

Silver Creek Township
Weed Control/Lake SAD - Summary 2020

- Special Assessments for weed control/lakes are handled under PA 188 of 1954.
- Magician Lake, Indian Lake and Dewey Lake have separate special assessments which are due to expire in 2020 or 2021. Each of these lakes has an active lake association that may or may not represent all of the property owners in the respective special assessment district. The Silver Creek Township Board recognizes that, by and large, the lake associations more intimately involved in the weed status and particular needs of their lake and, as a result, can provide a better understanding as to what is specifically needed in order to maintain and/or improve the quality of the lake.
- Likewise, the lake associations should understand that the Township is the entity undertaking any improvement project and is responsible for overseeing it and following the noticing and approval procedures for special assessments as required by PA 188 of 1954. Additionally, the Township is responsible for the collection of special assessment funds and for disbursing them in accordance with the approved “plan”.

Commencement of Process –

On February 12, 2020 the Silver Creek Township Board adopted a resolution indicating that it would accept petitions of owners representing at least 51% of the land mass in a proposed special assessment district. Members of a lake association or any other interested parties may circulate the petition. A sample petition has been provided and circulators should take care to make sure that the signatures and printed information is legible.

By requiring petitions, the Township Board, has evidence of majority support of the benefitted property owners for the creation of the special assessment district and the funding for the project. Without the 51% support petitions, the board could elect to go forward on its own motion; however, those in opposition would need only 20% petitions to block the SAD.

Benefit of Special Assessment—

Special assessments can be spread over a period of years and are placed onto the property tax bills. Unpaid special assessments can be treated as “delinquent”. The undertaking of any special assessment by the Township is voluntary; it cannot be required by the petition process.

Timelines--

- In order to place special assessments on winter tax bills, the Township must have all of its documentation in place and completed by September of any given year, but the earlier the better!
- The Township Board meets once a month and must receive petitions no later than June 1. (The clerk's office will need time to verify signatures and the assessor will need time to verify if the accepted signatures meet the 51% land mass requirement.)
- The Township Board is required by PA 188 of 1954 to conduct two public hearings and adopt two resolutions. These meetings need to be 30 days apart to allow for public notice and board preparation.
- The Township Board's resolution provides that signatures on petitions will be considered "current" if collected within 90 days of presentation to the Township Clerk. This gives the lake association or other petitioner 3 months to collect signatures.

Township Procedure, in brief.

- Petitions are received, reviewed and tallied by the Township Clerk or designee;
- Township Board adopts resolution tentatively creating special assessment district and setting date for public hearing.
- Township Board holds public hearing on the creation of a district at a board meeting, preceded by required notice to property owners.
- Township Board adopts resolution creating district, approving plans and cost estimates and setting date for hearing on the roll.
- Township creates roll.
- Township holds public hearing on the roll, adopts resolution on the roll and adds first installment to property tax bill for benefitted properties.
- Township and lake association enter into "contract" for the management of the SAD.

Lake Association or resident responsibilities, in brief

- Obtain petitions, get signatures, present to Township Clerk for tallying by June 1.
- Obtain "plan" for weed control and cost estimates, determine which vendor(s) will best suit needs. Provide the final plan and proposed costs to the Township by June 1st.
- Attend the public hearings, present supporting documentation for their plan; answer any questions from the public or board about the plan and costs. Encourage potential service providers to attend to assist in answering questions about the plan and costs.
- Enter into contract for management of the SAD with the Township after SAD is adopted.

4-23-2020
Date


Bill Saunders, Supervisor