

Outlook

Subject: Request for Clarification of Legal Authority — Proposed Public Safety Special Assessment

From jffhenry@comcast.net <> Date Thu

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To TFIGURA@MIKAMEYERS.COM <>

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

Dear City Attorney Figueroa,

I am writing to request clarification regarding the legal authority and procedure governing the proposed City of Ludington Public Safety Special Assessment District currently scheduled for public hearing on September 28, 2026.

I have reviewed the materials the City has made available concerning the proposed special assessments, including the July Plante Moran presentation, the City's August special-assessment informational materials, the August 24 City Council proceedings, the September Public Safety Special Assessment Report and proposed Resolution No. 2, and the September 14 City Council proceedings.

I am not writing to argue for or against the proposed assessment. I am trying to understand the legal framework under which the City is presently proceeding so that the public record is clear before the September 28 hearing.

Earlier materials appear to identify **Public Act 33 of 1951** as the statutory mechanism contemplated for a police and fire special assessment. The City's August informational materials also discuss PA 33 and the petition procedure associated with an assessment imposed under that Act.

However, Public Safety Special Assessment District Resolution No. 2 presented to City Council on September 14 instead states that the proposed assessment is being pursued pursuant to the **Home Rule City Act, Act 279 of 1909, and Chapter 42 of the Ludington City Code**. The resolution applies the Chapter 42 procedure involving written objections from record owners of more than one-third of the land proposed to be assessed.

I have not located in the materials or Council discussions an explanation of the change between those two frameworks.

Would you please clarify the following:

- 1. What statutory authority presently governs the proposed Public Safety Special Assessment?** Is the City proceeding pursuant to Public Act 33 of 1951, the Home Rule City Act and Chapter 42 of the Ludington City Code, or some combination of those authorities?
- 2. If PA 33 does not govern the proposed assessment, why did the City's earlier informational materials and the Plante Moran presentation identify PA 33 as the mechanism for a public-safety special assessment, and when was the decision made to proceed under a different authority?**
- 3. Which objection or petition procedure does the City believe governs the proposed Public Safety Special Assessment?** Specifically, does the City believe the PA 33 provision concerning a petition by owners of 10% of the land applies, or does the City believe Chapter 42's procedure concerning objections by record owners of more than one-third of the land applies?
- 4. Resolution No. 2 describes recurring fire and police protection, including maintenance and operation of the police and fire departments and the purchasing and operation of police and fire equipment,** as the proposed "public improvements." If the City is proceeding under the Home Rule City Act and Chapter 42

rather than PA 33, **what statutory provision or other legal authority does the City rely upon for assessing these recurring citywide police and fire operating expenses as a public improvement through a citywide special assessment?**

5. The Public Safety Special Assessment Report states that police and fire protection provide **"broad community-wide benefits."** What legal standard does the City intend to use to determine the special benefit to the individual properties assessed, and how will that benefit relate to the amount assessed against each property?
6. Please also clarify **which properties are legally exempt from the proposed Public Safety Special Assessment and the statutory basis for those exemptions**, particularly in light of the different treatment of exempt property that may result depending upon the statutory authority used.

I am asking these questions now because the September 28 hearing concerns the proposed district and the necessity of the assessment. Clarifying the governing legal authority and objection procedure before that hearing would allow property owners to understand the process and their rights accurately.

If there is a written legal opinion, memorandum, resolution, statute, case authority, or other public document that addresses these questions, please feel free to identify or provide that material in lieu of preparing a lengthy response.

I would appreciate a response, if reasonably possible, before the September 28 public hearing.

Thank you for your time and assistance.

Sincerely,

Jefferson Henry