigan courts have held that the re-districting of council members resulted in two separate offices, allowing three terms as both an at-large member and a district member, without inclusion of service in the other office. Conversely, any district member may continue in office for three full terms or 12 years, without any inclusion of their service as an at-large member. This would allow a person to be eligible to hold a council position up to 24 years.

The mayoral position remains limited to three terms, or 12 years, under the current charter.

As a strong form of government, the positions of council and mayor should have equal terms of eligibility for office, to continue to attract strong leaders, and to preserve a governmental system with an equally balanced distribution of power and effective system of checks and balances.

Therefore, the public interest would be served by allowing the electorate to determine whether to amend the city charter to extend the number of terms a person may serve in the elected office of mayor from: three terms or 12 years; to five terms or 20 years, whichever is greater.

The Council proposes that the limitation, if approved by voters, be applied to include a terms of office or period of service currently held by the elected mayor.

The City Council finds that the proposed ballot question should be submitted to the city voters for consideration and final approval or disapproval.

THEREFORE, IT IS RESOLVED, that it is hereby proposed, pursuant to the provision of Act No. 279 of the Public Acts of Michigan, 1909, as amended, that Section 4.3 and 4.4 (d) of the Charter of the City of Warren which currently read:

Sec. 4.3 Certain persons ineligible for city office.

(a) A person who has been convicted of violating any provision of the election laws of the state or of the city, or who has been convicted of a felony or of an offense involving a violation of his oath of office, or who is in default to the city, shall not be eligible for any city office.

(b) No person shall simultaneously hold two city offices or a city office and a city employment, nor shall any person simultaneously hold an elective city office and an elective county and school district office. No person who holds an elective county or school district office shall be eligible to qualify for or to assume an elective city office to which he has been elected, until he first resigns from the elective county or school office held by him. Any elective officer who assumes an elective county or school district office shall thereupon be deemed to have vacated the city office held by him.

(c) A person who holds or has held an elected city office shall not be eligible for appointment to a city office or employment, for which compensation is paid by the city, until one year has elapsed following the terms for which he was elected or appointed.

(d) A person shall not be eligible to hold the office of mayor, city council, city clerk or city treasurer for more than the greater of three (3) complete terms or twelve (12) years in that particular office. This provision shall be applied to commence with the term of office that took effect after the election on November 7, 1995.

and;

Sec. 4.4 Terms of office.

(d) A person shall not hold the office of mayor, city council, city clerk or city treasurer for more than the greater of three (3) complete terms or twelve (12) years in that particular office.

Shall, if approved by the voters, be amended to read as follows:

Sec. 4.3 Certain persons ineligible for city office.

(a) unchanged.

(b) unchanged.

(c) unchanged.

(d) **A person shall not be eligible to hold the office of mayor for more than the greater of five (5) complete terms or twenty (20) years.** A person shall not be eligible to hold the position of city council, city clerk or city treasurer for more than the greater of three (3) complete terms or twelve (12) years in that particular office.

Sec. 4.4 Terms of office.

(d) **A person shall not hold the office of mayor for more than the greater of five (5) complete terms of twenty (20) years, and a person shall not hold the office of city council member, city clerk or city treasurer for more than the greater of three (3) complete terms or twelve (12) years in that particular office.**

and the purposes of such proposed Charter Amendment shall be designated on the ballot to be submitted to the electorate as follows:

**CHARTER AMENDMENT PROPOSAL
EXTEND TERM LIMITS FOR MAYOR**

Shall the Charter of the City of Warren (section 4.3 (d) and 4.4(d)) be amended to extend the existing term limits for the office of mayor from three (3) complete terms or 12 years to five (5) complete terms or 20 years? Any years or terms served prior to this amendment are included.

Yes _____

No _____

