

AGENDA # J.1
Scio Township Board of Trustees
Township-wide Special Assessment District Balance

FOR MEETING DATE OF: May 9, 2023

PREPARED ON: 4/19/23

PREPARED BY: Will Hathaway

SUBMITTED BY: Administrator

ITEM TYPE: Possible Action

SUGGESTED ACTION: To approve the use of the remaining balance of Township-wide SAD for Transportation funds for improvement and maintenance of those road segments identified on the 2013 Project List.

BACKGROUND: Scio Township created a township-wide Special Assessment District in fall 2013. There is currently \$1,605,782 in the Township Road SAD account (Fund 400).

The 2023 road agreement between Scio and the Road Commission in the following agenda item would accomplish a huge amount of road improvements throughout the Township. We know that the poor road conditions warrant this work. The WCRC is making available \$99,940.00 in matching funds. The Township can pay for most the cost of these projects and qualify for that match using funds collected under the 2013 Township-wide Road Special Assessment. Scio has the money set aside for this purpose, around \$1.6M in road assessment funds.

The problem is that the Board currently disagrees on whether there was a deadline for the use of these funds. Those in favor of returning money say that the special assessment was meant to last for only 10 years. That any money left over at that point should go back to those property owners who were assessed in 2013. Those in favor of spending the money to improve the roads point out that the 10-year assessment period refers to the time for *collecting* the money, not spending it.

We learned that, while there is no statutory expiration on the use of the special assessment money, the Township Board could determine that, back in 2013, the Township created its own "deadline" (if so we would have to retroactively pick a start date from among multiple options). Alternatively, the Board could determine that there was no deadline created in 2013 and that the need for maintaining the roads is ongoing and the Township should continue to spend these funds to improve those roads identified when the assessment was enacted back in 2013.

There is a May 19 deadline for approving the agreement for 2023 road projects with the Road Commission.

Notes related to attached materials:

Memo re Legislative History and Financial Reports provided by Clerk Flintoft. Other Background documents provided by Trustee Kerry. (A total of 32 documents.)

Memo re Township-wide SAD and lack of expenditure deadline together with related documents provided by Supervisor Hathaway (a total of five documents).

RECOMMENDATION: Supervisor recommends approval.

MODEL MOTION: To use the approximately \$1.6 million in Township-wide Road Assessment Fund 400 for necessary road improvements and maintenance on those road segments identified on the 2013 Scio Township Project List, Township-wide SAD for Transportation without annotations (Scio SAD Project List 1).

ATTACHMENTS:

[Memo re Legislative History and Financial Reports.pdf](#)
[Aug. 13, 2013 BoT Agenda Action Item 6 Public Hearing.pdf](#)
[Aug. 13, 2013 BoT Draft Minutes Action Item 6.pdf](#)
[Aug. 13, 2013 BoT Minutes Resolution Clerk Seal Signature.pdf](#)
[Aug. 19, 2013 Affidavit of Public Notice Public Hearing #1.pdf](#)
[Aug. 27, 2013 Affidavit of Mailing, Letter, Receipt.pdf](#)
[Aug. 28, 2013 Special Meeting Notice for Sept. 12 2013 Public Hearing.pdf](#)
[Mar. 12, 2013 BoT Agenda Action Item 3.pdf](#)
[Mar. 12, 2013 BoT Draft Minutes Action Item 3.pdf](#)
[Mar. 12, 2013 BoT Meeting Agenda Item R3 Clerk Seal Sig Project list.pdf](#)
[Sept. 9, 2013 Affidavit of Public Notice Public Hearing #2.pdf](#)
[Sept. 12, 2013 BoT Agenda Public Hearing.pdf](#)
[Sept. 12, 2013 BoT Minutes Resolution Clerk Seal Signature.pdf](#)
[Sept. 24, 2013 BoT Meeting Agenda Action Item #5 To enter Resolution NO Clerk Stamp Seal or Sig.pdf](#)
[Spvsr Spaulding Clark Roy Townsend email SAD excess funds Rose Dr Newman Blvd The Glade Parkland Plaza Oct. 2014.pdf](#)
[2013 Scio SAD File Reference List.xlsx](#)
[2013 Scio Twp Improvements & Budget 2014-2023 Roy Townsend UPDATED.xlsx](#)
[mcl-Act-188-of-1954.pdf](#)
[Hathaway memo to BOT re Road SAD 042023.pdf](#)
[SAD chronology annotated 072015 .pdf](#)
[Scio SAD Project List 1.pdf](#)
[Scio SAD Project List 2.pdf](#)

QUESTION: Shall this Motion be APPROVED?