

# Tax fighters pleased

## Court: City violated Headlee Amendment

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Tax foes hailed a Michigan Supreme Court decision that declared Lansing's storm water service charge is really a tax that violates the Headlee Amendment to the state constitution.

"Because Lansing did not submit Ordinance 925 to a vote of the people as required by the Headlee amendment, the storm water service charge is unconstitutional and, therefore, null and void," said Justice Elizabeth Weaver in a 4-3 decision.

"We've been watching this case for three years," said a pleased Bill McMaster, Birmingham-area public relations man and chair (voluntary) of Taxpayers United.

McMaster did the PR work in 1978 when Richard Headlee, then a Farmington Hills insurance executive, led the committee that won voter approval of a tax limitation amendment. The six-section package now is commonly called the "Headlee Amendment." Headlee is now retired in Utah.

Weaver was joined by Justices James Brickley, Clifford Taylor and Marilyn Kelly.

The legal question was whether the charge was a "user

fee" or a "tax" that is subject to the Headlee Amendment. Headlee's Sec. 31 prohibits local units from increasing a tax rate not authorized by the charter "without the approval of a majority of the qualified electors."

Dissenters said Weaver's opinion "subjects these (other) cities to future legal challenges and wreaks havoc with the state's water sewage and water disposal system."

Weaver said the charge is not a fee because there is no regulatory purpose and wasn't proportionate to the costs of the service. Lansing sought to fund 50 percent of a \$176 million program to control combined (storm and sanitary) sewer overflows over 30 years.

Because 63 percent of the cost was a capital expenditure, she wrote, "This constitutes an investment in infrastructure as opposed to a fee designed simply to defray the costs of a regulatory activity."

Weaver added that "the charges imposed do not correspond to the benefits conferred," hence the charge wasn't a fee. The program assessed all property owners, but only 25 percent would get the benefit of the CSO program. "A true 'fee,' however, is not designed to confer benefits on the general public, but rather to benefit the particular person

on whom it is imposed."

Weaver said the Headlee Amendment has "no bright-line test" to distinguish a tax from a user fee. She urged the Legislature to write one. Dissenters agreed that the distinction is murky.

Lansing's council passed Ordinance 925 in 1995 to abate pollution of the Grand and Red Cedar rivers.

The suit was brought by Lansing resident Alexander Bolt in the Court of Appeals, where Judges Henry Sand of Birmingham and the late Myron Wahls of Detroit ruled against him. Bolt then appealed to the Supreme Court.

Dissenting were Justices Patricia Boyle, Michael Cavanagh and Chief Justice Conrad Mallett Jr. They agreed with the Court of Appeals that the charge is a fee.

They noted that Lansing was required under the National Pollutant Discharge Elimination Standards program to obtain a federal permit. They found the city had power under the state Revenue Bond Act to make public improvements, including sewers.

Boyle said the charge doesn't raise general fund revenue and is based on parcel size and "hydraulic area." She quoted the

U.S. Circuit Court of Appeals in saying "cities deserve some flexibility and leniency when courts define 'user' to compensate for the storm water systems." And she noted that the city granted 100 percent credits to some landowners who showed they contributed no rainwater to the CSO system.

The court split across party lines. The majority included Republican nominees Weaver, Brickley and Taylor and Democratic nominees Kelly, Dissenters Boyle, Cavanagh and Mallett are all Democratic nominees.

The Michigan Municipal League and city of Ann Arbor contributed amicus briefs on behalf of Lansing. Bolt's view was supported by Citizens to Abolish the Rain Tax Ordinance.

# Weighty matters on agenda at Meadow Brook's program

Yvonne Moses will address weight management during an eight-week program at Oakland University's Meadow Brook Health Enhancement Institute, starting Jan. 25.

Participants will be shown how to manage behavior that leads to inappropriate eating. Participants also keep a diet diary and exercise log to help identify patterns that trigger eating.

The \$50 fee includes a health risk appraisal. A health professional then will discuss the test results, analyzing risks for coronary artery disease or other degenerative diseases.

The class is offered two or three times a year for adults 18 and older. Most participants are 30-60, Moses said.

Oakland University is in Rochester Hills.

Participants meet 6-7:15 p.m. Mondays, starting Jan. 25. The fee for the public is \$100; the \$50 health risk appraisal is optional. Registration and fees are due Jan. 21. For further information, contact Moses at (248) 370-4523 or (248) 370-3198.

# Winter puts pets at great risk, says Humane Society

Michigan Humane Society investigators have encountered eight dogs literally frozen to death this season.

Although MHS has been warning pet owners about the dangers of severely cold weather for weeks now, some people still aren't getting the message,

according to the organization's community relations director, Michele Mitchell.

"Many people, in cities and rural areas alike, still believe a dog can survive outdoors simply because he has a fur coat. But when wind chills dip below zero, no animals should be left outside for long periods of time," Mitchell said.

"If your dog must be outside for any length of time, he has to have solid, dry shelter and a constant supply of unfrozen drinking water. Even with shelter, dogs left out can suffer from frostbite, hypothermia, or worse."

Besides the eight deaths, countless other dogs suffered injuries due to exposure to the cold.

Under state law, any owner

who fails to provide adequate shelter for a pet can be charged with animal cruelty.

The MHS asks anyone who suspects a stray dog or cat is at risk to call or bring the animal to your local shelter or the MHS. If you suspect that an owned animal is being left outside without proper care call your local animal control agency or contact the Michigan Humane Society cruelty investigation hotline at (313) 872-3401.

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# Meeting set

Alan Rosenbaum, MD, a research psychiatrist, will speak on "New Approaches to Treatment of Bipolar Disorder," at a meeting of The Alliance for the Mentally Ill 7:30 p.m. Thursday, Jan. 28.

Bipolar Disorder is a medical term for manic depression.

The meeting will be held in the Administration Building, Room ABW1 (lower level) at Beaumont Hospital, Royal Oak. Parking is available across from the Administration Building.

For more information, call (248) 557-6440.

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Wednesday, March 24, 1999  
11:00 a.m. - 7 p.m.



Observer & Eccentric and HomeTown Newspapers Job Fair, September 1998

★ "Great Job! Well organized!"—Kohl's Department Store  
★ "We received 400 resumes; thought it was great."—Employment Connections Personnel  
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★ "The advertising was wonderful, we were very pleased with the turn-out."—Performance Personnel

These are just a few of the positive comments we received following our first Job Fair in September '98.

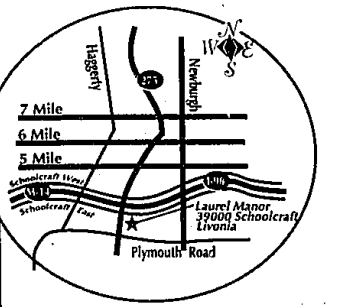
This March, you will have an opportunity to participate in our second, which promises to be even better.

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  - A QUARTER PAGE AD IN OUR OFFICIAL JOB FAIR SUPPLEMENT with distribution to more than 255,000 households
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Plan for our next Job Fair on Wednesday, September 22, 1999!