

Bond Case Briefs

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BALLOT INITIATIVE - MICHIGAN

Citizens Action Group of Plymouth Tp. v. Charter Tp. of Plymouth

Court of Appeals of Michigan - December 13, 2012 - Not Reported in N.W.2d - 2012 WL 6217051

On appeal, Citizen's Action Group argued that a writ of mandamus should be issued requiring Township to place on an election ballot the language stated in the petitions of the owners of more than 10 percent of the land in the Township, proposing under MCL 41.801(3) the creation of a special assessment district comprised of the entire Township, excluding tax exempt property, to raise funds for fire protection and emergency medical services. Plaintiff contended that the question submitted to voters should be framed exactly as it was in the landowner petitions, including the amount and duration of the special assessment.

However, plaintiff's counsel conceded in a hearing that the Township Board had the authority to prepare the language that appears on the ballot and that the Board could change and remedy the language stated on the landowner petitions. Plaintiff's counsel made these concessions during a discussion of the very point in contention on appeal, i.e., whether the special assessment would be for one million or up to 10 million, when defense counsel raised this precise issue at the hearing. Accordingly, because plaintiff's counsel expressly agreed that the Township Board could change the language from the petitions and prepare the language that appears on the ballot, plaintiff cannot take a contrary position on appeal.