

SPECIAL COUNCIL MEETING MINUTES – AUGUST 21, 2010 – PAGE 1

Present: President Stearn; President Pro-Tem Koss; Members: Briggs, Mercer, Mooney, Oen and Peddie.

Absent: None

Also Present: Assistant Manager, Marshall
Village Attorney, Ryan

President Stearn called the special Council meeting to order at 9:30 a.m. in the Village of Beverly Hills municipal building at 18500 W. Thirteen Mile Road.

ADDITIONS TO AGENDA/APPROVE AGENDA

Motion by Mooney, second by Briggs, to approve the agenda as published.

Motion passed (7 – 0).

REVIEW AND CONSIDER RESOLUTION AMENDING NOVEMBER BALLOT LANGUAGE

Attorney Tom Ryan referred to his memo dated August 20, 2010 sent to Council members regarding the ballot language for the November Election. Council was informed that the Village received a letter on August 19, 2010 from Governor Granholm stating that the Governor and Attorney General had approved the current Charter Amendment language.

There was subsequent discussion about whether the ballot language should read “taxable” value rather than “assessed” value. Ryan stated that the Home Rule Village Act allows the term “assessed” value, which is why the ballot language was approved in its present form. The Village Charter uses the “assessed” value language.

Ryan spoke with the Attorney General on August 20, 2010 about this issue. The Attorney General understood that there may be a problem with the perception of the word “assessed” value even though taxes are levied by applying the millage rate times the taxable value of all real and personal property. Residents may be concerned with the current wording of the ballot proposal for the reason that their assessed value may be higher than their taxable value. The Attorney General stated that it was the preference of the Beverly Hills Council as to whether it wanted to change the language to “taxable” value. It is a one-word change that would be approved by the Governor without sitting on the table for 30 days.

If Council decides to adopt an amended resolution, Ryan suggested that Council follow that Resolution with a motion to withdraw the initial ballot proposal that has been approved by the Governor and submitted to the County. It will take five affirmative votes of Council to approve the Amended Resolution.

VILLAGE OF BEVERLY HILLS

AMENDED RESOLUTION

At a special meeting of the Village Council of the Village of Beverly Hills, Oakland County, Michigan, held at the Village office at 18500 West Thirteen Mile Road, Village of Beverly Hills, on Saturday, August 21, 2010, at 9:30 a.m.

The following resolution was offered by Mooney and supported by Koss.

WHEREAS, the initial Resolution was offered on the 28th day of June, 2010;

WHEREAS, a Charter Amendment was proposed by the Village Council;

WHEREAS, in accordance with the statute such Resolution was published in the Observer-Eccentric, a newspaper circulated within the Village; and

WHEREAS, said Resolution has been duly laid on the table for at least thirty (30) days;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

That the following Charter Amendment be voted upon by the qualified electors of the Village of Beverly Hills at the State General Election to be held on Tuesday, November 2, 2010 to-wit:

1. Shall Section 9.1 of the Charter of the Village of Beverly Hills be amended to read as follows:

POWER TO TAX:

The Village shall have the power to levy and collect taxes for municipal purposes. The general ad valorem tax levy shall not exceed 12.9184 mills, times the taxable value of all real and personal property, subject to taxation in the Village, exclusive of any levies authorized by general statute to be made beyond Charter tax limitations, for a period of ten (10) years 2011 to 2021 inclusive. This 12.9184 millage authorization shall include the following components specifically dedicated to the operation of the Village:

- a) 9.9 mills for public safety operations;
- b) 2.1 mills for general administrative purposes;
- c) 0.9184 mills for library purposes.

It is estimated that if levied, the increase of 3.5383 mills in addition to the current Headlee reduced millage rate of 9.3801 will raise

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approximately \$1,683,263.00 when first levied in 2011. Upon expiration of this increased millage on June 30, 2021, the maximum allowed charter millage rate shall revert to 11.00 mills for municipal purposes.

Yes

No

That prior to its submission to a vote of the electors of the Village such Charter Amendment shall be presented to the Governor of this State.

That before its submission to the electors of the Village, the Clerk shall give such notice thereof as is required by law.

AYES: Briggs, Koss, Mercer, Mooney, Oen, Peddie

NAYES: Stearn

Mooney thanked Southfield Township Clerk Sharon Tischler for noticing and bringing the language change to the attention of the Village.

Motion by Mooney, second by Oen, that the first Charter Amendment Resolution adopted on August 3, 2010 be withdrawn and that the Amended Resolution be forwarded to Oakland County for inclusion on the November 2, 2010 ballot.

Roll Call Vote:

Koss - yes
Mercer - yes
Mooney - yes
Oen - yes
Peddie - yes
Stearn - no
Briggs - yes

Motion passed (6 – 1).

Motion by Mooney, second by Koss, to adjourn the meeting at 9:38 a.m.

Motion passed (7 – 0).

Todd Stearn
Council President

Ellen E. Marshall
Village Clerk

Susan Bernard
Recording Secretary