

**Oakland Township Library Board**

**NOTICE: SPECIAL MEETING & DRAFT AGENDA – COMMITTEE OF THE WHOLE**

**An Open Meeting,**

**Board Member Discussion and Review of Agenda Item(s) Only, No Video Broadcast**

Thursday, May 16, 2019 – Approximately 7:30 p.m. *Following adjournment of 7:00 p.m.  
regular meeting on the same date.*

Oakland Township Hall, 4393 Collins Road

**DRAFT AGENDA**

**A CALL TO ORDER**

1 Call to Order and Roll Call.

Henry Carels, Patricia Gonser, Marisa Kallie, Andrew Parker, Carolyn Phelps, Michael Tyler

2 Pledge of Allegiance. (Dispense: Included at prior regular meeting.)

3 Public Comment.

4 Agenda.

**B DISCUSSION and PROCEDURAL REVIEW – NO DECISION**

1 Considerations Related To Placing a Special Election Ballot Before Oakland Township Electors in November, 2018, Requesting Additional Authorized Tax Millage for Library Purposes: Tyler.

**C MEMBER OTHER COMMENTS**

**D ADJOURN:**

## MEMORANDUM

DATE: May 12, 2019

TO: Oakland Township Library Board

FROM: Michael Tyler, President

SUBJECT: Following Documents

In preparation for the discussion described in the agenda for this meeting, I have attached a number of documents for your review.

**About Headlee Millage Reductions, Page 4.** This page copies relevant portions from two documents. The top is from the instruction memo sent out by the State Tax Commission to assessors and financial officials describing how the millage reduction fraction is to be calculated each year. The bottom portion is the section in state law that mandates that the Millage Reduction Fraction for each year must be multiplied by all of the millage reduction fractions of prior years. Both sections note that the maximum permissible yearly and compounded reduction fractions may not exceed 1.0000.

**Oakland Township Library Board, Page 5.** I received notice from the Township that our item for inclusion in the Township's spring newsletter should be submitted by May 6<sup>th</sup>. The expected publication date is the first week in June. Working with newsletter committee chair, Pat Gonser, I wrote this piece as a way to inform all residents of Oakland Township about the fact that there may be a millage election this November. The focus is on the background of OTLB's many years of being served by RHPL and OTLB's role in placing such a proposal before all of the voters. There is a lot of background material and I may be referring back to it.

**Summary of Possible Millage Election Outcomes, Page 9.** This is a very generic matrix of what may be expected of the four possible election outcomes, combining OTLB and RHPL. Where it states, "OTLB Disapproved," that would also include the situation if OTLB chose not to place the question on the ballot in the first place.

**The General Property Tax Act, Page 10.** This is the portion of the law that states some of the minimum requirements for any millage ballot proposal. I have re-formatted it with some bullets and underlining for clarity and emphasis. The very small print is language that is not relevant to the current situation.

At the bottom is the language the mandates that once a tax rate is reduced by Headlee, that rate is the new maximum rate for that particular tax. For example, OTLB actually has two taxes approved at different times, originally 0.8000 and 0.2000. Now with compounded Headlee reductions they are, 0.4741 and 0.1182 which is considered their current maximum tax rate.

**Draft Sample Ballot Question, Page 11.** Some variation in ballot language is permitted provided the minimum requirements are met. On the top is the current ballot proposal language being considered by RHPL. In contrast below is language use by the Bloomfield Township Library in 2014. The proposal passed.

**Oakland Township Public Library, Page 12.** A ballot proposal consists of more than the language of the proposal. An attorney usually draws up a formal resolution that includes the ballot language and other language to make sure everything is done legally. This is the entire resolution drafted by our attorney for the millage renewal placed before the voters in 2010. For the proposed millage ballot this November, a similar resolution would be requested of our attorney. It is worth noting that recently both the OTLB attorney and the RHPL attorney have clarified that submitting the proposal to the local governing board is not legally required. The newsletter article at page 7, lines 5 – 13, quotes the law portion of PA 164 that is the basis for their clarification.

**Michigan Elections – Disclosure Division, Page 16.** The Michigan Campaign Finance Act spells out that public resources may not be used to advocate for or against the outcome of a ballot proposal. This is a publication from the office of the Secretary of State with the rules that implement the law's mandate.

**Renewal and Restatement of Agreement, Page 23.** This is a copy of the current agreement RHPL.

## ***ABOUT HEADLEE MILLAGE REDUCTIONS***

***A: Excerpt from Michigan State Tax Commission (STC) Bulletin 3 of 2019 February 12, 2019 Page 4 of 17***

### **B. 2019 Millage Reduction Fraction (MRF) Formula Required by MCL 211.34d**

The Headlee millage reduction fraction intends that, ignoring additions and losses, any current operating millage must be reduced if it would produce more tax dollars, adjusted for inflation, than it did last year. While this calculation may result in a millage reduction fraction that is less than 1.0000, it cannot exceed 1.0000.

#### **1. 2019 formula for calculating the “Headlee” MRF:**

The following formula in general terms shall be used in 2019 for calculating the MRF:

$$\text{MRF} = \frac{(\text{prior year's taxable value} - \text{losses}) \times \text{inflation rate multiplier}}{\text{current year's taxable value} - \text{additions}}$$

The following is the MRF formula stated in terms that are specific to its use in 2019:

$$\text{2019 MRF} = \frac{(\text{2018 taxable value} - \text{losses}) \times 1.024}{\text{2019 taxable value} - \text{additions}}$$

### **B: Act 206 of 1893 211.34d (*emphasis M Tyler*).**

(8) The **compounded** millage reduction fraction shall be calculated by multiplying the local unit's previous year's compounded millage reduction fraction by the current year's millage reduction fraction. The compounded millage reduction fraction for the year shall be multiplied by the **maximum** millage rate authorized by law or charter for the unit of local government for the year, except as provided by subsection (9). A compounded millage reduction fraction **shall not exceed 1**.

(9) The millage reduction shall be determined separately for authorized millage approved by the voters. ...

(10) A millage reduction fraction shall be applied separately to the aggregate maximum millage rate authorized by a charter **and to each maximum millage rate authorized by state law for a specific purpose.**

*(i.e. PA 164 – M Tyler)*

# OAKLAND TOWNSHIP LIBRARY BOARD

## A BIG DECISION TO BE MADE SOON BY THE OAKLAND TOWNSHIP LIBRARY BOARD

### **Introduction and Some History.**

This November the Rochester Hills Public Library (RHPL) is seeking voter approval of an additional 0.31 mills in property taxes. That's in Rochester Hills. How does that affect the 53 year relationship between RHPL and the Oakland Township residents served by RHPL? A big decision faces the Oakland Township Library Board (OTLB). First some history:

In 1966 Oakland Township contracted with Avon Township public Library (now RHPL) to provide services to Township residents that lived within the Rochester School District. The relationship varied considerably over time. For a while Township residents were required to purchase library cards to pay for the service they received.

In 1980, Township voters considered a ballot question requesting approval of up to an 0.80 mill property tax for library services, and the creation of an elected library board to administer the millage, with "all as provided pursuant to Act 164 of the Public Acts of 1877, as amended?" The ballot question was approved by a 60% margin and the Oakland Township Library Board (OTLB) was created. Since then, the contract for library services for Township residents has been between RHPL and OTLB. (PA 164 in its entirety is posted on the OTLB portion of the Township website.)

# OAKLAND TOWNSHIP LIBRARY BOARD

1 In 1986, an additional 0.2 mills was voter approved by a margin of 65% voting  
2 yes. The ballot question provided that the total amount to be levied each year was,  
3 “to be determined by the elected library board...”  
4

5 For several years following the 1986 additional millage approval, Oakland  
6 Township’s library taxes were divided among three libraries, RHPL, Orion  
7 Township Public Library, and Romeo District Library, based upon the population  
8 residing within the three school districts that include portions of Oakland  
9 Township.  
10

11 Dividing the taxes among the three libraries ended in 1991. The OTLB and RHPL  
12 entered into a contract. RHPL became the one library serving all Oakland  
13 Township residents and all Township residents would received the same services  
14 as residents of Rochester Hills. RHPL and OTLB further agreed that each would  
15 levy 1.0 mill to fund the agreement, (Headlee reduced). RHPL also similarly  
16 contracted with the City of Rochester for 1.0 mill equivalency which is paid from  
17 its General Fund, not a separate millage.  
18

19 For the past 28 years, the three communities have been served based on the  
20 principle established by the agreement of service parity and funding parity. The  
21 RHPL Board is placing a 0.31 mill proposal on the Rochester Hills November  
22 ballot and to continue service and funding parity, the RHPL requests that a similar  
23 measure to be placed on the November ballot in Oakland Township  
24

## 25 **A Quick Look At The Law.**

26 Quoted below are three key sentences from PA 164:

## OAKLAND TOWNSHIP LIBRARY BOARD

1       *Sec. 5. The governing board has exclusive control of the expenditure of all*  
2       *money collected to the credit of the library fund,...[ellipses mine]*

3       *The governing board shall carry out the spirit and intent of this act in*  
4       *establishing and maintaining a public library and reading room.*

5       *Sec. 10c. (1) If a city, village, or township has voted on, approved, and*  
6       *established a library pursuant to this act and the governing board by resolution*  
7       *determines that the estimate of the amount of money necessary for the support and*  
8       *maintenance of the library exceeds the previously authorized millage or that, if the*  
9       *previously authorized millage was approved for a specific number of years, the*  
10      *millage should be renewed, the question of increasing the library millage to not*  
11      *more than 2 mills or of renewing the millage **shall be placed on the ballot***  
12      *[emphasis mine] for approval at the next regular annual election for that city,*  
13      *village, or township or at a special election for that city, village, or township.*  
14

### 15   **THE BIG DECISION FACING THE OAKLAND TOWNSHIP LIBRARY** 16   **BOARD**

17   As provided by law, RHPL has taken the initiative and placed a millage proposal  
18   on the ballot. That vote will only be in Rochester Hills.  
19

20   The six elected members of OTLB must consider and decide whether to place a  
21   similar measure before the voters here in Oakland Township. If the OTLB  
22   approves putting a similar question on the ballot, all voters in the Township will  
23   decide the fate of the proposal by voting yes or no.  
24

25   The OTLB may not approve a millage question. But OTLB may decide not to  
26   place the proposal on the ballot in the first place. Should the OTLB not approve

## OAKLAND TOWNSHIP LIBRARY BOARD

1 putting the question on the ballot there will be no election. Having no election in  
2 effect is the same as holding an election and majority of electors vote no.

3

4 The purpose of this article has been to focus on the big decision facing OTLB,  
5 whether or not to place the millage proposal on the ballot, and not on the  
6 consequences of potential election outcomes: both communities vote yes; both vote  
7 no; one votes yes, and the other votes no. A very important discussion to be sure,  
8 but best held in the fall.



SUMMARY OF POSSIBLE MILLAGE ELECTION OUTCOMES	
Election Results	Relationship Outcome
OTLB: <b>Approved</b> — RHPL: <b>Approved</b>	RHPL uses added revenue to implement proposed added library service for residents of Rochester Hills, Oakland Township, and City of Rochester.
OTLB: Disapproved — RHPL: Disapproved	Current conditions continue – <i>1 mill Headlee reduced.</i>
OTLB: Disapproved — RHPL: <b>Approved</b>	Renegotiate agreement to reflect change.
OTLB: <b>Approved</b> — RHPL: Disapproved	Current conditions continue – <i>1 mill Headlee reduced.</i> Or, renegotiate agreement.

1 **THE GENERAL PROPERTY TAX ACT – Act 206 of 1893**

2 *(Reformatted for clarity M.Tyler)*

3  
4 **211.34d (11)** A unit of local government may submit to the voters for  
5 their approval the levy in that year of a tax rate in excess of the limit set  
6 by this section [*i.e., Headlee reductions- mpt*].

- 7     • The ballot question shall ask the voters to approve the levy of a  
8       specific number of mills in excess of the limit.  
9  
10    • The provisions of this section do not allow the levy of a millage  
11      rate in excess of the maximum rate authorized by law or charter.  
12  
13    • If the authorization to levy millage expires after 1993 and a local  
14      governmental unit is asking voters to renew the authorization to  
15      levy the millage, the ballot question shall ask for renewed  
16      authorization for the number of expiring mills as reduced by the  
17      millage reduction required by this section.

18  
19     ...If the election occurs before June 1 of a year, the millage reduction is based on the immediately  
20     preceding year's millage reduction applicable to that millage. If the election occurs after May 31 of a  
21     year, the millage reduction shall be based on that year's millage reduction applicable to that millage  
22     had it not expired.  
23  
24  
25

26 **211.34d (16)** Beginning with taxes levied in 1994, the millage reduction  
27 required by section 31 of article IX of the state constitution of 1963 shall  
28 permanently reduce the maximum rate or rates authorized by law or  
29 charter.

**DRAFT SAMPLE BALLOT QUESTION FOR  
ROCHESTER HILLS PUBLIC LIBRARY**

Shall the limitation on the amount of taxes which may be imposed on taxable property within the City of Rochester Hills be increased by \$0.31 per thousand dollars (0.31 mills) on all taxable property in the City of Rochester Hills for a period of ten (10) years, beginning in the year 2019 and ending in the year 2028, inclusive, as new additional millage for the purpose of providing library funds for the Rochester Hills Public Library? It is estimated that 0.31 mills would raise approximately \$\_\_\_\_\_ when first levied with the December 1, 2019 levy.

**COMPARE: BLOOMFIELD TOWNSHIP BALLOT PROPOSAL FOR  
NOVEMBER, 2014** *(Reformatted for clarity M Tyler)*

SHALL THE LIMITATION ON TAXES WHICH MAY BE IMPOSED EACH YEAR FOR LIBRARY PURPOSES UPON TAXABLE PROPERTY IN THE CHARTER TOWNSHIP OF BLOOMFIELD, COUNTY OF OAKLAND, MICHIGAN, BE INCREASED IN AN AMOUNT NOT TO EXCEED 0.5410 MILLS (\$0.5410 PER \$1,000 OF TAXABLE VALUE) FOR A PERIOD OF TEN (10) YEARS, 2014 TO 2023, INCLUSIVE,

- AS A NEW ADDITIONAL MILLAGE, OF WHICH
- .2946 MILLS OF THE INCREASE IS TO RESTORE THE ORIGINAL AUGUST 10, 1982 1 MILL LEVY, WHICH HAD BEEN REDUCED TO .7054 MILLS BY THE REQUIRED MILLAGE ROLLBACKS AND
- .0338 MILLS IS TO RESTORE THE AUGUST 6, 2002 .7874 MILL LEVY, WHICH HAD BEEN REDUCED TO .7536 MILLS BY THE REQUIRED MILLAGE ROLLBACKS.
- THE REMAINING .2126 MILLS OF THE PROPOSED .5410 IS A MILLAGE TO PROVIDE ADDITIONAL LIBRARY FUNDS FOR ALL LIBRARY PURPOSES AUTHORIZED BY LAW FOR THE BLOOMFIELD TOWNSHIP PUBLIC LIBRARY.

IT IS ESTIMATED THAT THIS PROPOSAL WOULD RESULT IN THE AUTHORIZATION TO COLLECT \$1,756,004.00 IN THE FIRST YEAR IF APPROVED AND FULLY LEVIED.

**OAKLAND TOWNSHIP PUBLIC LIBRARY**  
**RESOLUTION TO APPROVE LIBRARY BALLOT**  
**LANGUAGE PROPOSAL**

At a special meeting of the Board of Trustees of Oakland Charter Township Public Library ("Library"), Oakland County, Michigan, held at the Library on the 29<sup>th</sup> day of April 2010 at \_\_\_\_\_ p.m.

PRESENT: \_\_\_\_\_

\_\_\_\_\_

ABSENT: \_\_\_\_\_

\_\_\_\_\_

The following Resolution was offered by \_\_\_\_\_  
\_\_\_\_\_ and seconded by \_\_\_\_\_.

WHEREAS, the Charter Township of Oakland Township Public Library is a township library organized under 1877 PA 164 ("Act 164") serving the residents of Oakland Charter Township; and

WHEREAS, the Library Board has determined that the amount of money necessary for the support and maintenance of library service for Oakland Township residents must be renewed; and

WHEREAS, the Library Board currently contracts with the Rochester Hills Public Library to provides service for Oakland Charter Township residents

WHEREAS, pursuant to 1877 PA 164, the Library is requesting that the question of renewing the Library millage of not more than .4971 mill shall be placed on the ballot at the election occurring on August 3, 2010; and

WHEREAS, the Library Board is requesting that Oakland Charter Township levy a tax in an amount not to exceed .4971 mill for a period of twenty (20) years beginning in the year 2010 to provide funds for purpose of providing library service as directed by the Charter Township of Oakland Public Library and for all other library purposes authorized by law; and

WHEREAS, the Library Board has determined that placing the millage request on the ballot at the August 3, 2010 election is in the best interests of the health, safety and welfare of the Township residents.

THEREFORE, the Library Board of the Oakland Township Public Library, Oakland County, resolves as follows:

1. The Library Board resolves to request that Oakland Charter Township present to the electors of the Township at the August 3, 2010 election a proposed renewal in the amount of ad valorem taxes as described in the ballot language attached as Exhibit A.
2. The Secretary of the Library Board is authorized and directed to promptly submit this resolution along with the above ballot language and a proposed Resolution attached as Exhibit B to the Township Clerk so that the Township may approve a resolution to include the attached millage proposal on the August 3, 2010 election ballot.
3. Any resolution inconsistent with this resolution is hereby rescinded.

ADOPTED:

YEAS: \_\_\_\_\_

NAYS: \_\_\_\_\_

STATE OF MICHIGAN                    )  
  )  
COUNTY OF OAKLAND                )

I, the undersigned, the duly qualified and acting Secretary of the Oakland Township Public Library Board, Oakland County, Michigan, DO HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Library Board of said Township Library at a special meeting held on the 29<sup>th</sup> day of April 2010.

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Secretary  
Oakland Township Public Library

## **EXHIBIT A**

### **OAKLAND CHARTER TOWNSHIP**

#### **LIBRARY MILLAGE RENEWAL PROPOSAL**

Shall the expired previously voted increase in charter millage and tax limitation imposed under Article IX, Sec. 6 of the Michigan Constitution on general ad valorem taxes within the Charter Township of Oakland, Oakland County, Michigan, be renewed for said Township in an amount not to exceed .4971 mill (\$.4971 on each \$1,000.00 of taxable value) for a period of twenty (20) years, 2010 to 2029 inclusive, for the purpose of providing library service for the residents of Oakland Charter Township as authorized by the Charter Township of Oakland Public Library and for all other library purposes authorized by law; and shall the Township levy such renewal in millage for said purpose; the estimate of the revenue the Township will collect if the millage is approved and levied by the Township in the 2010 calendar year is approximately \$ 460,000? A portion of the revenue collected may be distributed to the Rochester Hills Public Library pursuant to contract.

Yes ☐

No ☐

# Michigan Elections - Disclosure Division -

## Appendix I

### USE OF PUBLIC FACILITIES, FUNDS, ETC. PROHIBITED

***An injunction issued on February 5, 2016 by U. S. District Judge John Corbett O'Meara, from the U.S. District Court in Ann Arbor prevents the enforcement of PA 269 of 2015 as it affects [Section 57](#) of the MCFA only.*** As a result, 57(3) is not in effect.

[Section 57](#) of the Michigan Campaign Finance Act (MCFA) stipulates a public body or person acting for a public body **must not use or authorize the use of public funds or resources** to make a contribution or expenditure to further the nomination or election of a candidate or the qualification, passage or defeat of a ballot question. [Section 57](#) of the MCFA does not restrict the constitutionally protected right to associate or to engage in political speech. It is intended to prevent those who control public resources from using those resources to influence the outcome of an election. It is up to the people and not public bodies to decide elections. A public body is prohibited in participating in elections for:

- State and Local Ballot Questions
- Federal Candidates
- State Candidates
- Local Candidates

This means that a public body cannot contribute to or make expenditures on behalf of committee's registered to support or oppose candidates and ballot questions. This prohibition includes Candidate Committees, Ballot Question Committees, PACS, Super PACS and Political Party Committees nor can a public body make independent expenditures to influence voters in an election.

#### **A public body is:**

- A state agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government.
- The legislature or an agency, board, commission or council in the legislative branch of state government.
- A county, city, township, village, intercounty, intercity, or regional board; a council, school district, special district, or municipal corporation; or a board, department, commission, or council or an agency of a board, department, commission, or council.
- Any other body that is created by state or local authority or is primarily



funded by or through state or local authority, which body exercises governmental or proprietary authority or performs a government or proprietary function.

## **EXAMPLES OF PROHIBITED USES**

The prohibition includes, but is not limited to the use of personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, provide volunteer personal services or other public resources.

- A public body is prohibited from displaying political signs, brochures, pamphlets, etc in any governmental building or government property.
- Public officeholders and other public bodies are prohibited from using their office email and phones for campaign purposes.

## **Payroll Deduction Prohibition**

The prohibition includes using or authorizing the use of public resources to establish or administer a payroll deduction plan to directly or indirectly collect or deliver a contribution to or make an expenditure for a committee. Advance payment or reimbursement to a public body does not cure a use of public resources.

## **EXEMPTIONS**

The prohibition does not apply to any of the following:

- The expression of views by an elected or appointed public official who has policy-making responsibilities.
- The production or dissemination of factual information concerning issues relevant to the function of the public body.
- The production or dissemination of debates, interviews, commentary, or information by a broadcasting station, newspaper, magazine, or other periodical or publication in the regular course of broadcasting or publication. This exemption does not apply to the dissemination of an advertisement of a candidate.
- The use of a public facility owned or leased by or on behalf of a public body if any candidate or committee has an equal opportunity to use the public facility.
- The use of a public facility owned or leased by or on behalf of a public body if that facility is primarily used as a family dwelling and is not used to conduct a fund raising event.
- An elected or appointed public official or an employee of a public body who, when not acting for a public body but is on his or her own personal time, is expressing his or her own personal views, is expending his or her own personal funds, or is providing his or her own personal volunteer services.

### Special notes:

- The mere act of voting on a resolution that encompasses matters at a meeting does not constitute a misuse of public resources within the meaning of [Section 57](#). A public body may record the resolution in the meeting minutes as required by the Open Meetings Act and may disseminate copies of those minutes in its regular course of publication.
- Public facilities that are rented to committees for use, may display the committee function on the facility marquee without violating [section 57](#) as long as any candidate or committee has an equal opportunity to use the facility and the marquee is use equally for all events.
- Public facilities and resources can be used for public forums and public education on candidate elections and ballot questions provided the public resources are not used to influence the outcome of the election and views of all candidates and views of both supporters and opponents of a ballot question are treated equally.

## PENALTIES

A person who knowingly violates this section is guilty of a misdemeanor punishable, if the person is an individual, by a fine of not more than \$1,000.00 or imprisonment for not more than 1 year, or both, or if the person is not an individual, by one of the following, whichever is greater: (a.) A fine of not more than \$20,000.00 or (b.) A fine equal to the amount of the improper contribution or expenditure.

## OTHER PROHIBITIONS OF THE MCFA

For a more complete listing of prohibitions covered under the MCFA see [Appendix O](#); Prohibited Contributions.

## COMPLAINTS

If you believe a violation of any provision of the MCFA has occurred, the law provides for a specific process that can be followed to file a complaint. A [Complaint Process Form](#) has been created to assist you with filing a complaint.

## FAQs

**What is a public body?** A public body is:

- A state agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government.
- The legislature or an agency, board, commission or council in the legislative branch of state government.
- A county, city, township, village, intercounty, intercity, or regional board; a council, school district, special district, or municipal

corporation; or a board, department, commission, or council or an agency of a board, department, commission, or council.

- Any other body that is created by state or local authority or is primarily funded by or through state or local authority, which body exercises governmental or proprietary authority or performs a government or proprietary function.

**What activities are exempt from [Section 57](#)?** [Section 57](#) is not intended to squash the constitutional right to free speech by public officials or public bodies, but rather ensure that public resources are not used to influence elections. That decision must be left to the voters. Therefore, the prohibition does not apply to any of the following:

- The expression of views by an elected or appointed public official who has policy-making responsibilities.
- The production or dissemination of factual information concerning issues relevant to the function of the public body.
- The production or dissemination of debates, interviews, commentary, or information by a broadcasting station, newspaper, magazine, or other periodical or publication in the regular course of broadcasting or publication. This exemption does not apply to the dissemination of an advertisement of a candidate.
- The use of a public facility owned or leased by or on behalf of a public body if any candidate or committee has an equal opportunity to use the public facility.
- The use of a public facility owned or leased by or on behalf of a public body if that facility is primarily used as a family dwelling and is not used to conduct a fund raising event.
- An elected or appointed public official or an employee of a public body who, when not acting for a public body but is on his or her own personal time, is expressing his or her own personal views, is expending his or her own personal funds, or is providing his or her own personal volunteer services.

**What constitutes express advocacy?** A violation occurs when a public body uses public funds to send out a communications that contains words of express advocacy. A communication contains express advocacy when it contains the words “vote for”, “elect”, “support”, “cast your ballot for”, “Smith for governor”, “vote against”, “defeat”, or “reject”. These are often referred to as the “magic words.” While these are the most common terms of express advocacy and provided in Section 6 of the MCFA, other terms may be considered to fall into the definition of express advocacy. Each communication must be considered carefully to ensure that it does not violate the express advocacy prohibition.

**Can a public official insert fliers with express advocacy in an established mailing such as tax bill?** No. A public body must not use any public resources paid for with public funds to influence voters. Providing

factual information that does not contain words or express advocacy does not violate the MCFA. However, it is not recommended as it may result in a complaint. While the mailing may not result in any additional cost in postage or envelopes this is not relevant and does not mitigate the violation. The entire cost of the mailing and any staff time or other resources used to stuff and handling the mailing is considered a misuse of the resources.

**Can a public official use the office telephone for campaign**

**purposes?** No. A public official should not use his public office telephone or any phone paid for with public funds to campaign or advertise it as a way of contacting the public official for campaign purposes. Any time spent answering campaign phone calls diverts attention for the ordinary business of the public body and is permanently lost. Additionally, any staff time answering and transferring campaign related phone calls also causes the loss of time to the county. Any of this activity would result in a prohibited expenditure of public resources.

**Can a public official use the office email for campaign purposes?**

No. A public official should not use his public office email system paid for with public funds to campaign or advertise it as a way of contacting the public official for campaign purposes. Any time spent answering emails calls diverts attention for the ordinary business of the public body and is permanently lost. Additionally, any staff time reading, handling or transferring campaign related emails also causes the loss of time to the county. Any of this activity would result in a prohibited expenditure of public resources.

**Can a public official use pictures taken in the public office and/or wearing their official uniform?** Maybe. A public body violates the MCFA by expending its resources for prohibited campaign activity. The expenditure of public funds must have “ascertainable monetary value” in order to meet this threshold. There is no ascertainable monetary value in connection with a picture being taken in a public office. In addition, [Section 57](#) of the MCFA contains an exception that allows the use of a public facility if any candidate has the same opportunity to use that facility.

**Can a public official campaign in their uniform?** Maybe. A public body violates the MCFA by expending its resources for prohibited campaign activity. The expenditure of public funds must have “ascertainable monetary value” in order to meet this threshold. There is no ascertainable monetary value in connection with a public official wearing a uniform. In addition, some public officials are asked to purchase their own uniforms. In this case, no public resources are involved.

**Can a public official campaign using a publicly funded vehicle such as a patrol car?** No. A publicly funded vehicle such as a patrol car must not be used to campaign. The prohibition would extend to attending campaign events, transporting campaign materials or any other exclusively campaign related use.

**Can a public official campaign while on publicly paid time?** No. At no time can a public official campaign when being paid to work. A public official must use personal time or accrued leave time to campaign during working hours. Public officials that are on call, but not actively working and not being paid are considered to be on personal time unless and until they are called to duty.

**Can a public official use official letterhead for campaign purposes?** No. A public official cannot use official letterhead of the public body to campaign for himself/herself or any other candidate.

**Can a public official endorse another candidate?** Yes. An endorsement in and of itself has no value. However, the public official cannot use public resources to promote or advertise the endorsement of himself or any other candidate.

**Can a public official use public resources if the cost is reimbursed to the public body?** No. A violation of the MCFA occurs at the point that the resources are used and reimbursement to the public body does not cure the violation.

**Can campaign signs be placed on public property or displayed in public buildings?** Maybe. Campaign signs should not be placed on public owned or leased property unless the opportunity exists for any and all candidates and committees. This practice extends to placing brochures in a public building. However, this practice is highly discouraged as it leads to complaints. It further puts the public body at risk of violating the MCFA inadvertently. It is recommended that the public body establish clear and written policies on the use of public facilities for campaign purposes.

**On election day, can signs be placed on public property if the building is a polling place?** Polling locations (including those on public property) on election day must allow campaigning outside of the 100 foot rule. This means that within 100 feet of any door to the building, campaigning and signs are not allowed. However, outside of 100 feet campaigning must be allowed. However, the public body has the authority to allow or disallow signs being left on the property as long as the decision is enforced equally during the hours the polls are open.

**I see signs on public property, can I take them down?** Only the owner or administrator with the authority to remove signs may do so. The members of the general public without permission do not have the authority to remove the signs.

**Can a public facility be used for a candidate meet and greet or ballot question informational meeting?** Yes. Public facilities and resources can be used for public forums and public education on candidate elections and ballot questions provided the public resources are not used to influence the outcome of the election and views of all candidates and views of

both supporters and opponents of a ballot question are treated equally.

**I think a violation has occurred, can I file a complaint?** Yes. If you believe a violation of any provision of the MCFA has occurred, the law provides for a specific process that can be followed to file a complaint. A Complaint Process Form has been created to assist you with filing a complaint.

**Do I need evidence of the violation to file a complaint?** Yes, a complaint that is not substantiated with evidence will be dismissed. Evidence can be in the form of pictures, videos, receipts or vouchers or anything else that substantiates the allegations.

## **ADDITIONAL RESOURCES**

### **[RULINGS AND INTERPRETIVE STATEMENTS](#)**

## **QUESTIONS?**

### **[Contact Us](#)**

**RENEWAL AND RESTATEMENT OF AGREEMENT  
FOR LIBRARY SERVICES  
FOR THE CHARTER TOWNSHIP OF OAKLAND**

THIS AGREEMENT is made and entered into this 11th day of February, 2002 by and between the Charter Township of Oakland Public Library Board (also known under its Bylaws as the "Board of Trustees of the Oakland Township Public Library" and hereinafter referred to as the "OTPLB") and the Rochester Hills Public Library Board (hereinafter referred to as the "RHPLB").

RECITALS

WHEREAS, the RHPLB operates a public library, established in 1924 under Michigan Public Act 164 of 1877 as amended (hereinafter referred to as "Act 164"), for the use and benefit of the residents of the City of Rochester Hills; and

WHEREAS, there are no public library facilities located in the Charter Township of Oakland (hereinafter referred to as "Oakland Township"), and Oakland Township, through its duly elected Library Board, desires to provide library services to its residents, and is authorized by Act 164 to do so; and

WHEREAS, the RHPLB or its predecessor has provided library services to residents of Oakland Township since 1966 and most recently through an agreement between the parties dated October 25, 1993 and effective April 1, 1993 (hereinafter referred to as the "1993 Contract"); and

WHEREAS, the RHPLB is willing to continue to provide full library services to the residents of Oakland Township in accordance with the terms and conditions hereinafter set forth, and is authorized by Act 164 to do so; and



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WHEREAS, since 1993, it has been the historical intent of the undersigned parties in their prior agreements that the amounts to be paid to the RHPLB for library service be based upon an original commitment in 1993 by the OTPLB to pay a one (1) mill Headlee reduced millage for library services (i.e., the same rate as the City of Rochester Hills and the City of Rochester); and

WHEREAS, in keeping with this intent, the amounts to be paid by Oakland Township to the RHPLB for library service under this restated agreement reflect the impact of Article IX, Sections 6 and 25 through 34 of the Michigan Constitution (hereinafter referred to as the "Headlee Amendment"), the yearly applications of which have reduced the tax rate used to calculate the sums due under the 1993 Contract, and reflect the future applications of the Headlee Amendment which shall be applied to said tax rate; and

WHEREAS, Oakland Township voters approved library millages of 0.2 mill in 1986 and 0.5490 mill in 2000; and

WHEREAS, said 1986 and 2000 millages for all intents and purposes meet the aforementioned commitment; and

WHEREAS, the OTPLB and the RHPLB have agreed to renew and restate the 1993 Contract in the manner set forth below; and

WHEREAS, this agreement is authorized pursuant to Act 164;

NOW, THEREFORE, THE PARTIES AGREE THAT THE 1993 CONTRACT IS HEREBY RENEWED AND RESTATED IN ITS ENTIRETY AS FOLLOWS:

1. The recitals set forth above are incorporated herein by this reference and made a part hereof as if fully set forth herein.



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2. Commencing on April 1, 2002, the RHPLB agrees to permit all residents of Oakland Township the use and benefit of the collections, facilities, programs and all other services provided at or by the Rochester Hills Public Library (hereinafter referred to as the "Library") in the same manner, and subject to the same Library rules, policies and regulations, as are residents of the City of Rochester Hills.

3. Upon application and proper identification, residents of Oakland Township shall be issued library cards and shall be entitled to the same rights and privileges as are Library cardholder residents of the City of Rochester Hills. As used in this agreement, the term "residents" will include all persons residing within or owning real property located within the designated municipality and all persons employed and working at an established location of employment within the designated municipality.

4. In consideration of the library services provided to Oakland Township residents under this Agreement, the amount to be paid to the RHPLB for each term of this Agreement shall equal the Oakland Township Library Millages from the year 1986 0.2 voter approved millage and from the year 2000 0.5490 voter approved millage, as reduced by the Headlee Amendment, for each dollar of the total taxable valuation of all real and personal property in Oakland Township, except that captured for other purposes. The taxable valuation and Headlee reduced millage applicable with respect to any given term of this Agreement shall be the taxable valuation and Headlee reduced millage effective for tax bills issued and payable the previous December.

5. If, during the term of this agreement, the RHPLB should voluntarily reduce the library operating millage rate levied on Rochester Hills, the same percentage reduction will also apply to the library millage rate in Oakland Township.

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6. Contract payments shall be payable in three (3) equal installments on April 1, July 1 and October 1, during each term of this contract.

7. In addition to the above aforementioned sums, any state penal fines and state aid attributable to Oakland Township and appropriated for library purposes shall be paid to the RHPLB. The previous sentence shall not in any way affect or prohibit the OTPLB from applying for, retaining or using state funding for the construction of a library in Oakland Township.

8. This agreement shall become effective on the 1<sup>st</sup> day of April, 2002, for an initial term of one (1) year and shall be automatically extended, thereafter, for one-year terms of April 1 - March 31. Either party may terminate this agreement effective at the end of any given term by giving written notice to the other party at least six (6) months prior to the end of such term or by the non-renewal of an Oakland Township Library Millage unless the OTPLB notifies the RHPLB within ninety (90) days of any such non-renewal that it has secured or will secure other funds in an amount sufficient to make the payments required under this Agreement for one (1) or more additional terms.

9. Following the close of each fiscal year of the Library during the term of this agreement, the RHPLB shall provide the OTPLB with a copy of the final financial audit of the Library's operating accounts within thirty (30) days of the date such audit has been certified by its independent accountants. Such audit information shall include, or shall be supplemented by the Library administration to include, a breakdown of the amounts of State aid, penal fines and tax millage revenues attributable to the designated municipalities for the given fiscal year.

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10. The RHPLB shall also provide the OTPLB with a copy of the Library's annual report and usage data for Oakland Township within thirty (30) days of the date the audit to be provided under Paragraph 9, above, has been certified. Such annual report and Oakland Township usage data shall include the number of residents of the designated municipalities who are cardholders at the beginning and end of the Library's fiscal year, the number of such cardholders who checked out materials at least once during the fiscal year, the number of items checked out by Oakland Township cardholders during the fiscal year according to township section, and the number of residents of the designated municipalities who attended or participated in children or adult programs for which there is a residency requirement during the fiscal year. The information to be provided under this paragraph is intended to assist the OTPLB in having a fair and reasonable opportunity to evaluate the costs and benefits achieved under this agreement for the residents of Oakland Township. Recognizing that the effective date for any termination of this Agreement is April 1 and the Library's fiscal year runs through December 31, in the event of a termination of this Agreement, the RHPLB shall be obligated to provide the information under this Paragraph for the months of January through March of the year the contract terminates, within 30 days of the date the audit has been certified for the year any termination becomes effective.

11. Following the close of each fiscal year of the OTPLB during the term of this agreement, the OTPLB shall provide the RHPLB with a copy of its budget and its financial statement or audit within thirty (30) days of the date such statement or audit has been completed.

12. The RHPLB and the OTPLB mutually agree to provide each other with a copy of the official minutes of the open session meetings of their respective Boards. 13. This Agreement is the sole agreement between the parties which relates to provision of library



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services. No modification of this Agreement shall be effective unless made by an amendment in writing executed by authorized persons on behalf of the parties.

IN WITNESS WHEREOF, this agreement has been formally approved and executed on behalf of each of the parties hereto by their duly authorized representatives on the day above first written.

**CHARTER TOWNSHIP OF OAKLAND PUBLIC LIBRARY BOARD**  
(Also known under its Bylaws as the "Board of Trustees of the Oakland Township Public Library")

By *Diane L. Krueger*  
Diane L. Krueger, President

By *Suzanne B. Dobbelstein*  
Suzanne B. Dobbelstein, Secretary

**ROCHESTER HILLS PUBLIC LIBRARY BOARD**

By *Douglas A. Tully*  
Douglas A. Tully, President

By *Madge Lawson*  
MADGE LAWSON, Secretary

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