



January 8, 2016

Mayor Donald D. Lyons  
City Council Members

Dear Mayor Lyons and City Council Members:

The following report has been prepared to provide you with an update on current issues or projects in progress:

Upcoming Meetings: City Council 1/11/16, 7:00 PM

**Goerlich Building project update**

The tedious work of separating the rubble continues as the contractor pulls appropriate material to be taken to the Fire Station to be ground into stone that can be used for base material on various city projects. Grinding is expected to begin by mid-week. Crews anticipate three plus weeks to complete the rubble and foundation removal.

The MDEQ continues to monitor the project to assure that separation and required disposal of hazardous materials occurs.

**Pennsylvania Avenue**

Work has begun on the demolition of the two houses on Pennsylvania Ave next to the James E. Snow Professional Building. Once the houses are down one electrical pole needs to be removed and, with the exception of turf, the project will be complete.

**New Michigan law regarding elections**

It is important for Council to be aware of a new law regarding ballot questions since there is a ballot question in March 2016 regarding whether the position of City Clerk be an elected position or an appointed position.

The ballot language significantly restricts how city officials may and may not discuss the ballot question and imposes penalties to individuals and, potentially, the city if the new provisions are not followed. Here's the language:

Except for an election official in the performance of his or her duties under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, a public body, or a person acting for a public body, shall not, during the period 60 days before an election in which a local ballot question appears on a ballot, use public funds or resources for a communication by means of radio, television, mass mailing, or prerecorded telephone message if that

communication references a local ballot question and is targeted to the relevant electorate where the local ballot question appears on the ballot.

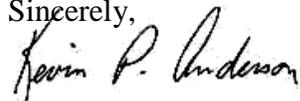
A person who knowingly violates this section is guilty of a misdemeanor punishable, if the person is an individual, by a fine of not more than \$1,000.00 or imprisonment for not more than 1 year, or both, or if the person is not an individual, by 1 of the following, whichever is greater:

- (a) A fine of not more than \$20,000.00.
- (b) A fine equal to the amount of the improper contribution or expenditure.

This language got added minutes before the legislature adjourned for the year and the governor signed it into law yesterday.

It appears that the mention of a local ballot question in the city newsletter has potential to be in conflict of this new state law. Our attorney will be asked to review and advise council during this time leading up to the March ballot so that council can balance the need to make sure that accurate information is available to the electorate and complies with this new law that restricts information sharing.

Sincerely,



Kevin P. Anderson  
City Manager