

**RESOLUTION
OF**

NUMBER 00-09

PINCONNING TOWNSHIP,
BAY COUNTY

**in OPPOSITION to PROPOSAL 00-2
to Amend the Michigan Constitution**

- *Our country's democratic principles are built on the principle that laws reflect the will of the majority of citizens, and*
- *Proposal 00-2 will thwart the ability of a majority of our elected representatives and senators to adopt new laws necessary for local government to better serve its citizens, and*
- *Growing townships are entitled to more state shared revenues to meet the service needs of expanding populations, and*
- *Townships are entitled to the same protection of boundaries as is afforded to cities, and*
- *Proposal 00-2 does not merely require a two-thirds vote on legislation that would usurp local control but also will require a two-thirds vote in both the House and the Senate for laws that enhance the statutory authority of townships, and*
- *Local control can best be preserved through township residents and their elected township officials communicating their expectations to the Michigan Legislature that local government is the most appropriate institution for resolving matters of local concern, now*

Therefore be it resolved, that the Board of PINCONNING Township opposes Proposal 00-2 and urges its defeat at the November General Election.

Motion declared adopted.

Donald H Moore, TOWNSHIP CLERK
9-12-00



Michigan Townships Association

Serving 1,242 townships, and 6,500 officials

Gloria J. Maichele,
President

G. Lawrence Merrill,
Executive Director

Evelyn M. David,
Membership Information
Director

Penny Haney,
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Mariellen Hoar,
Administrative Services
Officer

Patricia L. McAvoy,
Legislative Affairs Director

Debra N. McGuire,
Education Director

September 15, 2000

Dear Township Board:

A recent memo sent to all Michigan townships from the "Let Local Votes Count Steering Committee," dated September 11, 2000, requires a response from me on behalf of your Board of Directors.

At the outset, you should be aware that the "Let Local Votes Count Steering Committee" is an arm of the Michigan Municipal League, formed by MML to advocate for its ballot proposal, which would require a two-thirds vote of the Legislature to adopt laws "intervening" in local government.

While we respect MML's right to advocate support for their ballot proposal from township officials, the strident tone of MML's letter, the impugning of your Board of Directors' ability to make decisions in the best interest of township government, and MML's distortion of recent MTA legislative conference proceedings requires a response.

The memo states that the "Let Local Votes Count" advocates were told they could not address attendees at MTA's Legislative Conference in August. As the 171 township officials who attended the conference will attest, this is simply not true. MML staff members were recognized immediately every time they indicated a desire to speak. The memo neglected to state that the MML staff conceded that their proposal, and arguments for its adoption, were fairly represented at the conference.

We also take strong exception to MML's insinuation that "special interests" and "heavy legislative influence" played an inappropriate role in the Board's unanimous decision to oppose the ballot question. A major factor resulting in the MTA Board's opposition to Proposal 00-2 was an analysis prepared in January 2000 for the Michigan Townships Association by John Bauckham, Michigan's most respected attorney on township law. His analysis concluded:

"... the proposal is a two-edged sword which can either protect or reduce municipal authority."

The September 11 memo also neglected to mention that, at our invitation, no fewer than five MML officials made a presentation to the MTA Board at its August meeting *prior to the Board making its decision*. The MML delegation was unable to convince any MTA Board member to support Proposal 00-2.

Reasons to Vote "NO" on Proposal 00-2

Why the "Let Local Votes Count" Constitutional Proposal is Flawed (from a Michigan Townships Association perspective)

- Under the Michigan Constitution, townships are required to function under the authority of enabling legislation. In other words, townships only have the authority to adopt ordinances that state law and the constitution allow. Cities, however, have home-rule authority granting them broad powers on local ordinances until the legislature acts to limit that authority with new laws. Proposal 00-2 would create a two-thirds protection for current law "intervening" in local control, while creating a two-thirds barrier for townships to overcome in order to change problematic laws or to expand authority for townships.
- Proposal 00-2 would create "minority rule" resulting from a two-thirds vote requirement. A two-thirds vote requirement is contrary to the well-established principle of majority rule, and 1,242 townships in Michigan stand to lose local control if this proposal passes.

Although touted as a way to ensure majority rule, Proposal 00-2 would actually only require 13 out of 38 senators, or 37 out of 110 representatives, to block legislation from passing. Proposal 00-2 would require a two-thirds majority of the Michigan Legislature to pass any law that intervenes in a matter of local jurisdiction. This means that a one-third minority of either chamber would also be able to block any such legislation—effectively resulting in minority rule.

Proposal 00-2 was written by the Michigan Municipal League, a statewide association devoted to further the interests of Michigan cities. Because cities are losing population (many of whom are moving to townships), they face a massive reduction in state aid and other population-based public revenues as a result of the 2000 Census.

- Vague language in Proposal 00-2 will result in costly litigation regarding which laws require a two-thirds vote and thus, delay implementation of laws opposed by special interests.
- Proposal 00-2 will cause townships to have greater difficulty in garnering changes relative to the revenue sharing formula, annexation laws, or getting a role in road decisions.
- Other local government organizations are *not* supporting Proposal 00-2:
 - the Michigan Association of Counties voted to oppose;
 - the County Road Association of Michigan is neutral;
 - the Grand Valley Metro Council declined to endorse; and,
 - the Southeast Michigan Council of Governments has taken no position.
- Defeating Proposal 00-2 will enable township government to continue to lobby for changes in laws necessary to keep township government strong and able to serve our growing populations.

MTA Response to "Let Local Votes Count" Memo/Page 2

In reaching its informed decision, MTA solicited views not only from MML, but also from Governor Engler's staff, numerous legislators and other interest groups. This input augmented the independent judgment executed by the MTA Board, legal counsel and staff that the adoption of Proposal 00-2 would be a setback for township government and bad law for Michigan in general.

To the best of our knowledge, *no local government organization has signed on in support of Proposal 00-2:*

- the Michigan Association of Counties voted to oppose;
- the County Road Association of Michigan is neutral;
- the Grand Valley Metro Council declined to endorse; and,
- the Southeast Michigan Council of Governments has taken no position.

As you can see, MTA is hardly alone in its reluctance to embrace Proposal 00-2, and we stand by the concerns presented in our previous correspondence regarding this proposal (see enclosure for a summary of the reasons to say 'no' to Proposal 00-2).

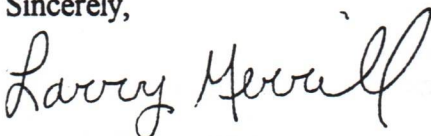
MML undoubtedly recognizes that to win in November, suburban and rural voters will need to vote overwhelmingly in favor of Proposal 00-2 to negate the strong opposition of urban voters detected by independent polls. As township officials, it is imperative that you educate your voters to the consequences of Proposal 00-2, in a manner consistent with Michigan law.

If you have not already done so, we urge you to adopt the enclosed resolution prepared by MTA *and* by separate motion, repeal any prior resolution adopted at the urging of the "Let Local Votes Count" Committee. Please mail a copy of your actions to MTA (P.O. Box 80078, Lansing, MI 48908), and also to MML (320 N. Washington Sq., Suite 110, Lansing, MI 48933-1288). To avoid running afoul of campaign finance laws, these mailings should *not* be made at township expense.

When you adopt your resolution opposing Proposal 00-2, let your local news media know (again, no township funds should be used to do this). Your position will undoubtedly be of interest to your local papers, as well as TV and radio stations.

The defeat of Proposal 00-2 will enable township government to continue to lobby for changes in laws necessary to keep township government strong and able to serve our growing populations. While the current legislative process does not guarantee that we will always prevail, we are confident that township government is far better off without Proposal 00-2.

Sincerely,



G. Lawrence Merrill
Executive Director

enclosures (2)