



Library Millages: From the Ballot Language to the Ballot Box

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Getting Started

- What Authority Does the Library Have to Request or Levy a Millage?



Authority: District Libraries

- Section 13 of the District Library Act provides authority:
 - "All or part of the money necessary for the establishment and operation of district library may be supplied by a tax levied by the district library on the taxable value of property in the district."
 - The district-wide levy must not exceed four (4) mills.
 - Two (2) mills in perpetuity.
 - Anything above two (2) mills must be levied for not more than twenty (20) years.



Authority: District Libraries

- If district wide levy, the entire district must be levying the same millage. This becomes important if participating municipality joins district after initial establishment.
- District Library Board establishes the amount and duration for the millage. District Library Board submits questions to voters.



Authority: Section 10 and 10a PA 164 Libraries

- Village or Township Library Under Section 10; Cities under Section 10a
 - 50 voters of an incorporated township, village or city present to the clerk of the village or township a petition asking for a tax to be levied to establish a free public library in the village, township or city.
 - Tax may be for unlimited duration or specify the number of years.
 - Vote on in the next regular election after petition.
 - Not more than 2 mills.
 - Then, village, township or city levies the millage and deposits it in dedicated Library Fund.
 - After initial millage, Library Board determines when and how much to renew within 2 mill limitation.



Authority: Section 1 of PA 164 City Libraries

- City may levy up to one mill without a vote of the public (unless otherwise prevented by City Charter).
- May ask for a second mill if the voters approve the increase.
- Not within the discretion of Library Board; city council makes the decision.



Authority: County Libraries

- The amount agreed to be paid for such service under such contract and the amount which the board may appropriate for the purpose of establishing and maintaining a public library shall be a charge upon the county and the board may annually levy a tax on the taxable property of the county, to be levied and collected in like manner as other taxes in said county and paid to the county treasurer of said county and to be known as the library fund.



How Much?

- Consider other revenue sources.
 - State Aid
 - Penal fines
 - Gifts and endowments
 - Private donations or capital campaigns
 - General fund donations
 - For district libraries, other funds stated in District Library Agreement
 - Contracts
 - User fees



Developing Ballot Language

- Michigan law has very specific requirements for ballot language.
- Public Act 248 of 1999 provided that specific information must be contained on all ballot proposals.



Ballot Language

- ***The millage rate to be authorized.***
 - Amount is expressed in "mills."
 - A mill is 1/10th of a cent. In millage language, the public body describes the mills in terms of how much it will levy per \$1,000 of taxable value.
 - Example: one (1) mill is \$1.00 per \$1,000 of taxable value
 - Example: ½ mill is \$.50 per \$1,000 of taxable value.
 - Make sure "written" description matches "numbers."
 - Often use "in an amount not to exceed" to allow the Library to actually levy a lower amount if the amount collected would greatly exceed the amount needed for the year.



Ballot Language

- ***The estimated amount of revenue that will be collected in the first year that the millage is authorized and levied.***
 - This amount should also be expressed in terms of taxable value.
 - Consider the year in which the millage will first be levied and authorized.



Ballot Language

- *The duration of the millage in years.*
 - Recommend using number of years and dates. For example, "for a period of twenty (20) years, 2011 to 2030 inclusive."
 - Some Libraries may only levy a millage or portion of millage for a maximum of twenty (20) years. Other libraries may be limited by charter. Ask your Library attorney for assistance regarding limitations on millage durations.



Ballot Language

- Consider the year that the Library desires the initial levy.
 - For example: The Library may be concerned about voter approval of a millage renewal. The Library's last levy of a previously authorized millage will occur in December 2011. The Library decided to hold an election in November 2011 to vote on a ten year millage renewal. The Library's millage language must indicate that the initial levy will occur in 2012 and the last year will be 2021.
 - The Library must submit its millage amount to be levied to the County Clerk. That certification is due before September 30 each year. However, if a millage election is held at the November general election, Michigan law permits local units to levy the millage in December of that year. The Library should consult with the attorney and the county to verify that any millage approved at elections held after the time needed to submit the tax certification by September 30 may be levied in that year.
 - Libraries should always consult with local units to make sure that they have the ability to levy. For example, some cities are required by charter to only levy in the summer.



Ballot Language

- *A clear statement of the purpose for the millage*
 - Michigan law provides that funds raised from a millage may not be used for any purpose other than specifically set forth in the ballot language. OAG, 1955-1956, p 501, 503 (October 3, 1955).
 - For District Libraries, the ballot often states language that the funds collected shall be used for all purposes permitted by District Library law.
 - For other types of libraries, must be more specific so that the township, village or city may only use the money for library purposes.



Ballot Language

- Example of common problem: We want to use money to operate a new building, but our ballot language only provides money for the "construction" of the new library. Can we use the money for the operation of the library?
 - Use of funds for operation would likely be subject to challenge.
 - Excess funds would have to be held in escrow for a use permitted under the ballot language.
 - A "fix" to the problem is to anticipate other uses. For example, if the library is building a new branch and the millage is levied to allow the new branch to become fully functional, the Library may want to request a millage for "constructing, equipping and operating" the building.



Ballot Language

- Example of common problem: Two years ago, the voters approved a millage for 10 years to operate the "John Doe Branch of the New Town District Library." Now, we are considering closing the branch. Can we use the millage funds for other Library purposes?
 - Again, the Library may be subject to challenge to if the money is used for other purposes than the John Doe Branch.
 - A "fix" would be to make the language more general, for example, "to operate any branch of the New Town District Library."



Ballot Language

- Example of a common problem: We just asked voters for an operating millage last year, but the money is not going to be enough and we have to reduce the hours the library is open, can we ask for an additional millage to increase hours of operation?
 - Yes (as long as it is still within authorized amount), but the money may only be used to add additional hours to the then-current library schedule.
 - Many libraries intentionally make the millage purpose language narrow, for example to build a new building, so that voters will understand that the millage is only to be used for a specific limited purpose.



Ballot Language

- ***A clear statement indicating whether the proposed millage is a renewal of a previously authorized millage or the authorization of a new additional millage.***
 - Renewal.
 - Must be a true renewal of the millage as last levied.
 - By way of example, if the voters authorized a millage of 1 mill years ago, but it has been reduced to .87, the "renewal" must only be a "renewal" of .87.
 - To restore the full mill, the voters must also ask for an additional "new millage" of .13 mill.



Ballot Language

- New millage
 - Any millage that is not a renewal (i.e. Headlee Override).
 - Do not have to indicate whether any other millages.



Ballot Language

- ***The ballot shall fully disclose each local unit of government to which the revenue from that millage will be disbursed.***
 - "Local unit of government" means a county, city, village, township, school district, intermediate school district, community college district, public library, or local authority created under state law.
 - Includes any "authority" such as the Downtown Development Authority, Local Development Financing Authority, and Brownfield Redevelopment authorities.



Ballot Language

- Intended to ensure voters know that the certain entities may "capture" the millage.
- Voter education is very important in dealing with this issue.



Ballot Language

- Do we need one or two questions?
- MCL 211.24f provides that "[a] taxing unit that levies millage under this act shall not submit a single question to the electors of the taxing unit requesting both the renewal of voter authorized millage and the authorization of new additional millage if the new additional millage is greater than .5 mill."



Ballot Language

- Two Questions:
- Example: Renewal of millage, including Headlee rollback.
 - Our library previously approved 1.5 mills for 20 years. The millage expires this year. The Library currently levies .97 mill due to the Headlee Amendment. If we want to ask for the restoration of the 1.5 mills, do we need one or two questions?
 - Answer: Two questions are needed because the library must ask for a renewal of .97 mill and additional new millage of .53 mill to recover the amount reduced by Headlee. The new millage exceeds .5 mill, so two questions are required.



Ballot Language

- One Question
- Example: The Library desires to ask voters for a renewal of previously authorized millage and ask for amount lost due to Headlee amendment.
 - Question: Our Library needs to renew a previously authorized millage. The Library has an expiring millage that was 1.00 mill when voted, but has been reduced to .90 mill.
 - The Library can ask the voters to "renew" the .90 mill and approve an additional .10 mill in one question since the "new" millage is less than .5 mill.



Ballot Language

- The Library must adopt a resolution to place ballot question on election.
- Only two millage elections can take place within one calendar year. For, cities, townships and villages, please verify that your proposed election date is permissible.



Election Dates

○ IMPORTANT ELECTION DATES AND ISSUES

- Ballots requesting a local proposal must be certified by the County Clerk **70 days** before the election. We recommend 70 days at a minimum for all elections so there is no chance of error. The Secretary of State published an election calendar for each election so library should consult that document for specific deadline.
- Always verify deadlines with County Clerk and make sure millage language is approved.
- Actual Language should be approved by resolution of the Library Board.
- For District Libraries, determine if County Clerk or School District Election Coordinator is running the election.
- Four election dates in February, May, August or November.



Marketing the Millage

- Michigan Campaign Finance Laws apply to library millage elections.
 - Libraries may not use public funds to campaign for voters to "Vote Yes!" on the millage.
 - Seek Attorney review of your millage materials.
 - Treat those who are campaigning for the millage the same as those who are campaigning against the millage.
 - Do not give out patron lists to any person or party to conduct a millage campaign. Such distribution would violate the Library Privacy Act.



Marketing the Millage

- Ballot Question Committees
 - If a group desires to spend over \$500.00 promoting the campaign, a ballot question committee should be formed.
 - This committee must be independent from the Library.
 - BQC's can tell voters to "Vote Yes!"



Questions?

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