

AGENDA REPORT

TO: Mayor Pat Humphrey & the Clare City Commission
FROM: Jeremy Howard, City Manager
DATE: February 2, 2022
RE: March Board of Review – Set Alternate Date/Time

For the Agenda of February 7, 2022

Background Historically, the City's Board of Review have held their organizational meeting on the second Monday in March. Section 2-122 of the City Charter (att'd) authorizes the City to comply with MCL PA 206 of 1893, the General Property Tax Act. Section 211.30 of the Act (*att'd*) establishes parameters for the scheduling of times and dates for the March Board of Review meetings. Under the Act, the city may authorize, by adoption of an ordinance or resolution, alternative starting dates in March when the Board of Review may initially meet.

In addition, the number of Board of Review meetings and hours that the meetings have been held in the past have exceeded the requirements of the Act. With increased technology in the public's hands and their ability to speak with the City Assessor prior to the scheduled Board of Review meetings, it has become unnecessary for the Board hold additional meetings outside of what is required under the law. For scheduling purposes, the City Assessor and the Board of Review members have requested that the number of meetings conform to the requirements of the Act but do not exceed what is required under law due to board member availability. The proposed meeting schedule is as follows: March 8, 2022, Organizational Meeting at 9:00am – No Appeals; March 15, 2022, Appeal Hearing from 1:00pm – 7:30pm; and March 17, 2022, from 1:00pm – 7:30pm.

Issues & Questions Specified Should the Clare City Commission adopt a resolution to set alternative March Board of Review meeting dates and times?

Alternatives

1. Approve alternative meeting dates and times.
2. Do not approve alternative meeting dates and times.
3. Defer/delay decision to a subsequently scheduled City Commission meeting.

Financial Impact If approved, there will be a reduction in Board of Review payroll hours submitted, thus a decrease in the amount of funds paid out of the general fund.

Recommendations I recommend that the City Commission formally approve the alternate starting dates and times for the March Board of Review by adoption of Resolution 2022-017 (*att'd*).

Attachments

1. City Charter 2-122.
2. MCL PA 206 of 1893, Section 211.30.
3. Resolution 2022-017.

Sec. 2-122. Board of review.

Notwithstanding the meeting requirements for the board of review in the charter, in order to comply with the requirement of section 30a of Public Act No. 206 of 1893 (MCL 211.30a) to complete the review of assessments on or before the first Monday in April, the board of review shall meet at the times set out in section 30 of Public Act No. 206 of 1893 (MCL 211.30).

(Code 1985, § 1.42)

THE GENERAL PROPERTY TAX ACT (EXCERPT)
Act 206 of 1893

211.30 Board of review; meetings; alternative dates; sessions; request, protest, or application for correction of assessment; hearing; examination of persons under oath; filing by nonresident taxpayer; notice; filing, hearing, and determination of objection; right of appeal; approval or disapproval of personal property exemption; indorsement and signed statement; delivery of assessment roll; ordinance or resolution authorizing filing of protest by letter; notice of option.

Sec. 30. (1) Except as otherwise provided in subsection (2), the board of review shall meet on the second Monday in March.

(2) The governing body of the city or township may authorize, by adoption of an ordinance or resolution, alternative starting dates in March when the board of review shall initially meet, which alternative starting dates shall be the Tuesday or Wednesday following the second Monday of March.

(3) The first meeting of the board of review shall start not earlier than 9 a.m. and not later than 3 p.m. and last for not less than 6 hours. The board of review shall also meet for not less than 6 hours during the remainder of that week. Persons or their agents who have appeared to file a protest before the board of review at a scheduled meeting or at a scheduled appointment shall be afforded an opportunity to be heard by the board of review. The board of review shall schedule a final meeting after the board of review makes a change in the assessed value or tentative taxable value of property, adds property to the assessment roll, or exempts personal property under section 9m, 9n, or 9o and removes it from the assessment roll. The board of review shall hold at least 3 hours of its required sessions for review of assessment rolls during the week of the second Monday in March after 6 p.m.

(4) A board of review shall meet a total of at least 12 hours during the week beginning the second Monday in March to hear protests. At the request of a person whose property is assessed on the assessment roll or of his or her agent, and if sufficient cause is shown, the board of review shall correct the assessed value or tentative taxable value of the property in a manner that will make the valuation of the property relatively just and proper under this act. For the appeal of a denial of a claim of exemption for personal property under section 9m, 9n, or 9o, or for an appeal under section 9o(7), if an exemption is approved, the board of review shall remove the personal property from the assessment roll. The board of review may examine under oath the person making the application, or any other person concerning the matter. A member of the board of review may administer the oath. A nonresident taxpayer may file his or her appearance, protest, and papers in support of the protest by letter, and his or her personal appearance is not required. The board of review, on its own motion, may change assessed values or tentative taxable values or add to the roll property omitted from the roll that is liable to assessment if the person who is assessed for the altered valuation or for the omitted property is promptly notified and granted an opportunity to file objections to the change at the meeting or at a subsequent meeting. An objection to a change in assessed value or tentative taxable value or to the addition of property to the tax roll shall be promptly heard and determined. Each person who makes a request, protest, or application to the board of review for the correction of the assessed value or tentative taxable value of the person's property or for the exemption of that person's personal property under section 9m, 9n, or 9o shall be notified in writing, not later than the first Monday in June, of the board of review's action on the request, protest, or application, of the state equalized valuation or tentative taxable value of the property, and of information regarding the right of further appeal to the tax tribunal. Information regarding the right of further appeal to the tax tribunal shall include, but is not limited to, a statement of the right to appeal to the tax tribunal, the address of the tax tribunal, and the final date for filing an appeal with the tax tribunal.

(5) If an exemption for personal property under section 9m, 9n, or 9o is approved, the board of review shall file an affidavit with the proper officials involved in the assessment and collection of taxes and all affected official records shall be corrected. If the board of review does not approve an exemption under section 9m, 9n, or 9o, the person claiming the exemption for that personal property may appeal that decision in writing to the Michigan tax tribunal. A correction under this subsection that approves an exemption under section 9o may be made for the year in which the appeal was filed and the immediately preceding 3 tax years. A correction under this subsection that approves an exemption under section 9m or 9n may be made only for the year in which the appeal was filed.

(6) After the board of review completes the review of the assessment roll, a majority of the board of review shall indorse the roll and sign a statement to the effect that the roll is the assessment roll for the year in which it has been prepared and approved by the board of review.

(7) The completed assessment roll shall be delivered by the appropriate assessing officer to the county

equalization director not later than the tenth day after the adjournment of the board of review, or the Wednesday following the first Monday in April, whichever date occurs first.

(8) The governing body of the township or city may authorize, by adoption of an ordinance or resolution, a resident taxpayer to file his or her protest before the board of review by letter without a personal appearance by the taxpayer or his or her agent. If that ordinance or resolution is adopted, the township or city shall include a statement notifying taxpayers of this option in each assessment notice under section 24c and on each notice or publication of the meeting of the board of review.

History: 1893, Act 206, Eff. June 12, 1893;—CL 1897, 3853;—Am. 1907, Act 326, Eff. Sept. 28, 1907;—CL 1915, 4024;—CL 1929, 3418;—CL 1948, 211.30;—Am. 1949, Act 285, Eff. Sept. 23, 1949;—Am. 1951, Act 48, Eff. Sept. 28, 1951;—Am. 1964, Act 275, Eff. Aug. 28, 1964;—Am. 1982, Act 539, Eff. Mar. 30, 1983;—Am. 1994, Act 9, Imd. Eff. Feb. 24, 1994;—Am. 1994, Act 415, Imd. Eff. Dec. 29, 1994;—Am. 2000, Act 210, Imd. Eff. June 27, 2000;—Am. 2003, Act 194, Imd. Eff. Nov. 10, 2003;—Am. 2013, Act 153, Imd. Eff. Nov. 5, 2013.

Popular name: Act 206

RESOLUTION 2022-017

A RESOLUTION OF THE CLARE CITY COMMISSION APPROVING AN ALTERNATE START DATE FOR THE MARCH BOARD OF REVIEW.

WHEREAS, the General Property Tax Act, MCL 211.30, requires the Board of Review to meet on the second Monday in March to hold its first meeting for taxpayer appeals; and

WHEREAS, MCL Section 211.30(2) allows the municipality to authorize, by adoption of an ordinance or resolution, an alternative starting date in March when the Board of Review shall initially meet, which alternative starting date shall be the Tuesday or Wednesday following the second Monday of March; and

NOW THEREFORE BE IT RESOLVED that March 15, 2022, the Tuesday following the second Monday of March, has been selected as the first meeting date of the 2022 Board of Review by the Clare City Commission on February 7, 2022.

ALL RESOLUTIONS AND PARTS OF RESOLUTIONS INSOFAR AS THEY CONFLICT WITH THE PROVISIONS OF THIS RESOLUTION BE AND THE SAME ARE HEREBY RESCINDED.

The Resolution was introduced by Commissioner _____ and supported by Commissioner _____. The Resolution declared adopted by the following roll call vote:

YEAS:

NAYS:

ABSENT:

Resolution approved for adoption on this 7th day of February, 2022.

Diane Lyon, City Clerk