



## CITY COUNCIL ACTION ITEM

H5

Date November 23, 2009

TO: Mayor and City Council

FROM: John Szerlag, City Manager  
Lori Grigg Bluhm, City Attorney  
John M. Lamerato, Assistant City Manager/Finance and Administration  
Tonni L. Bartholomew, City Clerk

SUBJECT: February 23, 2010 Special Election Proposed Millage Question – Response to Mr. Ragan’s Ballot Language proposal including a **REVISED Ballot Question Proposal**

### Background:

City Council and City Administration received an inquiry email from Mr. John Ragan regarding the draft proposed ballot question. City Administration has reviewed Mr. Ragan’s suggestions and present the following concerns and recommendation regarding the amending of the proposed millage question as presented in the City Council Packet of November 23, 2009:

First, the interpretation of “continuing operation” could be defined as not changing the current level of service. While it is the goal to maintain the current level of service, additional unexpected budgetary shortfalls and/or unanticipated events could require a modification or even a temporary flux in the current level of service within the proposed operations. The proposed modified language could prohibit essential services by requiring allocation of the newly levied funds by function as specified by the ballot language. It should be noted that the proposed operations expenditures are well in excess of the proposed 1.9 mills or \$9,129,000.00 and fall more in the range of \$40,000,000.00.

Additionally, the proposed language indicating continuing operation purposes does not include the public safety functions of the Public Works Department, specifically snow removal and road maintenance. Nor is the quality of life functions of the Community Center operations provided for in the proposed modifications.

The reference of “up to” prior to the \$9,129,000.00 is repetitive. The insertion of the additional language could impact the proposed ballot language submittal, since Michigan statute has specific mandates including the maximum levy in the first year and there is no express authority to include less than the maximum amount of the proposed levy.

The final proposed modification “as directed by the Troy City Council” is ambiguous and possibly duplicative of current Charter mandates. Specifically, is the additional language intended to require Council to set the levy amount or to allocate the budget the newly levied funds as part of the budgetary process? Both are covered by specific Charter provisions.

The language was not included in the original submittal to Council as a conscious attempt to keep the proposed ballot language direct and as straight forward as possible.

Taking into consideration Council's concerns voiced at past City Council Meetings to not solely identify specific uses, such as the library, in the ballot question and City Administration's desire to present the best possible ballot language before the voters, a re-drafted proposed ballot question, including consideration of the above is as follows:

Suggested Resolution

Resolution #2009-11-

Moved by

Seconded by

RESOLVED, That the Troy City Council **APPROVES** as to form the following proposed Millage Question language for the Special Election scheduled by the City Council, Resolution #2009-11-328, for Tuesday, February 23, 2010:

**CITY OF TROY GENERAL OPERATING MILLAGE PROPOSAL**

THE CITY COUNCIL WOULD BE AUTHORIZED TO LEVY UP TO 1.9 MILLS WITH THE SUCCESSFUL PASSAGE OF THE FOLLOWING QUESTION:

Shall the City of Troy levy new additional millage of up to 1.9 mills against all taxable property for a five-year period of time, 2010 through 2014, for general operating purposes, including, ~~but not limited to police, fire, public safety~~ and quality of life purposes? 1.9 mills are equal to \$1.90 on each \$1,000 of taxable value. If approved, the additional millage levied will raise approximately \$9,129,000.00 the first year it is levied.

Yes:

No:

Yes:

No: