

STATE OF MICHIGAN  
DEPARTMENT OF ATTORNEY GENERAL



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ATTORNEY GENERAL

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LANSING, MICHIGAN 48909

August 21, 2008

Honorable Jennifer M. Granholm  
Governor, State of Michigan  
The George Romney Building  
Lansing, MI 48909

Attention: Kelly G. Keenan  
Legal Counsel to the Governor

Dear Governor Granholm:

Re: **City of Troy – proposed charter amendment by initiative petition**

**Section 9.16.5** – adds a section imposing a millage rate levy limitation that “[t]he Council shall not increase the millage rate imposed pursuant to Section 9.16 of this charter above a current rate actually imposed, levied, and collected unless the increased rate shall be first approved by a majority of the City electors voting on the question”

You have referred to this office for examination this proposed charter amendment proposed by initiative petition filed with and verified by the Troy City Clerk.

We have examined 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 not consistent with the HRCA because the proposed amendment does not specify, or otherwise set forth how to determine, the “current rate” above which no city property taxes may be levied without a vote of the city electors. Without the specification in the charter amendment of the “current rate” or the method of determining the “current rate” imposed by the amendment at present and for the future, the proposed amendment does not meet the requirement set forth in Section 3(g) of the HRCA for a mandatory charter provision specifying a “tax rate limitation” for the annual levy of property taxes which may be in the range from 0% to 2% of the taxable value of the real and personal property in the city.

It should be noted, nevertheless, that Section 22 of the HRCA provides that all proposed amendments submitted by initiative petition are required to be submitted to the voters of a city for their approval – even if the Governor has declined to approve the charter amendment.

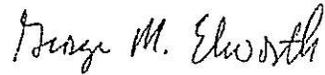
Under Section 21 of the HRCA, the ballot language for a proposed charter amendment is subject to the review of the Attorney General for compliance with the requirements of that section, including impartiality and accuracy. We have reviewed the ballot language as set forth

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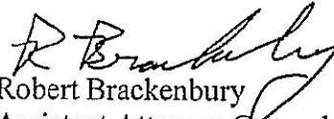
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in the resolution, dated August 11, 2008, of the City Council and approve the ballot language as being in conformity with the requirements of Section 21 of the HRCA provided that the ballot language quote the proposed amendment in full, thereby using the phrase "shall be first approved" as stated in the initiative petition, rather than "shall first be approved" which appears to be a typographical error. However, this approval of the ballot language should not be construed as an indication that the proposed amendment itself is consistent with the requirements of the HRCA.

Very truly yours,



George Elworth  
Assistant Attorney General  
Finance Division



Robert Brackenbury  
Assistant Attorney General  
Finance Division

GME: te

Encs.

c w/o enc: Tommi L. Bartholomew, City Clerk  
Lori Grigg Bluhm, City Attorney

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