

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30754
LANSING, MICHIGAN 48909

DANA NESSEL
ATTORNEY GENERAL

July 22, 2021

By email only

Honorable Gretchen Whitmer
Governor, State of Michigan
The George Romney Building
Lansing, MI 48909

Attention: Mark Totten
Legal Counsel to the Governor

Re: City of Lathrup Village – Proposed Charter Amendment

Sections 8.2 and 8.5 – extends the budget presentation and adoption deadlines by one month, with the new dates being the third Monday of May and the third Monday of June, respectively

Dear Governor Whitmer:

You have referred to this office the referenced and attached charter amendment adopted by resolution of the Lathrup Village city council at its meeting held on June 21, 2021.

I have reviewed the proposed amendment in light of the Home Rule City Act (HRCA), 1909 PA 279, MCL 117.1, *et seq.*, and conclude that the proposed amendment is consistent with the HRCA.

The Attorney General has a separate responsibility to review proposed ballot language for compliance with the requirements of Section 21 of the HRCA. I have examined the ballot language for the proposed amendment as set forth in the City

Honorable Gretchen Whitmer
Page 2
City of Lathrup Village
22, 2021

Council's resolution and conclude that the ballot language conforms to the requirements of Section 21 of the HRCA.

Sincerely,

George M. Elworth
Assistant Attorney General
State Operations Division
(517) 335-7573

GME:bb
Enc.

cc: Yvette Talley, City Clerk, by email only: cityclerk@lathrupvillage.org
Kristina Gierhart, Executive Assistant, Governor's Office, by email only

2021-0322953-A



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

July 1, 2021

George Elworth
Attorney General's Office
State Operations Division
G. Mennen Williams Building
Second Floor

RE: Proposed Charter Amendment – City of Lathrup Village

Dear Mr. Elworth,

Enclosed please find a proposed charter amendment from the City of Lathrup Village for your legal review.

I have included a copy of my cover letter to Yvette Talley, City Clerk for the City of Lathrup Village, for your files. Please let me know if our office may provide you with any further information.

Sincerely,

/s/Kristina Gierhart

Kristina Gierhart
Executive Assistant for Legal Services
Office of Governor Whitmer
(517) 241-5630

c: Attorney General's Office, State Operations Division



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GARLIN GILCHRIST II
LT. GOVERNOR

July 1, 2021

Yvette Talley
City Clerk
City of Lathrup Village
27400 Southfield Rd.
Lathrup Village, MI 48076

Re: Proposed Charter Amendment – City of Lathrup Village

Dear Ms. Talley,

On behalf of Governor Whitmer I am responding to your letter dated June 24, 2021. I am forwarding your information to the Attorney General's Office for legal review of the proposed Charter Amendment for the City of Lathrup Village. Our office will respond upon completion of that review and recommendation.

Please contact me if you have any questions or concerns.

Sincerely,

/s/Kristina Gierhart

Kristina Gierhart
Executive Assistant for Legal Services
Office of Governor Whitmer
(517) 241-5630

c: Attorney General's Office, State Operations Division

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TO:

*Governor Gretchen Whitmer
P. O. Box 30013
Lansing, MI 48909*

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JUN 28 2021

June 24, 2021

Mailed via Federal Express

Dana Nessel

Attorney General

G. Mennen Williams Building, 7th Floor

525 W. Ottawa St.

P.O. Box 30212

Lansing, MI 48909

Dear Attorney General Nessel,

RE: Ballot Proposal – Charter Amendment Proposal Language (City of Lathrup Village)

Dear Attorney General Nessel,

On June 21, 2021, City Council for the City of Lathrup Village voted to Amend the City Charter by changing the budget presentation date from the third Monday in April to the third Monday of May. Also, to Amend the City Charter by changing the budget adoption date from the third Monday in May to the third Monday of June. The resolution establishing Charter Amendment Ballot Proposal Language is attached.

If you have any questions or if my office can assist you with anything else, please call us at (248) 557-2600 ext -226.

Sincerely,

Yvette Talley, City Clerk

City of Lathrup Village

✓ Cc: Governor Gretchen Whitmer

Attachment

**CITY OF LATHRUP VILLAGE
OAKLAND COUNTY, MICHIGAN**

**RESOLUTION ESTABLISHING CHARTER AMENDMENT BALLOT
PROPOSAL LANGUAGE**

At a Regular meeting of the City Council of the City of Lathrup Village,
Oakland County, Michigan, (the "City"), held on the 21st day of June 2021.

PRESENT: Ferguson, Garrett, Kantor, Siddiqi

ABSENT: None

The following preamble and Resolution were offered
by Kantor and seconded by Ferguson.

WHEREAS, the City of Lathrup Village City Council desires to Amend the
City Charter by changing the budget presentation date from the third Monday in
April to the third Monday of May; and

WHEREAS, the City of Lathrup Village City Council desires to Amend the
City Charter by changing the budget adoption date from the third Monday in May
to the third Monday of June; and

WHEREAS, MCL 117.21 states "The form in which a proposed
charter amendment or question shall appear on the ballot, unless provided
for in the initiatory petition, shall be determined by resolution of the legislative
body, and if provided for by the initiatory petition, the legislative body may add an
explanatory caption."; and

NOW, THEREFORE, BE IT RESOLVED as follows:

1. By a 3/5 vote of its members, pursuant to the authority granted by Public Act 279 of 1909, as amended, proposes that sections 8.2 and 8.5 of the Charter of the City of Lathrup Village shall be amended to read as follows:

Section 8.2. Budget Procedures:

The City Administrator shall prepare and submit to the Council on the third Monday in *May* of each year a recommended budget covering the next fiscal year, and shall include therein at least the following information:

- (a) Detailed estimates with his supporting explanations of all proposed expenditures for each department, office, and agency of the city, and for the court, showing the expenditures for corresponding items for the last preceding fiscal year in full, and for the current fiscal year to March first and estimated expenditures for the balance of the current year;
- (b) Statements of the bonded and other indebtedness of the city, if any, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any;
- (c) Detailed estimates of all anticipated revenues of the city from sources other than taxes with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding fiscal year in full, and for the current fiscal year to March first, and estimated revenues for the balance of the current fiscal year;
- (d) A statement of the estimated balance or deficit for the end of the current fiscal year;
- (e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with any available unappropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures;
- (f) Such other supporting information as the Council may request.

Section 8.5. Adoption of Budget:

Not later than the third Monday in *June* in each year, the Council shall by resolution adopt a budget for the next fiscal year, shall appropriate the money needed for municipal purposes during the next fiscal year of the city and shall provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes subject to the limitations contained in Section 9.1.

Provisions of existing sections 8.2 and 8.5 of the Charter of the City of Lathrup Village to be amended by such proposal, if adopted, now read as follows:

Section 8.2. Budget Procedures:

The City Administrator shall prepare and submit to the Council on the third Monday in April of each year a recommended budget covering the next fiscal year, and shall include therein at least the following information:

- (a) Detailed estimates with his supporting explanations of all proposed expenditures for each department, office, and agency of the city, and for the court, showing the expenditures for corresponding items for the last preceding fiscal year in full, and for the current fiscal year to March first and estimated expenditures for the balance of the current year;
- (b) Statements of the bonded and other indebtedness of the city, if any, showing the debt redemption and interest requirements, the debt authorized and unissued, and the condition of sinking funds, if any;
- (c) Detailed estimates of all anticipated revenues of the city from sources other than taxes with a comparative statement of the amounts received by the city from each of the same or similar sources for the last preceding fiscal year in full, and for the current fiscal year to March first, and estimated revenues for the balance of the current fiscal year;
- (d) A statement of the estimated balance or deficit for the end of the current fiscal year;
- (e) An estimate of the amount of money to be raised from current and delinquent taxes and the amount to be raised from bond issues which, together with any available unappropriated surplus and any revenues from other sources, will be necessary to meet the proposed expenditures;
- (f) Such other supporting information as the Council may request.

Section 8.5. Adoption of Budget:

Not later than the third Monday in May in each year, the Council shall by resolution adopt a budget for the next fiscal year, shall appropriate the money needed for municipal purposes during the next fiscal year of the city and shall provide for a levy of the amount necessary to be raised by taxes upon real and personal property for municipal purposes subject to the limitations contained in Section.

2. That the City of Lathrup Village determines the charter amendment question shall appear on the ballot of the next regular election as follows:

BUDGET DEADLINE DATES CHARTER AMENDMENT
PROPOSAL 1

Shall the City of Lathrup Village Charter be amended to extend the budget presentation and adoption deadlines by one month, the new dates being the third Monday of May and the third Monday of June respectively.

[YES] [NO]

3. The city clerk shall transmit a copy of the proposed amendment to the Governor of the State of Michigan for approval, and transmit a copy of the foregoing statement of purpose of such proposed amendment to the Attorney General of the State of Michigan for approval, as required by law.

4. The proposed charter amendment shall be submitted to the qualified electors of this city at a regular election to be held in the City of Lathrup Village on November 2, 2021, and the city clerk is directed to give notice of the election and notice of registration in the manner prescribed by law.
5. 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.
6. The proposed amendment shall be published in full together with the existing charter provision altered or abrogated by the amendment as part of the notice of election.

YEAS: Ferguson, Garrett, Kantor, Siddiqi

NAYS: None

ABSENT/
ABSTAIN None

STATE OF MICHIGAN)

)ss

COUNTY OF OAKLAND

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted by the City Council of the City of Lathrup Village, Oakland County, Michigan at a special meeting duly called and held on the 21st day of

June 2021, the original of which resolution is on file in my office, and that notice of said meeting was given, the meeting was held and the minutes filed in accordance with the Open Meetings Act, Act No. 267, Public Acts of Michigan, 1976, as amended.

A handwritten signature in black ink, appearing to read 'Yvette Talley', written over a horizontal line.

Yvette Talley
City Clerk