

A RESOLUTION LEVYING A SPECIAL TAX TO REPAIR 2013–14 WINTER DAMAGE TO ROADS, STREETS AND PATHS, PROVIDING FOR THE ALLOCATION OF SUCH LEVIES, 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 the roads, streets and paths in Washtenaw 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, the County Clerk received the determination from the road commission on and presented it to the board on November 21, 2013; and

WHEREAS, the board is considering the levy of this millage to repair the damage to the roads, streets, and paths caused by the 2013–14 winter; 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 1.0 mills to be levied against all real property in the County, which will generate approximately **\$14,341,548** to be collected in December, 2014, for use in calendar years 2014 and 2015 to repair 2013–14 winter damage to the roads, streets and paths in Washtenaw County; 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 allocates 50% of gross revenue generated by this levy for repairs in that city, village or township which generated such revenue, and that this allocation be reduced by any amounts captured by tax increment finance authorities in that municipality.

FURTHERMORE, BE IT RESOLVED that the Washtenaw County Board of Commissioners allocates 10% of the revenue remaining after the net allocations to municipalities to repair winter damage to non-motorized transportation infrastructure throughout the county.

FURTHERMORE, BE IT RESOLVED that the Washtenaw County Board of Commissioners allocates the remaining revenue to repair winter damage throughout the county based on extent of the damage, and impact to the traveling public.

FURTHERMORE, BE IT RESOLVED that Washtenaw County Corporation Counsel is directed to provide an exhaustive formal written opinion, by September 30, 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.

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