

Approved, SCAO Original - Court 2nd copy - Plaintiff
1st copy - Defendant 3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT 14th Muskegon JUDICIAL CIRCUIT COUNTY	SUMMONS	CASE NUMBER 2025-005353-CZ HON. KENNETH S. HOOPES
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Court address 990 Terrace Street, Muskegon, MI 49442 **Court telephone number** (231) 724-6251

Plaintiff's name, address, and telephone number
 CITY OF MUSKEGON, a municipal corporation,
 c/o Parmenter Law

Plaintiff's attorney bar number, address, and telephone number
 John C. Schrier (P36702) Brennen J. Gorman (P80958)
 Parmenter Law
 601 Terrace Street
 Muskegon, MI 49440 (231) 722-1621

v

Defendant's name, address, and telephone number
WEST MICHIGAN DOCK & MARKET CORPORATION, a
 Michigan profit corporation,
c/o MAX B. McKEE, Resident Agent
 560 Mart Street
 Muskegon, MI 49440

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (MC 21) listing those cases.
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Civil Case

- This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in this court, _____ Court, where

it was given case number _____ and assigned to Judge _____

The action remains is no longer pending.

Summons section completed by court clerk.

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NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
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3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date 11/11/2025	Expiration date* 02/10/2026	Court clerk <i>Karen D. Buie</i>	11/12/2025 08:37 AM
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

KAREN D. BUIE - MUSKEGON COUNTY CLERK
 PROXY SIGNED BY: JARVISCH

Approved, SCAO

Original - Court
1st copy - Defendant

2nd copy - Plaintiff
3rd copy - Return

<p>STATE OF MICHIGAN JUDICIAL DISTRICT 14th Muskegon JUDICIAL CIRCUIT COUNTY</p>	<p>SUMMONS</p>	<p>CASE NUMBER 2025-005353-CZ HON. KENNETH S. HOOPES</p>
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<p>Plaintiff's name, address, and telephone number CITY OF MUSKEGON, a municipal corporation, c/o Parmenter Law</p>
<p>Plaintiff's attorney bar number, address, and telephone number John C. Schrier (P36702) Brennen J. Gorman (P80958) Parmenter Law 601 Terrace Street Muskegon, MI 49440 (231) 722-1621</p>

v

<p>Defendant's name, address, and telephone number MUSKEGON PARTNERSHIP FOR REASONABLE LIMITS, c/o John Richard Allen, Treasurer 354 W Muskegon Ave Muskegon, MI 49440 (231) 215-8952</p>

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

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KAREN D. BUIE - MUSKEGON COUNTY CLERK
PROXY SIGNED BY: JARVISCH
MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105

Approved, SCAO

Original - Court
1st copy - Defendant

2nd copy - Plaintiff
3rd copy - Return

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<p>Plaintiff's attorney bar number, address, and telephone number John C. Schrier (P36702) Brennen J. Gorman (P80958) Parmenter Law 601 Terrace Street Muskegon, MI 49440 (231) 722-1621</p>

v

<p>Defendant's name, address, and telephone number MUSKEGON PARTNERSHIP FOR REASONABLE LIMITS, c/o IRMA CARNEY, Record Keeper 1474 Albert Ave Muskegon, MI 49442 (231) 288-9790</p>

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (MC 21). The summons section will be completed by the court clerk.

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KAREN D. BUIE - MUSKEGON COUNTY CLERK
PROXY SIGNED BY: JARVISCH
MCR 1.109(D), MCR 2.102(B), MCR 2.103, MCR 2.104, MCR 2.105

STATE OF MICHIGAN

IN THE 14TH CIRCUIT COURT FOR THE COUNTY OF MUSKEGON

* * *

CITY OF MUSKEGON,
a municipal corporation,

Plaintiff,

Case No. 25- 005353 -CZ

HON. KENNETH S. HOOPES
Circuit Court Judge

v

**WEST MICHIGAN DOCK &
MARKET CORPORATION,**
a Michigan profit corporation,

and

**MUSKEGON PARTNERSHIP FOR
REASONABLE LIMITS,**

Defendants.

John C. Schrier (P36702)
Brennen Gorman (P80958)
PARMENTER LAW
Attorneys for Plaintiff
601 Terrace Street
Muskegon, MI 49440
(231) 722-1621
john@parmenterlaw.com
brennen@parmenterlaw.com

COMPLAINT

There is no other pending or resolved civil action arising
out of the transaction or occurrence alleged in the complaint.

NOW COMES Plaintiff, City of Muskegon by its attorneys, PARMENTER LAW, and for the
cause of action against Defendants states as follows¹:

¹ Plaintiff has filed a Motion for Summary Disposition and Brief in Support of the Motion for Summary Disposition,
with extensive Exhibits, contemporaneous with this Complaint.

Jurisdiction

1. Plaintiff, City of Muskegon (“City”) is a municipal corporation located in the County of Muskegon, State of Michigan.
2. Defendant, West Michigan Dock & Market Corporation (“Mart Dock”) is a Michigan corporation with a registered address of 560 Mart Street, Muskegon, Michigan 49440.
3. Defendant, Muskegon Partnership for Reasonable Limits (“MPRL”) is an organization formed or Local Ballot Question in February of 2024 and has portrayed itself as a grassroots organization formed for the purpose of enacting legislation to establish term limits on the City of Muskegon commission.
4. This matter is within the jurisdiction and venue of this court as equitable relief is being sought and the defendants are organizations located in Muskegon County.

General Allegations

1. Plaintiff incorporates by reference all preceding paragraphs as if fully restated herein.
2. On April 25, 2025, the City was presented with an initiative petition to amend the Muskegon City Charter. The stated purpose of this petition was to establish 12-year term limits for City Commissioners.
3. Specifically, the Charter Amendment adds the following language to the City Charter: “*A person may not serve on the city commission for terms or partial terms that combined total more than 12 years.*”
4. Upon information and belief, Mart Dock and MPRL organized the petition drive.
5. The city clerk determined that the petition was signed by 5% percent of the city’s qualified and registered voters as required by MCL Section 117.25(1).
6. The initiatory petition did not have a ballot question attached to it, so the City Commission drafted and then adopted the ballot question on June 10, 2025.

7. On June 25, 2025, the initiatory petition, a copy of the current City Charter, and a copy of the City Commission Resolution was submitted to the Governor and Attorney General for review and consideration as required by the Home Rule City Act (the “HRCA”).

8. The Governor opined that:

“Based on the review by the Department of Attorney General, I am notifying you that I do not approve the proposed amendment pursuant to the Home Rule City Act (HRCA), 1909 PA 279, MCL 117.1 *et seq.*

As the Department of Attorney General notes in its August 5th letter, the proposed amendment, at least in part, is inconsistent with the HRCA. MCL 117.5(1)(d) of the HRCA states: ‘... The term of a public official shall not be shortened or extended beyond the period for which the official is elected or appointed, unless he or she resigns or is removed for cause, if the office is held for a fixed term.’ Section 36 of the HRCA, furthermore, states that ‘[n]o provision of any city charter shall conflict with or contravene the provisions of any general law of the state.’”

9. As to the proposed Charter Amendment, the Attorney General opined that:

“The proposed amendment establishes a term limit prohibiting service on the city commission for terms or partial terms of more than 12 years and states that ward elections became effective November 2, 1982. There are six former commissioners, one current Commissioner, and the Mayor who may be ineligible to serve if the proposed amendment is enacted.

To the extent that the proposed amendment would shorten the term of a public official because that public official already served 12 years although their current elected term has not expired, such shortening of the public official’s term would be contrary to the HRCA. Section 117.5(1)(d) of the HRCA states: ‘... The term of a public official shall not be shortened or extended beyond the period for which the official is elected or appointed, unless he or she resigns or is removed for cause, if the office is held for a fixed term.’

In addition, the proposed amendment would be contrary to Section 36 of the HRCA, which states that ‘[n]o provision of any city charter shall conflict with or contravene the provisions of any general law of the state.’”

10. As to the ballot question, the Attorney General opined that:

“The Attorney General has a separate responsibility to review proposed ballot language for compliance with the requirements of Section 21(2) of the HRCA, including being accurate, impartial, and not more than 100 words, exclusive of caption.

I have examined the ballot language for the proposed amendment as set forth in the City Commission's resolution and conclude that the ballot language conforms to the requirements of Section 21(2) of the HRCA, including being accurate, impartial, and not more than 100 words, exclusive of caption."

11. Even though the Governor did not approve the Charter Amendment, and the Attorney General found it to be contrary to the HRCA, pursuant to MCL Section 117.22, the proposal was submitted to the electorate.

12. The proposed Charter Amendment was adopted on November 4, 2025, receiving 3,292 votes in favor and 2,307 votes against, according to the Unofficial Results provided by the City Clerk.

13. Mayor Johnson was re-elected on November 4, 2025, for a 4-year term set to begin January 1, 2026, and continue through December 31, 2029, with 3,515 votes compared to his challenger, Bob Garretson, receiving 2,081 votes according to the Unofficial Results provided by the City Clerk. As of December 31, 2025, Mayor Johnson will have served 12 years on the City Commission.

14. Current City Commissioner Willie German ("Commissioner German") has served 13 years having served from 2012 through the present. Commissioner German's current term does not expire until December 31, 2027.

15. There are six (6) other individuals not currently on the City Commission but who have served in the past and if they choose to run again, as the Charter is drafted, would either be ineligible to serve or could not complete a full term if elected.

16. The City lacks the ability to adopt any amendments to its Charter to clarify ambiguities without a subsequent vote of the citizens.

WHEREFORE, the City requests the Court declare:

- A. All prior terms or prior partial terms served must be counted towards the 12-year limitation recently added to the City Charter.

- B. Commissioner German can serve the remainder of his elected term but cannot serve after it expires December 31, 2027.
- C. Mayor Johnson can serve the term for which he was just elected to beginning January 1, 2027, through December 31, 2029, but he cannot serve thereafter.

PARMENTER LAW

November 11, 2025



John C. Schrier (P36702)
Brennen Gorman (P80958)
Attorneys for Plaintiff

STATE OF MICHIGAN

IN THE 14TH CIRCUIT COURT FOR THE COUNTY OF MUSKEGON

* * *

CITY OF MUSKEGON,
a municipal corporation,

Plaintiff,

Case No. 25-005353-CZ

HON: KENNETH S. HOOPES
Chief Circuit Court Judge

v

**WEST MICHIGAN DOCK &
MARKET CORPORATION,**
a Michigan profit corporation,

and

**MUSKEGON PARTNERSHIP FOR
REASONABLE LIMITS,**

Defendants.

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Brennen Gorman (P80958)
PARMENTER LAW
Attorneys for Plaintiff
601 Terrace Street
Muskegon, MI 49440
(231) 722-1621
john@parmenterlaw.com
brennen@parmenterlaw.com

**PLAINTIFF'S MOTION FOR SUMMARY DISPOSITION PURSUANT TO
MCR 2.116(C)(9) AND 2.116(C)(10)**

NOW COMES Plaintiff, City of Muskegon, by and through its attorneys, PARMENTER LAW,
and hereby respectfully move this Court to enter an Order as follows:

- A. All prior terms or prior partial terms served on the City of Muskegon City Commission
must be counted towards the 12-year limitation recently added to the City Charter.

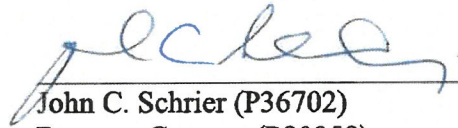
B. Commissioner German can serve the remainder of his elected term but cannot serve after it expires on December 31, 2027.

C. Mayor Johnson can serve the term for which he was just elected beginning January 1, 2026, through December 31, 2029, but he cannot serve thereafter.

This Motion is supported by the pleadings and the Brief filed in support of this Motion.

PARMENTER LAW

November 11, 2025



John C. Schrier (P36702)
Brennen Gorman (P80958)
Attorneys for Plaintiff, City of Muskegon

STATE OF MICHIGAN

IN THE 14TH CIRCUIT COURT FOR THE COUNTY OF MUSKEGON

* * *

CITY OF MUSKEGON,
a municipal corporation,

Plaintiff,

Case No. 25-005353-CZ

HON: KENNETH S. HOOPES
Chief Circuit Court Judge

v

**WEST MICHIGAN DOCK &
MARKET CORPORATION,**
a Michigan profit corporation,

and

**MUSKEGON PARTNERSHIP FOR
REASONABLE LIMITS,**

Defendants.

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PARMENTER LAW
Attorneys for Plaintiff
601 Terrace Street
Muskegon, MI 49440
(231) 722-1621
john@parmenterlaw.com
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**BRIEF IN SUPPORT OF CITY OF MUSKEGON'S MOTION FOR SUMMARY
DISPOSITION PURSUANT TO MCR 2.116(C)(10)**

A. INTRODUCTION.

The City of Muskegon (the "City") was presented with an initiative petition ("Initiative Petition") to the Muskegon City Charter ("City Charter"). Upon information and belief, Defendant West Michigan Dock & Market Corporation ("Mart Dock") sought and paid circulators of the Initiative Petition according to material on Mart Dock's Facebook page. See **Exhibit A**. Further, upon information and belief, Mart Dock provided in kind support to Muskegon Partnership for

Reasonable Limits. Max McKee, President and Registered Agent of Mart Dock, was the individual in contact with City of Muskegon staff concerning the proposed Charter Amendment.

An MLive article dated October 9, 2025, states that “[T]he proposal was put forward by Muskegon Partnership for Reasonable Limits, a ‘grassroots organization that believes term limits are about accountability, opportunity, and giving voters more voice in their local government,’ according to a statement the organization provided to MLive/Muskegon Chronicle.” See **Exhibit B**, page 2. The Original Statement of Organization Form for Local Ballot Question Committees filed with the County Clerk for Muskegon Partnership for Reasonable Limits dated February 20, 2024, indicates that the Treasurer is John Richard Allen and that the Designated Record Keeper is Kristine McDermott. See **Exhibit C**. The Amended Statement of Organization Form for Local Ballot Question Committees filed with the County Clerk for Muskegon Partnership for Reasonable Limits dated May 1, 2025, indicates that the Treasurer is John Richard Allen and that the Designated Record Keeper is Irma Carney. See **Exhibit D**.

The stated purpose of the Initiatory Petition was to establish a 12-year term limit for City Commissioners. Specifically, the Charter Amendment adds the following language to the City’s Charter – *“A person may not serve on the city commission for terms or partial terms that combined total more than 12 years.”* See **Exhibit E**. The Mayor and City Commissioners serve staggered 4-year terms beginning January 1 and ending December 31, as provided in the Muskegon City Charter, Chapter III, Section 3. Commissioner Rachel Gorman (“Commissioner Gorman”), who did not seek re-election, will complete her term on December 31, 2025. Commissioner Rebecca St. Clair (“Commissioner St. Clair”) and Mayor Ken Johnson (“Mayor Johnson”) were each re-elected to 4-year terms commencing January 1, 2025, and ending December 31, 2029. Because the City lacks the ability to adopt any amendments to its charter to clarify certain ambiguities without

a subsequent vote of the citizens, the City is seeking clarification through the Muskegon County Circuit Court by way of a Declaratory Action. In particular, the City is seeking clarification as to:

- 1) Does all time served as a City Commissioner or Mayor count towards the 12-year limit, or only time served after November 4, 2025;
- 2) Does a presently serving City Commissioner (Commissioner Willie German), whose term does not expire until December 31, 2027, lose his seat immediately because he has already served 12 years or does he continue to serve until the expiration of his existing terms; and
- 3) Is Mayor Johnson precluded from serving the January 1, 2026, through December 31, 2029, term, or does he serve the 2026 through 2029 term but is precluded from serving thereafter.

B. BACKGROUND ON CHARTER AMENDMENTS AND IMPACT ON AFFECTED INDIVIDUALS

Before analyzing the specific facts and issues before this Court, the City believes it is imperative that the Court be aware of the process to amend a City Charter, the amendment as adopted, and the impact on several individuals.

1. Charter Adoption and Amendment Process

The Home Rule City Act (the “HRCA”) establishes the legal authority for adopting and amending City Charters. MCLA Sections 117.15 through 117.17. Once adopted, the HRCA permits amending a city charter by 1) a charter commission, 2) resolution of the city commission, or 3) initiative petition. MCLA Section 117.18. Regardless of how the proposed amendment occurs; in order to become effective, the proposed amendment must be adopted by the electorate. MCLA Section 117.25.

In this case, the City Clerk was presented with an Initiative Petition. See **Exhibit E**. The Initiative Petition must include the complete text of the proposed charter amendment. The petition must be signed by 5% of the city’s qualified and registered electors. MCL Section 117.25(1). Signed petitions are to be submitted to the city clerk. MCL Section 117.25(1). If the city clerk

determines that the petitions contain sufficient signatures of qualified and registered electors, the petition is submitted to the Governor for consideration. The Attorney General's role is to advise the Governor as to whether the charter amendment complies with state law, specifically the HRCA, and whether the proposed ballot question complies with the HRCA. Regardless of whether the Governor approves or disapproves the Initiative Petition, the proposal is submitted to the electorate. MCL Section 117.22.

As to the ballot question, where the Initiative Petition does not include the ballot question, the city commission must adopt the ballot question. MCL Section 117.21(2). The ballot question, not including the caption, is limited to 100 words. MCL Section 117.21(2). The Attorney General is required to review the ballot question to determine if it is a true and impartial statement of the charter amendment's purpose. MCL Section 117.21(2). The proposed charter amendment is to be submitted to the electorate at the next regular municipal election or general state election but not earlier than 90 days after submission to the city clerk. MCL Section 117.21.

In this case, an Initiative Petitions were filed with the City Clerk on April 25, 2025. See **Exhibit E**. As of April 25, 2025, which is the date the petitions were filed with the City Clerk, the required number of valid signatures was 1,409 signatures. The City Clerk determined that there were sufficient signatures. The Initiative Petitions did not have a ballot question attached to it, so the City Commission adopted the ballot question, which occurred on June 10, 2025. See **Exhibit F**. An Initiative Petition, a photocopy of the current City Charter, and a copy of the City Commission Resolution were submitted to the Governor and the Attorney General on June 25, 2025. See **Exhibit G**, without enclosures.

As to the proposed Charter Amendment, the Attorney General opined that:

“The proposed amendment establishes a term limit prohibiting service on the city commission for terms or partial terms of more than 12 years and states that ward elections became effective November 2, 1982. There are six former commissioners, one current

Commissioner, and the Mayor who may be ineligible to serve if the proposed amendment is enacted.

To the extent that the proposed amendment would shorten the term of a public official because that public official already served 12 years although their current elected term has not expired, such shortening of the public official's term would be contrary to the HRCA. Section 117.5(1)(d) of the HRCA states: '... The term of a public official shall not be shortened or extended beyond the period for which the official is elected or appointed, unless he or she resigns or is removed for cause, if the office is held for a fixed term.'

In addition, the proposed amendment would be contrary to Section 36 of the HRCA, which states that '[n]o provision of any city charter shall conflict with or contravene the provisions of any general law of the state.'

See **Exhibit H**, pages 1-2.

Thereafter, the Governor opined that:

"Based on the review by the Department of Attorney General, I am notifying you that I do not approve the proposed amendment pursuant to the Home Rule City Act (HRCA), 1909 PA 279, MCL 117.1 *et seq.*

As the Department of Attorney General notes in its August 5th letter, the proposed amendment, at least in part, is inconsistent with the HRCA. MCL 117.5(1)(d) of the HRCA states: '... The term of a public official shall not be shortened or extended beyond the period for which the official is elected or appointed, unless he or she resigns or is removed for cause, if the office is held for a fixed term.' Section 36 of the HRCA, furthermore, states that '[n]o provision of any city charter shall conflict with or contravene the provisions of any general law of the state.'"

See **Exhibit I**.

As to the ballot question, the Attorney General opined that:

"The Attorney General has a separate responsibility to review proposed ballot language for compliance with the requirements of Section 21(2) of the HRCA, including being accurate, impartial, and not more than 100 words, exclusive of caption.

I have examined the ballot language for the proposed amendment as set forth in the City Commission's resolution and conclude that the ballot language conforms to the requirements of Section 21(2) of the HRCA, including being accurate, impartial, and not more than 100 words, exclusive of caption."

See **Exhibit H**, page 2.

The Unofficial Results of the General Election confirm that the charter amendment was adopted on November 4, 2025 by a vote of 3,292 "Yes" votes and 2,307 "No" votes. See **Exhibit**

I. The Muskegon County Canvassing Board has not yet met to certify the November 4, 2025 election.

2. Charter Amendment

The Initiative Petition seeks to amend Chapter III, Section 3, to read as follows:

A person may not serve on the city commission for terms or partial terms that combined total more than 12 years. The city commissioners elected at large shall be electors of the city and shall have resided therein at least one year immediately preceding their election and shall remain electors of the city throughout their term of office. The city commissioners elected from the respective wards shall have resided within their respective wards throughout their term of office. They shall not during their term of office hold any other city office unless specifically provided in this Charter. They shall be elected at the regular city election. At the first regular city election held after ~~November 2, 1982~~the adoption of this amended section of the Charter, one commissioner shall be elected from each of the four wards for a term of four years and shall serve with the remaining three commissioners who shall serve the balance of their unexpired term. At the next succeeding regular city election following the election of the commissioners for each of the four wards, three commissioners shall be elected at large for a term of four years. Thereafter their successors shall be elected for a term of four years. They shall take office on the first day of January following their election.

See **Exhibit E** (additions and deletions emphasized).

3. Other Results From the November 4, 2025 Election

The November 4, 2025 election ballot also included the election of Mayor and two (2) at-large City Commissioners. Unofficial Results confirm that Ken Johnson (“Mayor Johnson”) and Rebecca St. Clair (“Commissioner St. Clair”) were elected for four (4)-year terms commencing January 2026 and ending December of 2029. See **Exhibit J**.¹

Mayor Johnson will have served twelve years on the City Commission by December 31, 2025 and was re-elected on November 4, 2025, for a term beginning January 1, 2026, through December 31, 2029. Commissioner St. Clair will have served 4 years on the City Commission by December 31, 2025 and was re-elected on November 4, 2025, for a term beginning January 1, 2026, and ending on December 31, 2029.

¹ Kiley Jackson was also elected but has not served on the City Commission prior to the November 2025 election.

4. Individuals Directly Impacted by the Charter Amendment

There are a number of individuals that are, or may be, directly affected by the Charter Amendment.

There are six (6) individuals who are not currently on the City Commission, but if they chose to run again, as the Charter Amendment is drafted, would either be ineligible to serve, or could not complete a full term if elected. The individuals, with years of prior service, are Steve Gawron (2002 to 2021), Eric Hood (2012 to 2023), Clara Shephard (1996 to 2011), Blanche Smith (1988 to 1997), Tim Michalski (1988 to 1999), and Steve Warmington (2002 to 2012). See **Exhibit J**. In addition, other individuals have served terms of less than eight (8) years.

One current City Commissioner, Willie German (“Commissioner German”), has served thirteen (13) years, having been elected in 2012 and served from 2013 through the present. Commissioner German’s current term does not expire until December 31, 2027. See **Exhibit J**.

Mayor Johnson’s current term as Mayor will expire on December 31, 2025. Mayor Johnson was re-elected as Mayor on November 11, 2025 and his term will commence on January 1, 2026 and continue until December 31, 2029. City Commissioner St. Clair will have served eight (8) years when her term expires on December 31, 2029. See **Exhibit J**.

C. LAW

1. Summary Disposition Standards of Review Pursuant to MCR 2.116(C)(10)

MCR 1.116(C)(10) provides for summary disposition when there is no genuine issue regarding any material fact and the moving party is entitled to judgment as a matter of law. A motion brought under MCR 1.116(C)(10) tests the factual support for a party’s cause of action. *Skinner v. Square D. Co.*, 445 Mich. 153, 161 (1994). A trial court should grant plaintiff’s motion for summary disposition under MCR 2.116(C)(10) if the pleadings, affidavits, and other documentary evidence, when viewed in a light most favorable to the defendant, show

that except as to the amount of damages,² there is no genuine issue with respect to any material fact. *Quinto v. Cross & Peters Co.*, 451 Mich. 358, 362 (1996).

A genuine issue of material fact exists when the record, giving the benefit of reasonable doubt to the defendant, leaves open an issue upon which reasonable minds could differ. *West v. General Motors Corp.*, 469 Mich. 177, 183 (2003). The defendant may not rely on mere allegations or denials in pleadings but must go beyond the pleadings to set forth specific facts showing that a genuine issue of material fact exists. *Quinto* at 362. If the defendant fails to present documentary evidence establishing the existence of a material factual dispute, the plaintiff's motion should be granted. *Id.*

2. Substantive Law to be Applied to the Charter Amendment

A. Terms for the Mayor and City Commissioners Are Set by the City Charter

Public officials are permitted to occupy the office they are elected to for a term as prescribed by local statute or city charter. *Hallgreene v. Campbell*, 82 Mich. 255 (1980). If the elected officer is appointed to an office with a fixed term, it is presumed that the officer will remain in that position for the duration of that term, unless removed for good cause. *Id.* The term that a city commissioner may serve can be set by city charter. *See City of Battle Creek v. Barnes*, 143 Mich. 400 (1906). A city charter may establish term limits as to the maximum number of terms or years a city commissioner may serve. *See Citizens for Legislative Choice v. Miller*, 144 F.3d 916 (6th Cir. 1998) (applying Michigan law).

Per the Muskegon City Charter, the City Commission is made up of 7 members, 1 is elected to the position of Mayor, 2 are elected to at-large positions, and 4 are elected to positions of Ward Commissioners. Muskegon City Charter, Chapter III, Section 1. The terms of office for

² Damages are not an issue in this lawsuit.

the City Commissioners and Mayor are 4 years. Muskegon City Charter Chapter III, Section 3.

B. Retroactivity of Term Limit Legislation

Generally, retroactive application of legislation is disfavored. *Frank W. Lynch & Co. v. Flex Technologies, Inc.*, 463 Mich. 578, 583 (2001). Legislation is impermissibly retroactive in nature when it would impair vested rights, create a new obligation and impose a new duty, or attach a disability with respect to past transactions. *Id.* However, in the context of term limits, the Michigan Court of Appeals has taken a more expansive view as to the permissibility of retroactive legislation. *See Warren City Council v. Buffa*, 346 Mich. App. 528 (2023). Legislation with retroactive application cannot impair “vested rights” as applied to term limits, because city commissioners do not have a vested right to serve the position for which they were elected. *Warren City Council* at 548. The default, with term limit legislation, is that it is assumed that terms prior to the enactment of the limits will be counted, unless there is specific language limiting its reach. *Warren City Council*. This default remains unless the language of the Charter provision governing term limits expressly contains language as to its intent to only apply to terms served after a particular date. *Warren City Council* at 547.

C. MCL Section 117.5(d)

The HRCA, a Michigan state statute governing the permissible power of City Governments, states: “the term of a public official shall not be shortened . . . beyond the period for which the official is elected or appointed, unless . . . for cause, if the office is held for a fixed term.” MCL Section 117.5(d).

3. Substantive Law as Applied to the Affected Individuals

A. The Court should determine that all prior terms or prior partial terms must be counted towards the 12-year limitation, however a term cannot be terminated early.

The Charter Amendment adopted by the City's electorate in November of 2025 does not address whether years served prior to November of 2025 count towards the term limitation. However, based upon case law, generally, terms before November of 2025 should count towards the term limitation.

The Charter Amendment as applied to the previously retired City Commissioners is not impermissibly retroactive. The Charter Amendment language does not include any express indication that it is intended to apply exclusively to terms served after the enactment of the Amendment. Thus, the default is that the term limits provision therein applies prospectively after its passage in November. The ballot language would not disrupt the past appointment of any of the previous City Commissioners, would not impair any vested rights, or impose any new duties on the aforementioned individuals, and thus is not impermissibly retroactive.

If Commissioner St. Clair were to serve her entire term through December 31, 2029, she would be able to serve only one (1) more term, i.e., January 1, 2030, through December 31, 2033, but not thereafter.

B. The Court should determine that Commissioner German can serve the remainder of his term but cannot serve after December 31, 2027.

While the Charter Amendment prohibits a person from serving for partial terms that combined total more than 12 years, prohibiting Commissioner German from serving the remainder of his term violates state law.

The HRCA is clear that “[T]he term of a public official shall not be shortened or extended beyond the period for which the official is elected or appointed, unless he or she resigns or is removed for cause, if the office is held for a fixed term.” MCL Section 117.5(1)(d). Further,

the HRCA provides that “[n]o provision of any city charter shall conflict with or contravene the provisions of any general law of the state.” MCL Section 117.36. An interpretation that Commissioner German’s term is to be shortened and ends in December of 2025 violates the HRCA. It is for that reason the Michigan Attorney General, see Exhibit ____, and the Governor, see Exhibit ____, opined that the then *proposed* Charter Amendment conflicts with state law.

To interpret the Charter Amendment to mandate Commissioner German vacate his seat would be impermissibly retroactive. To interpret the Charter Amendment this way would “attach a disability on a previous transaction.” Additionally, to permit any such Charter Amendment to shorten Commissioner German’s term would be contrary to the express language of the HRCA, which permits the shortening of such terms only “for cause.” The only way to interpret the Charter Amendment without violating state law is to allow Commissioner German to fulfill his existing term but prohibit him from assuming a new term after serving 12 years.

Commissioner German, having already assumed office, cannot be forced to vacate his seat, because that would shorten his fixed term without “cause.”

C. The Court should determine that Mayor Johnson can serve the term he was just elected to, e.g., January of 2026 through December 31, 2029, but cannot serve after December 31, 2029.

The Charter Amendment as adopted prohibits someone from serving more than 12 years in office. The language of the Charter Amendment would suggest that Mayor Johnson cannot serve after December 31, 2025. That position would be contrary to state law and the presumed wishes of the citizens.

In the same election cycle, the citizens indicated their desire to have Mayor Johnson serve an additional four (4) years as Mayor and desire term limits. An interpretation of the Charter

Amendment that Mayor Johnson is prohibited from serving the 2026 through 2029 term is not permitted by the HRCA. The shortening of Mayor Johnson's term, or more particularly prohibiting the Mayor from serving a term he was elected to serve, was viewed as being violative of state law by both the Michigan Attorney General's office and the Governor.

Although the Charter Amendment likely is not impermissibly retroactive as to counting Mayor Johnson's past terms, it would be a violation of the HRCA to shorten Mayor Johnson's term for which he was elected in November of 2025. The re-election of Mayor Johnson and adoption of the Charter Amendment in the same election cycle creates a conflict as to what the voters intended. Courts do not presume that voters intend to create a conflict. Courts should avoid construction of a City Charter that would lead to absurd results. *Warren City Council*, at 544. Because Mayor Johnson has already been elected, the HRCA prohibits the shortening of his term for which he has been elected, even if he has yet to assume his office of January 1, 2026. There is no authority that the City has discovered that would hold that Mayor Johnson's term, which was authorized by a vote in November of 2025, can be eliminated.

Further, courts have long recognized that statutes, ordinances, and case law relating to the same subject or share a common purpose should, if possible, be read together to create a harmonious body of law. To find that Mayor Johnson cannot serve after December 31, 2025 clearly and contravenes the wishes of the electorate. Given the election results, the 3,515 individuals who voted for Mayor Johnson, which is more than the votes for the Charter Amendment, could not have contemplated a situation where the Charter Amendment would prohibit Mayor Johnson from serving after December 31, 2025. Even if one assumed that every person who voted for Bob Garretson voted for the Charter Amendment, approximately 1,200 people who voted for Mayor Johnson would have had to vote for the Charter Amendment. Stated another way, if only voters who did not want Mayor Johnson to serve after December

31, 2025, voted for the Charter Amendment, the Charter Amendment would have failed. Harmonizing the votes from the November 2025 election leads to the conclusion that the electorate intended for Mayor Johnson to serve his new term of January 1, 2026, through December 31, 2029, but not thereafter, which is consistent with the HCRA, state law, and case law.

D. CONCLUSION.


There is no material dispute as to the factual allegations in this case. The law in regard to term limits, the retroactive application of such term limits, and the requirements of the HRCA are clear. For the foregoing reasons, the City asks the Court to grant its motion for summary disposition in this case and declare:

- A. All prior terms or prior partial terms served must be counted towards the 12-year limitation recently added to the City Charter.
- B. Commissioner German can serve the remainder of his elected term but cannot serve after it expires December 31, 2027.
- C. Mayor Johnson can serve the term for which he was just elected to beginning January 1, 2026 through December 31, 2029 but he cannot serve thereafter.

PARMENTER LAW

November 11, 2025

By:



John C. Schrier (P36702)
Brennen Gorman (P80958)
Attorneys for the City of Muskegon



The Mart Dock
June 27, 2024 · 🌐

Circulators needed for City of Muskegon commissioners' term limits (12 years total), Voter list and addresses provided. \$6 per valid signature plus \$2 bonus. Canvass for signatures on your own time.

Reply or direct message us or John Allen Jr.

3

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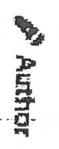
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Anne Hall A signature and City of Muskegon address from a City of Muskegon registered voter.

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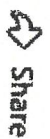
June 27, 2024

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Circulators needed for City of Muskegon commissioners' term limits (12 years total). Voter list and addresses provided. \$6 per valid signature plus \$2 bonus. Canvass for signatures on your own time. Reply or direct message us or John Allen Jr.

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What defines a valid signature?

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Author

The Mart Dock

Anne Hall A signature and City of Muskegon address from a City of Muskegon registered voter.

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Comment as Brennen Gorman



MUSKEGON

Muskegon voters to decide on term limits for mayor, city commissioners on Nov. 4 ballot

Updated: Oct. 09, 2025, 11:27 a.m. | Published: Oct. 09, 2025, 10:35 a.m.



A proposal on the Nov. 4 election ballot would amend the city charter to establish a 12-year term limit on members of the Muskegon City Commission. (MLive File Photo)



By **Kayla Tucker** | ktucker@mlive.com

MUSKEGON, MI - A proposal on the Nov. 4 election ballot seeks to amend the Muskegon City Charter to put a 12-year term limit on members of the city commission.

According to Muskegon County Clerk's website, the charter would be amended to add that "A person may not serve on the City Commission for terms or partial terms that combined total more than 12 years" and to state that ward elections became effective Nov. 2, 1982.

There are six former commissioners, one current commissioner, and the mayor who may be ineligible to serve if the charter amendment is enacted, according to the clerk's website.

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The proposal was put forward by Muskegon Partnership for Reasonable Limits, a “grassroots organization that believes term limits are about accountability, opportunity, and giving voters more voice in their local government,” according to a statement the organization provided to MLive/Muskegon Chronicle.

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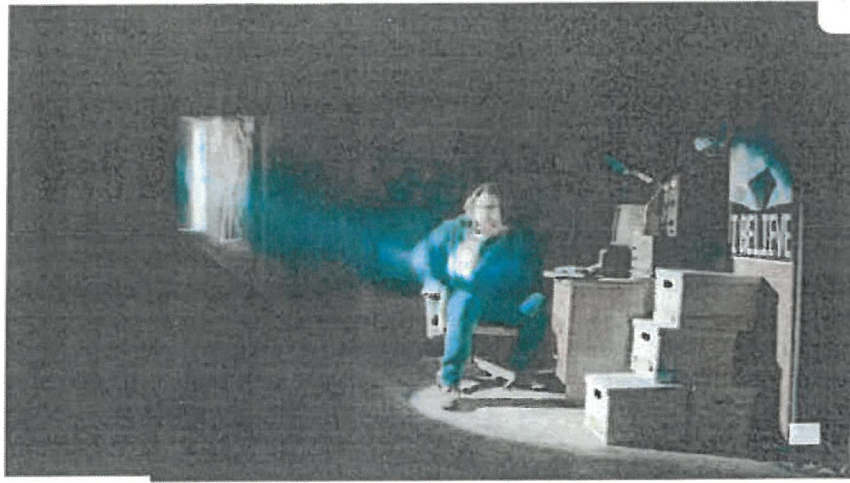
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“Our ballot initiative ensures that diverse leadership and new ideas have a chance to shape Muskegon’s future. More than 2,000 Muskegon citizens have signed the petition for term limits, showing strong community support for giving voters a greater voice in local government. While some interests may resist this change, the decision ultimately belongs to the people of Muskegon, and we encourage all voters to make their voices heard this November.”

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If the proposal passes, Mayor Ken Johnson and one current commissioner, Willie German, may be ineligible along with the six former commissioners.

When asked what would happen if Johnson was reelected in November and the term limit proposal passed, Muskegon City Clerk Ann Meisch said she did not have an answer.

“The city did not create the language for the charter amendment,” Meisch said. “As such, we are unsure how it will be interpreted.”

It was not made clear who has the authority to decide what happens in that circumstance.

Johnson will have served 12 years this year. He first took office as a commissioner in 2014. Without a break, he took office as mayor in 2022.

German, the longest-serving commissioner on the dais with 14 years, took office in 2012 and has been reelected every election since.

Meisch said the six former commissioners that would be automatically term-limited are:

- Steve Gawron
- Steve Warmington
- Eric Hood
- Clara Shepherd
- Tim Michalski
- Blanche Smith

In the November 2024 election, term limits were approved by Muskegon Heights residents. Council members are now limited to a total of 16 years. They can serve on the city council and as mayor, combined.

Kayla Tucker

Kayla Tucker is a government and community reporter for MLive.com, covering Muskegon County and northern Ottawa County. Originally from Grand Rapids, she attended Grand Rapids Community College and Grand... more

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MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ORIGINAL ORAMENDED

STATEMENT OF ORGANIZATION FORM FOR LOCAL BALLOT QUESTION COMMITTEES FILED WITH COUNTY CLERK
Information on this form is made public.

1. Committee ID #: 84291	*2. Type of Filing: <input checked="" type="checkbox"/> Original: <input type="checkbox"/> Amendment to items:	Eff. Date: 2/20/24
*3. Date Committee was Formed: 02/27/2024		
*4. Full Name of Committee: Muskegon Partnership for Reasonable Limits		
5. Acronym or Abbreviation (if any):		
*6. Complete Committee Mailing Address (May be PO Box): 354 W Muskegon Ave, Muskegon, MI 49440		
*7. Complete Committee Street Address (May not be PO Box): 354 W Muskegon Ave, Muskegon, MI 49440		
*Committee Phone: (231) 215-8952 *Committee Email Address: littlej2700@gmail.com		
Committee Fax #: Committee Website Address:		
*8. Treasurer Name and Complete Residential Address: John Richard Allen, 354 W Muskegon Ave, Muskegon, MI 49440		
Phone #: (231) 215-8952 Email Address: littlej2700@gmail.com		
9. Designated Record Keeper Name and Complete Address: Kristine McDermott, 2262 Harding Ave, Muskegon, MI 49441		
Phone #: (989) 292-9489 Email Address: kmcdermott@sandproductscorp.com		
*10. REPORTING WAIVER REQUEST: <input type="checkbox"/> YES, I/WE WANT TO APPLY FOR THE REPORTING WAIVER. The committee does not expect to spend or receive in excess of \$1,000.00 in an <i>election</i> . I/We understand that if the committee does not spend or receive in excess of \$1,000.00 in an <i>election</i> , the committee does not owe detailed campaign statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the \$1,000.00 threshold and all required campaign statements must be filed. A Reporting Waiver does not exempt a committee from filing Late Contribution Reports. <input checked="" type="checkbox"/> NO, I/WE DO NOT WANT TO APPLY FOR THE REPORTING WAIVER. The committee expects to spend or receive in excess of \$1,000.00 in an <i>election</i> . I/We understand that the committee owes detailed campaign statements even if the committee does not spend or receive in excess of \$1,000.00 in an <i>election</i> . I/We further understand that the Reporting Waiver cannot be requested retroactively to avoid filing requirements and to avoid paying late filing fees. Further information regarding Reporting Waivers can be found in <u>Appendix C</u> of the Committee Manual.		
*11. Name and Address of Depositories or Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association) *Official Depository (name and address): Fifth Third Bank, 5217 Harvey St, Muskegon, MI 49444 Secondary Depository (name and address):		
12. List the specific ballot proposal(s) involved using the official ballot designation if available and mark support or oppose as appropriate: <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose Description: Indicate the ballot proposal district below by selecting County (include the county name), Multi-County or Local (include the name of the jurisdiction). If multi-county, list the county where the greatest number of voters eligible to vote on the proposal reside. <input type="checkbox"/> County <input type="checkbox"/> Multi-County <input checked="" type="checkbox"/> Local City of Muskegon		
13. Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief.		
*Current Treasurer John R. Allen		*Designated Record Keeper (If Applicable) Kristine McDermott
Date: 2/28/24		Date: 2/27/24





MICHIGAN DEPARTMENT OF STATE
BUREAU OF ELECTIONS

ORIGINAL OR AMENDED

STATEMENT OF ORGANIZATION FORM FOR LOCAL BALLOT QUESTION COMMITTEES FILED WITH COUNTY CLERK
Information on this form is made public.

FILED

MAY 05 2025

KAREN D. BUIE
MUSKEGON COUNTY CLERK

1. Committee ID #: 84291		*2. Type of Filing: <input type="checkbox"/> Original: <input checked="" type="checkbox"/> Amendment to items: Change of record keeper Eff. Date: 5/1/2025	
*3. Date Committee was Formed: 02/27/2024			
*4. Full Name of Committee: Muskegon Partnership for Reasonable Limits			
5. Acronym or Abbreviation (if any):			
*6. Complete Committee Mailing Address (May be PO Box): 354 W Muskegon Ave, Muskegon, MI 49440			
*7. Complete Committee Street Address (May not be PO Box): 354 W Muskegon Ave, Muskegon, MI 49440			
*Committee Phone: (231) 215-8952		*Committee Email Address: littlej2700@gmail.com	
Committee Fax #:		Committee Website Address:	
*8. Treasurer Name and Complete Residential Address: John Richard Allen, 354 W Muskegon Ave, Muskegon, MI 49440			
Phone #: (231) 215-8952		Email Address: littlej2700@gmail.com	
9. Designated Record Keeper Name and Complete Address: Irma Carney 1474 Albert Ave, Muskegon, MI 49442			
Phone #: (231) 288-9790		Email Address: icarney@sandproductscorp.com	
*10. REPORTING WAIVER REQUEST: <input type="checkbox"/> YES, I/WE WANT TO APPLY FOR THE REPORTING WAIVER. The committee does not expect to spend or receive in excess of \$1,000.00 in an election. I/We understand that if the committee does not spend or receive in excess of \$1,000.00 in an election, the committee does not owe detailed campaign statements. I/We further understand that the Reporting Waiver will be automatically lost if the committee exceeds the \$1,000.00 threshold and all required campaign statements must be filed. A Reporting Waiver does not exempt a committee from filing Late Contribution Reports. <input checked="" type="checkbox"/> NO, I/WE DO NOT WANT TO APPLY FOR THE REPORTING WAIVER. The committee expects to spend or receive in excess of \$1,000.00 in an election. I/We understand that the committee owes detailed campaign statements even if the committee does not spend or receive in excess of \$1,000.00 in an election. I/We further understand that the Reporting Waiver cannot be requested retroactively to avoid filing requirements and to avoid paying late filing fees. Further information regarding Reporting Waivers can be found in Appendix C of the Committee Manual.			
*11. Name and Address of Depositories or Intended Depositories of committee funds. (Michigan Bank, Credit Union or Savings & Loan Association) *Official Depository (name and address): Fifth Third Bank, 5217 Harvey St, Muskegon, MI 49444 Secondary Depository (name and address):			
12. List the specific ballot proposal(s) involved using the official ballot designation if available and mark support or oppose as appropriate: <input checked="" type="checkbox"/> Support <input type="checkbox"/> Oppose Description: Indicate the ballot proposal district below by selecting County (include the county name), Multi-County or Local (include the name of the jurisdiction). If multi-county, list the county where the greatest number of voters eligible to vote on the proposal reside. <input type="checkbox"/> County <input type="checkbox"/> Multi-County <input checked="" type="checkbox"/> Local City of Muskegon			
13. Verification: I/We certify that all reasonable diligence was used in the preparation of the above statement and that the contents are true, accurate and complete to the best of my/our knowledge or belief. I/We certify that all reasonable diligence will be used in the preparation of each statement electronically filed by this committee and that the contents of each statement will be true, accurate and complete to the best of my/our knowledge or belief.			
*Current Treasurer <i>John R. Allen</i>		*Designated Record Keeper (if Applicable) <i>Irma Carney</i>	
Date: 5-2-25		Date: 5/1/25	

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COUNTY/LOCAL PROPOSAL PETITION

The petition circulator is a (circle one)
 Paid signature gatherer
 Volunteer signature gatherer

We, the undersigned qualified and registered electors, residents in the City of Muskegon, County of Muskegon, State of Michigan, respectively petition for initiation of an amendment to Chapter III, Section 3 of the Charter of the City of Muskegon to establish a 12-year term limit for service on the city commission. This petition is addressed to the city clerk as required by MCL 117.25(1). The full text of the proposed amendment appears on the reverse side of this petition.

NOTICE: If the petition circulator does not comply with all of the requirements of the Michigan election law for petition circulators, any signature obtained on this petition is invalid and will not be counted.

WARNING - A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.

No.	Signature	Printed Name	Street Address or Rural Route	Zip Code	DATE OF SIGNING		
					Month	Day	Year
01	Justin Vandyle	Justin Vandyle	899 W. Forest Ave	49441	08	06	24
02	Juliana Buxton	Juliana Buxton	2317 Manz St	49444	08	06	24
03	Theresa Moore	Theresa Moore	608 Catherine Ave	49444	08	06	24
04	LeRoy Moore	LeRoy Moore	608 Catherine Ave	49444	08	06	24
05	Robert B. Birkland	Robert B. Birkland	4101 Spring Ln	49444	08	06	24
06	Evans L. Fwings	Evans L. Fwings	2577 Cumberland	49441	08	06	24
07	Logan Caswell	Logan Caswell	1543 Ridge Ave	49441	08	06	24
08	Evelyn Mitchell	Evelyn Mitchell	1422 Leahy St	49444	08	06	24
09	Subra Mohz	Subra Mohz	2218 Harrison Ave	49441	08	06	24
10	Arthene Miles	Arthene Miles (HRT)	155 Lona Ave	49442	08	06	24

CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

If the circulator is not a resident of Michigan, the circulator shall make a cross [X] or check mark [✓] in the box provided, otherwise each signature on this petition shall be invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition ahead executed by the circulator and agrees that legal process served on the Secretary of State or a designated agent of the Secretary of State has the same effect as if personally served on the circulator.

- A circulator knowingly making a false statement in the above certificate, a person not a circulator who circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.

Regulated funds by Muskegon Partnership for Reasonable Limits, 354 W. Muskegon Avenue, Muskegon, MI 49440
 Muskegon Partnership for Reasonable Limits is the organization that is primarily interested in and responsible for the circulation of this petition and the amendment.

CIRCULATOR - Do not sign or date certificate until after circulating petition.
 Signature of Circulator: Arthene Miles
 Printed Name of Circulator: Arthene Miles
 Complete Residence Address (Street and Number or Rural Route) [Do Not Enter A Post Office Box]: 155 Lona Ave Muskegon MI 49442
 City or Township, State, Zip Code: Muskegon MI 49441
 Date: 8/26/24

Form Approved by the Director of Elections, State of Michigan
 www.PetitionSystems.us (800) 85-12346 (P 03/24) FORM #410
 Roy 10-10-2024



**INITIATIVE PETITION TO AMEND THE CHARTER OF THE CITY OF MUSKEGON
TO ESTABLISH A 12-YEAR TERM LIMIT FOR SERVICE ON THE CITY COMMISSION**

This petition proposes to amend Chapter III, Section 3 of the Charter of the City of Muskegon. If adopted, that section would be altered as follows. Language that would be added is shown in all capital letters, while language that would be deleted is struck out.

Section 3. City commissioners; qualifications, term; holding additional office, restriction.

A PERSON MAY NOT SERVE ON THE CITY COMMISSION FOR TERMS OR PARTIAL TERMS THAT COMBINED TOTAL MORE THAN 12 YEARS. The city commissioners elected at large shall be electors of the city and shall have resided therein at least one year immediately preceding their election and shall remain electors of the city throughout their term of office. The city commissioners elected from the respective wards shall have resided within their respective wards at least one year immediately preceding their election and shall remain electors of the city and residents of their respective wards throughout their term of office. They shall not during their term of office hold any other city office unless specifically provided in this Charter. They shall be elected at the regular city election. At the first regular city election held after NOVEMBER 2, 1962 ~~the adoption of this amended section of the Charter, one commissioner shall be elected from each of the four wards for a term of four years and shall serve with the remaining three commissioners who shall serve the balance of their unexpired term. At the next succeeding regular city election following the election of commissioners for each of the four wards, three commissioners shall be elected at large for a term of four years. Thereafter their successors shall be elected for a term of four years. They shall take office on the first day of January following their election.~~



CITY OF MUSKEGON

RESOLUTION NO. 2025-47(L)

RESOLUTION APPROVING BALLOT LANGUAGE FOR A 12-YEAR TERM LIMIT
FOR SERVICE ON THE CITY COMMISSION

WHEREAS, an initiatory petition has been filed with the City Clerk of the City of Muskegon on April 25, 2025; and

WHEREAS, the City Clerk has canvassed the petition and has certified the sufficiency of the number of signatures in the petition; and

WHEREAS, the initiatory petition does not provide a Statement of Purpose or ballot language; and

WHEREAS, MCL 117.21(2) provides:

"Proposed charter amendments and other questions to be submitted to the electors shall be published in full with existing charter provisions that would be altered or abrogated by the proposed charter amendment or other question. The purpose of the proposed charter amendment or questions shall be designated on the ballot in not more than 100 words, exclusive of caption, that shall consist of a true and impartial statement of the purpose of the amendment or question in language that does not create prejudice for or against the amendment or question. The text of the statement shall be submitted to the attorney general for approval as to compliance with this requirement before being printed. In addition, the proposed charter amendment in full shall be posted in a conspicuous place in each polling place. The form in which a proposed charter amendment or question shall appear on the ballot, unless provided for in the initiatory petition, shall be determined by resolution of the legislative body, and if provided for by the initiatory petition, the legislative body may add an explanatory caption."

NOW, THEREFORE, BE IT RESOLVED, that the initiatory petition to amend the City Charter filed with the City Clerk on April 25, 2025, shall be submitted to the electors of the City at the next general state election to be held on November 4, 2025.

BE IT FURTHER RESOLVED that the form in which the proposed charter amendment question shall appear on the ballot is hereby determined to be as follows:

**PROPOSED AMENDMENT BY INITIATIVE PETITION TO THE MUSKEGON
CITY CHARTER TO ESTABLISH A 12-YEAR TERM LIMIT ON MEMBERS
OF THE CITY COMMISSION**

The Muskegon Charter would be amended to prohibit service on the Commission for terms or partial terms of more than 12 years. There are 6 former



commissioners, one current Commissioner, and the Mayor who may be ineligible to serve if the Charter amendment is enacted.

Shall the Muskegon Charter Chapter III, Section 3 be amended to add that "A person may not serve on the City Commission for terms or partial terms that combined total more than 12 years" and to state that ward elections became effective November 2, 1982?

BE IT FURTHER RESOLVED that the proposed charter amendment shall be published in the Muskegon Chronicle, and a reasonable number of copies made available to the public before the said election.

This resolution adopted:

AYES: Commissioners German, Gorman, Kochin, St.Clair, and Johnson

NAYES: None

ABSENT: Commissioners Keener and Kilgo

CITY OF MUSKEGON

By 
Ann Marie Meisch, City Clerk

STATE OF MICHIGAN
COUNTY OF MUSKEGON

I hereby certify that the foregoing is a true and complete copy of a resolution adopted at a meeting of the city commission of the City of Muskegon, Michigan, held on the 10th day of June, 2025 and that the minutes of the meeting are on file in the office of the City Clerk and are available to the public. Public notice of the meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976.


Ann Marie Meisch, City Clerk



**PARMENTER
LAW**

Visit 801 Terrace Street, Muskegon, MI 49440
Mail PO Box 788, Muskegon, MI 49443-0788
Web www.parmenterlaw.com

June 25, 2025

Governor Gretchen Whitmer
Attn: Kristina Gierhart
Executive Assistant, Governor's Legal Division
Gierhart1@michigan.gov

VIA E-MAIL ONLY

Dana Nessel
Attn: Lisa Barwick
State Operations Division
AG-SO-LocalGovCharters@michigan.gov

**Re: City of Muskegon Proposed Charter Amendment by Initiatory Petition
Amend Chapter III, Section 35 of the Muskegon City Charter**

Dear Ms. Gierhart and Ms. Barwick:

This firm represents the City of Muskegon (the "City").

Initiatory petitions have been submitted to the City Clerk, with sufficient signatures, seeking to amend Chapter III, Section 35 of the City Charter to establish a twelve-year term limit and to state that ward elections became effective November 2, 1982. The petitions did not include proposed ballot language.

Enclosed please find the following:

- 1) A copy of the front and back of the petition;
- 2) A photocopy of the current City Charter; and
- 3) A certified copy of a resolution of the City Commission adopting proposed ballot language.

I request that the Governor's office review the proposed charter amendment. I understand that even if the Governor declines to approve the charter amendment, it will be presented to the City's electorate.



I request that the Attorney General's office review the proposed ballot language for compliance with the Home Rule City's Act, specifically, MCL Section 117.21. Thank you for your assistance in this matter.

If you have any questions, please feel free to contact me.

Very truly yours,



John C. Schrier
Shareholder



Direct P: (231) 722-5401
Direct F: (231) 722-5501
Email: john@parmenterlaw.com

Enclosures

c: Jonathan Seyferth (without enclosures)
Ann Marie Meisch (without enclosures)

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30754
LANSING, MICHIGAN 48909

DANA NESSEL
ATTORNEY GENERAL

August 5, 2025

By email only

Honorable Gretchen Whitmer
Governor, State of Michigan
The George Romney Building
Lansing, MI 48909

Attention: Alexis Blane
Acting Chief Legal Counsel to the Governor

Re: **City of Muskegon – Charter Amendment proposed by Initiative
Petition**

Chapter III, Section 3 (City Commissioners; qualifications, term; holding
additional office, restriction.) – amended to establish a 12-year term limit for
service on the city commission and to state that ward elections became
effective November 2, 1982

Dear Governor Whitmer:

You have referred to this office the referenced charter amendment initiated
by a petition filed with the City of Muskegon clerk on April 25, 2025. The city clerk
has determined that the petitions are supported by a sufficient number of city
voters for submission at the November 2025 election. See Section 25 of the Home
Rule City Act (HRCA), 1909 PA 279, MCL 117.1 *et seq.*, for the signature
requirements for charter amendments proposed by an initiative petition.

The city attorney also provided a pdf copy of the front and reverse side of the
petition for this amendment, which is enclosed. In addition, the attorney provided a
resolution of the city commission adopted on June 10, 2025, approving the ballot
language for the proposed amendment.

The proposed amendment establishes a term limit prohibiting service on the
city commission for terms or partial terms of more than 12 years and states that
ward elections became effective November 2, 1982. There are six former



Honorable Gretchen Whitmer
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August 5, 2025

commissioners, one current Commissioner, and the Mayor who may be ineligible to serve if the proposed amendment is enacted.

To the extent that the proposed amendment would shorten the term of a public official because that public official already served 12 years although their current elected term had not expired, such shortening of the public official's term would be contrary to the HRCA. Section 117.5(1)(d) of the HRCA states: ". . . The term of a public official shall not be shortened or extended beyond the period for which the official is elected or appointed, unless he or she resigns or is removed for cause, if the office is held for a fixed term."

In addition, the proposed amendment would be contrary to Section 36 of the HRCA, which states that "[n]o provision of any city charter shall conflict with or contravene the provisions of any general law of the state."

However, since this proposed amendment is being proposed by an initiative petition, it is noted that if the Governor declines to approve the amendment, Section 22 of the HRCA requires the amendment to be placed on the ballot for voter approval notwithstanding the Governor's disapproval.

Review of Ballot language

The Attorney General has a separate responsibility to review proposed ballot language for compliance with the requirements of Section 21(2) of the HRCA, including being accurate, impartial, and not more than 100 words, exclusive of caption.

I have examined the ballot language for the proposed amendment as set forth in the City Commission's resolution and conclude that the ballot language conforms to the requirements of Section 21(2) of the HRCA, including being accurate, impartial, and not more than 100 words, exclusive of caption.

Sincerely,

/s/ Lisa M. Barwick

Lisa M. Barwick
Assistant Attorney General
State Operations Division
(517) 335-7573

LMB:bjb
Encs.

Honorable Gretchen Whitmer
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City of Muskegon charter amendment
August 5, 2025

Correspondence from the Governor's office dated June 25, 2025, which includes
the Initiative petition (front and reverse sides)

cc by email only with encs.:

Ann Meisch, Muskegon City Clerk, Ann.Meisch@shorelinecity.com

John Schrier, Muskegon City Attorney, john@parmenterlaw.com

Kristina Gierhart, Executive Assistant, Governor's Office,

Gierhartk1@michigan.gov

2025-0429488-B



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

GRETCHEN WHITMER
GOVERNOR

GARLIN GILCHRIST II
LT. GOVERNOR

August 11, 2025

John C. Schrier
Parmenter Law
601 Terrace St.
Muskegon, MI 49440

Re: **City of Muskegon – Proposed Charter Amendment via Initiative Petition**

Dear Mr. Schrier,

I am following up on the proposed charter amendment that you submitted to my office on June 25, 2025. The proposed charter amendment was initiated by a petition filed on April 25, 2025, with the city clerk of the City of Muskegon.

Based on the review by the Department of Attorney General, I am notifying you that I do not approve the proposed amendment pursuant to the Home Rule City Act (HRCA), 1909 PA 279, MCL 117.1 *et seq.*

As the Department of Attorney General notes in its August 5th letter, the proposed amendment, at least in part, is inconsistent with the HRCA. MCL 117.5(1)(d) of the HRCA states: "... The term of a public official shall not be shortened or extended beyond the period for which the official is elected or appointed, unless he or she resigns or is removed for cause, if the office is held for a fixed term." Section 36 of the HRCA, furthermore, states that "[n]o provision of any city charter shall conflict with or contravene the provisions of any general law of the state."

Please contact my office if you have any questions.

Sincerely,

Gretchen Whitmer
Governor

c: Attorney General's Office, State Operations Division



STATE OF MICHIGAN

IN THE 14TH CIRCUIT COURT FOR THE COUNTY OF MUSKEGON

* * *

CITY OF MUSKEGON,
a municipal corporation,

Plaintiff,

Case No. 25-_____ -CZ

HON. _____
Circuit Court Judge

v

**WEST MICHIGAN DOCK &
MARKET CORPORATION,**
a Michigan profit corporation,

and

**MUSKEGON PARTNERSHIP FOR
REASONABLE LIMITS,**

Defendants.

_____/

John C. Schrier (P36702)
Brennen Gorman (P80958)
PARMENTER LAW
Attorneys for Plaintiff
601 Terrace Street
Muskegon, MI 49440
(231) 722-1621
john@parmenterlaw.com
brennen@parmenterlaw.com

_____/

**AFFIDAVIT OF ANN MEISCH IN HER OFFICIAL CAPACITY AS CITY CLERK OF
THE CITY OF MUSKEGON**

STATE OF MICHIGAN)
) ss
COUNTY OF MUSKEGON)

I, Ann Meisch, upon being duly sworn, says that if called to testify, I could testify competently to the following facts:

1. That I have personal knowledge of the facts contained herein.



2. That I am the City Clerk for the City of Muskegon and, as City Clerk, oversee elections in the City of Muskegon.

3. The following former elected officials have served more than 8 years on the City Commission: Steve Gawron (2002 to 2021), Eric Hood (2012 to 2023), Clara Shephard (1996 to 2011), Blanche Smith (1988 to 1997), Tim Michalski (1988 to 1999), and Steve Warmington (2002 to 2012).

4. Having reviewed the City's records, as of December 31, 2025, Commissioner Willie German ("Commissioner German") will have served 13 years on the City Commission. Commissioner German's term does not conclude until December 31, 2027.

5. Having reviewed the City's records, as of December 31, 2025, Mayor Kenneth Johnson ("Mayor Johnson") will have served 12 years on the City Commission, and Commissioner Rebecca St. Clair ("Commissioner St. Clair") will have served 4 years.

6. Based upon the Unofficial Results of the November 4, 2025 election, for the position of Mayor, Mayor Johnson received 3,515 votes and Bob Garretson received 2,081 votes. The term of Mayor would commence January 1, 2026, and end December 31, 2029.

7. Based upon the Unofficial Results of the November 4, 2025 election, the Charter Amendment, which would provide that a person may not serve on the City Commission for a combined total of 12 years, was adopted with a vote of 3,292 "Yes" and 2,307 "No".

Further Affiant sayeth not.


Dated: 11-6, 2025



Ann Meisch, in Her Official Capacity as
City Clerk for the City of Muskegon

STATE OF MICHIGAN)
) ss
COUNTY OF MUSKEGON)

The foregoing instrument was acknowledged by Ann Meisch before me on this 6 day
of November, 2025.


Linda S. Potter
Notary Public, Muskegon County, MI
My Commission expires 9-25-30

STATE OF MICHIGAN

IN THE 14TH CIRCUIT COURT FOR THE COUNTY OF MUSKEGON

* * *

CITY OF MUSKEGON,
a municipal corporation,

Plaintiff,

Case No. 25-005353-CZ

HON: KENNETH S. HOOPES
Chief Circuit Court Judge

v

**WEST MICHIGAN DOCK &
MARKET CORPORATION,**
a Michigan profit corporation,

and

**MUSKEGON PARTNERSHIP FOR
REASONABLE LIMITS,**

Defendants.

John C. Schrier (P36702)
Brennen Gorman (P80958)
PARMENTER LAW
Attorneys for Plaintiff
601 Terrace Street
Muskegon, MI 49440
(231) 722-1621
john@parmenterlaw.com
brennen@parmenterlaw.com

NOTICE OF HEARING

PLEASE TAKE NOTICE that Plaintiff's **Motion for Summary Disposition Pursuant to MCR 2.116(C)(9) and MCR 2.116(C)(10)** will be brought for hearing before the Honorable Kenneth S. Hoopes in the Muskegon County Circuit Court on **Monday, December 22, 2025, at 2:00 p.m.**, in Courtroom A, 6th Floor, or via Zoom Meeting ID: 737-093-1712.

Dated: November 12, 2025

PARMENTER LAW

By: 

John C. Schrier (P36702)
Brennen J. Gorman (P80958)
Attorneys for Plaintiff