

MINUTES OF THE SPECIAL CITY COUNCIL MEETING OF THE CITY OF GROSSE POINTE WOODS HELD ON MONDAY, NOVEMBER 26, 2007, IN THE COUNCIL-COURT ROOM OF THE MUNICIPAL BUILDING, 20025 MACK PLAZA, GROSSE POINTE WOODS, MICHIGAN.

The meeting was called to order at 7:00 p.m. by Mayor Novitke.

Roll Call: Mayor Novitke
Council members: Bryant, Dickinson, Howle, Sucher, Waldmeir
Absent: Granger

Also Present: City Administrator Wollenweber
City Attorney Charles Berschback
City Clerk Hathaway

Motion by Waldmeir, seconded by Howle, that Council Member Granger be excused from tonight's meeting.

Motion carried by the following vote:

Yes: Bryant, Dickinson, Howle, Novitke, Sucher, Waldmeir
No: None
Absent: Granger

Motion by Waldmeir, seconded by Howle, that all items on tonight's agenda be received, placed on file, and taken in order of appearance.

Motion carried by the following vote:

Yes: Bryant, Dickinson, Howle, Novitke, Sucher, Waldmeir
No: None
Absent: Granger

Motion by Waldmeir, seconded by Dickinson, regarding **absent voter application processing**, that Council adopt the following resolution including an amendment to the resolution in the first line of the first paragraph by deleting "regular" and inserting "special" meeting:

CITY OF GROSSE POINTE WOODS

COUNTY OF WAYNE, MICHIGAN

**RESOLUTION REGARDING DISTRIBUTION OF ABSENT VOTER
BALLOT APPLICATIONS IN A MANNER CONSISTENT WITH
PRIOR PRACTICE**

Minutes of a regular meeting of the City Council of the City of Grosse Pointe Woods, County of Wayne, State of Michigan, held in the City Hall in said City on the ____ day of _____, 2007:

PRESENT: Councilmembers: _____

_____.

ABSENT: Councilmembers: _____

_____.

The following preamble and Resolution were offered by Councilmember _____ and supported by Councilmember _____.

WHEREAS, the Michigan Court of Appeals recently issued an opinion (October 25, 2007) in a case involving an injunction issued by the Wayne County Circuit Court stating that the then Detroit City Clerk had improperly mass-mailed absentee voter ballot applications to voters on the so-called “permanent absentee ballot voter list,” made up generally of voters 60 years and older; and

WHEREAS, the Court of Appeals decision purports to state that municipal clerks are not authorized to mail “unsolicited” absentee voter ballot applications based upon the language of MCL 168.759(5), which states that “the clerk of the city, township, or village shall have absent voter ballot application forms available in the office of the clerk at all times and shall furnish an absent voter ballot application form to anyone upon verbal or written request”; and

WHEREAS, the dissenting judge in the Court of Appeals case noted reasonably that the requirement that the clerk shall furnish forms upon verbal or written request was not the same thing as a prohibition on furnishing such applications without request; and

WHEREAS, the City of Grosse Pointe Woods City Council has wide-ranging authority under the Home Rule Cities Act, MCL 117.4, *et seq.*, that is to be liberally construed in its favor; and

WHEREAS, the Grosse Pointe Woods City Council recognizes that the City Clerk's office has maintained a permanent absentee voter list (voters 60 years of age and older) for many, many years and has – consistent with the idea of encouraging broad public participation in elections and enhanced voter access – sent absent voter ballot application forms to individuals on that list as well as to others; and

WHEREAS, Grosse Pointe Woods voters have become accustomed to receiving ballot application forms from the City Clerk's office; and

WHEREAS, the same concerns set forth in the Court of Appeals' opinion regarding the Clerk's office as an *elected office* is not present in our situation; and

WHEREAS, the failure of the Clerk to send absent voter applications to those voters who traditionally receive them may have a substantial impact on the operation of the City Clerk's office with regard to increased staff time to address requests made during the work day and increased costs for individual mailings, that were not contemplated within the Court of Appeals decision.

NOW, THEREFORE, BE IT RESOLVED THAT the Grosse Pointe Woods City Council pursuant to statutory and charter authority hereby requests and authorizes the appointed Grosse Pointe Woods City Clerk to continue to mail absent voter ballot applications to voters on the City's permanent absentee voter list and others to whom the City Clerk would have mailed such applications before the issuance of the above-referenced Court of Appeals' opinion.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

LISA K. HATHAWAY, CMC
City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Grosse Pointe Woods, County of Wayne, and State of Michigan, at a regular meeting held this ____ day of _____, 2007, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting have been kept and made available to the public as required by said Act.

LISA K. HATHAWAY, CMC
City Clerk

Motion carried by the following vote:

Yes: Bryant, Dickinson, Novitke, Sucher, Waldmeir
No: Howle
Absent: Granger

Motion by Waldmeir, seconded by Howle, to adjourn tonight's meeting at 7:16 p.m.
PASSED UNANIMOUSLY.

Respectfully submitted,

Lisa Kay Hathaway
City Clerk