

http://www.ewashtenaw.org/government/clerk_register/elections/2017-elections/Nov-7-2017-proposals

Posted on eWashtenaw

November 7, 2017 - Proposals

WASHTENAW COUNTY - 1 Proposal

Washtenaw County Community Mental Health and Public Safety Preservation Millage

For the purposes of using the Washtenaw County Community Mental Health Department to improve the treatment of people with mental health needs, provide increased financial support for mental health crisis, stabilization and prevention, and for continued law enforcement services provided by the Washtenaw County Sheriff's Office, and for local governments which have their own police force, shall the limitations on the total amount of taxes which may be levied against taxable property within Washtenaw County, Michigan, as provided for by Section 6 of Article IX of the Michigan Constitution of 1963, be increased up to the amount of \$1.00 per thousand dollars of taxable valuation (1.0 mills) for a period of eight years, beginning with the December 1, 2018 levy and extending through the 2025 levy, which shall raise in the first year an estimated \$15,433,608.00 to be used as follows: 38% shall be allocated to Washtenaw County's Community Mental Health Department for mental health crisis, stabilization and prevention, and to meet mental health needs in an appropriate setting, thus reducing the burden on the jail and improving care; 38% shall be allocated to the Washtenaw County Sheriff's Office to ensure continued operations and increased collaboration with the mental health community; and 24% shall be allocated to jurisdictions in the County which maintain their own police force (currently Ann Arbor, Chelsea, Milan, Saline, Ypsilanti, Pittsfield Township and Northfield Township) in proportion to their respective 2016 population values?

Reference Articles

New tax could help Ann Arbor go solar, switch to electric vehicles

Updated on August 7, 2017 at 1:39 PM Posted on August 7, 2017 at 10:19 AM

http://www.mlive.com/news/ann-arbor/index.ssf/2017/08/new_tax_could_help_ann_arbor_g.html

Ann Arbor council votes 8-3 on how it'd use millions in new tax money

Updated on July 4, 2017 at 8:10 AM Posted on July 4, 2017 at 8:02 AM

http://www.mlive.com/news/ann-arbor/index.ssf/2017/07/ann_arbor_council_votes_8-3_on.html

Ann Arbor officials deciding how they'd use millions in new tax revenue

Posted on July 2, 2017 at 5:34 AM

http://www.mlive.com/news/ann-arbor/index.ssf/2017/07/ann_arbor_officials_deciding_h.html

New tax for Washtenaw police, mental health services could go to voters

Updated on June 8, 2017 at 1:21 PM Posted on June 8, 2017 at 12:31 PM

http://www.mlive.com/news/ann-arbor/index.ssf/2017/06/new_tax_for_washtenaw_police_m.html

'Community crisis' has Washtenaw County officials talking tax increase

Updated on April 21, 2017 at 1:01 PM Posted on April 21, 2017 at 1:00 PM

http://www.mlive.com/news/ann-arbor/index.ssf/2017/04/community_crisis_has_washtenaw.html

WASHTENAW COUNTY REPUBLICAN COMMITTEE RESOLUTION

2017-3

Resolution in opposition to Proposal 1, a 1 mill tax increase in Washtenaw County

WHEREAS, Washtenaw County government represents the citizens of the county, and is obligated to work within the existing budget, prioritizing the available funds, and specifically stating how proposed tax increases will be utilized;

WHEREAS, the county's proposed tax increase of 1 mill is not specific and only generally defines categories of proposed spending (see attached Property Tax Limitation Act 62 of 1933);

WHEREAS, ballot language is misleading and does not include solar arrays and climate change projects as the City of Ann Arbor states they are going to use the money for in an article published in the Ann Arbor News on August 13th, 2017. If the City of Ann Arbor wants to install solar arrays the city should consider their own tax;

WHEREAS, the proposed tax would distribute funds to the police departments in the cities of Ann Arbor, Chelsea, Milan Saline, Ypsilanti, Pittsfield Township and Northfield Township and does not consider public safety in other communities in the county that do not have police departments;

WHEREAS, the proposed 8-year tax, raising an estimated \$15.4 Million in the first year, and the proposed percentage distribution is not a legal use of tax funds and is subject to a future inability to account for the money spent because of the lack of specific spending details;

WHEREAS, the ballot proposal is illegal in multiple ways:

- Michigan law states that a millage proposal must state a "purpose", such as, constructing a new building or paying for police/fire protection. The allocation of funds to jurisdictions which maintain their own police force is not a "purpose."
- Local government can only spend taxpayer funds on things which are authorized (or fairly implied) by state law. There is no provision for the county to simply give money to another municipality.
- The "refund provision" results in non-uniform taxation as those municipalities without a police department are paying a higher tax rate than those which get the refund; this also violates current interpretations of "equal protection" in both the U.S. and Michigan constitutions.
- The refund provision also violates Article IX Section 6 of the Michigan constitution as those municipalities WITH a police department are experiencing a tax increase (the amount of the refund) without the qualified voters of JUST that municipality voting on it.
- Similarly, this could be an end-run around Charter tax limits, Ypsilanti (and maybe others) is already levying the maximum under its charter. In a previous Attorney General opinion #6729, September 2, 1992. "A school district may not enter into an agreement with a township whereby the township agrees not to levy extra-voted operating millage and the district agrees to provide the equivalent funds to the township." (see attached AG Opinion No. 6729).

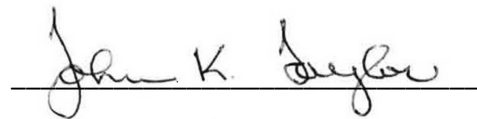
WHEREAS, the citizens of Washtenaw County have the right to decide on specific taxation spending items. If the county sees fit to present the issues of Mental Health and Public Safety before the voters they should be in separate tax proposals with specific justification for the tax increase request (see attached Michigan Election Law Act 116 of 1954);

WHEREAS, the current budget could be better prioritized to cover the county's needs;

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Republican Executive Committee is opposed to the proposed 1 mill tax and believes that citizens should vote no because it is ambiguous, not thoroughly developed and illegal.

Dated this 15th of September 2017

By Order of the Members of the Washtenaw County Republican Executive Committee

A handwritten signature in cursive script, reading "John K. Taylor", is written over a horizontal line.

John K. Taylor

Chairman

cc:

PROPERTY TAX LIMITATION ACT (EXCERPT)
Act 62 of 1933

211.203 Limitation on amount of taxes; exception as to debt service tax rates; charter or general law limitation on power to levy taxes; charter tax rates; election to increase tax rate limitation; ballots; filing certified copy of election results; effective date of increase; notice of election; "taxable value" defined.

Sec. 3.

(1) Except as otherwise provided in this section, the total amount of taxes levied against property for all purposes in any 1 year shall not exceed the limits provided by or fixed under section 6 of article IX of the state constitution of 1963, except taxes levied for the payment of interest and principal on obligations incurred before December 8, 1932, which shall be known and referred to as debt service tax rates.

(2) If a municipal corporation is limited by a provision in its charter or general law in its power to levy taxes against property for purposes authorized by law to be supported under the municipal budget, the municipal corporation shall levy the taxes under those provisions and those taxes shall be in addition to the taxes that may be levied under the limitation set forth in subsection (1). Taxes levied under this subsection shall be known and referred to as charter tax rates. If any portion of the net limitation tax rate is allocated to the municipal corporation by the board, the allocated tax rate shall be included within the total tax rate levied by the municipal corporation under this subsection.

(3) If any local unit holds an election for the purpose of increasing the total tax rate limitation, as provided for by section 6 of article IX of the state constitution of 1963, the vote at the election shall be taken by ballot and the ballots shall be cast and counted in the manner provided by the general election laws of this state. The ballots shall state the amount in dollars per thousand dollars of taxable value by which it is proposed that the total tax rate limitation on property in the local unit be increased and the number of years for which it is proposed that the increase shall be effective. If a previous increase in the total tax limitation on property is about to expire and a new increase for the identical amount levied in the immediately preceding year or a lesser amount is proposed, the ballot proposal may be presented as a renewal or continuation of the previous increase for a

specified number of years. **The ballot shall specify the intended purpose of the renewed or new funds.** The ballot may also state the purpose for which the funds derived from the voted increase over the constitutional tax rate limitation may be used, and those funds shall not be considered by the board in dividing the net limitation tax rate among the various governmental units under this act. Within 5 days after every election held in any local unit to increase the tax rate limitation, a certified copy of the official declaration of the result of the election shall be filed with the treasurer of the county or counties in which the local unit is located. The voted increase in the tax rate limitation shall be effective in the local unit only when the certified copy of the official declaration of the result of the election is filed. The notice of an election in which an increase in the total tax rate limitation is to be voted upon shall contain a statement by the county treasurer of the county or counties in which the local unit voting on the increase is located of the total of all voted increases in the total tax rate limitation, in any local units, affecting the taxable property in the local unit voting on the increase, and the years the increases are effective.

(4) As used in this section, "taxable value" means that value determined under section 27a of the general property tax act, Act No. 206 of the Public Acts of 1893, being section 211.27a of the Michigan Compiled Laws.

History: 1933, Act 62, Imd. Eff. Apr. 25, 1933 ;-- Am. 1934, 1st Ex. Sess., Act 30, Imd. Eff. Mar. 28, 1934 ;-- Am. 1947, Act 293, Eff. Oct. 11, 1947 ;-- CL 1948, 211.203 ;-- Am. 1964, Act 278, Eff. Aug. 28, 1964 ;-- Am. 1975, Act 136, Imd. Eff. July 3, 1975 ;-- Am. 1996, Act 580, Imd. Eff. Jan. 17, 1997

<http://www.ag.state.mi.us/opinion/datafiles/1990s/op06729.htm>

The following opinion is presented on-line for informational use only and does not replace the official version.
(Mich Dept of Attorney General Web Site - www.ag.state.mi.us)

STATE OF MICHIGAN

FRANK J. KELLEY, ATTORNEY GENERAL

Opinion No. 6729

September 2, 1992

SCHOOLS AND SCHOOL DISTRICTS:

Agreement to pay funds to township in return for not levying authorized millage

TOWNSHIPS:

Agreement to not levy authorized millage in return for payment from school district

A school district may not enter into an agreement with a township whereby the township agrees not to levy extra-voted operating millage and the district agrees to provide the equivalent funds to the township.

Honorable Lewis N. Dodak

State Representative

The Capitol

Lansing, MI

You have asked the following question:

May a school district enter into an agreement with a township whereby the township agrees not to levy extra-voted operating millage and the district agrees to provide the equivalent funds to the township?

I am advised that your question is based on a specific situation wherein property taxes are already being levied in one township located within the school district at the 50-mill limit established by Const1963, art 9, Sec. 6. Three of these mills are an extra-voted millage levied by the township. Because that portion of the district in the township is already at the 50-mill limit, the school district may not levy the full amount of its authorized millage in that township. Concomitantly, it cannot levy the millage solely in the remainder of the school district because to do so would violate the uniformity requirements of Const1963, art 9, Sec. 3. *East Grand Rapids School District v Kent County Tax Allocation Bd*, 415 Mich 381, 400; 330 NW2d 7 (1982). If the township did not levy its extra-voted millage, the school district would be able to levy more of its authorized millage. The additional levy by the school district would generate considerably more revenue than does the township's levy.

School districts have only such powers as the Legislature confers upon them expressly or by reasonably necessary implication. *Senghas v L'Anse Creuse Public Schools*, 368 Mich 557, 560; 118 NW2d 975 (1962). An examination of the provisions of the School Code of 1976, MCL 380.1 et seq; MSA 15.4001 et seq, and all other relevant statutes, reveals that the Legislature has not expressly authorized a school district to enter into an agreement with a township in which the township agrees not to levy its extra-voted operating millage and the school district agrees to pay the equivalent funds to the township. Historically, townships and school districts have each independently approved and levied their own extra-voted millages.

OAG, 1975-1976, No 4963, p 375 (April 8, 1976), considered a proposed expenditure quite analogous to the one proposed here. In OAG No 4963, the school district proposed to expend funds to help defray the legal fees incurred by a township in defense of valuation appeals before the Tax Tribunal. The opinion concluded that the school district had no authority to contribute to the fee of the township's attorney because he would not be representing the school district. Because of its higher millage rate, the school district actually had a greater interest in the outcome of the valuation appeal than did the township but, again, the potential benefit did not authorize the expenditure.

Subsequently, the Legislature amended the applicable statute to authorize taxing units to share in the cost of valuation appeals. OAG, 1985-1986, No 6297, p 87 (June 3, 1985), then concluded that because the Legislature had now authorized school districts to contribute funds to other units for such appeals, school districts could contribute funds to assessing units, including townships, who were engaged in valuation appeals before the Tax Tribunal or the courts.

The school district involved in your inquiry is a third-class district and is authorized by section 246(f) of the School Code of 1976 to:

Do anything not inconsistent with this act which is necessary for the proper establishment, maintenance, management, and carrying on of the public schools of the district.

This provision, however, cannot be read as a plenary grant of authority in the area of levying and collecting property taxes. In Const1963, art 9, Sec. 6, the people have authorized, inter alia, school districts and townships to levy extra-voted millage that has been approved by their respective voters. This constitutional provision has been implemented by the Legislature in the Property Tax Limitation Act, MCL 211.201 et seq, MSA 7.61 et seq. Together, these provisions spell out in considerable detail the relative authority of local units of government in the allocation and levy of property tax millages. Neither Const1963, art 9, Sec. 6, nor the Property Tax Limitation Act contain any language authorizing an agreement between a school district and a township concerning the levy or non-levy of extra-voted millage. Given this extensive constitutional and statutory framework for the levy of extra-voted millage, the broad general provisions of section 246(f) of the School Code of 1976 simply cannot be read to authorize the agreement in question since it would substantially alter the relationship between the local governmental units as set forth in the Property Tax Limitation Act. If the Legislature had intended to alter these relationships, it would have expressly so provided.

It is my opinion, therefore, that a school district may not enter into an agreement with a township whereby the township agrees not to levy extra-voted operating millage and the district agrees to provide the equivalent funds to the township.

Frank J. Kelley

Attorney General

MICHIGAN ELECTION LAW (EXCERPT)
Act 116 of 1954

168.485 Questions submitted to electors; form.

Sec. 485.

A question submitted to the electors of this state or the electors of a subdivision of this state shall, to the extent that it will not confuse the electorate, be worded so that a "yes" vote will be a vote in favor of the subject matter of the proposal or issue and a "no" vote will be a vote against the subject matter of the proposal or issue. The question shall be worded so as to apprise the voters of the subject matter of the proposal or issue, but need not be legally precise. The question shall be clearly written using words that have a common everyday meaning to the general public. The language used shall not create prejudice for or against the issue or proposal.

History: Add. 1969, Act 152, Eff. Mar. 20, 1970 ;-- Am. 1994, Act 152, Eff. Jan. 1, 1995

Popular Name: Election Code