

A RESOLUTION LEVYING A SPECIAL TAX TO KEEP EXISTING ROADS, STREETS, PATHS, BRIDGES AND CULVERTS IN REASONABLE REPAIR AND IN A CONDITION REASONABLY SAFE AND FIT FOR PUBLIC TRAVEL; PROVIDING A NON-MOTORIZED TRANSIT ALLOCATION; DIRECTING CORPORATION COUNSEL TO PROVIDE A LEGAL OPINION; AND ASKING THAT AN ATTORNEY GENERAL OPINION BE REQUESTED

WASHTENAW COUNTY BOARD OF COMMISSIONERS

May 21, 2014

WHEREAS, under Michigan law (Public Act 283 of 1909; MCLA 224.20), it is the duty of the Board of Commissioners (board) to raise a sufficient tax to keep any county roads or bridges already built in reasonable repair, and in condition reasonably safe and fit for public travel; and

WHEREAS, the unusually harsh 2013–14 winter has caused an abnormal amount of damage to existing roads, streets, paths, bridges and culverts in Washtenaw County (county); and

WHEREAS, pursuant to Public Act 283 of 1909, the Washtenaw County Board of Road Commissioners (road commission) has caused the county highway engineer to make preliminary surveys, general plans, specifications and estimates of roads, bridges and culverts in the county; and

WHEREAS, in response to the unusually harsh winter, on May 7, 2014 the County Clerk presented to the board road commission's initial 2014 determination, in advance of the board's annual meeting; and

WHEREAS, the road commission's determination keeps public roads, streets, paths, bridges and culverts already built in reasonable repair, and in condition reasonably safe and fit for public travel in the county's cities, villages and townships; and

WHEREAS, the board agrees with the road commission's determination and is considering the levy of a millage under Act 238; and

WHEREAS, the approval of this millage is not subject to the popular vote requirement of the Headlee Amendment to the State Constitution (Article IX, Section 31), because the Legislative authorization for the county road millage predates the Headlee Amendment by 69 years.

NOW THEREFORE, BE IT RESOLVED that pursuant to the authorization of Public Act 283 of 1909 (MCLA 224.20), the Washtenaw County Board of Commissioners approves a millage of 0.4 mills to be levied against all real property in the County, which will generate approximately **\$5,---,---** to be collected in December, 2014, for use in calendar years 2014 and 2015 to keep existing Washtenaw County public roads, streets, paths, bridges and culverts in reasonable repair, and in condition reasonably safe and fit for public travel; and that this levy be exempt from capture by TIF Districts or TIFAs to the greatest extent allowed by law.

FURTHERMORE, BE IT RESOLVED that the Washtenaw County Board of Commissioners agrees with Washtenaw County Road Commission's initial determination, as attached hereto and made a part hereof, and levies said millage for the purposes therein.

FURTHERMORE, BE IT RESOLVED that the Washtenaw County Board of Road Commissioners is invited to present a revised determination in accordance with Act 283 of 1909 to the Board of Commissioners at its annual meeting on September 17, 2014 for an additional levy not to exceed 0.6 mills.

FURTHERMORE, BE IT RESOLVED that Washtenaw County Corporation Counsel is directed to provide an exhaustive formal written opinion, by September 17, 2014, which clearly and convincingly details the exact mechanism under which Act 283 of 1909 taxes may be levied in excess of Article IX, Section 6 constitutional limits without a vote of the people; and that the Washtenaw County Board of Commissioners waives any attorney/client privilege concerning this opinion.

FURTHERMORE, BE IT RESOLVED that the Washtenaw County Board of Commissioners asks the county's legislative delegation, State Senators Randy Richardville and Rebekah Warren and State Representatives Gretchen Driskell, Jeff Irwin, David Rutledge and Adam Zemke, to request an Attorney General opinion regarding the ability for counties to levy a tax under Act 283 of 1909 in excess of Article IX, Section 6 constitutional limits without a vote of the people.

DETERMINATION PURSUANT TO PUBLIC ACT 283 OF 1909 (AMENDED)

WASHTENAW COUNTY ROAD COMMISSION

May 7, 2014

**District 1 — \$830,000 total**

- Scio Church Road (Wagner to I-94) — \$200,000
- Parker Road (Liberty to Jackson) — \$350,000
- Hadley Road (North Territorial to county line) — \$85,000
- Dexter-Townhall Road (Quigley to county line) — \$120,000
- Cavanaugh Lake Road (Kalmbach to Chelsea city limits) — \$75,000

**District 2 — \$850,000 total**

- Superior Road (Huron River Drive to Geddes) — \$220,000
- North Territorial Road (Curtis to Old North Territorial) — \$50,000
- North Territorial Road (Sutton to Earhart) — \$300,000
- Mast Road (North Territorial to county line) — \$60,000
- Newport Road (city limits to Maple) — \$150,000
- MacArthur Boulevard (Clark to Harris) — \$70,000

**District 3 — \$520,000 total**

- Willis Road (US-23 to Bolla) — \$150,000
- Macon/Jordan (Saline city to Willow) — \$90,000
- Scio Church Road (Wagner to I-94) — \$100,000
- Pleasant Lake Road (M-52 to Sharon Hollow) — \$180,000

**District 4 — \$640,000 total**

- Ellsworth Road (State to I-94) — \$250,000
- Golfside Road (Ellsworth to Packard) — \$100,000
- Oak Valley Drive (Lohr to Ann Arbor-Saline) — \$290,000

**Districts 5 & 6 — \$520,000 total**

- Golfside Road (Ellsworth to Packard) — \$100,000
- Willis Road (Bolla to Stony Creek) — \$90,000
- Hitchingham Road (Textile to Bemis) — \$50,000
- MacArthur Boulevard (Clark to Harris) — \$70,000
- Merritt Road (Stony Creek to half mile east) — \$150,000
- Stony Creek Road (Textile to Bemis) — \$60,000

**City of Ann Arbor (Districts 7, 8, 9) — \$2.1 million total**

- Ellsworth Road (State to I-94) — \$500,000

- Huron River Drive (Foster to city limits) — \$100,000
- Citywide resurfacing — \$1.5 million

**City of Chelsea**

- Citywide resurfacing — \$85,000

**City of Saline**

- Citywide resurfacing — \$139,000

**City of Milan**

- Citywide resurfacing — \$33,000

**City of Ypsilanti**

- Citywide resurfacing — \$113,000

**Potential additional projects based on bid savings**

- Huron River Drive (Dexter-Huron Metro Park to Mast) — \$70,000
- Seven Mile Road (Pontiac Trail to Tower) — \$25,000
- Fletcher Road (Pleasant Lake to Scio Church) — \$80,000
- Parker Road (Liberty to Scio Church) — \$30,000
- City of Ann Arbor citywide resurfacing — \$250,000
- Countywide sealcoating — \$120,000