

Court of Appeals, State of Michigan

ORDER

Nicola Binns v City of Detroit

Docket No. 337609

LC No. 00-000000

Henry William Saad
Presiding Judge

William B. Murphy

Mark T. Boonstra
Judges

The Court DIRECTS the parties to file supplemental briefs within 28 days of the date of this order addressing the following:

(1) Does the pre-existing authority exemption of the Headlee Amendment, Const 1963, art 9, § 31 (no voter approval for taxes is needed if the taxes were “authorized by law or charter” when the amendment was ratified in 1978), apply in light of the fact that the City’s charter had been revised/replaced twice since 1974, with the City’s actual authority for levying the at-issue drainage charge deriving from the latest 2012 charter? See *Streat v Vermilya*, 268 Mich 1, 5; 255 NW 604 (1934) (stating that an adopted new charter “will entirely supersede the former charter”).

(2) Applying the factors articulated in *Bolt v City of Lansing*, 459 Mich 152; 587 NW2d 264 (1998), use documentary evidence to support your position that the drainage charge is either a tax or a fee.

The motions that have been filed remain pending.



A true copy entered and certified by Jerome W. Zimmer Jr., Chief Clerk, on

AUG 23 2017

Date


Chief Clerk