



Mr. Lower:

The Sparta Township Library Board and Sparta Township reject both the premise and the characterization of the Village Council's threatened challenge to the library millage approved by Sparta Township voters on August 4, 2026.

The Village's assertion that the contemplated litigation "should not be interpreted as opposition to the Library or to its continued funding" is demonstrably false. The millage is the Library's voter-approved operating revenue. You claim that the lawsuit "may create some short-term uncertainty for the Library." A lawsuit seeking to eliminate the Library's funding would absolutely impair the Library's ability to operate and provide services. The Village cannot credibly attack the Library's principal funding source and simultaneously represent that it supports the Library's continued funding.

The Library Board and Township Board also reject the Council's assertion that judicial intervention is needed so that "taxpayers, the Library, the Township, and the Village have clarity regarding the validity and effect of the language that was approved." The Library and the Township already have clarity, as do all of the Township's residents, including those in the Village, who approved the proposal. The proposal is intended as a ten-year renewal limited to 0.2375 mill, and the Library intends to levy no more than that amount. The Library does not need a court to tell it what it proposed, what it represented to the electorate, or what it intends to levy. Nor has the Township claimed that it lacks clarity regarding implementation. The only party professing uncertainty is the Village, and the only material uncertainty now confronting the Library and taxpayers is the uncertainty the Village proposes to create through needless litigation.

The Village is in no position to suggest that voters lacked notice of the omitted word. The omission of "not" and the Village's claim that the wording permitted an uncapped or unlimited levy were widely publicized before the election. The issue was discussed publicly at a Village meeting and covered by local media before August 4. Indeed, Village President Robert Whalen publicly urged the Village Board and audience members to discourage people from voting for the millage and to "educate the people" about the omission. The Village was leading the charge to publicize the issue before the election. Voters therefore went to the polls after the alleged defect and the Village's most expansive interpretation of it had been publicly aired. Voters approved the millage anyway. The

Village cannot now credibly contend that voters were unaware of the issue or require post-election judicial “clarity” concerning a point the Village itself deliberately placed before the electorate.

The Village’s reference to serving residents of a “future City of Sparta” makes the threat of litigation even more troubling. If the Village incorporates as a city, City residents would no longer be Township residents and would no longer automatically fall within the Township Library’s legal service area. In that instance, the Library is not legally required to serve residents of the new City. Any continued service would require an appropriate contractual and funding arrangement, which in turn requires trust, cooperation, and good-faith negotiations. If the Village genuinely expects the Library to serve a “future City of Sparta”, threatening litigation to destroy the Library’s voter-approved funding is a remarkably poor and shortsighted way to begin any new relationship.

More fundamentally, the Village has not identified a viable basis to overturn the election. To the extent the contemplated challenge rests on the omission of the word “not” from the phrase “to exceed 0.2375 mill,” it has no persuasive connection to voter error or to the statutory disclosures governing a millage proposal. MCL 211.24f does not prescribe the phrase “not to exceed.” It requires the ballot to state the millage rate to be authorized, the estimated first-year revenue, the duration and purpose of the millage, whether the proposal is a renewal or a new additional millage, and the local units to which the revenue will be disbursed. The ballot disclosed the amount, identified the proposal as a renewal, and stated the estimated first-year levy, along with the other material features of the proposal. The omission of “not” was a scrivener’s error and did not conceal the tax rate, the renewal character of the proposal, its purpose, its duration, or its estimated first-year revenue.

Nor can the Village plausibly explain how the omission caused voters to approve a proposal they otherwise would have rejected. Read literally, the phrase “to exceed 0.2375 mill” could arguably have suggested that the Library might levy more than 0.2375 mill. Yet the voters approved the proposal as written, after the Village had publicly promoted precisely that interpretation. The Library’s intent, by contrast, was to limit the levy to 0.2375 mill or less, and the Library intends to levy less than that amount. Thus, the threatened challenge necessarily depends on the nonsensical proposition that voters approved the millage because they believed the Library possessed unlimited or greater taxing authority but would have voted against it had they understood that the levy was capped at 0.2375 mill. That is not a coherent theory of voter confusion, voter error, prejudice, or causation. It is an attempt to manufacture a basis to nullify an election for political purposes.

The Library recognizes that MCL 600.4545 authorizes post-election judicial review in the circumstances specified by that statute. That does not mean that every typographical omission constitutes fraud or error warranting judicial invalidation of an election. A challenger must still establish a legally material defect and a basis for the relief requested. The recent decision in *Charter Township of Royal Oak v Oakland Cares Coalition*, ___ Mich App ___, ___ NW3d ___ (2024) (Docket No. 367522, issued Dec. 19, 2024) underscores the judiciary’s reluctance to nullify a measure after voters have approved it based on allegations concerning ballot wording. The Village’s unexplained references to possible legal issues do not come close to demonstrating why a court should disregard the votes cast here.

The Village’s professed concern for “protecting taxpayers” is particularly difficult to comprehend. Village residents are also Township residents and are among the taxpayers supporting the Village,

the Township, and the Library. If public funds are used on all sides of this manufactured dispute, those same taxpayers may be forced to finance the Village's attack, the Township's response, and the Library's defense of the millage they approved. In other words, the Village proposes to "protect" taxpayers by compelling them to pay multiple public entities to litigate a baseless challenge to their own votes. That is not taxpayer protection. It is the unnecessary diversion of public resources from municipal and library services to litigation created by the Village and certain Council members. If part of your campaign to become a City is to demonstrate how incompetently the "future City of Sparta" will run, your letter and litigation may be a good campaign platform for you.

The Library Board is equally concerned about the possible use of Village resources to pursue this attack. Your email states that "several members of the Village Council," rather than the Village itself, intend to seek judicial review. If individual Council members wish to commence litigation, they should retain counsel and pay for it themselves. The Village has identified no lawful public purpose or statutory authority for spending Village (and Township) tax dollars, employee time, or legal fees to invalidate a Township library millage approved by Township voters. Using public resources for that purpose would raise serious questions concerning municipal authority, public purpose, and the lawful expenditure of Village funds.

Accordingly, please confirm whether the Village Council has formally authorized litigation or the expenditure of Village funds in support of this baseless challenge. If so, pursuant to the Freedom of Information Act, identify and produce all public records, including the authorizing motion or resolution, any votes taken regarding this matter, any document asserting the public purpose behind such litigation, the legal authority relied upon, any engagement letters with legal counsel engaged or retained for this matter, and any public records related to all Village funds or personnel resources already committed or expended on this matter. The Library and the Township expressly reserve all rights concerning any unauthorized expenditure of public funds and all defenses, counterclaims, and other relief, including sanctions, that may be available in response to any action challenging the millage, the election result, or the Library Board and Township Board's statutory authority.

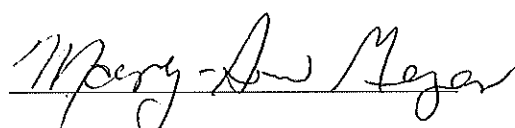
The Village should be under no misapprehension: litigation seeking to invalidate this millage is opposition to the Library's funding, regardless of the Village's effort to label it otherwise. If the Village or individual Council members proceed, the Library and Township will vigorously defend the election result, the voters' decision, its funding, and its statutory authority.

Sparta Township

Sparta Township Library Board

 9/3/26

Supervisor



Board President