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February 26, 2026

**CONFIDENTIAL CORRESPONDENCE
ATTORNEY-CLIENT PRIVILEGE**

Mayor Fischer and City Council
City of Novi
45175 Ten Mile Road
Novi, MI 48375

RE: 2026 CIP Millage Ballot Question

Dear Mayor Fischer and Council Members:

Enclosed is a copy of a proposed ballot question for renewing the CIP millage from 2016, which is expiring this July, 2026. You will immediately note that it is in the form of a charter amendment, and not simply a question asking whether the voters want to adopt another capital improvements millage. It is not, in other words, framed in the exact same way that the original millage question was framed in 2016. A copy of that question is enclosed as well.

The short answer to why we have set this up as a charter amendment instead of the previous version of the question is that after additional research, and after talking with bond counsel, it is apparent that the more appropriate way to frame the question of an extra-voted millage in a Home Rule City (like Novi) is as a charter amendment question.

After the conversation at the City Council meeting earlier this month, the City Manager tasked our office with working on the ballot question for an August election with a 1 mill CIP millage. In the course of doing that, I looked at language approved in other communities for comparable millage questions. I also recalled a relatively recent conversation with Pat McGow, the City's bond counsel at Miller Canfield on a different but related subject. I talked with him and sent him a copy of the question from 2016. His response was that in a Home Rule City, the better course (the proper course) is to do a description of an additional tax to be levied as a charter amendment. This is because of the language of the Home Rule City Act that talks about taxes being described in the city charter.

We talked about the fact that the previous question was not framed that way. He agreed that the previous framing of the question was not an issue at this point, given that the City is on the final levy and there was no challenge back in 2016. However, he did acknowledge that someone might note the issue this time around, and while there is no specific case law specific to this exact question, the Home Rule City Act language was definitely relevant to what a court might say. The

authority to do an extra-voted millage as a charter amendment is clear; doing it as a simple proposal has a less clear basis.

We did also talk about the concept of calling the millage a “renewal” in the actual ballot question. He recommended against that, given that the word “renewal” is specific to ballot questions involving Headlee amendment ballot questions where a body is seeking to renew a millage at the Headlee-reduced millage rate. In the draft language that I proposed to the Attorney General’s office, I initially used the word “restore” in the question, and the AG’s office indicated that it would not accept that. The way it’s framed in the attached question—which over the weekend the AG’s office indicated it could live with—the language notes at the end that it will “replace” an expiring CIP millage.

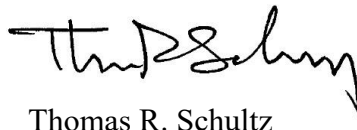
As far as timing, the Governor’s office and the Attorney General’s office ask that they receive the proposed amendment at least 60 days before the filing deadline for the ballot question. The filing date has been identified as May 12, so 60 days before that is March 10, which is after the next Council meeting. So the amendment resolution if approved that night would meet the requested time frame from the State.

The fact that this is framed for the voters as a charter amendment with a millage does not at all affect how the City will conduct its educational activities. Voters will still be voting on a millage for CIP-related uses with the same description as last time and the same millage amount as last time.

If you have any questions regarding the above, please don’t hesitate to contact me.

Very truly yours,

ROSATI SCHULTZ JOPPICH
& AMTSBUECHLER PC

A handwritten signature in black ink, appearing to read "Th R Schultz", written over a horizontal line.

Thomas R. Schultz

TRS/jah
Enclosures

cc: Victor Cardenas, City Manager
Cortney Hanson, City Clerk