



**ACME TOWNSHIP
PUBLIC SAFETY CITIZENS ADVISORY COMMITTEE
Monday, June 27, 2005, 8:00 a.m.
Acme Township Hall
6042 Acme Road, Williamsburg MI 49690**

Meeting called to Order at 8:07 a.m.

Members present: P. Collins (Chair), L. Andres, D. Hoxsie, J. Maitland, W. Mervau, D. Nelson, D. Smith
Members excused: None
Staff present: S. Corpe, Office & Planning Coordinator/Recording Secretary
C. Bzdok, Township Counsel

- A. **Correspondence:** None
- B. **Reports:** None
- C. **Limited Public Comment:** None
- D. **New Business:**

- 1. **Discussion of status/options for fire service funding pursuant to Police & Fire Protection Act 81 and Act 33 with Chris Bzdok:** Collins stated that the delay between meetings allowed for time to do some research through MTA regarding when an election could be held and if a new fire district were set up, what would happen to the existing millage adopted in 1975. We received a copy of the ballot language from 1975 and learned that the existing millage is in the form of a fire district adopted under PA 33. East Bay Township had a similar circumstance to ours, whereby the people voted to create a fire district under PA 33 with an upper limit on the amount of the millage. However, East Bay has also received a legal opinion from it's counsel, Dick Ford, that limiting the amount of millage to be levied (other than the statutory limitation of 10 mills) is not authorized by law. Collins and Corpe passed this information along for Bzdok's interpretation in Acme's specific situation.

Bzdok finds that in 1975 a fire district was formed and the ballot language limited the annual millage amount to 1 mill. The annual meetings to review the fire budget and establish the necessary millage to levy have not been held for a long time. Bzdok agrees with Mr. Ford that the ballot language conflicted with statute, and therefore statute would override. However, the ballot language was written the way it was and people voted on it that way, so ignoring the limit even if it shouldn't exist may not be a good solution.

Bzdok's recommendation to the township would be that the best course of action would be to rescind the existing fire district and replace it with a new one that is worded to meet the statutory requirements and provide for flexibility within those limits on an annual basis. Both actions could be encompassed in one Board resolution subject to the right of the public to petition for referendum. Without placing extra-statutory limitations in the resolution, the Board is free to express a non-binding intent as to the general amount they intend to levy.

Maitland asked when Mr. Ford's opinion was rendered; it was 2001, 20 years after East Bay Township originally created its fire district. Maitland said that his father died in 1975 and he became Supervisor, so he "inherited" the Fire Commission. For several years it met, but after a few years it stopped meeting and just decided to levy 1 full mill/year. He also perceives that since the Fire Fund budget is adopted as part of the overall budget each year, the requirements for an annual decision as to the levy have essentially been met. There was an unintentional mistake in his administration. Maitland feels that even though our situation is somewhat "sloppy," it would be a mistake to hold a new election, as it might appear that we don't agree with Mr. Ford's legal opinion. He would favor having the Board pass a resolution amending the 1975 fire district language rather than holding a new election. Bzdok stated that this is a legally-justifiable option, but it would be a little "cleaner" to start fresh with a new fire district. It was 30 years ago that the public adopted the current fire millage with the improper language, but the public did adopt it so setting a portion of the voted language aside might not be palatable.

Nelson asked if the additional 0.5 mill levy for the past 5 years has complicated the issue; Bzdok replied it has not. Hoxsie asked what will happen to that levy; Corpe noted it will expire after one final collection with the Winter 2005 tax bills.

Maitland is concerned with what would happen if a new fire district were put to a vote and were defeated. Bzdok stated that there are benefits and drawbacks to either approach. Amending the old language could cause public concern, but setting it aside and seeking a vote on new language creates a risk of failure. Maitland leans towards the second method because it leaves open the possibility of public vote if the people are so motivated.

Motion by Maitland, support by Andres to recommend to the Board of Trustees that the Public Safety Advisory Committee has found that the 1975 millage was adopted pursuant to PA 33 which allows for collection of between 1 and 10 mills, and that the Committee recommends that the Board adopt a resolution to rescind the 1975 PA 33 fire district and create a new fire district pursuant to PA 33 without any millage capping language, making the question subject to the public right of referendum.

Bzdok recommended that an intended level of funding for the first year be indicated in the resolution. Nelson noted that the public needs to be educated that there will be a fire board (perhaps this committee) that will review the Metro Fire budget and Acme's requested participation annually. Maitland feels that while technically the existing fire district would be rescinded and recreated, the entire process is really an attempt to clarify what has already occurred. Bzdok recommended that he draft a proposed Board resolution for the Advisory to review before forwarding to the Board.

Nelson asked what the risk would be of simply clarifying the language of the existing fire district. The public could become angry and seek either to sue the township or to take political action against the Board. There would be no public right of referendum, so the context of the lawsuit would be to allege that the township has violated the nature of the existing fire district.

If the Board acts as the Advisory recommends, a referendum would require petition by 10% of the property owners residing in the proposed fire district. The resolution

will be drafted so that the proposed new fire district will supercede the existing one if adopted, so if a referendum defeated the resolution the existing fire district would remain in effect. There would still be a funding gap left by the expiration of the additional half mill that would have to be addressed.

Smith wondered if it would be better to wait until after the first of the year to take action. We are set to collect the fire district millage and the additional millage this December, and he would not want to jeopardize those collections. The balance of the committee is concerned that waiting that long could expose the township to a lack of available fire funds between the December collection and any additional solution.

Bzdok clarified that the proposed new fire district will include the entire township as the current fire district does. The committee does not feel it can give an expectation at this time as to how much will be collected in the first year. Bzdok recommends that some feel for this be developed soon, as it may be comforting to the public.

Motion carried unanimously.

Bzdok will have a proposed resolution drafted by the end of the week. The Committee hopes to have the question on the next Board agenda for the July 12 meeting.

E. Public Comment/Other Business:

Metro Fire Chief Wayne Hanna wanted to be certain that the committee understands that the amount of millage to be levied pursuant to the fire district is not arbitrary; it is driven by the annual portion of the Metro Fire budget Acme pays. The levy should be enough to cover the annual budget need each year.

Metro Fire Deputy Chief Pat Parker noted that the Fire Board would hold an annual public hearing at which people could voice their thoughts about the proposed Metro Fire budget and annual millage levy. The Fire Board will make a recommendation to the Township Board, which will ultimately make the decision. This is how it works in East Bay Township. There is an annual process that involves public input. Metro Fire's strategic plan is aggressive, calling for up to 5 new fire stations and more paid staffing at existing and new stations.

F. Old Business:

1. Approve minutes of the April 11, 2005 meeting:

Motion by Hoxsie, support by Nelson to approve the minutes of the April 11, 2005 meeting as presented. Motion carried unanimously.

Meeting adjourned at 8:55 a.m.