

the review

the official magazine of the  michigan municipal league

January/February 2012



WE WON!

Now What?

ANSWERS FOR NEWLY ELECTED OFFICIALS

TOP 10
OMA PITFALLS

2012 CAPITAL
CONFERENCE

FISCAL
RESPONSIBILITY

the review

The official magazine of the Michigan Municipal League

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the review

The official magazine of the Michigan Municipal League

Volume 85, Number 1

Better Communities. Better Michigan.

The Michigan Municipal League is the one clear voice for Michigan communities. Our goals are to aid them in creating desirable and unique places through legislative and judicial advocacy; to provide educational opportunities for elected and appointed officials; and to assist municipal leaders in administering community services. Our mission is that of a non-profit, but we act with the fervor of entrepreneurs to passionately push change for better communities and a better Michigan.

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The Review relies on contributions from municipal officials, consultants, legislators, League staff and others to maintain the magazine's high quality editorial content. Please submit proposals by sending a 100-word summary and outline of the article to Kim Cekola, kcekola@mml.org. Information is also available at: www.mml.org/marketingkit/.

Advertising Information

The Review accepts display advertising. Business card-size ads are published in a special section called Municipal Marketplace.

Classified ads are available online at www.mml.org. Click on "Classifieds." For information about all MML marketing tools, visit www.mml.org/marketingkit/.

Subscriptions

\$24 per year for six issues. Payable in advance by check, money order, Visa/MasterCard/American Express. Make checks payable to Michigan Municipal League. Phone 734-669-6371; fax 734-669-4223 or mail new subscription requests & checks to the Michigan Municipal League, P.O. Box 7409, Ann Arbor, MI 48107-7409.

The Review (ISSN 0026-2331) is published bi-monthly by the Michigan Municipal League, 1675 Green Rd, Ann Arbor, MI 48105-2530. Periodicals postage is paid at Ann Arbor MI. POSTMASTER: Send address changes to THE REVIEW, 1675 Green Rd, ANN ARBOR MI 48105-2530.



Please recycle this magazine

We're Your One-Stop Municipal Go-To Shop

Michigan voters were busy this past fall: a total of 237 city elections on November 8 and 82 village elections on September 13 ushered in more than 1,200 newly elected local government officials across the state.

Of course, the first thing we want to say is "Congratulations" to all of you. It is no easy feat dealing with the endless exhaustion of campaigning—not to mention the work, wits, and wisdom it takes to successfully navigate the political waters to reach the other side. But you did it. You won.

Now guess what? That was the easy part. There's now a whole community of people counting on you to do the right thing—which can mean different things to different people, in ways that don't necessarily agree and in fact, almost never do. Add to that all the challenges of an economy still struggling to pull itself up by its bootstraps...legislative changes that have made it even tougher for municipalities to take care of business "as is," let alone to prosper and thrive...and an increasingly dysfunctional political environment for collaboration and compromise.

But here's the good part: you're not alone. You're now part of a vast, dynamic network stretching out across 96,810 square miles—the largest state east of the Mississippi River—that connects thousands of local officials in hundreds of communities of every shape and size. It's called the Michigan Municipal League. We're the good guys. We're the allies who have got your back. We're your one-stop go-to shop for education, training, and resources. We're your voice in Lansing and Washington, D.C. We are, in fact, *you*.


And we think you've got a right to be proud. In the past year, the League has won hard-earned changes to the Urban Cooperation Act to make it easier for Michigan communities to share services. We worked closely with the governor's staff to ensure our members would have the best tools possible to receive Economic Vitality Incentive Program (EVIP) funding.

In July, we won long-sought PA 312 reforms that allow local governments to maximize public safety resources without jeopardizing collective bargaining rights for police and firefighters. We made sure opt-out provisions were included in the state's new public health care reform bill. We're fighting hard for redevelopment tools that help downtowns and business districts reinvent themselves and create a sense of place. We're using social media and the latest technology tools to get the municipal message moving faster, farther, and more effectively than ever before.

As we move forward into 2012, we know there'll be plenty of fresh challenges to face, new directions to take, and more issues to identify and resolve as we keep working on our mission to build better communities for a better Michigan.

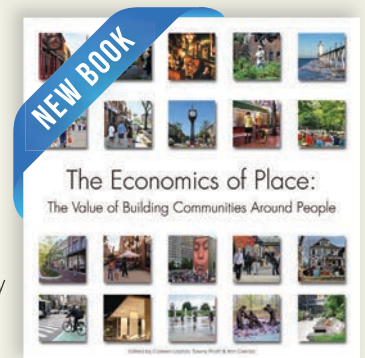
We'll be ready for it—and we want to make sure you're ready too. That's what this issue of *The Review* is all about. Inside these pages we're hitting the basics: the Open Meetings Act, local ordinances, running a meeting, and fiscal responsibility. These are the tools that you'll turn to in the months and years ahead as you work to represent your community.

You'll also find our newest feature, a highlight of different League affiliates. We're starting with the Michigan Local Government Management Association (MLGMA), the professional association for local government managers from municipalities, counties, and townships throughout the state. Even veteran members already familiar with MLGMA might find some interesting insights here into one of our most vital and hard-working municipal affiliates.

So, to those who've been with us for awhile: we're glad to see you at the start of another great year. And to those who are newly elected: welcome to the team. 

The Economics of Place

The Michigan Municipal League believes that our communities are at the core of our state's economic turnaround, and that "place" is the huge economic driver. In 2011, the League published *The Economics of Place: The Value of Building Communities Around People*, which further details what Michigan must do to create the types of places people want to live, work, play, and raise families. The book, available at Amazon.com and economicsofplace.com, was unveiled at the League's Convention in October during a news conference that featured Governor Rick Snyder. It's time to start talking about the importance of place as the economic development strategy that will create a positive, dynamic future for Michigan.



Daniel P. Gilmartin

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Welcome to the League

By Anthony Minghine

Congratulations and welcome to the Michigan Municipal League! Your municipality's membership in the League provides you with a number of services that will help you understand your new role and responsibilities. For more than 100 years, the League has provided advocacy, education, and assistance to local officials to help them provide improved services and administration.

Our Mission: Better communities. Better Michigan.

The Michigan Municipal League is the one clear voice for Michigan communities. Through advocacy at the state and federal level, we proactively represent municipalities to help them sustain highly livable, desirable, and unique places within the state. We create and offer our members services and events that range from traditional to cutting edge, in order to help educate and inspire them to remain focused on their passion for the communities they represent. We are a non-profit, but we act with the fervor of entrepreneurs; our people are dynamic, energetic and highly approachable, passionately and aggressively pushing change for better communities.



About the League & What We Do

As the state association for local governments, the League is the leading authority for municipal advocacy, education, and positive change for Michigan's communities. The League provides its member communities and their officials with a variety of services including: maintaining a resource center; organizing conferences and training programs; offering a wide range of consulting services; promoting state and federal legislation beneficial to local governments; administering insurance programs, and producing a variety of municipally focused publications.

Training/Events

The League is committed to providing the highest quality education for local officials and municipal staff. Opportunities include training seminars, Regional Roundtables, Capital Conference, and our Annual Convention.





Publications & Other Resources Information

As one of the oldest League benefits, the Information Service provides member officials with customized research on a vast array of municipal topics. Examples of items in our collection are sample ordinances, policies, programs, articles, referrals, charter provisions and regulations. Member officials may request information and/or material on any municipal issue.

The League produces a wide variety of periodicals, books and other publications on topics of specific interest to municipal officials and staff. Many are offered free of charge as a membership benefit, while others are available for a nominal fee.

One Pager *Plus* Fact Sheets

Tired of sifting through reams of paper for answers to your questions? The League has created a collection of one page, easy-to-read fact sheets on a range of common municipal topics. A few that will be the most useful starting after your election are:

Adopting the Budget, Municipal Expenditures, Open Meetings Act, Calling Closed Meetings, Freedom of Information Act, Work Sessions of the Council, and Parliamentary Procedure.



Grassroots Advocacy—Stay Informed and Involved

Michigan's communities have the opportunity to influence the legislative process every day through the League's State and Federal Affairs Division. Members can easily stay informed on lobbying efforts through:

- **The Legislative Link E-Newsletter**

A weekly rundown of legislative activity recounted by the League's lobbying team. Articles are timely, issue-oriented, and keep members up-to-speed on legislation, policy development, legislative events, and more.


- **Action Alerts & Issue Advisories**

Sporadic by nature, action alerts and issue advisories update members on information that just cannot wait. These updates outline urgent legislative situations, summarize new laws, or provide information for collective grassroots efforts.

Center for 21st Century Communities (21c3)

Through forums, research, and education, the League identified the eight assets Michigan's communities need to grow and strengthen, and for our state to sustain and prosper in coming years. Research shows that Physical Design & Walkability, Green Initiatives, Cultural Economic Development, Entrepreneurship, Multiculturalism, Messaging & Technology, Transit, and Education are essential to a community's livelihood. Helping Michigan's leaders grow these assets in their own communities is the focus of 21c3.



grants and funding, and offer other useful information. 21c3 also works to identify solutions and best practices in these eight asset areas, and offers samples, models, and tool kits aimed at inspiring local leaders to learn from the successes of other communities in Michigan and around the globe. 

Anthony Minghine is associate director and COO for the League. You may reach him at 734-669-6360 or aminghine@mml.org.



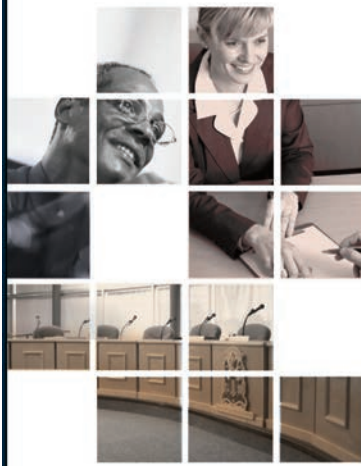
Research continues to show that "placemaking" matters more than ever, as an increasingly mobile workforce seeks out neighborhoods before finding jobs and opening up businesses.

You will find a lot to get you started right on the League's website, including comprehensive resources and solutions. Technical services and assistance are available to the League's member communities, including diagnostic community audits and prescriptive consulting. We will provide assistance in implementing your strategy, help identify

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A Conversation with Governor **RICK SNYDER**

Michigan Municipal League CEO Dan Gilmartin talked with Governor Rick Snyder during the League's December, 2011 Prosperity Agenda radio show on News/Talk 760 WJR. The community-themed conversation was a look back at Snyder's first year as governor and what he envisions for 2012 and beyond. Here is an edited version of that conversation. Listen to the full show audio at mml.org.

DAN GILMARTIN: As you look back at 2011, what are you going to remember in terms of what we were able to do as a state?

GOVERNOR SNYDER: To set the foundation for the reinvention of Michigan. I think it's gone reasonably well. It was a very difficult exercise though, because there are a lot of challenges and sacrifices we asked people to make. But in terms of restructuring our state for both short- and long-term success, a lot of fabulous things (took place) because the whole focus had to be on job creation and a great place for our kids and their future. So when you look at it, basically, we set a tone and a timetable in the state of the state address going back to last January where I outlined a number of activities and special messages, and we just used restless positive action to walk through that agenda and achieve a lot.

DAN GILMARTIN: As you look at your agenda and what you've accomplished, you've certainly done some things as far as helping local governments in being able to control some of their costs, but what else is on the agenda as you look forward? What are some things you'd like to put into action to make sure that our cities and our communities and our regions are places that are going to be competitive with the Chicagos, Portlands, and Seattles of the world?

GOVERNOR SNYDER: For 2012, there are two or three aspects. Some are follow-through items that we started in 2011. I did a special message (in October) on infrastructure—roads, bridges, sewer, water and those things—that, because of the legislative schedule, will hopefully get dealt with in the first half of 2012. (In December a message on talent

was given.) (That talent message) was really about doing a better job of connecting talent with positions that are open both short- and long-term, and the website we launched is pretty exciting. But it's something that's going to continue to be fleshed out through the first six months of the year. So there's good stuff there going on. In terms of themes that are going to come out in 2012 that I'm going to emphasize—it ties right into our cities. One is the topic of cities themselves. We're having some serious struggles with some cities in our state and how we can support them becoming successful for the long term, and they would include places like Detroit, Flint, Pontiac—Benton Harbor has been on that list for some time. Again, these are cities that have had financial stress or trouble in some fashion, and that's not to say emergency manager, it's more to say how can we be supportive by either helping do reviews and getting them advice, consent agreements, and hopefully avoiding emergency managers, but actually being more proactive on the cities.

The second one is how do we do more customer service government, both in terms of state and local levels? This is about treating our citizens as customers and giving them better service so they can be more successful and go out and do what they do best, which is hopefully do good business, create jobs, and have a great lifestyle. And then in terms of special messages, we're still finalizing that but things we're going to look at again tie back to that circle. One of these could be public safety. We have several cities that have far too much crime and we need to do something about that. And the other topic would be the whole issue of energy and the environment. When I say the environment that includes the urban environment. One great illustration is the Detroit Riverfront. It's fabulous to see the great things going on that traditionally you wouldn't think would be an environmental issue. But great things like William




Milliken State Park and the whole walk and connectivity along the riverfront there is just fabulous for both quality of life for the urban environment, but also good for environmentalism and sustainability.

DAN GILMARTIN: No question, I think we've turned an environmental negative there into a real positive and something we can work off of. And it really leads us into my next question. You've been a real proponent of placemaking. As you look forward to 2012, is there something specific you'd like to put your imprint on to make sure we're going to have these types of desirable places that are going to be great spots moving forward?

GOVERNOR SNYDER: It's more helping with the connectivity of all those concepts. Again, we'll have programs on a number of the traditional government areas, but it's also convening people and having people recognize it's not just about the public sector solving peoples' problems but about bringing the public, non-profit, and private sectors together for success. Detroit is one illustration of that. We just talked about environmentalism and quality of life with the Detroit Riverfront and the good things going on there, but how do you connect it to job creation and entrepreneurship and innovation? It's kind of fun when you listen to it, if you hear about Woodward nowadays. One of the nicknames I've heard for Woodward now is Webward because of all the great web work going on in downtown Detroit. That's pretty cool. Then you start seeing the good 15 by 15 effort that the medical community has done in Midtown Detroit where basically now rental housing is 98 percent occupied in Midtown Detroit. So the final layer I'd add on top is how do you then add some of the arts and culture piece? Grand Rapids has ArtPrize, and there are some other

great activities around the state. But how do we do something like that in Detroit to help connect things through various festivals or other activities? That's when it really gets exciting! You have to bring all sectors together and there are several pillars of success you need to work on simultaneously and link them together because the more power you bring there the better off we are.

DAN GILMARTIN: There are also some amazingly innovative things happening in our state, in business, in startups, in different things going on. Maybe these things are happening because we've been through such tough times over the last decade. One example you already mentioned is 15 by 15, a program run by the Hudson Webber Foundation to put 15,000 young millennials in Midtown Detroit by 2015. That project gets into the place attraction concept and it gets into all the amenities you talked about. So we kind of see Detroit as the great incubator for trying to figure out urban policy in the state and the more we're all sort of engaged in our different levels I think the better off we'll be on that. Certainly your presence in that is very welcoming. You being a real advocate for that is something we've needed in this state for a long time and we appreciate you being engaged.

GOVERNOR SNYDER: I'm happy to. It's about teamwork. It's not about any one individual. It's about how well we're all working together. That relentless positive action concept brings us together; let's get work done and let's go! 

Daniel P. Gilmartin is executive director and CEO of the League. You may contact him at 734-669-6302 or dpg@mml.org.

10

One of the most important laws municipal officials should understand is the Open Meetings Act, 1976 PA 267 (OMA). The following are common mistakes made by public bodies.

By Anne M. Seurnyck

WAYS

To Avoid Violating the Open Meetings Act

1 Remember the OMA When Communicating By Email

Improperly using email to conduct business may result in a violation of the OMA. A "meeting" is "the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy." MCL15.262. Because all decisions (defined in part as any determination, action, vote or disposition, on public policy) have to be made at an open meeting, using email to deliberate towards or make a decision could violate the OMA. By way of example, if an email was sent to councilmembers regarding a city policy issue and councilmembers replied to all recipients of that email, there may be a tendency for a "discussion" to take place outside of a lawful public meeting. To avoid this common mistake, the public body should educate its members on proper email use and may even develop an email policy that

addresses both use of email and the retention of email records.

2 Do Not Prevent the Public From Taping A Meeting

The OMA provides that the right to attend a meeting of a public body includes the right to tape record or videotape the meeting. MCL 15.263(1). Do not ask a member of the public to turn off a video camera.

3 Do Not Improperly Limit Public Comment

All persons in attendance at any public meeting have the right to address the public body. MCL 15.263(5). Although the public body can place reasonable limitations on speakers, such as limiting each speaker to a reasonable amount of time, the city or village may not limit the total time for public comment at any particular meeting. Avoid this mistake by not

enforcing a policy that limits the total time of public comment.

4 Avoid the Appearance of a Secret Meeting

Some lawsuits are filed because the public body makes a decision at a meeting with absolutely no discussion. When it appears there should have been a public discussion, such as when the issue is controversial, members of the public sometimes assume that a meeting was held in private and discussions took place "behind closed doors." This is especially true for cities or villages where councilmembers are frequently together at the city or village hall. Obviously, a quorum of councilmembers should not make decisions outside of a public meeting. However, councilmembers may also avoid such lawsuits by taking extra effort to discuss topics on the record so there is no appearance of an unlawful meeting.

5

Avoid Decisions in Closed Session

Because all decisions must be made at an open meeting, no decision may be made in the closed session. Opinion of the Attorney General (OAG 5445). To avoid an OMA violation, no motions or board actions should be taken in closed session.

6

Understand Closed Sessions Related to Employment

With respect to employment-related issues, a closed session may be called: (1) to consider the dismissal, suspension, discipline, complaints, charges, or periodic personnel evaluations of a public officer or employee, if the named person requests a closed hearing; or (2) for strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement, if either party requests a closed session. MCL 15.268(a) and (c). There is no general closed session for all "employment" matters. For example, a municipality

A "meeting" is "the convening of a public body at which a quorum is present for the purpose of deliberating toward or rendering a decision on a public policy."

may not meet in closed session to discuss budget cuts that may result in layoffs or the reduction of benefits. To avoid an OMA violation, the municipality should only discuss the topics specifically allowed by law.

7

Adhere to the Notice Provisions

All public notices shall contain the name of the public body to which the notice applies, its telephone number if one exists, and its address, and shall always be posted at its principal office

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The League offers Open Meetings Act (OMA) training as one of the core topics for local government officials. League General Counsel Bill Mathewson makes frequent presentations to our members on the OMA.

and any other locations considered appropriate by the public body. MCL 15.264. Special meetings must be noticed at least 18 hours in advance of the meeting and the notice shall state the date, time, and place of the meeting. MCL 15.265. Not complying with the posting and notice requirements may lead to a lawsuit for violating the OMA. If the public body fails to properly notice the meeting, the municipality could avoid a lawsuit by postponing the meeting and providing proper notice.

8 Use the Proper Procedure for Moving Into Closed Session

For certain closed sessions (the real estate, pending litigation, material exempt by statute, and employment application closed sessions), the council or commission may only move into closed session if 2/3 of the council appointed


and serving approve the closed session. With a six member board, four members must approve the closed session. If only four board members are present at the meeting and only three approve the closed session with one member voting "no," moving into closed session is not proper.

9 There Is No General "Contract Negotiation" Exemption

With the exception of strategy and negotiation sessions connected with the negotiation of a collective bargaining agreement, the OMA does not have a special "general" exemption to allow public bodies to go into closed session to negotiate contracts. So, unless some other exemption would apply, a municipality may not generally meet in closed session simply to negotiate contracts.

10 Properly Make and Record Motions

A public body must make proper motions and record all motions in the minutes. For example, too often we see minutes that simply state that the public body moved into closed session. By not specifying the reason for the closed session, the public body would be in violation of the OMA. If possible, an official should develop a proposed motion in advance to be sure that it is correctly adopted and read into the minutes.

Understanding the basic requirements of the OMA is an important part of a new official's training. With proper education, municipal officials will avoid making these common mistakes. 

Anne M. Seurnyck is an attorney with Foster, Swift, Collins & Smith, PC. You may reach her at 616-726-2240 or aseurnyck@fosterswift.com.

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Oversight of financial affairs is the responsibility of municipal elected officials. Inadequate oversight can lead to abuses such as embezzlement, and misuse of and/or misappropriation of funds. The following will help you understand your financial responsibilities and requirements.

Fiscal Responsibility

Internal controls are the policies and procedures by which you maintain your financial records and engage in financial transactions on a daily basis. Simply put, internal control consists of all the measures taken by the local government for the purpose of:

- Protecting resources against waste, misappropriation, and inefficiency;
- Ensuring accuracy, timeliness, and reliability in accounting and operating data;
- Maintaining compliance with applicable laws and regulations (local, state, and federal);
- Evaluating the level of performance of departments and personnel.

Examples of internal control include job descriptions, purchasing procedures, reconciliation of bank accounts, etc. Safeguarding cash and other assets of the local government and ensuring that funds are expended properly take on greater significance in the public sector. Under law, elected and appointed officials have both the authority and the responsibility to manage the resources for the greater public good.

Internal control is a continuum and there is no objective method to measure "adequate" internal control. State law requires an audit annually for local units over 4,000 in population; biennially for local units under 4,000 in population, (MCL 141.425). An audit requires the external auditor to

perform a study and evaluate internal control, and it also requires the auditor to report any significant deficiencies to the governing body. The Department of Treasury expects any reportable conditions to be addressed by the local unit by either correcting the deficiency or documenting why it is in disagreement.

State Requirements

Public Act 2 of 1968 and Public Act 71 of 1919 require the state treasurer to develop uniform accounting procedures to be followed by all local units of government. The required financial policies that must be passed by local governing bodies are: investment, credit card, and automated clearing house (ACH).

Investment Policy

The Investment of Surplus Funds of Political Subdivision Act, an investment policy required by Public Act 20 of 1943, as amended, addresses investment objectives, scope, diversity, delegation of authority, allowable instruments, safekeeping and custody, and prudence.

Credit Card Policy

Public Act 266 of 1995 (entitled "Credit Card Transactions") and Public Act 280 of 1995 (entitled "Financial Transaction Device Payments") requires the governing body to approve a policy for the use of credit cards prior to accepting payment by credit card, or using credit cards to purchase goods or

services for the official business of the local unit. This also applies to similar types of instruments, such as purchasing cards or procurement cards.

ACH Policy

Public Act 738 of 2002 (entitled “Electronic Transactions of Public Funds”) requires the governing body to approve a policy before making any payments using the ACH (Automated Clearing House) system (wire transfers).

Best Practices

While not required by a specific statute, the state treasury department suggests each local unit should adopt a purchasing policy, an ethics/conflict of interest policy, and a travel/reimbursement policy.

Purchasing Policy

A purchasing policy should address the following areas:

- **Purpose—**
In general, the purpose of a purchasing policy is to encourage the efficient purchasing of appropriate goods or services at appropriate prices;
- **Authority to commit the local unit—**
The policy should expressly state which employees have the authority to purchase goods or services;
- **Approval process—**
The policy should define a process to purchase goods and services. The policy may distinguish between types of purchases (such as intergovernmental purchases, professional services, utilities, or emergency situations) and by dollar threshold. Often, purchase orders are also used to control and keep track of purchase commitments. Based on the types of service and dollar limitations, the policy should direct: (1) when competitiveness must be introduced (documented oral quotes, sealed bid, etc.); and (2) when additional approval is required (department head, supervisor, city/village manager, or governing body);
- **Circumvention of dollar thresholds—**
The policy should expressly state that separating the work of vendors into smaller invoices is a violation of the dollar threshold rules;
- **Grant requirements—**
Purchases to be reimbursed from grants are often required to follow additional purchasing requirements, and the purchasing policy should adopt these requirements, at least indirectly (by reference);
- **Purchasing ordinance—**
It is imperative that the purchasing policy remain consistent with the purchasing ordinance, if one exists;
- **Separation of duties—**
The policy should separate the duties of ordering, processing for payments, and receiving.

Ethics/Conflict of Interest Policy

Local governments should adopt a policy which generally addresses the following aspects:

- General prohibition against entering into any business relationships that would put an employee or official into conflict with their obligations to the local unit of government;
- Requirement to disclose any personal transactions, in excess of a dollar threshold, entered into with any vendor that also does business with the local unit;
- Disclosure or prohibition of gifts received from vendors in excess of a dollar threshold;
- Explicit expectation that in the performance of their duties, the employee/official will work in the best interest of the local unit;
- An explicit expectation that all information provided will be truthful and complete.

The Uniform Accounting Procedures Manual

requires the governing body to be provided periodic financial reports by the clerk and treasurer. Reports by the clerk and treasurer must reconcile to each other every month. The required periodic reports must be given to the council/commission at least on a quarterly basis.

Public Act 2 of 1968, the Uniform Budgeting and Accounting Act

- Requires units of local government to maintain a uniform chart of accounts for financial management and reporting purposes.
- Authorizes the Department of Treasury to perform internal control reviews to ensure compliance with a uniform chart of accounts.
- Requires units of local government to file with the Department of Treasury annual financial and annual audit reports within 180 days of the unit of local government's fiscal year end.
- Requires units of local government to follow uniform procedures with regards to annual budget formulation, adoption, and monitoring.

Travel & Expense Reimbursement Policy

These policies may be incorporated into your purchasing policy, or may be stated as a separate policy:

- Authorization for any travel or business expense will be obtained prior to incurring the costs;
- All expenses requested for reimbursement will be substantiated with receipts or other documentation;
- All expenses requested for reimbursement will be for amounts that a reasonable, prudent person would conclude benefits the local unit. (An example of the above would be that the appr approval to have the local unit pay for personal phone calls.)

Conclusion


Local elected officials are given the responsibility and authority to establish financial policies for their municipality. Inadequate oversight can lead to abuses such as embezzlement and misuse of and/or misappropriation of funds. Internal financial controls should reduce opportunities and temptations for fraud or embezzlement. Review your policies and make sure you have all the state requirements in place; better yet, implement the recommended best practices, too. The set of state manuals are available on the Department of Treasury

website, michigan.gov/treasury. In addition, the League has sample policies and resources.

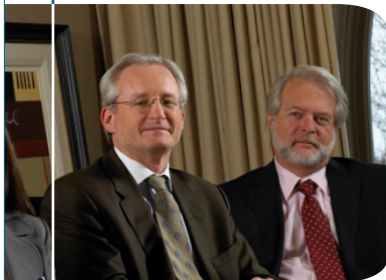
League Resources Available at mml.org

- Sample investment policies; One Pager *Plus* Fact Sheet on Investing Surplus Funds
- Sample credit card policies
- Sample ACH policies
- Sample purchasing policies
- Sample ethics/conflict of interest policies; Four One Pager *Plus* Fact Sheets on Ethics
- Sample travel policies

Excerpt from the “Accounting Procedures Manual for Local Units of Government in Michigan,” July 2007, printed with permission of the Michigan Department of Treasury, Local Audit and Finance Division Bureau of Local Government Services.

In February 2011, Michigan Attorney General Bill Schuette created a new Public Integrity Unit to ramp up the fight against corruption in state and local government, protect tax dollars, and restore the public’s trust in government. 

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ATTORNEYS & COUNSELORS AT LAW

Michael S. Bogren

Governmental Law Practice Group Leader

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The Presiding Officer



Excerpt from “Parliamentary Procedure in Local Government” by the National Association of Parliamentarians. Reprinted with permission.



Remember that the chair (mayor/president) is the leader of the members (council/commission) even when they hold the opposite point of view. The chair is not, however, their boss! Patience and impartiality are virtues to emulate.

The presiding officer in a public body may be known by a number of titles—chairman, mayor, president, or supervisor, to name a few. Shakespeare wrote, “A rose, by any other name, would smell as sweet.” So, no matter the name used, the presiding officer facilitates and chairs meetings of the public body. Other rights and responsibilities vary greatly and are established by state and/or local law.

Local governing bodies are different from other types of societies:

- Power does not reside in individual members—it is delegate to the whole by state statute or by the people through adoption of a charter.
- They are governed by constitutional and statutory rules.
- Members do not speak for themselves alone, but instead represent a constituency.
- Rules are required that meet particular situations due to the great volume of business that must be completed.

Essential Characteristics

The presiding officer should be knowledgeable about parliamentary procedure and the rules governing the public body. Many officers try to get by with minimal knowledge; the smart, prepared presiding officer knows more about parliamentary procedure than any other member of the assembly. During the meeting, the chair should be fair and impartial, tactful and courteous, all the while exhibiting common sense.

The chair should not allow members to speak on an issue until there is a second. Also, the presiding officer should take special care to make sure that the members know at all times what motion is being considered.

PRESIDING DUTIES

Robert's Rules of Order Newly Revised (RONR) outlines eleven general duties for a presiding officer:

1 Open the meeting at the appointed time.
Signal for quiet if necessary, rap the gavel once, and announce, "The meeting will come to order."

2 Announce in proper sequence the items to come before the assembly.
As a part of the special rules of order, a public body should include an order for taking up the business of the assembly.

3 Recognize members who are entitled to the floor.
Members obtain the floor by being recognized by the chair. They do not have to rise as in an ordinary society, but rather signal the chair that they wish to speak. The custom of the public body dictates whether raising a hand is sufficient to request recognition or whether a member must address the chair.

If members interrupt a speaker and the purpose for the interruption is not in order, the chair should advise that they would be recognized after the current speaker completes comments.

4 State and put to vote all questions that legitimately come before the assembly, and announce the result of the vote.

After a motion is made and seconded (if necessary), the chair repeats the motion: "It is moved and seconded that..." This places the motion before the assembly. Until that time, the motion belongs only to the member who made it, who may modify the motion or even withdraw it. After debate (if allowed) is concluded, the chair puts the motion to a vote by saying "The question is on the adoption of the motion that..." This reminds the members of the exact wording of the motion before the vote is taken.

After the vote is taken, the chair announces the result of the vote by stating which side has it ("The ayes have it" or "The noes have it"), whether it was adopted or lost ("The motion is adopted" or "The motion is lost"), the effect of the action, and when appropriate, the next item of business.

5 Protect the assembly from obviously frivolous or dilatory motions by refusing to recognize them.

A motion is frivolous or dilatory if it seeks to obstruct or thwart the will of the assembly, misuses the legitimate forms of motions, abuses the privilege of renewing certain motions, or is absurd in substance. The motion, not necessarily the member, is out of order.

6 Enforce the rules relating to debate.

- A member must obtain the floor by being recognized by the chair.
- The maker of the motion is entitled to speak first.
- No member is entitled to speak a second time while any other member wishes to make a first speech.

- The chair should alternate debate between the affirmative and the negative positions.
- Rights in debate are not transferable.
- Members may not speak against a motion they make, but may vote against it.
- A 2/3 vote is required to close debate.
- The chair may close debate only with the consent of the assembly.

7 Expedite business in every way compatible with the rights of members.

The chair may expedite business by suggesting that a motion could be made ("The chair would entertain a motion to...").

Unanimous consent provides an efficient way to expedite business when there appears to be little or no opposition to a motion. The chair asks, "Is there any objection to...? [Pause] Since there is no objection, the motion is adopted.") If a single member objects, a vote is taken in the usual manner.

8 Decide all questions of order subject to appeal.

The chair is obligated to rule on all points of order—a motion alleging that a rule is being violated. Members have the right to appeal the decision made by the chair.

TIPS

Always:

- Maintain order
- Provide strong leadership
- Remain impartial
- Keep discussion germane to the pending question
 - Be tactful
 - Be fair

Never:

- Get excited
- Be unjust, even to troublesome members
- Take advantage of a member's lack of knowledge
- Be more technical than necessary
- Allow remarks or debate to wander off the subject

9 Respond to inquiries of members relating to parliamentary procedure or facts.

A parliamentary inquiry is a question to obtain information regarding parliamentary law or rules of the public body.

A point of information is a request to the chair, or through the chair, to obtain information relevant to the business at hand.

10 Authenticate all acts or orders.

The chair may be responsible for signing official correspondence, adopted ordinances, or minutes of meetings together with the recording officer. These responsibilities are subject to the rules of the local body.

11 Declare the meeting adjourned.

The chair should declare the meeting adjourned under the following circumstances:

- a) When a motion to adjourn has been made and adopted
- b) When the predetermined hour of adjournment has arrived
- c) When it appears there is no further business
- d) When sensing a general desire to adjourn
- e) In the event of fire, riot, or other extreme emergency.

To purchase the book, *Parliamentary Procedure in Local Government*, or to get further information on parliamentary procedure, visit the National Association of Parliamentarians at parliamentarians.org. 



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CAPITAL CONFERENCE

March 20-21, 2012 • Lansing, Michigan



PULL OUT



VISIT CC.MML.ORG TO REGISTER ONLINE STARTING JANUARY 11, 2012

CAPITAL CONFERENCE

March 20-21, 2012
Lansing, Michigan

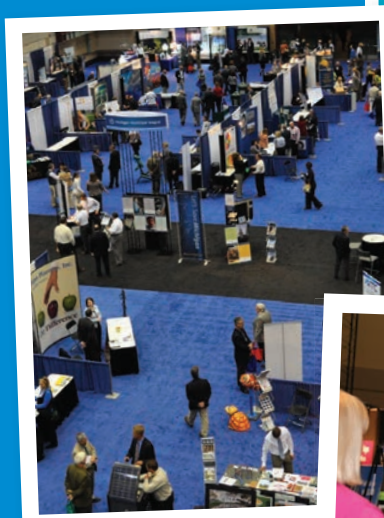
Everyone's talking about the fundamental role of placemaking in the economic revitalization of Michigan's communities. But the economics of place has to start with the *politics* of place. Without legislation that provides a framework for the necessary funding and policies, we can't move ahead on any of the initiatives that are so crucial to making our communities into the vibrant places where people want to live in the 21st century. Capital Conference is where you'll hear about key state and federal issues that impact our communities, from the development of mass transit to the future fate of brownfield tax credits. Take your place in Lansing, at the League's 2012 Capital Conference.

General Sessions include:

- Personal Property Tax
- Tying it all Together: Healthcare, EVIP, & Labor
- Media Officials Talk Politics
- Transit's Gaining Momentum

Breakout Sessions include:

- Governor's Environmental Message
- Brownfield Tax Credits: Now What?
- Legislative Ins and Outs



Vendor Opportunities

The League offers many opportunities for you to get your name in front of municipal decision makers: exhibiting in our Annual Expo, advertising in the Capital Conference Program and event sponsorship.

Exhibitors are welcome to attend educational sessions and events. The League believes that the more you know about our municipalities' problems, the better prepared you will be to help them find solutions.

Our schedule allows plenty of time for attendees to tour the Expo Hall throughout the day on Wednesday, and Tuesday evening's Kick Off Party, hosted in the Expo Hall, is a popular event that allows vendors and attendees the opportunity to network.

Tuesday, March 20

- | | |
|--------------|---------------------------------|
| 2:00-5:15 pm | Booth Check-in and Set-up |
| 4:30-5:30 pm | Opening General Session |
| 5:30-7:30 pm | Kick Off Party in the Expo Hall |

Wednesday, March 21

- | | |
|-----------------|------------------|
| 7:30 am-3:15 pm | Annual Expo Open |
|-----------------|------------------|

Advertising

Display ads are scattered throughout the program among the session and event descriptions. The program page size is 5.5"x8.5". All ads are full color.

Sponsorship

Opportunities are available starting at \$500.00, corporate recognition on signage, pause screens, ads in the event program, and in the *Review* magazine means your money is well spent.

For complete details about marketing opportunities at the League's Capital Conference, go to the Capital Conference webpage: cc.mml.org, or call Terri Murphy, 800-653-2483.

Pre-Conference Sessions

Tuesday, March 20

Recreation Authorities & Other Funding for Parks & Recreation

9:00 am-12:00 pm

Parks and Recreation is a key component of placemaking for any community. Creating a community that is vibrant and attractive is essential to retain and attract residents and businesses. This session will explain the various funding options for Parks and Recreation at the local level. As an attendee, you will learn about the current environment for Parks and Recreation. You will be able to discuss enabling legislation for Parks and Recreation Authorities, and start a Parks and Recreation Authority in your area.

Most Common Open Meetings Act & Freedom of Information Act Mistakes & How to Avoid Them

9:00 am-12:00 pm

Have questions about the Open Meetings Act (OMA) and Freedom of Information Act (FOIA)? Foster Swift has you covered. How well do municipal officials really need to know those Acts? Like the back of their hand. Both Acts are filled with nuances that can easily lead to innocent missteps—which can then result in time-consuming headaches, bad publicity, and even costly and potentially damaging litigation. Join attorneys from Foster Swift's municipal team for an explanation of the most common OMA and FOIA pitfalls, and ways to avoid them.

Creative Consolidation: The Steps to Success in Shared Services

9:00 am-12:00 pm

Revenues are shrinking and costs are rising. Consolidation of services is fast becoming the new reality for local governments hard-pressed to meet their community's needs with ever-tighter budgets. What are the legalities that can aid or impede service consolidation? What are the steps to making the transition work for the municipal employer and employee? Where are Michigan's success stories in shared services, and what can be learned from them? This session is an essential start to the collaborative process.

Saving Our Children: The Community's Role in Suicide Prevention

10:00 am-12:00 pm

During a single month in 2010, 13 Farmington Hills middle school students threatened or attempted suicide. It is the third leading cause of death for 15-24 year-olds nationally. By developing a local suicide prevention plan, municipal officials can help make our communities safer, more inclusive places where people want to live, work, and play.

Sometimes it takes a community to save a child—members of the Farmington Hills Area Suicide Prevention Task Force and others will share what they've learned to help you confront this epidemic on your own homefront. Topics will include citizen resources, task force organization, and the importance of inclusion in suicide prevention.

Michigan Association of Municipal Attorneys' (MAMA) 26th Annual Advanced Institute

9:00 am-4:30 pm

Stay current on the latest legal issues affecting Michigan local governments. Attendees will hear various presentations from several experts who will review recent court decisions and legislation, challenges being faced, strategies, and examples. This is the perfect opportunity to "meet and greet" your colleagues while you network and exchange ideas and experiences. You will leave this session with a better understanding of current legal issues and the impact they will have on the municipalities you represent.

AGENDA AT-A-GLANCE

Tuesday, March 20

9:00 am-12:00 pm	Pre-Conference Workshops
9:00 am-4:30 pm	MAMA Municipal Law Program
10:00 am-1:00 pm	Board of Trustees Meeting & Lunch
12:00-6:00 pm	Registration Open
1:15-2:15 pm	Governance Committee Meeting
2:30-3:30 pm	Capital Conference Welcome
3:45-5:15 pm	Regional Roundtables
5:30-7:30 pm	MML Liability & Property Pool Capital Conference Kick Off Party

Wednesday, March 21

7:30 am-4:00 pm	Registration Open
7:30 am-3:15 pm	Spring Expo: Connect, Get Inspired!
7:30-8:30 am	Continental Breakfast in Exhibit Hall
	MWIMG Eggs & Issues Breakfast
8:30-9:45 am	General Session
9:45-10:15 am	Networking Break
10:15-11:30 am	Concurrent Sessions
11:30-11:45 am	Networking Break in the Expo Hall
11:45 am-1:00 pm	Awards Luncheon
1:00-1:45 pm	Networking Break in the Expo Hall
	MBC-LEO Annual Meeting
1:45-2:45 pm	General Session
2:45-3:15 pm	Networking Break in Expo Hall
3:15-4:30 pm	General Session
4:30-6:30 pm	Legislative Reception

Register at **CC.MML.ORG**

General Information

How can I register?

Online!

In order to reduce the amount of printed paper and increase member privacy, the League will no longer accept credit card payments on printable registration forms for League events. All credit card payments are to be completed online via My League (cc.mml.org). My League is your secure, interactive online League account. It's available to all members and nonmembers, with a quick and easy sign-up process.

Via Printable Form

Visit cc.mml.org to download and print a faxable registration form. Complete and fax to 734-669-4223, then mail with check payable to:

Michigan Municipal League
PO Box 7409
Ann Arbor, MI 48107-7409

Housing

Housing reservations are only accepted at the headquarters hotel for registered Conference attendees. Within 48 hours of the League receiving your Conference registration form, you will receive a confirmation email containing your registration information and your personalized housing code.

Headquarters Hotel

The Radisson Hotel, Lansing
111 N. Grand Ave., Lansing, MI 48933
Phone: 517-482-0188
Room rate: \$121 (plus 7% city occupancy and 6% state sales tax). After February 18, 2012, reservations accepted on space-available basis only.

Lexington Hotel

Contact the hotel directly for reservations.
925 S. Creyts Rd., Lansing, MI 48917
Phone: 877-322-5544
Room rate: \$99 (plus 7% city occupancy and 6% state sales tax). After February 27, 2012, reservations accepted on space-available basis only.

Parking

Parking is available at all city parking structures at a rate of \$2 per hour, or for Radisson Hotel guests at \$10 per night when vehicle is valet parked.

Regional Roundtables

On March 20, 2012, the League is again offering the Regional Roundtables, a free opportunity to get together with other members from your region. These sessions will take place immediately following the Welcoming General Session at Capital Conference, from 3:45-5:15 pm, in Lansing. Don't miss this chance to participate in community updates, hear hot legislative issues, enter your community's project in the Community Excellence Awards, and more!

To find out more about your region or the League's upcoming Region Meet Ups, visit mml.org.

Community Excellence Awards

Enter on March 20, 2012, at your Regional Roundtable!

We've simplified the presentation process to keep this program accessible, as well as relocated the first round to your Regional Roundtable at Capital Conference. All Community Excellence Award (CEA) presentations will be limited to an "elevator pitch" format and will be presented at their Roundtable on March 20, 2012. Communities entering will have five minutes to passionately present their project—no videos, no PowerPoints, nothing but your project and power of persuasion!

Regional winners, who will be voted on by their peers on March 20, will compete at our Annual Convention and typically prepare more spectacular videos and/or PowerPoint presentations for that venue.

Student Scholarship Essay

Students (ages 15-19) are encouraged to submit an essay for the opportunity to receive a scholarship for registration to the Capital Conference. The topic is given on the Student Essay Scholarship form. The essay should be a minimum of 150 words in length. Essays will be judged on creativity, clarity, sincerity of thought, and proper use of grammar and spelling.

Please complete the form and attach the essay. Submissions must be received by February 15, 2012. Mail submissions to Michigan Municipal League, Attn: Jane Bruck, 1675 Green Road, Ann Arbor, MI 48105, email jbruck@mml.org, or fax 734-662-9399. Only one entry per student. Limited space available.

The supervision of students and arrangements for travel and lodging (including associated costs) are the responsibility of the student, host municipality, school, or organization. Students may not attend unsupervised.

Legislative Reception

Wednesday, March 21, 4:30-6:30 pm

This reception is an exceptional opportunity to network with senators, representatives, key legislative staff members, and other top state officials and hear their perspectives on state issues in a relaxed setting.

Eggs & Issues Breakfast Michigan Women in Municipal Government

Wednesday, March 21, 7:30-8:30 am

Cost: \$25

This is a chance for local government officials to share ideas and solutions and hear updates on issues pertinent to municipalities. Use the Delegate Registration Form to reserve your ticket. Tickets must be paid in advance.

Welcome to the Elected Officials Academy



An Education and Recognition Program

The Elected Officials Academy (EOA) is a four-level program that recognizes your educational and leadership accomplishments. Any League class that you take, conference that you attend, or committee that you serve on, earns you EOA credits.

There is no question that our municipal officials are facing some serious challenges in their leadership roles—how to do more with less money, and how to govern through these turbulent economic conditions while maintaining a positive outlook. Your efforts to lead in these trying times need to be recognized.

The EOA offers a broad array of programming to mayors, presidents, councilmembers, commissioners, and trustees, and elected administrative officials, such as clerks and treasurers, as an opportunity to expand their knowledge and expertise. All elected city, village and member urban townships are invited to participate. Several hundred officials have participated in this program since its inception in July 1997.

By successfully completing each level of the Academy, the League will recognize your achievement. Of even greater importance is the fact that your community will benefit from the education and experience that you gain. Your acceptance of the challenge of learning will better equip you to fulfill the important responsibility of volunteer leadership. You will be able to demonstrate to your community and peers leadership competence in carrying out your duties as an elected community official.

How Do I Enroll?

Go to mml.org. You will need to create a password, then log in and complete an online form to enroll in the EOA.

How Will My Previous Training Be Recognized?

Elective course credits accumulated by attending qualified League seminars during the four years previous to the official's enrollment in the Academy may apply toward Level One: Education Award. League education staff will confirm your attendance at past courses.

What Are the Benefits of Participating?

- You will become more aware of current and emerging issues which your community will face as we move forward in the new millennium.
- You will personally develop knowledge of the laws guiding municipal government and develop skills and expertise that will help you as you govern in your community.
- As you increase your knowledge and credibility, your constituents will gain confidence in you and your local government.
- You will be better equipped to make informed decisions that improve the quality of life for citizens in your community.
- By continuing to improve your knowledge and decision-making ability, you will become a better leader.
- Being recognized as an "educated" elected official demonstrates to your constituents that you have taken the time to improve yourself by attending workshops and performing leadership activities.

How Will My Progress Be Tracked?

Each participant will be asked to complete and submit the enrollment form on the website. This enrollment form is necessary for the League to track each official's attendance at League educational programs and major meetings. To receive additional credit for participation in approved educational programs offered by private or public organizations, you enter the credits on the website under either "Leadership Credits" or "Education Credits." Once they are approved, they will be reflected on the website. You can check your progress at any time online. You simply go to the EOA page and enter your user ID and password.



Contact: Jane Bruck, events coordinator, at 734-669-6312 or jbruck@mml.org.



We Just Got Elected!

★★★★ Now What?



Bill Mathewson, League General Counsel, instructs newly elected officials on OMA, FOIA, and the authority of local government.



By Matt Bach

They have a variety of backgrounds—a newspaper editor seeking a career change, an administrative assistant in the auto industry, a law student, a funeral director, and a pediatrician—just to name a few.

But they all have something in common. They are the new faces of local government in Michigan. There's a famous line at the end of the movie, "The Candidate" starring Robert Redford. The film focuses on Redford's character running for U.S. Senate and at the end (spoiler alert) he wins and Redford's character asks his campaign advisers "What do we do now?"

That's exactly how Jeremy Moss felt after being elected November 8 to the Southfield City Council at the young age of 25.

"It was kind of like the dog who chases the car and then what does he do when he catches the car," said Moss, who works for the Michigan House of Representatives. "Even just being involved in city hall, at least I know the key players, I know a lot of personalities at city hall, I know the issues just from having lived in the city all my life. I don't feel that much at a disadvantage, but it's a different perspective that I'm being exposed to."

It's not unusual for candidates to spend so much focus and time on the campaign and running that they're not really sure what to do or how to start once elected.

Fortunately, in Michigan, local government officials—newly elected and experienced leaders—aren't in this alone. They have the Michigan Municipal League to help learn all the ins and outs

Newly Elected Officials



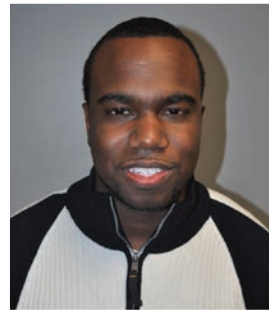
MARK L. PENZIEN
Commissioner

City of East Jordan, Charlevoix County
Population: 2,351
Occupation: Funeral director
Why did you run for office?:
"I wanted to bring an element of the business community onto city council. Particularly, I want to help build economic development for small businesses in our downtown."



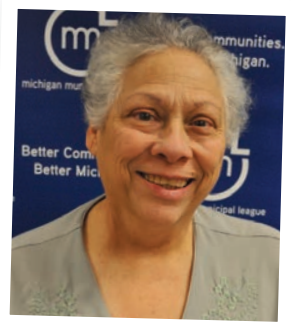
JEAN STEGEMAN
Mayor

City of Menominee, Menominee County
Population: 8,599
Occupation: substitute high school teacher
Why did you run for office?:
"I saw a need in the community. Not very many people were running for office. I am on the planning commission and I was approached and encouraged to run by councilmembers and residents."



DARCEL BROWN
Mayor

City of Ecorse, Ecorse County
Population: 9,512
Occupation: Legislative Research Assistant, Wayne County Commission
Why did you run for office?:
"I became a candidate for office because I wanted to see positive change and transformation take place in the city."



JUANITA HOLLISTER
President

Village of Akron, Tuscola County
Population: 402
Occupation: Owner, adult foster care
Why did you run for office?:
"I like my village and want it to grow."



CARMEL CAMP
Councilmember

City of Hudson, Lenawee County
Population: 2,307
Occupation: Owner/operator, in-home day care
Why did you run for office?:
"I wanted to be more involved in my community. I'm a people-person and care about the future of our city."



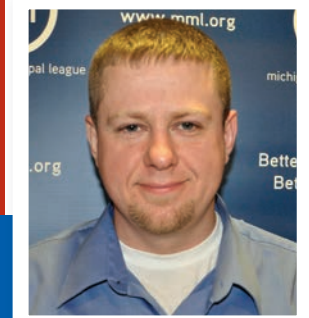
RON GUNDERSON
Mayor

City of Belding, Ionia County
Population: 5,757
Occupation: Retired service plumber
Why did you run for office?:
"Commitment to community."



DR. NANCY WADE
Councilmember

City of Vassar, Tuscola County
Population: 2,697
Occupation: Pediatrician
Why did you run for office?:
"To bring a fresh perspective to the council and to help energize the efforts to increase downtown foot traffic."



DEREK FLORY
Councilmember

City of Leslie, Ingham County
Population: 1,851
Occupation: Paramedic
Why did you run for office?:
"I saw the election as a great opportunity to get involved."

to being elected officials. The League offers resources and training on everything from the parliamentary procedures to running a meeting to understanding budgetary issues. For the latest League training sessions go to mml.org.

Dave Fredrick, clerk for the city of Yale, was among a group of recently elected/appointed officials to attend a series of newly elected officials (NEO) training offered by the League throughout the state.

Fredrick is editor of the *Huron County View* newspaper and has more than 25 years experience in journalism. He's been to countless government meetings as a journalist, but attended a NEO training in Marlette November 15 because he knew he still had much to learn about being an elected official. "I'm very open to learning new things," Fredrick explained. "A city clerk's role is obviously very different than the role of a journalist."

Teri Nusz never imagined she'd get involved in local politics. But the mother of three and administrative assistant in the auto industry found herself attending more and more council meetings in Akron—a small village in the Thumb of about 400 people. At first she had concerns about a local property project then she started asking about more things. Finally she was asked by fellow residents to run and she did and she won.



Officials from all over the state attended the League's series of newly elected officials trainings. Pictured above: officials at the training at the League's Ann Arbor headquarters. Over 150 officials attended the trainings in Marlette, Lansing, Boyne City, Ferrysburg, Ann Arbor, and Mt. Pleasant.



Moss of Southfield said becoming the city's youngest councilmember required a lot of campaigning and door knocking, but he dreamed of getting into politics since age five, at least that's what his grandmother told a local newspaper following his election.

"I'm excited," Moss said. "There are a lot of challenges ahead but I bring a very different perspective than those who are on the council right now. I'm the youngest by far—I'm 25 and our oldest councilmember is 91—the oldest councilmember in the state of Michigan. We have the oldest and the youngest and every age in between."

Stacy Krause is a third-year law student at Thomas Cooley Law School and was newly elected to Portland City Council. A Portland native, Krause has always been interested in serving her community and has served on local non-profit boards and was on the city planning commission.

"Portland is a vibrant community," Krause said. "We like to offer our residents as many things that contribute to quality of life without it being a tax burden. That's why our Cool Cities designation and our Main Street program does a really, really good job in seeking out grant money."

Krause, who has a teenage daughter and two teenage stepsons, also saw the value in showing her children the importance of being civically engaged. She even used election night as an educational opportunity.

"My daughter went up with me to watch the election results come in at city hall. I thought it might be a nice civic opportunity for her to see local politics in action. When I saw that I got enough votes, first I was standing next to the mayor so he hugs me, but then next thing I know, I just get grabbed by my daughter and she's says 'Congratulations mom!' She was so excited. I thought for a teenager to be that excited to see that process is very exciting."

Like Krause, many of those recently elected or appointed to their local city or village boards did so out of love for their communities.


Jeff Domenico, a life-long resident of Battle Creek, got elected to the city commission by ousting a three-time incumbent. It's his first time in the political arena.

"I've always been very passionate about the city," said Domenico, a mid-level manager for Denso Manufacturing Michigan. "There's so much going on right now, we got a big downtown renovation with private funding—\$85 million. They are doing so many good things and I just want to be a part of it and get involved. It's just very, very exciting to me."



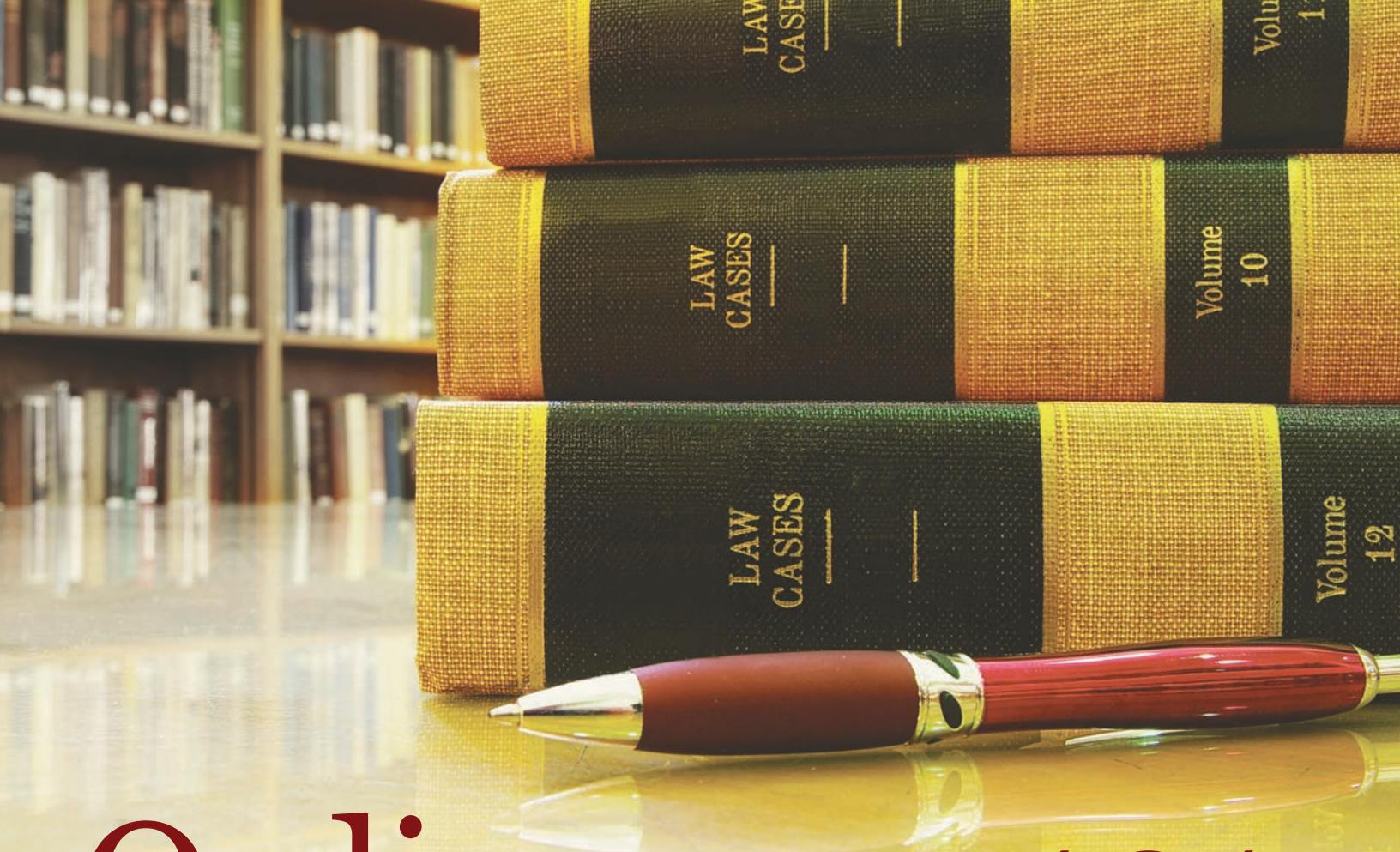
Above: Joe Heffernan, Plante & Moran, presenting local government finance. Below: "Seasoned" panelists: Marlette Mayor Don Redman, Imlay City Mayor Margaret Guerrero-DeLuca, and Brown City Mayor Christine Lee.

Denise Lawrence, a legal secretary, also ran out of love for her West Branch community and sought election on a platform of change.

"I wanted to make some changes and I wanted the residents of the city to have a voice, and I'm that voice. I'm hoping to bring a woman's perspective. It's been a man's board for a long time and now there's a girl in the clubhouse." 

Matt Bach is communications director for the League. You may reach him at 734-669-6317 or mbach@mml.org.





Ordinances 101:

What Every Municipal Official Should Know

By Michael D. Homier and Laura J. Garlinghouse

What Is an Ordinance?

Cities and villages have the power to legislate—that is, to make laws. Cities and villages exercise their legislative power by adopting or amending ordinances. The power to legislate by adopting ordinances is expressly granted by the Michigan Constitution. Const 1963, Art 7, § 22. A properly adopted ordinance has the force and effect of law and is presumed to be valid.

Ordinances can cover a wide range of subjects, from regulating noise levels to defining zoning districts to adopting an annual budget. If a municipality wants to require or prohibit certain conduct—such as requiring leashes for dogs or requiring licenses for door-to-door solicitors—then the municipality should adopt an ordinance. Adopting an ordinance and following the publication requirements makes the rule public so that members of the community can act accordingly.

How Are Ordinances Drafted?

In simple terms, an ordinance is a written document that defines the local law and provides penalties for violations. An ordinance typically has a descriptive title and begins with the phrase, “The City (or Village) of [Name] Ordains.” The body of each ordinance usually includes numbered sections that set forth the content of the ordinance and states when the ordinance takes effect.

The specific content of the ordinance depends entirely on the subject matter and whether it is adopted pursuant to a particular state law. For example, an ordinance regulating dangerous buildings should comply with the applicable provisions of the Housing Law of Michigan, Public Act 167 of 1917, MCL 125.538 to 125.541. An ordinance can regulate most subject matters, so long as the ordinance promotes the health, safety, and welfare of the people of the municipality and is not contrary to or preempted by other law.

How Are Ordinances Adopted?

The process for adopting an ordinance depends on the municipality's charter and the state law under which the ordinance is adopted, if any. A city's charter might, for example, require a public hearing before the adoption of any ordinance and require that notice of the public hearing be published within a certain amount of time before the hearing. Municipal officials should always turn to the charter first to see if it prescribes the manner for adopting ordinances.

State law imposes specific requirements for publishing ordinances. For home rule cities, all ordinances must be published before they are operative. However, instead of publishing a copy of the complete ordinance, a city may publish a summary of the ordinance, so long as the publication also designates the location in the city where a true copy of the ordinance can be inspected or obtained. MCL 117.3(k). For general law villages, an ordinance or a summary of the ordinance must be published within 15 days after it is passed. MCL 66.4. For home rule villages, an ordinance or a summary of the ordinance must be published before it becomes operative. MCL 78.23.

Importantly, some statutes impose special notice requirements with which a city or village must comply. When a municipality adopts a zoning ordinance or an amendment to a zoning ordinance, for example, a notice of ordinance adoption must be published within 15 days after the ordinance is adopted. MCL 125.3401. A city or village should always ensure that its ordinances are properly adopted and published in accordance with applicable law.

How Are Ordinances Enforced?

An ordinance that requires or prohibits certain conduct is meaningless unless it can be enforced. A city or village may designate an ordinance violation as a misdemeanor that is punishable by a fine of up to \$500 or imprisonment of up to 90 days, or both. MCL 117.4i; MCL 66.2; MCL 41.183. If the violation substantially corresponds to a violation of state law for which the maximum penalty is 93 days of imprisonment, then the misdemeanor may be punished by a fine up to \$500 or imprisonment of up to 93 days, or both. *Id.* Cities and villages cannot adopt ordinances that impose penalties of more than 93 days in jail.

Alternatively, a city or village can enforce ordinances by making any violation of the ordinance a municipal civil infraction and imposing a civil fine for the violation. MCL 117.4l; MCL 78.25a. A municipal civil infraction means a violation of an ordinance that is not otherwise a crime. A violation of an ordinance is a municipal civil infraction only if it is so designated by ordinance. Thus, if a city or village wishes to be able to impose a fine for violations of the ordinance, the ordinance should state that a person who violates the ordinance is responsible for a municipal civil infraction and is subject to payment of certain minimum fines, plus costs and fees, for each violation. The process for issuing municipal civil infractions is set forth in Public Act 12 of 1994, MCL 600.8701

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With over 100 attorneys in six offices across Michigan, Foster Swift has a reputation as one of the premier municipal law firms in the state. Currently representing over 150 Michigan townships, cities, villages, counties, and libraries, the firm's municipal attorneys have been deeply involved in municipal issues for decades.

The needs of local government are diverse. These include everything from the simplest ordinances to the most complex bond issues. Instrumental in effectively tackling these issues is finding the right law firm to match specific needs. The right lawyer is a strong advocate, a source of good information, and has the wisdom that comes with experience.

Put simply, when issues and opportunities arise, Foster Swift has the experience to handle them and has likely handled them before. Foster Swift's municipal practice specialties include general municipal issues; labor and employment; municipal finance and bonds; litigation and appeals; and property tax, to name just a few.

One of the many attributes that contributes to the firm's success is the ability to create and customize general frameworks to meet specific client needs. With attorneys that have a history of success and are highly regarded by their peers, it is no surprise that Foster Swift has many client relationships that span decades.

For more information about Foster Swift's municipal services, including experience examples, publications, webinar recordings, and news, visit fosterswift.com and search "Municipal Law."

Cities and villages are charged with making important decisions that impact their local communities. These decisions are often made through ordinances adopted by the city or village council. This article provides an introduction to ordinances and an overview of the many state laws that govern how ordinances are adopted, enforced, and amended.



et seq. Additionally, a city or village can designate violations of the motor vehicle code and certain other statutes as civil infractions. MCL 117.4l; MCL 78.25a.


In some circumstances, a city or village may also wish to file a lawsuit for equitable relief when an ordinance is violated. For example, if a certain use of property violates a zoning ordinance, the city or village may wish to seek an injunction prohibiting the unlawful use. A violation of a zoning ordinance is a nuisance per se that may be abated by a court of competent jurisdiction. The Michigan Zoning Enabling Act also authorizes courts to enjoin uses that violate zoning ordinances. MCL 125.3407.

Can An Ordinance Be Amended After It Is Adopted?

A city or village can amend an ordinance at any time to change its provisions, add new provisions, or remove existing provisions. As with the adoption of ordinances, city and village charters may impose public hearing, notice, and publication requirements for amending ordinances. Likewise, statutes may provide requirements for amendments to particular types of ordinances. An ordinance must be amended through the adoption of another ordinance and not through an oral motion

or resolution, and the ordinance adopting the amendments must be published in accordance with law. MCL 117.3(k); MCL 66.4; MCL 78.23.

Conclusion

Every municipal official should understand how ordinances are adopted, enforced, and amended and should keep in mind that ordinance procedures vary depending on the municipality's charter and any state statute that may apply. A city or village attorney can provide valuable assistance by drafting ordinances, preparing summaries and notices, and ensuring that all legal requirements are met so that the ordinance is valid and enforceable. 

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What are the requirements for minutes of an open meeting?

What conditions must be met for posting a notice of a special meeting?

Facts:

Northville Township had been involved in litigation regarding controversial property development in the township proposed by the developer, REIS-Northville L.L.C. (REIS). Ultimately, the township and REIS entered into an agreement resolving the dispute on July 30, 2008. Prior to its approval, the township board held public meetings on July 24 and July 29 for the purpose of considering the matter. Notice of the meetings was posted on bulletin boards in hallways of the township's offices at least 18 hours before the meetings. At the July 24 meeting, the township board approved the agreement and adopted a resolution. On July 29, the board approved the minutes of the July 24 meeting and approved the resolution. No residents were present at either meeting.

Residents of the township who had opposed the developer's plans filed an action against the township, alleging violations of the Open Meetings Act (OMA), i.e., 1) inadequate notice of the meetings was given by the township and 2) the minutes of the meetings did not accurately record the action taken by the board.

As to notice, the OMA requires that for a special meeting of a public body, "a public notice stating the date, time, and place of the meeting shall be posted at least 18 hours before the meeting." The statute further indicates that the notice must be posted at the public body's principal office and any other locations the public body deems appropriate.

With respect to minutes of a meeting, the OMA requires that a public body shall keep minutes of a meeting "showing the date, time, place, members present, members absent, any decision made at a meeting open to the public and the purpose or purposes for which a closed session is held."

Question No. 1:

Does the posting of a special meeting notice on bulletin boards in a township office 18-hours in advance of a meeting comply with the OMA if the public does not have access to the township office during the entire 18-hour period?

Answer According to the Trial Court:

Yes.

Answer According to the Michigan Court of Appeals:

Yes. The court held that the posting of notices was in compliance with the OMA. The court noted that the statutory requirement

of 18 hours' notice is clear and cannot be interpreted to mean 18 business hours. The Court also found that the statute does not require that the posting be made in a place accessible to the public for at least 18 hours before the meeting. The court observed that even though an opinion of the Attorney General had stated that the notice be publicly accessible for 18 hours, "[a]n opinion of the Attorney General is not precedentially binding, although it can be persuasive authority." The court stated it was not persuaded to follow the Attorney General's opinion since the language of the statute was clear and the township had fulfilled its requirement.

Question No. 2:

Are minutes of an open meeting defective if they fail to specify the decision made at the meeting?

Answer According to the Trial Court:

No.

Answer According to the Michigan Court of Appeals:

Yes. The Court found that although the minutes of the July 24 meeting indicated that a decision was made and that the township board granted authorization to the township supervisor and clerk to execute appropriate documents, the minutes failed to reflect the decision at the meeting, i.e., to settle the pending REIS litigation. The Court stated that, furthermore, the outcome, i.e., settlement of the REIS lawsuit, could not be implied since the documents referred to in the minutes were not identified.

Citizens for Public Accountability v Northville Township, No. 292311 (May 26, 2011) (unpublished).

NOTE: An unpublished opinion of the Michigan Court of Appeals has limited precedential effect.

This column highlights a recent judicial decision or Michigan Municipal League Legal Defense Fund case that impacts municipalities. The information in this column should not be considered a legal opinion or to constitute legal advice.

Sue Jeffers is a consultant to the League. You may contact her at sjeffers@mml.org.

Today MLGMA is focused on raising awareness of professional managers and their role in improving the quality of life in their communities.



Affiliate spotlight on...

MLGMA

Michigan Local Government Management Association

MLGMA is the professional and educational organization for administrators and assistant administrators serving cities, villages, townships, and counties throughout Michigan. The purpose is to create excellence in local governance by providing technical assistance, training, and publications for local government professionals to help them improve their skills and increase their knowledge.

The council-manager form of government is the fastest growing form of government in the U.S. today. It's also the most prevalent—it's used by more cities, villages, townships, and counties than any other form.

It's a system of local government that combines the strong political leadership of elected officials (the governing body) with the strong managerial experience of an appointed local government manager. The council-manager form establishes a representative system where all power is concentrated in the elected council, and where the council hires a professionally trained manager to oversee the delivery of public services.

The council-manager form, sometimes referred to as the "city manager" form, was born in the early 20th century in response to corruption and patronage that plagued many cities. The form was designed to "professionalize" local government and resembles the structure of a corporation or a non-profit.

How It All Got Started

The history of municipal managers in Michigan began soon after Michigan achieved statehood. Early council-manager charters were passed in 1915 and 1916 in Alpena, Big Rapids, Cadillac, Grand Haven, Grand Rapids, Grosse Pointe Shores, Jackson, and Petoskey.

Organized groups of managers started meeting in 1927 in the early-forming suburbs of Detroit. Without an official name, without elected officers, and without official organization, a unique association of city managers started functioning in Michigan. As the Michigan Municipal League became more active, occasional meetings of managers were held at the annual League Conventions. They decided to form a state organization of city managers to be a part of the International City Managers' Association, be affiliated with the Michigan Municipal League, and to hold a meeting every winter.



MLGMA has an active and lively membership. The organization holds two conferences per year, their Winter Institute (pictured below in Detroit in 2011) and their Summer Workshop (pictured below in St. Joseph in 2011).



Formal Organization

In 1930, a meeting was held at the Olds Hotel in Lansing, attended by 35 of the 44 city managers of the state. Items under discussion were: the delinquent tax situation; city budget preparation and execution; administration of the department of public works; stream pollution; and the International City Management Association (ICMA). Harold Smith, first director of the Michigan Municipal League, also presented a paper on cooperative purchasing. While the concerns in 1930 are still around today, a lot has happened in the profession since then.

Life, Well Run


To reach a national audience with a positive message about the role and value of professional local government management, ICMA has focused on the development of the Life, Well Run Value of the Profession Campaign. The Life, Well Run campaign is an integrated, national effort to:

- define the role of professional local government managers.
- raise awareness about how professional managers improve the quality of life in our communities.
- attract talented young people to careers in professional local government management.



Long-time city manager Mark Wollenweber received the 2011 Patriarche Colloquium Award for his service to Michigan communities spanning nearly four decades. The highest honor given by MLGMA, the Patriarche Distinguished Service Award recognizes past members who have fostered representative democracy by enhancing the effectiveness of local elected officials through innovative programs and excellence in character and professionalism. Wollenweber, a former member of the Michigan Municipal League Board of Trustees and past MLGMA President, served in management roles in multiple Michigan communities. "His service to our profession has been exemplary," said MLGMA President and Farmington Hills City Manager Steven Brock.

While most people are living their lives, professional local government managers run the communities where we live our lives. Civic engagement. Quality housing. Vibrant neighborhoods. Solid infrastructure. All these factors make cities, villages, townships, and counties great places for us to live and for business to thrive.

Whether it's allotment of public safety funds, balancing development with green space, or establishing free community wi-fi service, all these decisions define a community and how it feels to live there. Professional managers craft the plans and make the decisions that transform good communities into great ones. 

UPCOMING EVENTS

MLGMA Winter Institute 2012

East Lansing
January 31-February 3, 2012

Summer Workshop 2012

Traverse City
July 24-27, 2012

For more about MLGMA,
go here: mlgma.org/

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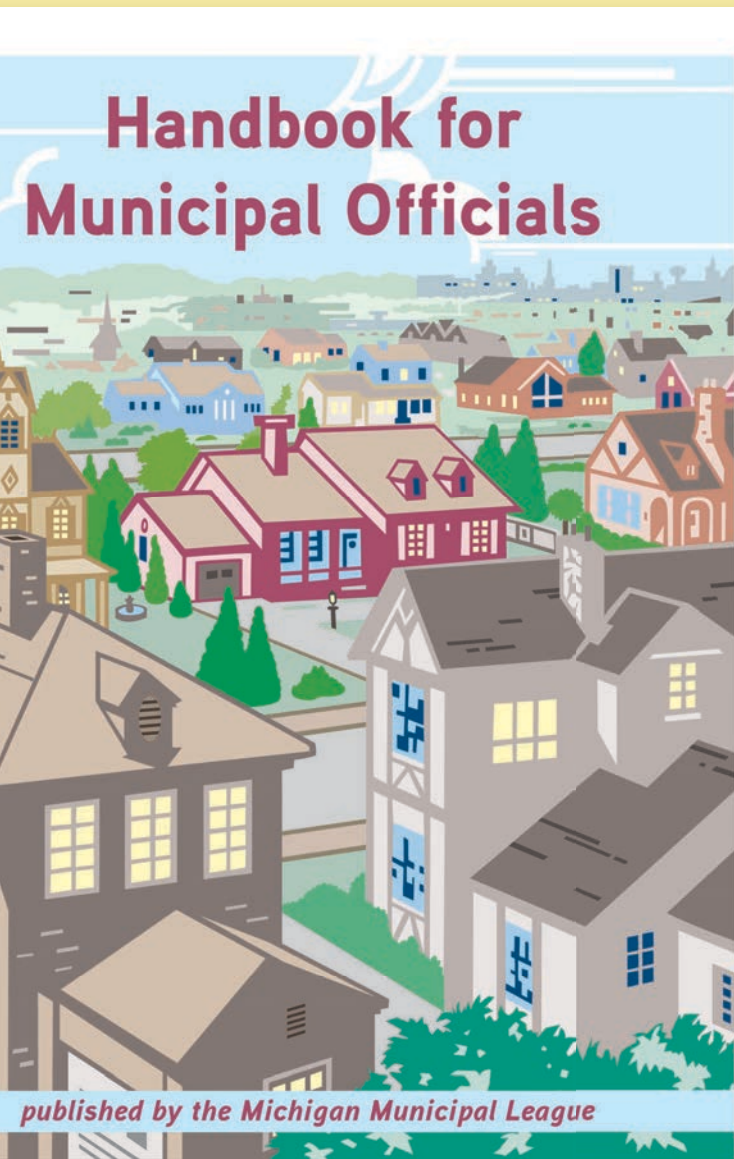
Would you let your brother-in-law stand-in for your electrician?

Don't expect your residents to settle for less than the best either. Attend a League training session. Go to **mml.org** for details.



Elected Officials' Orientation:

Are You Doing It?



A thorough orientation will provide newly elected officials with the tools they need to deal with what can be an overwhelming job. Most orientations are given by the manager, along with department heads. An orientation can be done a few different ways: a specific educational session for new officials, a tour with educational components, or a compilation of documents in a handbook.

The city of Ionia, for example, plans council orientations over four afternoons, whereas Fremont schedules a one-day session, from 8 am to 2 pm (including a tour). DeWitt has an impressive mandate in the city charter: after every regular city election, the city administrator shall schedule an orientation session for elected officials, administrative officers, and their deputies. Going even further, DeWitt's elected officials are required to certify with the clerk that they have read the city charter.

There are certain things that should be covered in a council orientation, no matter what:

- form of government
- charter
- council rules, and
- Open Meetings Act (OMA)

Form of Government

Explain the type of government your municipality operates under, along with an overview of all forms of local government (council-manager, strong mayor, township, charter township) in Michigan.

Charter

A charter is a local governing document, similar to a constitution. It will tell you how long your terms of office are, how the mayor pro tem is chosen, whether citizens can initiate ordinances, and if they can vote to block the passage of an ordinance they don't like. It will also contain assessing and tax collection procedures, among other things.

Council Rules

How are items placed on the agenda? Are you allowed to miss meetings? Are you able to abstain from a vote? When is the public allowed to participate and for how long? Council rules are individual to the council. Not every city has the same rules, and they can include a range of things from decorum provisions to how boards and commissions are set up. The city of Standish briefly lists the “Council Voting Procedures” on ordinances and Resolutions in a section of its orientation packet named “General Council Information,” and makes the full set of council rules available separately.

Laws Affecting Local Officials

Some laws apply to every aspect of local government—such as the Open Meetings Act (it applies to every meeting you have), and the Freedom of Information Act (it applies to every document you have). These two Acts are particularly important to know and follow because there are civil and criminal penalties for violating them. One needn’t be an attorney to summarize the OMA and provide supporting materials, such as a copy of the Act and League publications “OMA: Definitions and Requirements,” “Calling Closed Meetings,” and “Closed Meeting Minutes.”

Ordinances

Elected officials should know what the “code” is, how to locate it, and the basics of passing an ordinance. What are the voting requirements? Do ordinances need to go through first, second, and third readings? Do they require public hearings? In addition, it just makes good sense for elected officials to know the laws, rules, and policies that their constituents are expected to follow.

Council Policies

Certain policies that affect the council should be pointed out, such as

- travel policies (reimbursement for mileage, education classes, conferences, meals),
- computer usage,
- email guidelines,
- council communication with staff,
- media relations policy, and
- compensation (i.e. per meeting, quarterly, yearly, or none at all).

Employee Handbook

An employee handbook communicates your organization’s mission and culture, and provides the municipality protection from liabilities associated with public employment. The council, as employer, should know the personnel policies of the municipality.

Ethics

Are councilmembers required to file a disclosure statement? What are incompatible public offices? What is misconduct in


office? Are council allowed to go out for meals on someone else’s tab? Accept gifts? Hire a cousin, uncle, or niece? Basic materials on ethics should be provided. The city of Sandusky has prepared a code of conduct handbook for councilmembers that includes council conduct with citizens, city staff, with one another, with boards and commissions, and with other public agencies. The pervasive theme is one of respect through words and actions, and for elected officials to exhibit appropriate behavior at all times.

Budgeting/Capital Improvement Plan

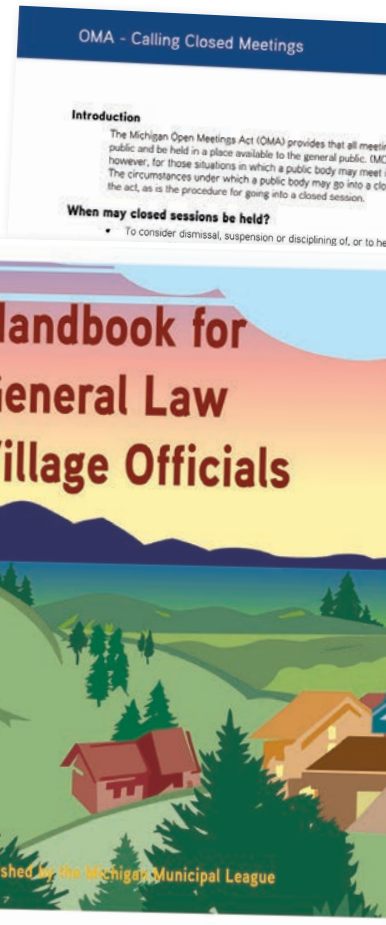
Of course, the council must approve the budget. The council has to make decisions on salaries, on benefits, on services, on improvements, on safety, and the list can go on and on. The budget decision-making process depends on knowledgeable councilmembers. The CIP, or capital improvement plan should be described as a budgetary concern as well.

The League as a Resource

The League publishes two primers on municipal government for our member officials. *The Handbook for Municipal Officials* is for elected officials in home rule cities and villages, whereas *The Handbook for General Law Village Officials* is for elected officials in general law villages. Both are available on the League’s website. The League has other publications that can be of help to first-time officials, like our *One-Pager Plus* fact sheets—easy-to-read summaries of municipal topics, often with sample policies or ordinances attached. We currently have 61 titles.

If you would like copies of orientation materials, contact the League’s inquiry department. We also have sample council rules, personnel handbooks, information on budgeting, visioning, the OMA and FOIA, ethics, charters, and the structure of government in Michigan. Also, the League has training programs geared towards newly elected officials—check our current offerings at mml.org. 

Kim Cekola is research associate/publications editor for the League. You may reach her at 734-669-6321 or kcekola@mml.org.



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Frequently Asked Questions About Email Retention

It is essential that government agencies manage their electronic mail (email) appropriately. Like all other government records, email is subject to Freedom of Information Act (FOIA) requests and litigation. Agencies can be held liable if they keep their email messages too long, if their email messages are not properly destroyed, or if they are destroyed too soon. Under all of these circumstances, an agency can be seriously injured by its failure to follow legally prescribed retention requirements. In addition, an agency can lose significant dollars attempting to protect itself, to produce the required records, to identify the relevant records, or to recover lost records.

This information is designed to help all government employees who use email to follow existing procedures about the retention of email and protect themselves and their agencies.

Q: What is email?

A: Email is a tool that is used to exchange messages and documents using telecommunications equipment and computers. A complete email message not only includes the contents of the communication, but also the transactional information (dates and times that messages were sent, received, opened, deleted, etc.; as well as aliases and members of groups), and any attachments. Email is often a critical tool that facilitates government business operations.

Q: Is email a public record?

A: Email messages are public records if they are created or received as part of performing a public employee's official duties.

Q: Does my email belong to me?

A: All email messages that are created, received or stored by a government agency are public property. They are not the property of employees, vendors or customers. Employees should have no expectation of privacy when using government computer resources.

Q: What are my responsibilities as a government employee who uses email?

A: Employee responsibilities for managing email messages are the same as those for other records.

- Employees are responsible for organizing their email messages so they can be located and used.
- Employees are responsible for using an approved Retention and Disposal Schedule to identify how long email messages must be kept.
- Employees are responsible for keeping email messages for their entire retention period, and for deleting email messages in accordance with an approved Retention and Disposal Schedule.

Q: I sometimes use my home computer and personal email account to conduct government business. Am I creating public records?

A: Yes. Records created in the performance of an official function must be managed the same way as those created and received using government computer resources.

Q: Does all email have the same retention period?

A: No. Just like paper records, email records are used to support a variety of business processes. Email messages must be evaluated for their content and purpose to determine the length of time the message must be retained in accordance with the appropriate Retention and Disposal Schedule.

Q: Who is responsible for retaining email messages, the sender or the recipient?

A: Just as in the case of paper records, email messages may be evidence of decisions and activities. Both senders and recipients of email messages must determine if a particular message should be retained to document their role in agency activities.

Q: My email messages are automatically purged after a specified period of time. Am I still responsible for their retention?

A: Yes. Some email mailboxes are programmed to automatically purge email messages after a specified amount of time, such as 90 days. However, these purge routines are technology-driven and are not based upon Retention and Disposal Schedules. Many email messages need to be retained longer than these periods of time. Employees are

responsible for ensuring that email messages with longer retention periods remain accessible until the appropriate Retention and Disposal Schedule authorizes their destruction. (Note: Records, including email, cannot be destroyed if they have been requested under the Freedom of Information Act (FOIA), or if they are part of on-going litigation, even if their retention period has expired.)

Q: How long do I have to keep transitory email messages?

A: Transitory messages are records that have very limited administrative value and should be retained until they no longer serve a purpose. Transitory messages do not set policy, establish guidelines or procedures, document a transaction or become a receipt. For instance, an email message that notifies employees of an upcoming meeting would only have value until the meeting is held. (Note: Records, including email, cannot be destroyed if they have been requested under FOIA, or if they are part of on-going litigation, even if their retention period has expired.)

Q: How should I store my email?

A: Agencies have many options for storing email, each of which has benefits and disadvantages. Agency directors should decide which option agency staff will use. Options include: 1) retaining the message within the “live” email system, 2) saving the message on a network drive in a folder that contains other electronic records that document the business process, 3) printing the message and filing it with other paper records that document the business process, 4) storing the message in an email archive that is accessed by the email software, and 5) filing the message in a Records Management Application repository. Regardless of which option an agency selects, a procedure for all staff to follow should be written and distributed to affected individuals.

Q: How should I organize my email?

A: Email messages should be organized in a way that makes them easy to find. Email may be organized by subject, by case number, or by another logical system. Regardless of which technique is used, email folders should be coordinated with any paper or other electronic filing systems that are in place.

Q: Could my email messages be released in accordance with FOIA or during litigation (discovery)?

A: Just like paper records, email messages might be subject to disclosure in accordance with FOIA. They can also be subject to discovery once litigation begins. Email accounts are provided to employees for conducting public business. Employees should be prepared to provide access to their email to their FOIA Coordinator or an attorney representing their agency under these circumstances.

Q: Are deleted email messages destroyed?

A: Individual employees are responsible for deleting messages in accordance with the appropriate Retention and Disposal Schedule. However, deleted messages may be stored on backup tapes for several days, weeks or months after they are deleted. Note: The destruction of relevant email messages on servers and backup tapes must cease when an agency becomes involved in litigation or when it receives a FOIA request. Agencies are responsible for notifying DIT about relevant email.

Q: Will my older email messages be accessible when our technology (hardware and software) is upgraded or changed?

A: Many email messages need to be kept longer than the original technology that was used to send and receive them. New technology is not always compatible with older technology that agencies may have used. Agencies are responsible for ensuring that older email messages remain accessible as technology is upgraded or changed. Agencies may need to inform information technology staff about the existence and location of older messages when technology upgrades and changes take place, so the messages can be migrated to the new technology.

Q: What happens to the email of former employees?

A: Agencies are responsible for ensuring that the email (and other records) of former employees is retained in accordance with approved Retention and Disposal Schedules.

Information provided by Records Management Services,
Department of Technology, Management and Budget,
517-335-9132 or michigan.gov/recordsmanagement/

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For anyone who has dreamed of seeing the ball drop in New York's Times Square, you don't have to go further than downtown Ludington to ring in the New Year!

Having just celebrated its third Annual Light up the Lake New Year's Eve Ball Drop, the city of Ludington welcomed 2012 with thousands of people and Michigan's largest and greenest New

Year's Eve ball dropped at the stroke of midnight. With a population of over 8,000 people, the Light up the Lake New Year's Eve celebration is bringing in over 10,000 people to the streets of downtown Ludington!

"It truly is a special moment standing in the middle of downtown Ludington with thousands of families and friends in the commu-


nity and visitors from around the country celebrating the coming of a New Year" said Ludington Mayor John Henderson. "This event kicks-off the New Year with a positive spirit, and that is really the special element of this event."

Known as a summer beachtown along Lake Michigan, Ludington officials wanted to showcase their community as a year-round destination. They decided the middle of winter was an opportune time to showcase Ludington by hosting an outdoor event celebrating New Year's Eve!



The Light up the Lake New Year's Eve Ball Drop is held in the center of downtown Ludington with music, an entertainment tent, commemorative glasses, the ball drop at midnight, and finished off with a fireworks display. As other community events hosted by the city, Light up the Lake is a FREE event and entirely community sponsored.

"This event has had a tremendous impact on our downtown businesses—we not only have over 10,000 people ringing in the New Year together, but these people are shopping in our businesses, staying in our hotels, and eating in our restaurants," said Mayor Henderson. "Businesses are now seeing record sales days over the New Year's Eve weekend that beat out Saturdays in the peak summer season—it's amazing!"

The Ludington community looks forward to continuing this tradition in downtown and seeing this event grow in the years to come! 

Ludington,
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