



HAFELI  
STARAN  
HALLAHAN  
& CHRIST, P.C.

Attorneys at Law

4190 Telegraph Road, Suite 3000  
Bloomfield Hills, Michigan 48302-2082

Main (248) 731-3080  
Fax (248) 731-3081

John D. Staran  
Direct (248) 731-3088  
jstaran@hshclaw.com

July 12, 2011

*VIA E-MAIL & U.S. MAIL*

City Council  
City of Rochester Hills  
1000 Rochester Hills Drive  
Rochester Hills, MI 48309

Re: ***Proposed Charter Amendment – Parks/Open Spaces***

Dear City Council:

Since the June 20, 2011 City Council meeting, the proposed charter amendment concerning use and disposition of City parks and open spaces has been the subject of various communications, discussions and meetings among City staff and also with representatives of the residents group promoting the charter amendment culminating in a recent meeting arranged by the Mayor with City residents Gary Uhl, Peggy Fisher and Steve McGarry, the Parks Department, Councilman Rosen and me to talk through issues and hammer out an improved version of the proposed charter amendment. Meanwhile, the proposed charter amendment has undergone a number of redrafts in an effort to shorten and clarify it, and to resolve some of the outstanding questions and issues arising from the original draft, while observing the primary intent to acquire voter approval of any transfer of City-owned parks and open spaces or conversion to another use.

For your convenience I have enclosed the prior version of the proposed charter amendment considered by the City Council on June 20, 2011, together with my June 15, 2011 letter commenting on same. I have also enclosed the latest, revised version of the proposed amendment (dated 07.01.2011) for your consideration. As you can see, the latest revised version, which would amend the charter by adding new section 11.8 - Parks and Open Spaces, is condensed and more to the point than the original version that was modeled after the West Linn, Oregon City Charter. The residents promoting the charter amendment support this revised draft, and I understand from Mr. Uhl they have begun to circulate petitions reflecting this latest revised version of the proposed charter amendment.

In my opinion, this revised version of the proposed charter amendment is an improvement over the original version in that it is more succinct, internally consistent, precise and specific in its language and terminology than the original version. It also resolves some of

the questions that were raised at Council's June 20 meeting and provides somewhat more flexibility in managing and improving City parks. Under this latest revised version of the proposed charter amendment, the City may still decide to construct and install facilities related to public recreation and conservation without obtaining voter approval. Likewise, the revised proposed charter amendment does not automatically require an election for public infrastructure projects, like road and drainage improvements, that do not take away or convert a significant part of a park or open space to another use not related to recreation or conservation. It is only when a park or open space is proposed for transfer, or where a significant part of the park or open space will be converted to another use not directly related or incidental to public recreation and conservation that the proposal must be voted on by the electors.

The latest, revised version also clarifies that existing uses of a park or open space shall be considered to be a lawful use for the particular property. This means that Pine Trace Golf Course and the Bloomer Park Velodrome would be unaffected by the proposed charter amendment. The proposed amendment also reaffirms that land acquired by the City with green space millage funds shall remain permanently preserved.

The City Council will conduct a public hearing next Monday, July 18, 2011, and I plan to be present to provide additional explanation and to answer your questions. To proceed with a charter amendment will require a resolution of three fifths of the members of City Council (i.e., 5 votes). MCL 117.21, 117.25.

Very truly yours,



John D. Stefan

JDS/ijd

Enclosures

cc: Mayor Bryan K. Barnett  
Mr. Michael Hartner, Parks Department