



# Rochester Hills

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## Master

**File Number: 2011-0353**

**File ID:** 2011-0353

**Type:** Administration

**Status:** Consent Agenda

**Version:** 1

**Reference:** 2011-0353

**Controlling Body:** City Council  
Regular Meeting

**File Created Date :** 08/22/2011

**File Name:** Ballot Question for Charter Amendment - Parks and  
Open Spaces

**Final Action:**

**Title label:** Request to Adopt a Resolution stating the purpose and question to be placed on the November 8, 2011 General Election ballot

### Notes:

### Sponsors:

### Enactment Date:

**Attachments:** Agenda Summary.pdf

### Enactment Number:

### Contact:

### Hearing Date:

### Drafter:

### Effective Date:

## History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
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### Text of Legislative File 2011-0353

#### Title

Request to Adopt a Resolution stating the purpose and question to be placed on the November 8, 2011 General Election ballot

#### Body

### RESOLUTION

WHEREAS, initiatory petitions filed with the City Clerk and signed by at least 5% of the qualified and registered electors of the City propose an amendment to the City Charter to add Section 11.8 - Parks and Open Spaces; and

WHEREAS, the initiatory petitions provide the form of the proposed charter amendment to appear on the election ballot; and

WHEREAS, in accordance with MCL 117.21 and 117.22, the City Clerk has certified the petitions and sent a copy of the proposed charter amendment to the Governor for approval.

THEREFORE, the City Council of the City of Rochester Hills resolves:

1. Pursuant to the initiatory petitions, proposed new Section 11.8 to be added to the City Charter will state:

**Section 11.8 - Parks and Open Spaces**

City-owned parks and open spaces shall be used only for park and open space purposes and shall not be sold, leased, transferred, exchanged or converted to another use unless approved by a majority of votes cast by the electors at an election.

.1 "Converted to another use" means changing the use of a park or open space, or significant part thereof, from a recreation or conservation use to another use not directly related or incidental to public recreation or conservation.

.2 This section shall apply to all present and future City-owned property designated as park or open space in the City's Parks and Recreation Master Plan. The designation of parks or open space shall not be removed or changed without voter approval. The existing use of a park or open space on the effective date of this section shall be considered to be a lawful use for the particular property.

.3 All land acquired by the City with proceeds from the 2005 Millage Proposal to Provide Funding to Permanently Preserve Green Spaces and Natural Features within the City of Rochester Hills shall remain permanently preserved.

2. The purpose of the proposed Charter amendment shall be stated on the ballot as follows:

A proposal to amend the City Charter by adding the following new Section 11.8 - Parks and Open Spaces. If adopted, this section will provide that City-owned parks and open spaces shall be used only for park and open space purposes and shall not be sold, leased, transferred, exchanged or converted to another use unless approved by voters.

3. The City Clerk, having already transmitted a copy of the proposed amendment to the Governor of the State of Michigan for the Governor's approval, shall transmit a copy of the foregoing statement of purpose of the proposed Charter amendment to the Michigan Attorney General for the Attorney General's approval, as required by law.

4. The proposed Charter amendment shall be submitted to the qualified electors of this City at the general election to be held in the City of Rochester Hills on Tuesday, November 8, 2011. The City Clerk is directed to give notice of the election and notice of registration therefore in the manner prescribed by law and to do all things and to provide all supplies necessary to submit the proposed Charter amendment to a vote of the electors as required by law.

5. The proposed amendment shall be submitted to the electors by a ballot question in the following form:

**PROPOSED CHARTER AMENDMENT**

A proposal to amend the City Charter by adding the following new Section 11.8 - Parks and Open Spaces. If adopted, this section will provide that City-owned parks and open spaces shall be used only for park and open space purposes and shall not be sold, leased, transferred, exchanged or converted to another use unless approved by voters.

**Section 11.8 - Parks and Open Spaces**

City-owned parks and open spaces shall be used only for park and open space purposes and shall not be sold, leased, transferred, exchanged or converted to another use unless approved by a majority of votes cast by the electors at an election.

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.2 This section shall apply to all present and future City-owned property designated as park or open space in the City's Parks and Recreation Master Plan. The designation of parks or open space shall not be removed or changed without voter approval. The existing use of a park or open space on the effective date of this section shall be considered to be a lawful use for the particular property.

.3 All land acquired by the City with proceeds from the 2005 Millage Proposal to Provide Funding to Permanently Preserve Green Spaces and Natural Features within the City of Rochester Hills shall remain permanently preserved.

Shall the City Charter be amended to add Section 11.8?

Yes

No

6. The proposed Charter amendment shall be published in full as part of the election notice not less than 10 days prior to the election.

7. The canvass and determination of the votes on the proposed Charter amendment shall be made in accordance with the laws of the State of Michigan and the City of Rochester Hills Charter.