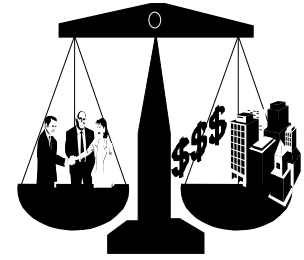


Citizens for Common Sense



May 2017

Seeking government that is responsible and responsive to taxpayers in St. Joseph County, IN

Property Tax Bill is Final Straw on Recycling

Did you take a look at your property tax bill and notice it was at least \$40 higher? Look at the Summary that included at the right "Current tax \$40" and then look on the attached notice under Table 4 at the bottom where it said "Levying authority: recycling \$40." "What's going on?" you may have asked.

Twenty years after imposing a mandatory curbside recycling program on all residents of St. Joe County (except those living in Mishawaka, Osceola, Roseland, Lakeville, Indian Village or Walkerton, or apartment dwellers in complexes with more than 4 units), the County has just confirmed, by the act of putting the mandatory curbside recycling charges on our property tax bills, what we knew all along:

that the recycling charges are a tax which was improperly levied because it never went thru the County Council and unconstitutional because the Indiana Constitution requires that any tax must be levied uniformly across the district and not varied for different groups depending on where they live.

**Putting the recycling charge on our property tax bills
redefined it as a tax.**

It's time for this illegal mandatory charge to end!

Come to a meeting to find out what we citizens can do:

Thursday, June 8 at 6:30pm

St. Joe County GOP Headquarters

4133 S. Main, South Bend

Come discuss current actions already in motion and give us your thoughts!

Mandatory Recycling – It's Still not Fair or Right

When curbside recycling was being discussed in the late 90's, we argued that it needed to be voluntary. However, when it was implemented in 1997, paying into it was made mandatory – but only for some. Cities and towns were allowed to opt out by votes of their city and town councils. This new charge put a burden on many and just ticked others off. **(See enclosed letter from Sandy Hochstedler.)**

Today, the cities charge lower rates and residents in most of the towns don't pay recycling at all. Rural residents, however, had no opportunity to opt out because it never went before the County Council – even though the state statutes say that if it's a tax, it has to go thru normal levying procedures – which means a hearing before the County Council.

This non-uniform levying is also violation of Article I, Sec. 23 of the Indiana Constitution, which says:

Section 23. The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities, which, upon the same terms, shall not equally belong to all citizens.

We took this to court in 2004, but the Indiana Appeals Court ruled then that the recycling charge was a Fee not a Tax, so we lost. **However, now that it has been put on our property tax bill, it is a TAX.** Only those property owners who do not have a mortgage would have noticed this subtle change to their tax bill. Many of these folks became alarmed that now a failure to pay the recycling charge could cause them to lose your houses.

In the past few weeks, we have taken our argument to the Solid Waste District and to the County Commissioners that this recycling program, improperly constituted, should no longer be mandatory, but should be made voluntary. Surely after 17 years it has so many customers familiar with the routine and willing to pay the bill for it that the program could sustain itself without burdening taxpayers! The charges on the property tax bill should be refunded, recycling needs to be billed as a fee, and all past liens and court judgments should be dropped because it was never a valid charge.

Recycling is a good thing, but not when it is forced on people. Then it becomes an oppressive measure, a weapon of government control unbecoming of local governments in a democratic republic

Come to our meeting June 8 to discuss the various options open to us which include filing individual complaints to the State Attorney General's office, and a group of us filing a lawsuit against the Solid Waste District asking to revisit the Tax vs. Fee question. Help us build a fund for court costs.

***It's now a Tax, not a Fee, and it was not properly imposed.
It is time to make the recycling program voluntary!***

Contact the St. Joe County Solid Waste Management District

Executive Director **Randy Przybysz**

828 Kerr St / South Bend, IN 4660

Phone: 574-235-9971

They don't feel it's a tax, but let's make it voluntary!

Come to our meeting to discuss:

Thurs, June 8 at 6:30pm

St. Joe County GOP HQ

4133 S. Main, South Bend

Is South Bend in Full Assault Mode on County Residents?

Desperate to pay off its Smart Streets project & its federally mandated sewer separation, South Bend has explored many initiatives to grab revenue from county residents, including a Food and Beverage Tax, a Bid ordinance and Countywide Code Enforcement. All of these can be discussed at our meeting, but let's look at one:

County-wide Code Enforcement!!?

Incredibly, there are rural residents ASKING for this nightmare.

The rest of us need to speak up!

If you live outside the towns, can you imagine a loss of liberty quite as revolting as having Code Enforcement come out from the nearby city and tell you that your grass is too high, your house needs repainted, or you have to remove your car you're trying to repair because it's not running? If you live in a subdivision with covenants, you may already have accepted that you cannot erect an outbuilding or have a flagpole or park your car beside your driveway, but those were conditions you agreed to when you bought the house. Can you imagine someone arbitrarily applying it to your rural home or farm where you have lived for decades?

Apparently St. Joseph County officials are considering putting the entire county under South Bend's Code Enforcement rules! Seriously! And for the privilege of being hounded and harassed at a level previously enjoyed only by people who live in cities, we would foot the tax bill for two new Code inspectors to the tune of \$150,000 a year!

WHY would any rural resident want to do this??? Well, apparently 157 such residents have complained to the County Council about their neighbor's property. People! Since when did we stop talking to our neighbors and go looking for a government entity to do it for us? Were these 157 people even thinking about the possible ramifications of what they were asking? (They're probably all city dwellers who moved out for the lower taxes – and now they want all the city services that would run their taxes right back up to what they were in the city!)

Does anyone not realize that while 157 people filed complaints, that means that 117,834 of us did not? In other words, 1000 times more of us DID NOT feel it was appropriate to complain to the county about a neighbor's property.

Elected officials need to think a moment about this. The Revolutionary War was fought over things like taxation and the government forcing people to house government soldiers in their private homes. Most of us take property issues personally. It's a Constitution thing. Also, Indiana is a freedom state --one of the highest freedom states in the country, according to the CATO Institute. We didn't get that distinction by doing things like subjecting everyone in the rural parts of our counties to the tightly defined rules that city dwellers agree to.

County officials, please do not start a revolution. We have already talked to a number of county residents whose first step of rebellion would be to refuse to mow the County Right-of-Way (approximately 4 feet of yard on your property that faces a road). If the county is going to tell us how short to cut our grass, then they can take over cutting THEIR grass. Think about how business friendly our county would look if this were to start happening all over the county!

We all need to contact our County Council members and Commissioners to stop this Code Enforcement idea!

**** See contact info on next page ****

So What Can You Do about All of This?

Spread the word to neighbors and friends – Make copies of this letter!

Come to our meeting, Thursday, June 8 at 6:30 at SJC GOP HQ.

THEN - - - Make calls. Write letters. Send emails.

Let your elected officials know that you think about mandatory recycling fees
and countywide code enforcement.

These are county issues, so the people to talk to are:

ST. JOSEPH COUNTY COUNCIL

Robert Kruszynski

287-1754

rkruszynski@co.st-joseph.in.us

Rafael Morton

232-7190

rmorton@co.st-joseph.in.us

Mark Catanzarite

232-9112

mcatanzarite@co.st-joseph.in.us

Corey Noland

273-0603

cnolan@co.st-joseph.in.us

Diana Hess

315-0714

dhess@co.st-joseph.in.us

Robert McCahill

289-8909

rmccahill@co.st-joseph.in.us

Jamie O'Brien

532-6860

jobrien@co.st-joseph.in.us

Mark Telloyan

287-7690

mtelloyan@co.st-joseph.in.us

Mark Root

675-1211

mroot@co.st-joseph.in.us

ST. JOSEPH COUNTY COMMISSIONERS

County Commissioners **Andy Kostielney, Dave Thomas, and Deb Fleming**

Phone: 235-9534

sjccom@co.st-joseph.in.us

SOLID WASTE MANAGEMENT DISTRICT

Executive Director **Randy Przybysz**

828 Kerr St, South Bend, IN 46601

Phone: 235-9971

Fax: 574-235-9973

SOUTH BEND TRIBUNE

Voice of the People / South Bend Tribune / 225 W. Colfax Ave. / S.B., IN 46626

vop@sbtinfo.com

WMNC RADIO SHOW

Casey Hendrickson local news talk show - WMNC radio 3pm – 6 pm / call in to 259-5953

casey@953mnc.com