

**From:** [c.eberwein](#)  
**To:** [Laurel Evans](#)  
**Cc:** [Claire AWA/Eberwein](#); [Greg Vogt](#)  
**Subject:** For distribution to the County Board and County Administrator Chet Janik - Thank you.  
**Date:** Monday, May 10, 2021 3:50:15 PM

---

To the Honorable Members of the Lake Leelanau Board of Commissioners,  
We are legal residents of the State of Michigan in Leelanau County, members of the Lake Leelanau Lake Association (LLLA), members of the Leelanau Conservancy, and riparian owners and tax payers. We believe that minimal information has been provided to the public and that inadequate time has been provided for fair and open public input with regard to the establishment of enabling legislation for an independent Lake Leelanau Board. We strongly urge the Board of Commissioners to not rush into a decision creating an independent taxing authority with a broad, open ended mandate to "undertake...any lake project that provides a public benefit" (from the "Rationale" dated March, 2021 and provided to LLLA members only last month, April, 2021).

Our position is based on the following facts and unanswered questions:

\*\* Many riparian taxpayers, an important source of tax revenue to the County coffers, are completely unaware of the issue unless they are members of the LLLA or subscribe to the Leelanau Enterprise. This proposal has had less than two months for public comment and rests only on information provided by the LLLA.

\*\* The LLLA Board communicated with a letter to its members in April, 2021 that a motion was passed on March 25th calling for the creation of an independent lake board and that the decision was reached "after careful study and long deliberation". The members of the LLLA were not polled nor given any opportunity for comment until after the fact of the motion's passage. Further, no prior communications regarding the contemplation of these actions was provided to the membership prior to the April letter.

\*\* The LLLA April letter requested its members to "reserve judgment until we lay out the facts. We encourage you to contact us, your friends and neighbors, with your thoughts and any questions or concerns you may have." However, in that same month the LLLA urged the County Board of Commissioners to establish the independent taxing authority prior to allowing sufficient time for membership questions or comment.

\*\* The LLLA April letter provided what appears to be, in the best of lights, a misleading example of the possible costs to riparian owners: "For example, if the annual costs of aquatic weed control were \$150,000 and this expense was shared among an estimated 1400 parcels around the lake, an estimate of the assessment would be approximately \$110 per parcel." However, according to the April 15th edition of the Leelanau Enterprise, the following occurred during the testimony of the LLLA Board President: "Pressed by county commissioners to speculate how much it might cost to fund an ongoing EWM (Eurasian water milfoil) control effort, Hiatt said it could be up to "several hundred thousand dollars each year" for an indefinite period."

Using the example provided by the LLLA to its members, we question the fundamental fairness of potentially assessing taxes without consideration of lake frontage, property value, agricultural vs. residential use vs. conservation use, or the acreage of individual parcels. The LLLA economic impact example and the testimony cited above was in reference only to the removal of an invasive aquatic weed, the removal of which is in-arguably important for the environmental sustainability of Lake Leelanau. However, the enabling legislation for this independent taxing authority allows it to undertake any and all of the following: the elimination of pollution, flood damage, water conditions that jeopardize the public health or safety, increase the value or use of lands and property through improvements to the lake, conservation of fish and wildlife, development for fishing, wildlife, boating, swimming, or any

other recreational, agricultural, or conservation use. The proposed Lake Board can also assess for all engineering, legal, and professional service costs associated for any and all such projects as well as for compensation to members of the Lake Board itself. This is a huge grant of open-ended taxing authority to be vested in an un-elected body that is immune from the democratic process.

\*\* Lake Leelanau runs from the south of the County to the north and provides recreational opportunities to ALL county residents AND to the tourists who help drive the County economy, not just to riparian owners. When the Leland dam repairs came up as a recent funding issue, that fact was justly recognized by the County Board of Commissioners when it chose to spread those costs county wide rather than assessing only riparian owners. "Laws governing a lake board of the type proposed would allow the County government to contribute up to 25% to an annual assessment if it chooses to..." (Leelanau Enterprise April 15th edition) but the LLLA attorney indicated such cost sharing is not proposed. Why not? Who made this determination? 14 members of the LLLA Board without membership input? Riparian owners were not given adequate time to weigh in on such a crucial revenue aspect, if they are aware of the proposal for a Lake Board at all.

\*\* It is known that boat washing stations at all public boat launching ramps are essential for preventing the spread of invasive aquatic species between lakes and rivers. There are currently no boat washing stations on Lake Leelanau. The LLLA information states that the construction, staffing, and maintenance of boat washing stations will cost "hundreds of thousands of dollars". This is another example of expenses that riparian owners could be made to bear to maintain Lake Leelanau for the benefit of all residents and visitors to our County.

\*\* Valuable contracts stand to be let for the removal of EWM and all potential projects. This, again, is a lot of power vested in a body that is not elected. And it leads to the issue of what professional paid staff might be required for the Lake Board to adequately write, bid, and evaluate project RFPs.

\*\* The LLLA information also answered the question: "Can a Lake Board Be Dissolved? Yes, a lake board can be dissolved if certain conditions are met." That was the full extent of the answer without stating what those conditions might be.

In short, the devil is in the details. We do not have the details. We do not have a clear understanding of the financial impacts to taxpayers. We do not know the method for determining the assessment amount by the proposed taxing authority. We do not have a clear knowledge as to the extent of the powers that would be granted. Citizens have no vote once it is established.

We respectfully ask that you please slow the process down until such information is available and the public has had adequate opportunity to review and comment.

Sincerely,

Claire M. Eberwein and Wm. G. Vogt  
Cedar, M