



**CITY OF WALLED LAKE  
SPECIAL COUNCIL MEETING  
(Electronic Meeting Platform)  
Wednesday, August 5, 2020 | 7:30 P.M.**

ROLL CALL & DETERMINATION OF  
A QUORUM

NEW BUSINESS

1. Proposed Resolution 2020-26 Adopting Explanatory Caption for November 2020 General Election Ballot Proposal to Amend Section 4.7 of the City of Walled Lake City Charter

Pg. 3

AUDIENCE PARTICIPATION

*Audience members will be able to speak via electronic means as instructed below.*

ADJOURNMENT

**NOTICE OF ELECTRONIC PUBLIC MEETING:** Pursuant to Executive Order No. 2020-154 signed by Governor Whitmer July 17, 2020 allows participation of the City Council meeting to be made available via electronic communications out of precaution and to limit the potential exposure of the public and staff to the COVID-19 virus.

Electronic Meeting Platform

The City will be utilizing the audio-conferencing tool ZOOM. Members of the Walled Lake public body will be able to hear and speak to each other for the entire meeting. Except for closed session portions of the meeting, members of the audience/public will be able to hear members of the Walled Lake public body during the entire meeting but will **only be able to speak** during Audience Participation or Public Hearing.

To connect to the meeting through ZOOM using a laptop PC or Smart Phone, a member of the public may need to do the following:

- Install Zoom App on mobile device.
- Or download Zoom Client at <https://zoom.us/download> and install on a PC or Mac

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/87814383810>

Passcode: 770902

Or iPhone one-tap :

US: +13017158592,,87814383810#,,,,,0#,,770902# or +13126266799,,87814383810#,,,,,0#,,770902#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 301 715 8592 or +1 312 626 6799 or +1 646 558 8656 or +1 253 215 8782 or +1 346 248 7799 or +1 669 900 9128

Webinar ID: 878 1438 3810

Passcode: 770902

International numbers available: <https://us02web.zoom.us/j/87814383810>

Members of the public participating in during the Audience Participation period via ZOOM will wait in a virtual queue until called upon during the audience participation period. Because of limitations on un-muting

and re-muting members of the public, audience participation *will be at the end of the meeting* (unless there is a public hearing item, in which case the following procedures will apply to that portion of the meeting as well).

When audience participation is permitted, members of the public will be called one at a time, as would happen during an in-person meeting. The meeting moderator will determine the order of public speakers. If you want to speak, you must use the “Raise Hand” feature for the Mayor to know you need to be unmuted. When you are unmuted, you will have three (3) minutes to share your comments to the public body. At the conclusion of your comments or your three (3) minutes, you will be re-muted and then removed from the queue.

Participants may also choose to submit comments that can be read into the record. Comments can be submitted via an email to [clerk@walledlake.com](mailto:clerk@walledlake.com). Comments shall be done prior to 12:00 p.m. on the day of the meeting.

### **Procedures by which persons may contact members of the public body prior to a meeting.**

The City of Walled Lake government e-mail addresses of the members of all public bodies utilizing this means of meeting are available on the City’s website at:

<https://walledlake.us/index.php/contact-us>

### **Procedures for participation by persons with disabilities.**

*The City will be following its normal procedures for accommodation of persons with disabilities. Those individuals needing accommodations for effective participation in this meeting should contact the City Clerk (248) 624- 4847 in advance of the meeting. An attempt will be made to make reasonable accommodations.*

### **Individuals with Hearing or Speech-Impairments**

Users that are hearing persons and deaf, hard of hearing, or speech-impaired persons can communicate by telephone by dialing 7-1-1.

- Individuals who call will be paired with a Communications Assistant
- Make sure to give the Communications Assistant the proper teleconference phone number and meeting ID with password.

For more information please visit:

[https://www.michigan.gov/mpsc/0,9535,7-395-93308\\_93325\\_93425\\_94040\\_94041---,00.html](https://www.michigan.gov/mpsc/0,9535,7-395-93308_93325_93425_94040_94041---,00.html)

STATE OF MICHIGAN  
COUNTY OF OAKLAND  
CITY OF WALLED LAKE

A RESOLUTION OF THE WALLED LAKE CITY COUNCIL  
ADOPTING AN EXPLANATORY CAPTION FOR THE  
NOVEMBER 2020 GENERAL ELECTION BALLOT  
PROPOSAL TO AMEND SECTION 4.7 OF THE CITY OF  
WALLED LAKE CHARTER

***Proposed RESOLUTION 2020-26***

At a duly noticed Special Meeting of the City Council of the City of Walled Lake, Oakland County, Michigan, held electronically pursuant to Governor Gretchen Whitmer's Executive Order 2020-154, on the 5th day of August 2020 at 7:30 p.m.

WHEREAS, on or about July 30, 2019, the City received an initiatory petition sponsored by "Take Back Walled Lake" to place a ballot question before the voters concerning a proposed amendment to section 4.7 of the City Of Walled Lake Charter ("ballot proposal");

WHEREAS, the ballot proposal seeks to add new provisions to section 4.7 of the Walled Lake City Charter and change existing provisions pertaining to the office of City Manager that would fundamentally alter the City's current City Manager form of government as determined by the Office of Attorney General for the State of Michigan ("Attorney General").

WHEREAS, the ballot proposal seeks to impose a new ten (10) year term limit on the office of City Manager that purportedly applies retroactively to the current City Manager who has served as City Manager for more than ten (10) years.

WHEREAS, under the termination provisions of the City Manager's employment contract, the City is contractually obligated to pay the current City Manager severance benefits if the City Manager's employment is terminated prior to the expiration of the contractual term that expires on January 21, 2025.

WHEREAS, if the amendment proposed by the ballot proposal became legally effective and the City Manager's employment was terminated by the City following the November 2020 general election, the City's contractual liability exposure under the termination provisions of the City Manager's employment contract potentially exceeds \$750,000.00.

WHEREAS, after the expiration of the City Manager's contractual term, the City may terminate the current City Manager's employment with nominal dollars owing in severance benefits under the termination provisions of the City Manager's contract.

WHEREAS, under the *Home Rule City Act*, 1909 PA 279, *MCL 117.1 et seq.*, an initiatory ballot proposal to amend a City Charter must be submitted to the state Attorney

General and Governor for review and approval prior to submission to the voters for voter approval.

WHEREAS, on or about August 7, 2019 the City submitted the Take Back Walled Lake initiatory ballot proposal petition to the Attorney General and Governor offices for the statutorily required review and approval by those respective state offices.

WHEREAS, on or about March 18, 2020, the Attorney General *disapproved* the Take Back Walled Lake ballot proposal amendment to section 4.7 of the City Charter because the proposed charter amendment fails to comply with state law, due to the proposed amendment constituting a fundamental re-structuring of city government..

WHEREAS, on or about April 24, 2020 the Governor for the State of Michigan also *disapproved* the Take Back Walled Lake ballot proposal amendment to section 4.7 of the City Charter because the proposed charter amendment fails to comply with state law, as determined by the State Attorney General.

WHEREAS, the ballot question in the initiatory petition drafted by “Take Back Walled Lake” fails to disclose or inform voters of the City’s substantial contractual liability exposure under the City Manager’s contract.

WHEREAS, the ballot question in the initiatory petition drafted by “Take Back Walled Lake” fails to disclose or inform the voters that the proposed amendment seeks to fundamentally change the City’s basic form of government by illegal, improper and impermissible means as determined by the Governor and State Attorney General offices.

WHEREAS, by failing to disclose and inform the voters of vitally important information, the ballot question in the initiatory petition drafted by “Take Back Walled Lake” potentially misleads voters and further frustrates the voters’ rights to full disclosure and transparency in government.

WHEREAS, pursuant to the *Home Rule City Act, MCL 117.21(2)*, City Council may adopt an Explanatory Caption that would appear on the November 2020 ballot with the ballot proposal question to further voter understanding of the ballot proposal and ensure voters are not mislead.

WHEREAS, considering the significant legal deficiencies identified by both the state Attorney General and Governor’s offices, and further considering the City’s significant contractual liability exposure implicated by the proposed amendment, Council hereby adopts language for an explanatory caption to further voter understanding of the ballot proposal.

NOW, THEREFORE BE IT RESOLVED, by the City of Walled Lake City Council, County of Oakland, State of Michigan that

Section 1. The City Clerk is hereby directed and authorized to submit to the County Clerk the ballot question in the July 2019 Initiatory Petition to amend section 4.7 of the City Charter for inclusion on the November 2020 General Election Ballot with, and including, the following Explanatory Caption:

***Explanatory Caption Regarding Proposed Amendment to Section 4.7 of the Walled Lake City Charter***

State law requires that an initiatory ballot proposal to amend a City Charter must be submitted to the state Attorney General and Governor for review prior to submission to the voters. Both the Governor and State Attorney General reviewed and disapproved the below proposal to amend section 4.7 of the Walled Lake City Charter because it fails to comply with state law requirements. Both the Attorney General and Governor concluded the proposed Charter Amendment seeks to fundamentally change the City's basic form of government by legally improper and impermissible means. The proposed Charter Amendment proposes to abrogate City Council's current authority under section 4.7 to employ the City Manager for an indefinite period of time and further proposes to effectuate the immediate termination of the current City Manager's employment, thereby exposing the City to paying the current City Manager severance benefits owing under the City Manager's contract that includes, but is not limited to, full payment of the City Manager's \$160,000.00 yearly salary through January 2025.

BE IT FURTHER RESOLVED, that the City Clerk is authorized and directed to modify said language if so directed or required by the Oakland County Election Division while maintaining the substantive integrity of the content of the ballot language as set forth in this resolution.

Motion to approve Resolution was offered by \_\_\_\_\_ and seconded by \_\_\_\_\_.

AYES:

NAYS:

ABSENTS:

ABSTENTIONS:

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN     )  
  )SS  
COUNTY OF OAKLAND    )

\_\_\_\_\_  
JENNIFER A. STUART  
City Clerk

\_\_\_\_\_  
LINDA S. ACKLEY  
Mayor