
Subject: Follow-Up - September 28 Public Safety Special Assessment Resolutions

From Jeff Henry <>

Date Sat 9/26/2026 10:06 AM

To TFIG URA@ MI KAM EYERS.COM <>

Cc Kaitlyn Aldrich <kaldrich@ci.ludington.mi.us>; dlluskin@ci.ludington.mi.us <dlluskin@ci.ludington.mi.us>

Dear City Attorney Figura,

Thank you for considering my September 24 request concerning the legal authority governing the proposed Public Safety Special Assessment.

I have now reviewed the September 28 City Council agenda packet. Proposed Public Safety Special Assessment District Resolutions Nos. 3 and 4 expressly cite **1951 PA 33 ("Act 33"), as amended, and Chapter 42 of the Ludington City Code.**

That appears to clarify at least part of my earlier question. The September 14 Resolution No. 2, reproduced in the September 28 packet, cited the Home Rule City Act and Chapter 42 rather than PA 33.

Because the first public hearing is Monday, I would appreciate clarification of four remaining questions if reasonably possible before the hearing:

- 1. Change in authority.** Why does proposed Resolution No. 3 expressly invoke PA 33 when Resolution No. 2 adopted September 14 relied upon the Home Rule City Act and Chapter 42? Does the City regard this as a change in governing authority, a clarification of existing authority, or something else?
- 2. Petition/objection procedures.** If the proposed assessment proceeds under PA 33 and Chapter 42, how does the City believe PA 33's provision concerning a petition by owners of 10% of the land interacts with Chapter 42's provision concerning written objections by owners of more than one-third of the land? Which rights and thresholds apply to the proposed Public Safety Special Assessment?
- 3. Annual versus bi-annual determination.** Proposed Resolution No. 3 establishes a ten-year district and provides for redetermination of costs bi-annually on or before October 1 every other year. PA 33 provides that the amount to be assessed for police and fire protection is to be determined annually and that a hearing is to be held concerning estimated costs and distribution of the levy. Additionally, the proposed notice attached to Resolution No. 4 itself states that costs may be redetermined annually. How does the City reconcile these provisions?
- 4. Special-benefit finding.** Proposed Resolution No. 3 finds that the benefits of police and fire protection will be shared in proportion to the value of taxable real and personal property and therefore proposes an ad valorem assessment based on taxable value. What factual or legal basis supports the determination that the special benefit provided to each assessed property is proportional to its taxable value?

I am not asking you to prepare an extensive legal memorandum over the weekend. A brief response identifying the City's position and any authority upon which it relies would be helpful to understanding the proposal before Monday's hearing.

As with my earlier correspondence, I intend to make any substantive response available in full so that the City's legal position is represented accurately.

Thank you,

Jefferson Henry