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## MEMORANDUM

To: Hamburg Township Board of Trustees

From: Jason Negri

Date: October 9, 2024

RE: Expenditure of Public Monies

As this board well knows, flooding on Ore Lake has been a recurring problem, and was bad this past summer. Circumstances (heavy rains, rapid weed growth, increased runoff from up the Huron River) conspired to create “the perfect storm” of floodwaters that did not abate, and many residents’ homes on Ore Lake flooded, causing significant damage.

The obvious response of a neighbor is to help out – try to ameliorate the damage, change the conditions so that floods don’t occur at all or are at least much less drastic in the future. And to the residents on Ore Lake, their frustration with apparent Township inaction is understandable.

I think it would be prudent for the Township Board to have a substantive, public discussion about the expenditure of Township funds and whether it’s appropriate or even permitted to spend public monies – aside from grants and donations, the *only* money available to a Township – for the benefit of a few residents.

As a starting point, we all should know that the Michigan Constitution disallows a township from making expenditures unless it has specific authorization (Art. VII, § 26). In addition, Townships are granted explicit statutory powers and those “fairly implied and not prohibited” (Art. VII, § 34).

In the absence of specific authorization, it is usually the courts that have set the contours of what constitutes proper expenditure of public funds. The Michigan Supreme Court articulated this standard in *Hays v City of Kalamazoo*, 316 Mich 443, 453–54 (1947): “a public purpose has for its objective the promotion of the public health, safety, morals, general welfare, security, prosperity, and contentment of all the inhabitants or residents within the municipal corporation, the sovereign powers of which are used to promote such public purpose.”

I think we should discuss whether Township money can or should be spent on any flood prevention or ameliorative activities.