

the review

the official magazine of the  michigan municipal league

September/October 2011



The Latest From
LANSGING

**CONVENTION,
PA 312 VICTORY
AND MORE**

**ECONOMICS
OF PLACE**

**NEW EMERGENCY
MANAGEMENT LAW**

**EVIP: GOOD,
BAD & UGLY**

the review

The official magazine of the Michigan Municipal League

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On the Cover:

Detroit City Clerk Janice Winfrey, Auburn Hills City Manager Pete Auger, and Howell Police Chief and MAMCP Legislative Liaison George Basar are critical partners in the League's lobbying efforts. Our success is due to the active participation of municipal officials and their passion for their communities and support of the League's mission.



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the review

The official magazine of the Michigan Municipal League

Volume 84, Number 5

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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To Submit Articles

The Review relies on contributions from municipal officials, consultants, legislators, League staff and others to maintain the magazine's high quality editorial content. Please contact the editor at 734-662-3246 for an editorial calendar and writer's guidelines. Information is also available at: www.mml.org/marketingkit/.

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

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Please recycle this magazine

Celebrating Legislative Victories

Now that we've reached the third quarter of an incredibly volatile and newsworthy year, we decided *The Review's* fall issue was a perfect place to celebrate the wide range of legislative victories we've had so far, from Public Act 312 reforms to negotiating the best deal possible in the governor's plan for local government funding. In fact, when we look back at the entire legislative landscape behind us, it's pretty impressive what our Lansing team has been able to accomplish in the months since Governor Snyder and the 96th Michigan Legislature came into office in January, 2011.

But none of it could have happened without the support of League members like each and every one of you. The biggest reason our lobbyists carry clout in Lansing is because lawmakers know we are the gatekeepers for virtually every local unit of government in the state of Michigan. We fight to protect the interests of our cities, villages, and urban townships because we know they form the foundation for Michigan's future.

The League also knows that all those communities are made up of individual people—and people want to live in places that promote and protect their quality of life, from public safety and a clean environment, to good education and culturally rich diversity. The future of our communities—and therefore Michigan's future—depends on our ability to attract and keep the kind of residents who can provide the energy, knowledge, and talent to keep those home-fires burning for generations to come. That's what placemaking is all about.

But it's a self-sustaining cycle that must begin right here, right now. That's why we're planning to incorporate our 21st Century Communities (21c3) philosophy directly into our core legislative principles. State and federal investment must target the eight key 21c3 assets that research has shown are absolutely vital to the placemaking process. Physical design and walkability. Transportation infrastructure. Environmental sustainability. Cultural economic development. Entrepreneurship. Multiculturalism. Telecommunications infrastructure. K-16 education. They aren't just catchy buzzwords. They are among the main goals to keep in mind as we plan our legislative strategies. They should be familiar guiding lights that help steer our way along the complex, challenging course laid out by our mission.


But don't take our word for it. Come to the League's Annual Convention Oct. 4-7 in Grand Rapids, where you'll see many of those 21c3 assets in action throughout our outstanding lineup of educational sessions and dynamic speakers. To keep it all fun and upbeat, we've put a festival atmosphere on the entire event, *Taking it to the Streets* with a powerful message on *Why Place Matters* to build better communities for people.

The timing couldn't be more perfect: we'll be in the heart of Grand Rapids during the final week of ArtPrize 2011, an internationally renowned competition that has helped trans-

form the city's image on a worldwide scale since its creation in 2009. During the host city tour and while you're out and about on your own free time, you'll see firsthand what cultural economic development can accomplish in an amazingly short span of time.

You'll also see equally inspiring examples of placemaking, community engagement, entrepreneurship, and innovation from our seven regional finalists for the 2011 Community Excellence Award Cup. Remember, it's your only opportunity to cast your vote for the highest honor the League can bestow on a member community.

We're also celebrating the ArtPrize atmosphere by adding some artsy flair of our own to the Convention's festival feel. Be prepared to be dazzled by some pretty amazing creations on display throughout the Convention space, from the stage and banquet tables to the MML Foundation Silent Auction. We've even got a special surprise music video planned that just might put YOU and your community in the spotlight for everyone to applaud.

Intrigued yet? Check out the action at tour.mml.org, where we'll keep adding new details almost daily, right up to Convention. 

THE PROSPERITY AGENDA RADIO SHOW

The Michigan Municipal League is taking its message to one of the largest radio stations in the Midwest—News/Talk 760 WJR. Throughout 2011, League Executive Director & CEO Dan Gilmartin will host the “Michigan Prosperity Agenda” radio show that challenges listeners to help make Michigan a better place to live, work, and play by creating vibrant and prosperous local communities.



The show is sponsored by the League and the Michigan State Housing Development Authority (MSHDA) and is scheduled to air at 7 pm on the fourth Wednesday of every month. We encourage all our members and friends to tune in for each show. For those outside the WJR listening audience, you can hear segments of the show at mml.org by clicking on the Prosperity Agenda logo you see here.

Daniel P. Gilmartin
League executive director and CEO
734-669-6302, dpg@mml.org



EVIP

THE GOOD THE BAD THE UGLY



THREE CRITERIA for Qualifying for EVIP Payments

- 1. October 1, 2011** – Communities must have a citizen's guide and dashboard for citizens. The dashboard must include unfunded liabilities.
- 2. January 1, 2012** – Communities must produce a plan with one or more proposals to increase existing levels of cooperation, collaboration, and consolidation within their jurisdiction or with other jurisdictions. The plan must list previous efforts of cooperation, collaboration, and consolidation and include any cost savings and give estimates of any potential savings through future efforts.
- 3. May 1, 2012** – Communities must certify they **INTEND** to implement a number of changes to their employee compensation packages dealing with healthcare and retirement. There are two provisions that apply to new hires, and two that apply to all employees.

For nearly a century, communities in Michigan have received funding from the state through a program called revenue sharing. As you are probably aware, there are two components to revenue sharing: the constitutional portion and the statutory portion. The constitutional portion is guaranteed; it is written into our state constitution. It has remained stable and even grown somewhat. On the other hand, the statutory portion has dwindled. Over the past ten years, the state has failed to provide over \$4 billion in funding to locals, and the governor's new budget has further eroded local funding. Beginning in October 2011, the statutory source of revenue sharing is set to undergo some significant changes—way beyond the yearly downward ratcheting Michigan local governments have experienced. Essentially, Governor Snyder has eliminated the former statutory revenue sharing program and created a new program called Economic Vitality Incentive Program, or EVIP.

What Is EVIP and How Does it work?

The intent of EVIP is to encourage communities to make certain changes in their operations by tying funding to specific actions. The EVIP program identifies three different measures, or steps, that Michigan municipalities need to accomplish in order to receive this new state funding. Each step that is accomplished qualifies an eligible community for 1/3 of their possible EVIP funding. The total funding for EVIP is approximately 2/3 of what a community received under the

former statutory revenue sharing (provided the community received more than \$6,000 in total statutory payments). Unfortunately, a community that receives less than \$6,000 is disqualified from the program altogether and will now receive zero dollars. There are two provisions that apply to new hires, and two that apply to all employees.

Dashboard and Citizen's Guide

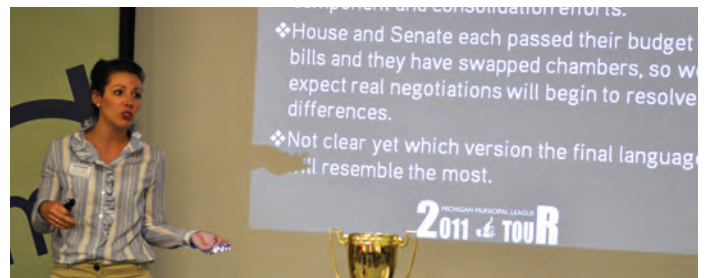
While no one is happy about competing for 2/3 of funding they historically received, the benchmarks are certainly achievable. Let's take each step separately—the dashboard and citizen's guide are not one and the same. The dashboard shows progress or trends in several key areas and is not limited to financial data—it also includes many important community factors. Municipalities are encouraged to track and

report additional data that is important to them, beyond the required points. The dashboard should then be publicized on your website or other appropriate means. The League worked closely with the governor's office and the state treasurer to identify appropriate measures, and assisted in formulating a working template that communities can use to create their dashboard (visit www.mml.org to access the template).

The citizen's guide describes the financial condition of the community in a way that is understandable to a layperson. The League, in conjunction with Plante & Moran, one of the League's Business Alliance Program participants, worked closely with both the governor's office and the state treasurer's office to develop a working template for the citizen's guide. Communities can either develop their own versions of both the dashboard and the citizen's guide, or use the state's templates.

Cooperation/Collaboration

Expanding cooperation efforts are nothing new to most communities. For many years, local governments have looked to service sharing as a way to stretch tax dollars and deliver services more effectively. Nevertheless, as part of the EVIP program, communities need to look to further expand these efforts. We recognize that many communities are concerned about the equity of this requirement since it treats communities with numerous cooperative ventures the same



We kicked off our 2011 Convention Tour with spring Regional meetings in Hamtramck, East Lansing, Ludington, Saginaw, Marine City, Kalkaska, and Houghton. League State Affairs Director Summer Minnick and Associate Executive Director/COO Anthony Minghine updated our members about critical developments in Lansing—EVIP and the new EM law (article on p 10).



as those with none, but unfortunately, that is the language in the law that passed. The League will continue to work on this provision for future iterations of the program, but for now we encourage all of our qualifying members to comply by developing a plan to expand cooperative efforts. Again, at this juncture, all that is required is a PLAN to expand cooperation, not actual agreements.

Continued on page 9



Fiscal Stability			
	Prior	Current	Progress
Annual GF expenditures per capita	\$695	\$701	↓
Fund balance as % of annual GF expenditures	17.7%	17.5%	↓
Unfunded OPEB liability as a % of annual GF revenue	151%	165%	↑
Debt burden per capita	\$879	\$781	↑
Ratio of employees to retirees	1.6	1.4	↑
Number of services delivered via cooperative venture	12	12	↔
Government unit specific			

- ↑ Performance improving
 ↔ Performance staying about the same
 ↓ Performance declining

Sample Only

Economic Strength			
	Prior	Current	Progress
% of community with access to high speed broadband	90%	90%	↔
% of community age 25+ with BS or higher	29%	29%	↔
Average age of critical infrastructure (years)	22.1	22.9	↓
Government unit specific			

Public Safety			
	Prior	Current	Progress
Violent crimes per thousand	30.2	29.4	↑
Property crimes per thousand	106	99.8	↑
Traffic injuries or fatalities	50	55	↓
Government unit specific			

Quality of Life			
	Prior	Current	Progress
Miles of sidewalks and non-motorized trails per mile of local roads	1.7	1.7	↔
Percent of GF budget committed to arts, culture and recreation	9%	11%	↑
Acres of park per thousand residents	6.6	6.6	↔
Percent of community with curbside recycling	85%	85%	↔
Government unit specific			

How Your Solid Waste Program Can Bring in More State Revenue Dollars

By Michael A. Czuprenski

Are you thinking about how your community's "dashboard" will look? Would you like to turn your dashboard arrow upwards in the 'percent of community served by curbside recycling' category? If the answer is yes, read on—the following case studies may give you some tips on how to secure more EVIP revenue sharing dollars.



SOCRRA

The Southeastern Oakland County Resource Recovery Authority (SOCRRA) is comprised of 12 member communities (Berkley, Beverly Hills, Birmingham, Clawson, Ferndale, Hazel Park, Huntington Woods, Lathrup Village, Oak Park, Pleasant Ridge, Royal Oak, and Troy), representing almost 300,000 residents. From the time this consortium formed in 1951 through June of 2007,

each community managed their own refuse, recyclables, and yard waste collection contracts. Beginning in July of 2007, that all changed. SOCRRA eliminated the borders and consolidated services after an exhaustive two-year RFP process.

The results were:

- \$1,040,000 in first year savings (16 percent average annual savings)
- 20 years of guaranteed landfill space
- small, family-run haulers eager to provide exceptional service
- annual rate modifications that have resulted in rates going down as well as slightly up
- enhanced recycling opportunities for commercial and multi-family sectors
- number of days/week of truck traffic reduced in most communities

- customer service centers transferred from community to hauler
- dual-stream recycling program with members being paid \$30/ton for their recyclables
- highlighted as a success story in the state's Shared Public Services Initiative

TRAVERSE CITY

In 2009, Traverse City and eight other jurisdictions in Grand Traverse County decided that they had heard enough complaints from residents about the excessive truck traffic and costs associated with individual subscription contracts. After a series of workshops, new intergovernmental contracts, franchise agreements, and local ordinance amendments, typical residential collection rates dropped from \$15-\$24 per household per month to \$10-\$12 per household per month.

GERSHMAN, BRICKNER & BRATTON, INC.

GBB is a nationally known solid waste management consulting firm based in Fairfax, Virginia with a new office in Michigan. For over 30 years, GBB has assisted hundreds of municipalities, waste authorities, companies, non-profits and regulatory agencies with creative, long-term, sustainable solid waste programs that concentrate on saving money through practical, customized and technically sound solutions. The projects discussed above are samples of their work. For more information on GBB, see www.gbbinc.com.






Continued from page 7

Retirement and Healthcare

The last provision relates to employee compensation matters; more specifically, to retirement and healthcare provisions. To qualify for this part of the EVIP funding, communities must indicate their intent to implement a number of changes to their employee compensation packages dealing with health care and retirement. There are two provisions that apply to new hires, and two provisions that apply to all employees. These provisions do not apply to existing contracts, but rather to new agreements entered into after May 1, 2012. There is a detailed summary of the provisions available at the League's EVIP resource page on our website.


EVIP has its challenges, but in its present form it should be relatively easy for communities to comply with the requirements and receive the available funding. Each community must report its status in each of the three areas to the state treasury department on the prescribed form available at their website. Communities will receive funding beginning October 2011 as if they are in compliance, and payments will be made on the same schedule as statutory payments were received. This program will be self policing and communities are expected to exercise reasonable judgment in reporting their status. Again, the dashboard and citizen's guide must be submitted by October 1, 2011; the cooperation plan by January 1, 2012; and the health care/retirement plan by May 1, 2012. As always, the League is here to help if you are unclear on how to proceed. 

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

CITY OF PONTIAC

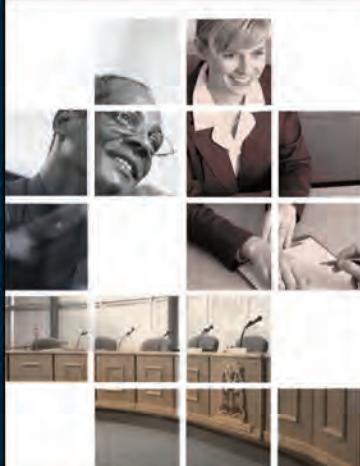
In 2005, this city faced an impending budget crisis. With their landfill having less than five years of capacity, an aging truck fleet, property tax millage at its max, and the Mackinac Center breathing down their backs about privatizing, the city wasted no time evaluating options. Their solid waste RFP process resulted in:

- automated refuse collection, via private contractor instead of municipal crews
- one-time \$1,000,000 payment to the city upon contract execution
- selling off all equipment and airspace associated with the municipal landfill
- host community fee of \$1/ton for private contractor's use of city's landfill
- private contractor closing the sanitary landfill at their expense
- one-time \$2.5 million payment to city from private contractor for exclusive use of transfer station
- host community fee of \$2/ton for private contractor's waste brought into city's transfer station

There are a multitude of options for Michigan communities desiring to leverage their solid waste program in order to help achieve more revenue sharing dollars from the state. The projects described above highlight many of these options and hopefully will lead to a lot of dollars and happier constituents. 

Michael Czuprenski, P.E., is a principal associate with Gershman, Brickner & Bratton, Inc. You may reach him at 586-533-9430 or mzczuprenski.gbb@gmail.com.

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New EM Law—

PARADISE OR AN ASSAULT ON DEMOCRACY?

Not many public Acts in recent memory have garnered as much attention as the new “emergency manager” Act has managed to attract. The Local Government and School District Fiscal Accountability Act has been praised by many and vilified by others, so what’s the real story?

PA 4

of 2011 was passed to enhance and broaden the powers of an emergency financial manager. PA 4 replaces PA 72 of 1990 as the governing statute to be used when a local government is in fiscal distress.

It has rarely been the case in Michigan that a community is assigned an emergency manager. Clearly, no community wants to find themselves faced with the possibility of coming under the control of a state-appointed emergency manager. In fact, fewer than 10 communities were assigned emergency managers under the old Act. In spite of that fact, Michigan must have a way to deal with local governments that are in financial distress. For this very reason, every state has their own version of PA 4—a local government cannot be allowed to simply fail. Based on this premise, I believe that PA 4 is an improvement over the former Act 72.

What Makes PA 4 Better?

First and foremost, it provides for a more timely intervention and retention of local control. Under the old Act 72 system, help simply came too late and the result was a community left in financial ruin. One of the main thrusts of the new Act is earlier intervention, with the hope of averting an overwhelming financial crisis. It also provides for broader opportunity for the community to correct their issues independent of an emergency manager. Communities can negotiate consent orders to correct their problems without the appointment of an emergency manager.

How Does the Process Work?

Essentially, the process begins with a preliminary review. For the most part, a preliminary review of the financial condition of a local unit of government occurs if one or more of 17 specific events described in the Act are present. The purpose of the preliminary review is to determine if a more comprehensive review is warranted. If the preliminary review finds probable financial stress, a more formal review will be ordered.

The formal review is performed by a team of individuals. The team is made up of representatives from the state treasurer’s office, the director of the office of management and budget, the speaker of the House, the Senate majority leader, and anyone else the governor deems necessary. This

team is charged with fully assessing the finances of a tagged municipality and reporting back within 60 days whether or not a financial emergency exists. If there is a determination of fiscal stress, then the real fun begins.

Big Change: Consent Agreements

One of the most important changes from the old Act occurs at this point in the process. If there is a finding of severe stress, the state treasurer does not immediately assign an emergency manager. Under PA 4, the first step is to try and enter into a consent agreement with the local entity. A consent agreement is a document that lays out mutually agreed upon steps to be taken to correct the problem, as well as the development of a continuing operations plan. In other words, even if severe financial distress exists, the community retains



Eric Scorsone of Michigan State University discusses the new emergency management law at the 2011 MLGMA summer conference in St. Joseph.

control and an emergency manager is not placed in control of the community. This is a big improvement—there was little to no opportunity to do this effectively under PA 72. In addition, the consent agreement may grant extraordinary powers to the chief administrative officer, the chief financial officer, the governing body, or other officers of the local government to resolve the crisis.


The EM Is in Charge of Everything

When a consent agreement can't be reached, or a community fails to comply with a consent agreement, an emergency manager is assigned. Make no mistake—the emergency manager under PA 4 has far greater power than the emergency financial manager had under Act 72. In short, the emergency manager is in charge of EVERYTHING. The Act is clear in this regard; this was done to eliminate any squabbles about where an emergency manager's authority began and where it ended. An emergency manager may return some powers to the community if he or she chooses, but is not compelled to do so.

Once assigned, the emergency manager has 45 days to develop a financial and operating plan to address the financial emergency. Once the plan is approved by the committee, the emergency manager is required to conduct a public informational meeting about the plan within 30 days of submitting the plan to the state. Keep in mind that local or public approval of the plan is not required.

The emergency manager may issue orders as necessary to implement the financial and operating plan, and those

orders are binding on local elected and appointed officials. Once placed under the control of an emergency manager, a local government remains in receivership until the emergency manager and state treasurer declare the financial emergency to be resolved. In addition, before the termination of receivership, the emergency manager must prepare and implement a two-year budget which includes all of the municipality's contractual and employment agreements. The effective start date of the two-year budget will be the end of the receivership, and the local government is prohibited from amending that budget, and from revising any order or ordinance implemented by the emergency manager, for a period of one year without the approval of the state treasurer.

In the most severe cases, PA 4 provides a path to bankruptcy. With the earlier intervention provided for in the Act, this section should rarely, if ever, be utilized. While not a trip to paradise, PA 4 is not an assault on democracy, either. For the unfortunate few that require intervention, help will come quicker, the process will be shorter, and if consent agreements are reached and adhered to, hopefully will be completed without an emergency manager. 

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

Are You Part of the 3%?

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This year we're *Taking It to the Streets* in the heart of Grand Rapids during the final week of ArtPrize, where you'll see firsthand how arts and culture are transforming the city's image on a worldwide scale. It's the perfect backdrop for our message on *Why Place Matters* in building better communities for the 21st century.

Inspire. Innovate. Engage. Empower.

Four days in October. That's all it takes to put the power back in your hands.



Appearing on the Convention Main Stage:



Sadicka White
President, Sadicka & Associates
[Physical Design & Walkability](#)



Ernesto Sirolli, PhD
Founder & CEO, Sirolli Institute
[Entrepreneurship](#)



Helen Johnson
Co-Founder, CreateHere
[Placemaking](#)



Toby Barlow
Co-President & Executive
Creative Director, JWT Team Detroit
[Messaging & Technology](#)

Support the Arts at Convention

In support of art education, the League has partnered with the Grand Rapids Student Advancement Foundation (GRSAF) to donate art supplies to students in the Grand Rapids district. Due to recent budget cuts, the GRSAF has taken over the responsibility for raising 100 percent of the funds for art and music supplies for the school district and the 19,000 youth it serves. We see this as a great opportunity to support budding artists and to express the importance of the arts to each community.

We would like you to partner with us and show your support for the arts by bringing a donation of art supplies to Convention. A donation box will be available near registration. Bring a box of crayons, a glue stick, paint; whatever suits your fancy. You may even want to do an art drive at city hall so that others can contribute as well.

To learn more about the GRSAF visit www.grsaf.org.

League Foundation at Convention

This year's annual Michigan Municipal League Foundation (MMLF) Silent Auction is riding the wave of Grand Rapids' ArtPrize by auctioning many art-related items. The League has donated chairs to various artists to create their own individual works of art. The one-of-a-kind chairs will be displayed throughout the Convention space. In addition, centerpieces will also be donated by member artists. These unique pieces, created exclusively for the Foundation, will be available for sale at the conclusion of the Convention.



Funds raised through the MMLF help support the League's mission to enhance and develop leadership in local government.

PRE-CONVENTION PROGRAMMING

/// Tuesday, October 4, 2011 ///

9:00 am-4:30 pm	MAMA Municipal Law Program
1:00-4:00 pm	Pre-Convention Workshops

AGENDA AT-A-GLANCE

/// Wednesday, October 5, 2011 ///

9:00-10:00 am	Governance Committee Meeting
10:00 am-5:00 pm	Registration Hours
10:00 am	Board of Trustees Meeting
1:00-2:00 pm	Annual Business Meeting
2:00-4:15 pm	Welcoming General Session Parade of Flags Community Excellence Awards Keynote Presentation
4:15-4:30 pm	Networking Break
4:30-5:30 pm	Breakout Sessions
6:00 pm	Host City Reception

/// Thursday, October 6, 2011 ///

7:00 am-5:00 pm	Registration Hours
7:15-8:15 am	MAM Breakfast MWIMG Breakfast
8:30-10:15 am	General Session
10:15-10:45 am	Message from the Governor
10:45-11:15 am	Networking Break/ Press Conference
10:45 am-3:00 pm	Silent Auction Bidding
11:15 am-12:30 pm	Breakout Sessions
12:30-1:45 pm	Luncheon
1:45-2:00 pm	Stretching Break
2:00-2:45 pm	General Session
2:45-3:15 pm	Networking Break
3:15-4:30 pm	Breakout Sessions
5:30-8:00 pm	Reception & Annual Awards Banquet

/// Friday, October 7, 2011 ///

9:00-11:00 am	Closing Breakfast & General Session Community Excellence Award "Race for the Cup" Winner Announced
11:00 am-12:00 pm	MBC-LEO Meeting



ANNUAL CONVENTION • OCTOBER 5-7, 2011 • GRAND RAPIDS, MICHIGAN

Personal Property Tax

REPLACE, DON'T ERASE!

By the League's Information & Policy Research Department

Personal property tax is perhaps one of the biggest legislative fights facing Michigan's municipalities, and this is a hill we all must be willing to charge. Failure to replace revenue lost through changes to personal property tax will be a death blow to communities large and small, urban and rural, all across our state, and that is NOT an over-dramatization!

Think of the small city of Litchfield (population 1,458) which derives 50 percent of its total taxable value from

personal property. Litchfield is second only to River Rouge (population 9,917) which attributes 57 percent of its taxable value to personal property. Statewide, revenue generated by personal property tax in 2010 totaled over \$1 billion!

Litchfield and River Rouge are "top two" on a list no one wants to be on—places that will be severely crippled by the elimination of personal property tax. These two examples show how this issue touches every type and size of community in Michigan across party

lines. Litchfield is represented in the state House and Senate by Republicans, River Rouge by Democrats. Litchfield is in rural Hillsdale County, River Rouge is in Wayne County, the heart of our state's most populous region and largest urban center.

Some Facts (and a Little Fiction!)

Personal property tax in Michigan is paid by businesses on property not permanently affixed to land, such as furniture, equipment, and tools. The tax is based on voter-approved millage rates.

FICTION: Michigan is the only state that levies personal property taxes.

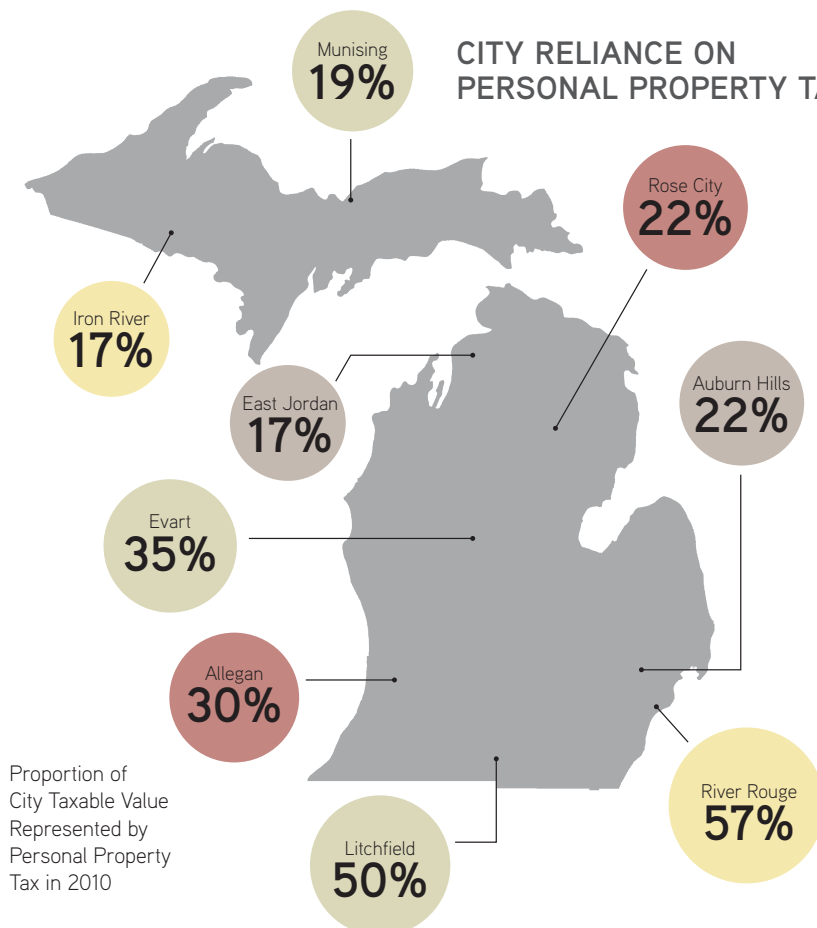
FACT: Michigan is one of forty-three states that levy some form of personal property tax.

FICTION: Personal property tax is a business inhibitor. Evidence of that, one way or the other, is elusive.

FACT: What we do know is that business growth is dependent on many factors and taxation is just one of those. We also know that the revenue generated through personal property tax is absolutely essential to funding core community services.

It is important to note that, like the business community, not many of our members are big fans of personal property tax. They find it cumbersome and costly to administer; however, they cannot survive without the revenue it generates. Everyone agrees there is room to improve this tax, but clear consensus has yet to emerge on how to replace revenue.

CITY RELIANCE ON PERSONAL PROPERTY TAX





Wayne Mayor Abdul Haidous (l) and Sterling Heights Mayor Richard Notte (r) testifying on personal property tax.

"The city has reduced staffing by 106 since 2002, and we would have to cut another 100 if we lost \$9.2 million from personal property tax. We'd be forced to cut vital services—half our police department or our entire fire department!"

—Sterling Heights Mayor Richard Notte

FICTION: The Legislature will align along party lines when it comes to personal property tax.

FACT: Personal property tax crosses party lines, and in a major way. The vast majority of communities that will be hardest hit are represented by Republicans. Among the 118 communities with 10 percent or more of their total taxable value comprised of personal property tax, more than 73 percent have Republican legislators. It will be a tough sell to those they represent that they must forego essential services like police and fire protection, safe streets, water and sewerage systems, and adequate parks and recreation, to fund a tax break to business.

FICTION: Personal property tax can easily be replaced at the local level.

FACT: The state severely restricts local revenue options (think Headlee and Bolt!). Even in the few communities with an income tax, the levels are severely limited by the state, as are other local tax options. Some are pointing to Ohio as a model, but the vast majority of Ohio cities levy income tax and, in most of those cities, income tax is the primary revenue source. Income tax accounted

for over 70 percent of revenue in some Ohio cities. Further, Ohio municipalities receive the majority of revenue collected by counties through a statewide estate tax. In Michigan, the fact is that local government's hands are tied when it comes to finding alternative sources of revenue.

What Have Others Done?

Most states have some form of personal property tax, and in the few states where it has been eliminated, revenue was replaced to keep local units whole. Illinois constitutionally guaranteed replacement; others created special funds to reimburse municipalities. Some allow local units to continue to collect the tax, then reimburse businesses through a state tax credit. Pittsburgh adopted an innovative "land

value taxation" system. See sidebar for specific case studies.

Replace, Don't Erase!

Replacement revenue must be predictable and reliable, guaranteed through constitutional protection. Anything less puts essential services at risk in communities across Michigan, and severely limits our ability to fulfill our "better communities, better Michigan" pledge. Please be prepared to stand with us and be heard on this issue.

Be An Activist!

Stay up to speed through the League website, legislative newsletter, listserves, blogs, Twitter and Facebook. Visit replacedonterase.com.

CASE STUDIES

PITTSBURGH

A study by the University of Delaware found that the traditional method of taxing land owners "actually provides incentives not to maintain a piece of property." An alternative approach, "land value taxation," shifts the tax burden away from buildings and possessions, and onto the value of the land itself. This reduces the tax "penalty" associated with making property improvements or investing in equipment because property owners pay taxes based on the value of the land, regardless of the condition of the buildings or equipment within them. Therefore, it is also helpful to communities struggling with abandoned or blighted property. In fact, studies found a strong correlation between Pittsburgh's shift to land value taxation, its downtown revitalization, and the overall regional economic growth in the 1980s and 1990s.

ILLINOIS

In 1970, an amendment to the Illinois Constitution was adopted that abolished personal property tax. The change in the Constitution replaced and constitutionally protected the revenue lost by local governments. In response, the Legislature created the Personal Property Replacement Tax, which accompanies additional state aid payments to local governments. The replacement tax is levied against utilities and other businesses with funds distributed to local governments based on historic personal property tax collections.

OHIO

The Ohio Legislature adopted broad tax reform policy in 2005 that initiated a five-year phase-out of personal property tax for most businesses. As in Illinois, local governments' lost revenue was initially replaced by the creation of a new tax. In Ohio, this was the Commercial Activity Tax, a 0.06 percent levy on all gross receipts over \$500,000. Unlike the Illinois example, however, this tax revenue was not constitutionally protected. Therefore, as Ohio faced general fund deficits, the governor and Legislature targeted personal property tax replacement as an option for filling the budget hole. The fiscal year 2012-2013 budgets dramatically reduce the payments from the Replacement Fund and change the phase-out schedule established in 2005.

43 OF THE 50 STATES LEVY SOME FORM OF PERSONAL PROPERTY TAX. MICHIGAN IS ONE OF THEM.



- Communicate with your legislators early and often. Inform them about emerging issues and challenges in your community, and cultivate an ongoing relationship with them through regular calls, email, and letters.
- Respond quickly to League action alerts and listserv communications.
- Call and email the League when issues arise in your community.
- Come to Lansing to meet with legislators in person or to testify before a committee.
- Invite your legislators to your council/commission meeting, give them time on the agenda, and put them on TV.
- Make an effort to develop a good working relationship with staffers.
- Find others with a common interest and build coalitions to strengthen your position.

This issue is so important to Michigan communities that the League started a web page dedicated to it. Please visit replacedonterase.com for the latest information, background, and important facts about this issue.

The information & policy research department provides member officials with research assistance on a vast array of municipal topics. Examples of items in our collection include sample ordinances, policies, programs, articles, referrals, databases, charter provisions and regulations. Send your municipal inquiries to info@mml.org, or call our information department at 1-800-653-2483.

OCTOBER 5-7, 2011

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SPEAKER






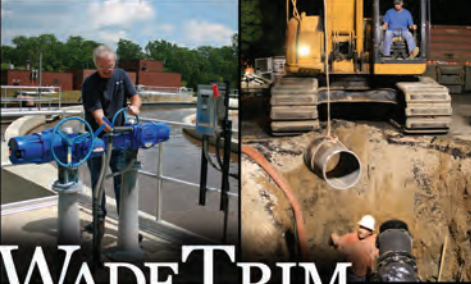
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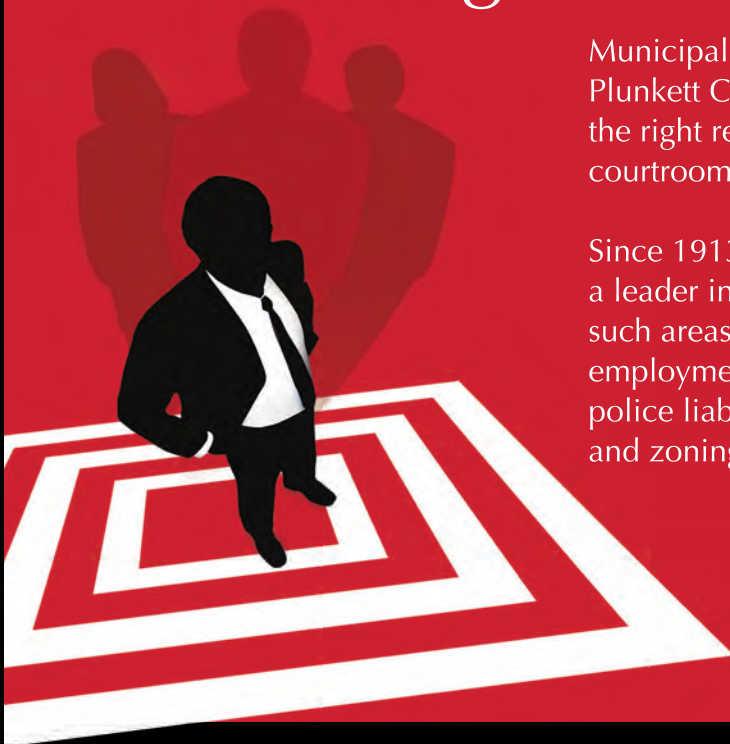
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TRANSPORTATION

By Luke Forrest and Arnold Weinfeld

Transportation and infrastructure funding continue to be a top League priority. The League strongly believes that policymakers need to provide local officials and communities with all the tools necessary to become vibrant, 21st century places that will attract and retain jobs and residents. Transportation options are a key element. Given inaction at both the state and federal level, it looks to be that way for the foreseeable future.

On the state level, transportation continues to lack sufficient funding. The League is on record supporting efforts to increase revenues through increases in motor fuel and vehicle registration taxes, along with other financing mechanisms and reforms recommended within the Transportation Funding Task Force (TF2) report of 2008. Overall, our policy has always been that funding should be prioritized to repair existing roads and bridges (“fix it first”—federal stimulus funds sent to Michigan for infrastructure projects should first be used to restore deteriorating roads and bridges and water and sewer systems in communities across the state before being spent building new roads).

IS A TOP PRIORITY

We continue to work in collaboration with an array of groups as part of the Michigan Transportation Team (MTT) in support of increased revenues. MTT is a broad-based, bipartisan partnership of business, labor, local government, associations and citizens with the common goal of improving Michigan’s transportation infrastructure.

21st Century Communities Need Flexible Funding

In accordance with work done last year by a member-based committee and through the League Board of Trustees recommendation, the League has also put forth the idea of locally approved, regional revenues to give communities the flexibility to implement transportation system priorities on a regional

basis. Also, the emphasis on multi-modal transportation such as walking, biking, and public transportation as assets of prosperous 21st century communities requires additional flexibility in funding. Realigning the formula within Public Act 51 and allowing communities to implement fuel user taxes will increase transportation financing and options.

This fall, the governor will be releasing a message on transportation and infrastructure. League CEO Dan Gilmartin is part of a work group brought together by the governor's office to discuss its contents. This will give us a unique opportunity to again influence public policy and push for meaningful reforms to benefit Michigan's communities.



Transit, such as the Rapids bus system in Grand Rapids, is a key 21c3 asset.

Michigan Gets National Recognition

Since the Michigan Legislature, with the support of the League and many of our partner organizations, adopted Complete Streets legislation in 2010, there has been a flurry of activity across the state to take advantage of this approach to transportation and economic development. As of

June 16, 2011, 44 local governments in Michigan have adopted Complete Streets resolutions or ordinances, the largest number of any state. Now Michigan's Complete Streets efforts have started receiving national recognition. The League of Michigan Bicyclists was recognized as "Winning Campaign of the Year" by the Alliance for Biking and Walking for its Complete Streets leadership. The National Complete Streets Coalition released a report analyzing and ranking Complete Streets policies in state and local governments across the country. Michigan's state policy ranks in the top five nationally. Three Michigan cities—Dexter, Ferndale, and Taylor—rank in the top 10 for their ordinances.

Grand Rapids Rep Chair of Complete Streets Advisory Council

The state's Complete Streets Advisory Council, composed of representatives from a cross-section of interested statewide organizations, formed in April and initiated a series of discussions designed to assist the State Transportation Commission and local governments with efforts to adopt and implement policy change. Suzanne Schulz, the city of Grand Rapids' planning director and League representative to the Council, was elected chair. She believes the Council can play an important role providing guidance to communities. "There are a lot of questions out there," says Schulz, "How do we define Complete Streets? What does it look like? Is it one size fits all? I'm hoping we can make the answers a little more attainable for everybody and show that they really depend on context." Schulz also wants to explore in more detail funding issues for Complete Streets implementation and the coordination between different road agencies' regulations.

Complete Streets Coalitions

The League and its members are also participating in two coalitions supporting the implementation of Complete Streets. The Michigan Complete Streets Coalition, composed of over 100 organizations, promotes statewide Complete Streets policy and supports local communities' initiatives. The Healthy Kids, Healthy Michigan Community Policy Action Team brings together state agencies and advocacy organizations to continue



Complete Streets is a simple notion—build streets that are safe for bicyclists, walkers, AND autos.

the state's Complete Streets momentum through policy and education. A byproduct of those collaborations was a series of training opportunities for local leaders and activists to help identify and respond to opportunities in their own community and region.

Stay tuned to the League's Complete Streets resource page www.mml.org/resources/information/complete_streets.html, the Complete Streets Coalition blog (michigancompletestreets.wordpress.com/) and the Center for 21st Century Communities blog (www.mml.org/resources/21c3/default.aspx) for updates and additional resources.

Federal Issues

On the federal level, the current funding authorization legislation, known as SAFETEA-LU, expired on September 30, 2009. Since then, Congress has passed a series of extensions while congressional leaders and the administration continue to discuss and debate a long-term solution. It is rumored that the Senate will unveil a two-year bill in the near future, but with no additional funding—thereby leaving the Highway Trust Fund \$12 billion short. In the meantime, the House, led by committee Chairman John Mica, is looking to the typical six-year bill, but again with no increase in funding. Another option




Obama



LaHood

being considered is establishing a National Infrastructure Bank to help offset the need for a large increase in the gas tax or other funding mechanism.

At the same time, the Obama administration, under the direction of USDOT Secretary Ray LaHood, has made it clear that they believe in more than just highways when it comes to transportation. Through several different programs, the administration has funded numerous transit and rail projects and supported local initiatives based on Complete Street principles, putting them at odds with the usual spate of road builders and transportation interest groups.

The direction of the federal debate on transportation is currently overshadowed by the overall budget discussions. It is doubtful that anything will be resolved until the federal debt and budget questions are resolved, probably sometime this fall. 

Luke Forrest is the League's Center for 21st Century Communities project coordinator. You may reach him at 734-669-6323 or lforrest@mml.org.

Arnold Weinfeld is the director of strategic initiatives and federal affairs for the League. You may reach him at 517-908-0304 or aweinfeld@mml.org.

OCTOBER 5-7, 2011

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Toby Barlow
Co-President & Executive
Creative Director,
JWT Team Detroit
[Messaging & Technology](#)

Innovate.
JWT-Team Detroit is redefining communications for Michigan's modern manufacturing industry. They're the creative team who launched the Ford Explorer on Facebook. They're the tech-savvy wizards behind the Warrior sports gear website. Co-President & Executive Creative Director Toby Barlow will reveal how powerful new Messaging & Technology tools can help drive change in our communities.

Details: convention.mml.org

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**NEW
BOOK!**



The Economics of Place:

The Value of Building Communities Around People



Edited by Colleen Layton, Tawny Pruitt & Kim Cekola

Building Communities Around People

For the past several years, the League has worked tirelessly through our Prosperity Agenda and Center for 21st Century Communities, to determine what it will take to restore Michigan to a prosperous state once again. We believe that our communities are at the core of the economic turnaround, and that “place” is the huge economic driver. The disheartening facts are that we continue to lose our college graduates at an alarming rate because we don’t offer the kinds of places where they want to live. Almost half of them leave the state, and two-thirds of those who do leave choose where to live first and then find a job. For over 10 years, Michigan has been in a state of serious economic decline, one where jobs have been lost, housing foreclosures have decimated communities, and the mass exodus of talented and creative people continues at an alarming rate.

It’s time to say, “enough is enough,” and focus on what really matters: creating dynamic, walkable, sustainable communities and regions where people want to live. 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.

To facilitate this discussion, we developed a book that focuses on placemaking as an economic development tool, titled: *The Economics of Place: The Value of Building Communities Around People*. Through its work, the League has crossed paths with and forged new partnerships and collaborations with individuals, organizations, and foundations that would have seemed unlikely just a few years ago. They represent a wide breadth of backgrounds, including urbanists, researchers, practitioners, and entrepreneurs. We are very excited that you will hear from many of them—as authors of chapters in our book—as they share their stories, research, and own unique perspectives on the importance of “place” and its vital role as an economic growth strategy. You will not only read about specific Michigan challenges and its potential, but lessons learned in other places around the country as well.

SOME OF THE HIGHLIGHTS INCLUDE:

- The importance of our young people and what it will take to keep them here
- How changing demographics are driving a different path to economic viability
- What economics of place means in the New Economy vs. the Old Economy
- How designing around people changes the way we look at a community
- Citizen engagement is a key component in building sustainable, vibrant communities
- How “social entrepreneurs” are driving change in Detroit
- Economic gardening is looking at job creation in a different way
- Placemaking management requires a different level of governance
- How cultivating the cultural assets of a community spurs economic growth
- How federal policy has impacted Michigan

TO ORDER BOOK:
Go to www.economicsofplace.com/

The book features a foreword by Peter Kageyama, an introduction by Daniel Gilmartin and articles by Dr. Soji Adelaja and Mark Wyckoff, Dr. William Anderson, Dan Burden, Carol Coletta, Phil Cooley, Rob Fowler and Mark Clevey, Christopher Leinberger, John Norquist, and Dr. Joe VanderMeulen.

Each member community will receive a complimentary copy of the book.

The Sweet Smell of Success



On Wednesday, July 20, 2011 Governor Snyder signed into law the long-awaited reforms to PA 312, that will help local governments maximize public safety resources without jeopardizing collective bargaining rights for police and firefighters.

The new year ushered in a new era for Lansing—Republican control in the Michigan House and Senate as well as a new Republican governor who promised to do things differently. Governor Snyder has certainly pushed the envelope and changed the way things are done here at the capitol. For local units of government, this new establishment has resulted in some major changes to the way we do business. Major reforms that were only a pipe dream even half a decade ago have now been signed by the governor. In terms of cost savings reforms, this has been a good year.

PA 312

Of all the reforms signed, the biggest is to PA 312 of 1969, the law that requires binding arbitration between a local unit of government and a public safety union in the event of a negotiations impasse. Modification of PA 312 has been a goal of local units of government for decades—ever since its initial passage in 1969. In his March special message, the governor indicated that he wanted to alter PA 312, and when HB 4522 passed the Legislature in late June it included everything on the governor's and the League's agenda.



League State Affairs Director Summer Minnick, League Executive Director and CEO Daniel Gilmartin, and Troy Councilmember and past League President Robin Beltramini.

In response to Governor Snyder's call for reform ideas, the League hosted a media roundtable to discuss our reform plan. Media from nine different outlets attended the event, including reporters from the *Detroit News* and *Detroit Free Press*, MGTV, TV 6 & 10 out of Lansing; Gongwer and MIRS news services, and the Associated Press.

The changes to PA 312 make a community's ability to pay the primary factor an arbitrator must consider in an arbitration proceeding. It also defines the term "ability to pay" in order to create more consistency in arbitrations. The legislation requires an arbitrator to consider internal as well as external comparables. For years, there was no requirement that an arbitrator consider the pay and benefits of other bargaining units within the community. The use of internal comparables will show a more complete picture in the arbitration process and help to preserve internal equity and morale within the organization. A further change to Act 312 speeds up the arbitration process to 180 days and moves up the parties' last best offers, requiring submission following mediation.



"As legislative chairman for the Michigan Association of Chiefs of Police I have had many opportunities to work closely with the League's Lansing Staff on a variety of issues, most notably the reform of Public Act 312. It has been a pleasure to work with such knowledgeable and professional individuals. The League is well served and should be proud to be serviced by such high quality individuals."

—Howell Police Chief George Basar; Michigan Association of Chiefs of Police liaison

A tighter timeframe will help reduce costs, direct and indirect, related to binding arbitration. More importantly, quicker resolution may promote more positive labor relations. Future police and fire authorities will be covered under PA 312; however, existing authorities are mostly grandfathered with a few exceptions. These significant changes, particularly the changes to ability to pay, are a huge victory for local units of government.

Further changes for local units came with PA 54 of 2011. It freezes wage and benefit levels after a contract expires and prohibits retroactive wage increases greater than those in the expired bargaining agreement. This new law will result in significant cost savings because contracts are being settled more quickly.



A number of other reforms passed both chambers this summer and are waiting for concurrence by the Senate. Legislation changing PERA, SB 493, would prohibit the creation of an authority from being a subject of bargaining. This gives local units of government the freedom to make important management decisions regarding consolidation. Minimum staffing is being addressed in SBs 485-492, bills that would prohibit minimum staffing requirements in charters or ordinances. Those communities interested in minimum staffing requirements would be able to implement them through the collective bargaining process.

Urban Cooperation Act

Amending the Urban Cooperation Act (UCA) is another issue the League has pushed for a number of years. This year, significant reform passed the House eliminating the most egregious requirement in the Act and a real barrier to cooperation—the requirement which says an employee who is transferred to another department may not be harmed with respect to wages or benefits. The way the Act stood, if two municipalities merged a department (and had been paying different wages), all employees of the newly formed department would have then made the higher salary. This was a barrier to cooperation since it was not a money saver.

What is PA 312?

Public Act 312 of 1969 established a system of mandatory binding arbitration for labor disputes in municipal police and fire departments. PA 312 provides for the selection of, and authority given to, arbitrators; it also prescribes the procedures for the arbitration process.

What was the effect of PA 312?

PA 312 gives power to an individual arbitrator to determine police and fire wages, benefits, and other terms and conditions of employment. Despite its good intentions, PA 312 made it very difficult for local elected and appointed officials to control their largest cost: personnel. It also added significantly to the costs of labor relations, the length of time the process takes, and in many cases, resulted in more contentious labor relations.



League Legislative Associate Samantha Harkins testifying at an Act 312 hearing.

Perhaps of greatest concern was arbitrators' heavy reliance on external pay data in the PA 312 process. This resulted in police/fire employees having significantly more generous compensation packages than other employees working for the same municipality. This type of disparity compromises

internal equity in favor of comparisons with an external labor market. Further, the external market considered in the arbitration process often overlooked a community's location, size, or financial health.

Online Publication of Legal Notices

The League testified in support of legislation to allow public notices to be published online. The legislation would require a notice be posted in the municipal clerk's office as well as one of the following: a municipal website, a newspaper's website or on a PEG channel. A substitute was adopted allowing notices to also be posted on TV or radio stations.

As expected, the press associations opposed the legislation due to a perceived lack of government transparency. We countered by saying this legislation would actually bring about more transparency since it expands public access to legal notices. We also informed the committee of the cost savings impact this would have—a poll of about a quarter of our membership showed publication costs of about \$1.2 million—not including the city of Detroit. City Clerk Janice Winfrey testified that the city already spent \$350,000 this year (2010) on public notices.

As of August 2011, the bill is still in committee.

The Senate responded to the House amendments by including an amendment requiring unexpired contracts to be transferred—a sticking point with the House. The House subsequently stripped that language and sent the bill back. After a workgroup meeting with all interests, the major differences appear to have been ironed out. We expect the Legislature to wrap up this reform piece quickly after the summer break.

Health Care Reform

Health care reform has also been a hot topic for several years in Lansing. The Senate kicked off the year with its concept embodied in SB 7, a bill requiring an employee to pay 20 percent of their health care premium. This legislation allowed local units of government to opt out. The House countered with HB 4572, a bill that would require a hard cap for all public employers with no opt out for any public employer. The compromise, finally inserted



"In anything, you can sit on the sideline and complain or you can make a difference," Auger said. "I've always been one that's been not waiting to see what happens. Control your own destiny. If you don't like something, work to change it."

—Auburn Hills City Manager
Peter Auger




"Involvement in the League allows for a multitude of advantages. In addition to supporting issues that are important to elected officials and their constituents, involvement in the League provides a platform for networking and interaction with fellow dignitaries and officials across the state. The League seeks to provide one collective voice for Michigan communities while simultaneously advocating for improved communities and an improved Michigan."

—Detroit City Clerk
Janice Winfrey

into SB 7, was a preference for a hard cap; however, a public employer could instead opt to do an 80/20 premium share. In addition, a local unit of government (city, village, township, or county) could opt out entirely with 2/3 vote of its governing body. In mid-July the Senate voted to not concur with the House compromise and sent the bill to a conference committee. We expect that the committee will meet in the fall. Please note that these healthcare requirements are in addition to what the Legislature has passed to comply with the EVIP program.

In conclusion, though there are a few loose ends to be tied up, this has been a great year for local government cost savings reforms. These reform

measures—taken individually and as a package—have created many options to help communities. 

Samantha Harkins is a legislative associate for the League. You may reach her at 517-908-0306 or sharkins@mml.org.



On the Cover:

The strength of the League's advocacy program comes from our base of officials. Our success as a lobbying unit is unmistakably related to their level of active participation in an issue. The ultimate success of the League's aggressive lobbying effort in Lansing depends directly on the willingness of municipal officials to take the time and make the effort to get actively involved in the process. Time and again, the League's ability to influence the outcome of legislation affecting municipalities has hinged on the efforts of Michigan's mayors,

councilmembers, managers, clerks, and key staff people to contact their legislators and urge support for the League's viewpoint on legislation. The League would like to extend a special thanks to Howell Police Chief and MACP Liaison George Basar, Auburn Hills City Manager Pete Auger, and Detroit City Clerk Janice Winfrey for their critical participation in the League's lobbying efforts.

OCTOBER 5-7, 2011

CONVENTION ***SPEAKER***



Helen Johnson

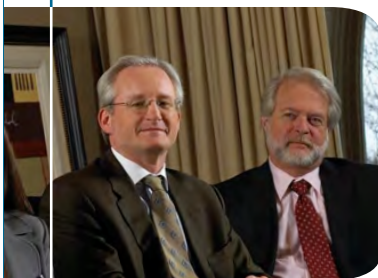
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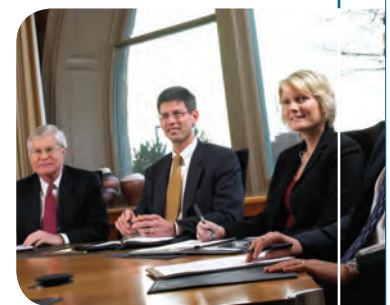
Back in 2007, a small visionary group lit the fuses of arts, economy and culture to ignite a creative explosion in Chattanooga, TN. Helen Johnson will tell you how this group's Placemaking efforts are drawing an exciting new breed of creative entrepreneurs to Chattanooga's urban core, and how to use those same concepts to inspire change here at home.

Details: convention.mml.org

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Redevelopment Incentives Are Necessary to Rebuild Urban Areas

By Luke Forrest and Andy Schor



The redevelopment of a run-down factory in Owosso created a mixed-use facility with living, eating, exercising and socializing space.

While much of the state's attention this spring was on the Legislature's efforts, initiated by Governor Snyder, to change the way businesses and pensions are taxed, other significant policy changes flew under the radar. Tax incentives for redevelopment of brownfields and historic properties were critical casualties of the broader tax and budget reform process. Because they catalyze hundreds of millions of dollars in economic development activity each year, the elimination of these incentives would have been a major loss for Michigan communities. Thanks to the leadership of Governor Snyder, spurred on by the League's members and partner organizations, these programs will not be lost but significantly transformed.

Goodbye MBT—Redevelopment Credits Get Caught in the Crossfire

When Governor Snyder delivered his first budget proposal to the Legislature

in February, he proposed elimination of the Michigan Business Tax (MBT) and with it a long list of tax credits, including the Earned Income Tax Credit and the film production incentives. While not the primary target of his reform efforts, redevelopment incentives were caught in the ensuing political crossfire. Recognizing the critical need to redevelop historic and underutilized properties in the state's commerce centers, the governor proposed replacing certain tax credits with an appropriation for a new program of grants to attract economic activity in targeted areas.

Hello Corporate Income Tax

The Legislature, while it made some changes, generally embraced elimination of the MBT and replaced it in record time. After just five months in office, Governor Snyder signed Public Acts 38 and 39, which repealed the Michigan Business Tax and created a new Corporate Income Tax, on May 26. These bills did not

include replacements for brownfield and historic preservation credits. However, the concerns raised by the League and other economic development advocates made an impact.

Replacement Incentive Program a High Priority

PA 39 included provisions to keep the promise of credits for redevelopment projects that had already begun. More importantly for the future of such efforts, funds for a replacement incentive program became a priority for the governor during budget negotiations. His original budget proposal had replacement funds in a Business Attraction and Economic Gardening line item which was funded at \$50 million. After hearing from numerous League members, developers, and others, the governor admitted that this was too little. Although this was further cut by the House and Senate when they passed their respective budgets, the final legislation contained an appropriation of \$100 million (\$50 million coming from new available money due to higher-than-projected tax collections). This investment

What is Economic Gardening?

Economic gardening is an economic development strategy encouraging the growth of existing companies and the creation of an environment that encourages entrepreneurs. Traditional economic development efforts focused on drawing companies to an area with incentives.

is a reflection of the appreciation among key policymakers of the job creation, placemaking, and economic development value of these types of incentives.

Over the summer, the League worked with the MEDC to implement this new incentive program. MEDC has indicated that it will be taking half of the allocation (\$50 million) and using it to replace the

Would These Projects Exist Without Brownfield Redevelopment Tax Credits and Historic Tax Credits?

Tax incentives for redevelopment of brownfields and historic properties were critical casualties of the broader tax and budget reform process. Because they catalyze hundreds of millions of dollars in economic development activity each year, the elimination of these incentives would have been a major loss for Michigan communities.



MOUNT PLEASANT – Borden Creamery

“Preserving our community’s past has always been a priority for our city,” said Mt. Pleasant City Commissioner Jim Holton. “This is never more evident than in our downtown, which is committed to maintaining historic architecture and finding modern reuses for prized structures.”

Since the Borden building is listed on the National Register of Historic Places, its rehabilitation had to be precise. The building’s exterior, along with key interior features, needed to match its original construction as closely as possible.

The entire process was overseen by the Michigan State Historic Preservation Office and the local Historic District Commission. DEQ funds = \$1.046 million



MONROE – Mason Run

Mason Run, a sustainable residential redevelopment, is one of the largest New Urbanism projects constructed on an urban brownfield site in the nation. It stands as a shining example of what can be accomplished through brownfield redevelopment. To mitigate environmental and site preparation costs, the team developed a creative funding program using multiple, leveraged brownfield financing. The team successfully acquired and managed approximately \$7.4 million in brownfield financing through federal, state, and local grants and loans.



WHITEHALL – Tannery

The city received the following funds from DEQ for the project: an \$850,000 Clean Michigan Initiative (CMI) brownfield grant; a \$748,000 CMI brownfield loan; and a \$400,000 waterfront grant.

now-eliminated Michigan Economic Growth Authority (MEGA) tax credits. While this money will most definitely find its way into our communities, there are no guarantees that it will be used for urban redevelopment. We can only hope that the governor's mantra of rebuilding cities will hold and these dollars won't be used for sprawl.

Revitalization Fund

The other \$50 million is being targeted for a new program, tentatively called a Revitalization Fund, certain qualifications (such as rehabilitation of a historic resource, cleanup, sustainable redevelopment, underserved markets of commerce, promotion of mixed-use development and walkability). This program will focus on rebuilding and revitalizing communities, and will be housed within the MEDC. Additionally, the Legislature is looking at passing legislation to supplement this program and support further community revitalization.

While we would have liked to see more of the money in the brownfield/historic replacement program (the Revitalization Fund), we are cautiously optimistic that this new system will reap great rewards for League members in terms of job creation, leveraging private investments, and creating the sense of place that attracts people and companies in the future! 

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OCTOBER 5-7, 2011

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SPEAKER



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By James M. Harless, PhD, CHMM

Where Brownfield Reclamation Meets Historic Preservation



A Michigan community benefits from the recovery of an historic battlefield and early American settlement.

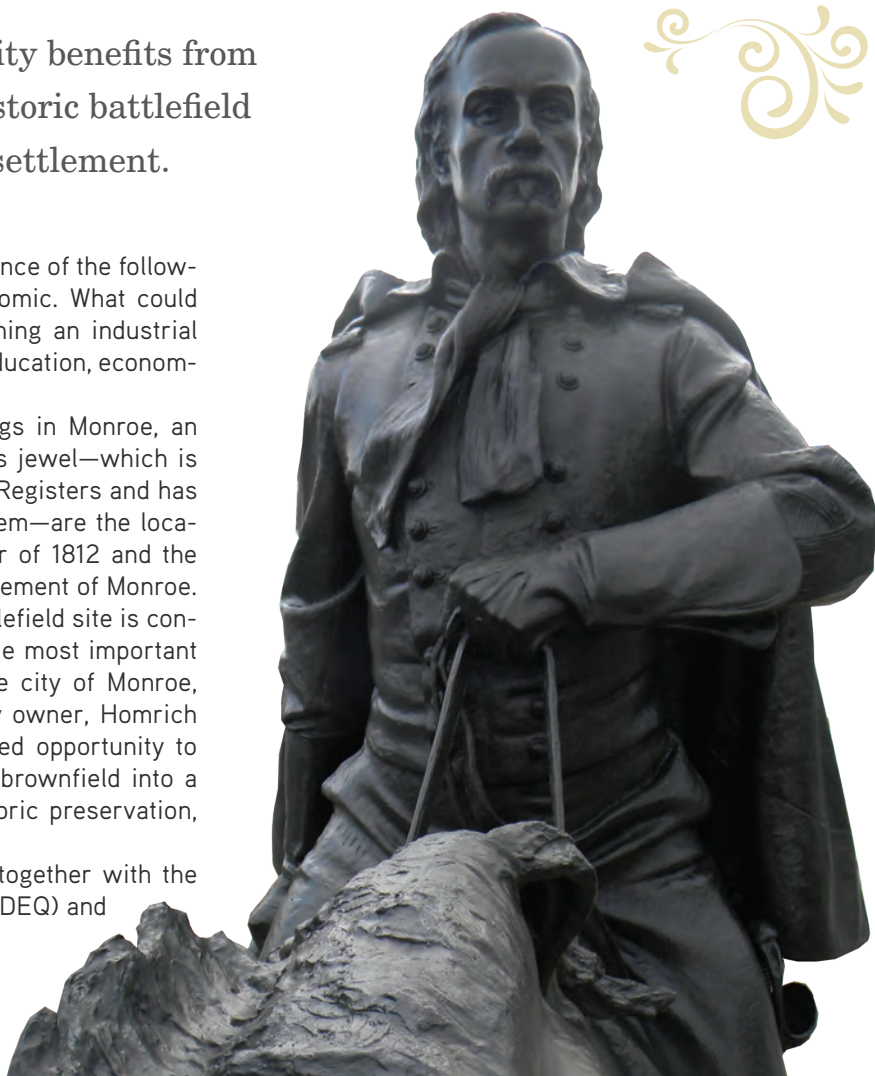


Sustainable development is defined as the confluence of the following three areas: environmental, social, and economic. What could be a more sustainable development than reclaiming an industrial brownfield for historical preservation as well as education, economic benefit, and creation of greenspace?

In 1997, under abandoned paper mill buildings in Monroe, an historic jewel was discovered. Two facets of this jewel—which is listed on both the Michigan and National Historic Registers and has recently been included in the National Park System—are the locations of the Battle of the River Raisin in the War of 1812 and the 1780s community of Frenchtown, the original settlement of Monroe.

The Frenchtown Settlement/River Raisin Battlefield site is considered by local and state experts to be one of the most important historic and archeological sites in Michigan. The city of Monroe, the State of Michigan, and the previous property owner, Homrich Incorporated, took advantage of an unprecedented opportunity to preserve history and turn this former industrial brownfield into a state and federal focal point for sustainable historic preservation, education, recreation, and tourism.

The city and Homrich Incorporated worked together with the Michigan Department of Environmental Quality (MDEQ) and



U.S. Environmental Protection Agency (EPA) to develop mitigation and remediation approaches to allow the company to donate—and a non-profit or municipal entity to accept—a 30-acre portion of the former paper mill site that encompasses much of the historic Frenchtown settlement and battlefield. The city, MDEQ, and the EPA committed over \$3.5 million in brownfield redevelopment funding to address environmental issues at the former industrial facility, demolish existing buildings, and prepare the site for its future role.

Successful completion of the brownfield redevelopment plan provides tourists, history buffs, archeologists, and historians an opportunity to increase their knowledge and understanding of early settlement of the region and the battle of the River Raisin. It also completes the city's long-term program to sustainably redevelop the multi-site "Paper Mill Row" brownfield zone at the northeastern gateway to the city. Two of the three former mill sites have been redeveloped: one, into a sustainable, new urbanism residential neighborhood; and the other into a city recreational complex.

Preserving the History—21st Century

On March 30, 2009, President Obama signed legislation designating the River Raisin Battlefield site as a National Historic Battlefield, initiating activities to transfer the property to the National Park Service.

This final path to preservation and national recognition began in 2006 when, after almost a decade of planning and negotiations, Homrich Incorporated transferred ownership of the East Mill historic parcel to the Port of Monroe to hold in trust while site cleanup and restoration and plans for preservation and interpretation were completed. That transfer followed final resolution of the two major issues that long blocked the successful redevelopment of this important site: 1) environmental liabilities and 2) funding for environmental remediation, building demolition, and site restoration.

Transfer of the East Mill property was delayed for years while the current and future property owners, MDEQ, and EPA worked to resolve federal environmental liabilities that would transfer to a new owner. Between 1980 and 1981, the Union Camp Corporation stored hazardous wastes on the site in compliance with an interim-status permit issued under the Resource Conservation and Recovery Act (RCRA). This activity subjected the site to the requirements of state and federal corrective-action programs—a liability that transfers to any future owner of the property, regardless of whether they conducted any industrial or other operations on the site.



Monroe was the 2010 Region 1 Winner in the Community Excellence Award "Race for the Cup." The CEAs are the League's most prestigious community awards. They are decided upon by peers both at the regional level and at the Convention, where one of seven finalists is selected as the Cup winner. To find out more about the CEAs, go to mml.org/awards/cea.html.

The RCRA corrective action program requires the identification and investigation of all areas where any type of waste was handled or may have been released during the 80 years of mill operations. For a municipality or historic non-profit organization, the potential costs for complying with these requirements are prohibitive and an unacceptable burden of ownership.

Soil and Materials Engineers, Inc. (SME) worked with the city, MDEQ, and EPA to develop a strategy for sufficiently mitigating potential, future federal liabilities to allow transfer of the East Mill site. This strategy included a detailed environmental investigation to identify potential sources of impact and any existing significant contamination of soil and ground-



The years-long effort of Congressman John Dingell ended with the River Raisin battlefield site being added to the National Park System.

History Well Worth Preserving



By the early 1780s, many French settlers, dissatisfied with conditions in British-held Detroit, left to establish a new community. In 1784, that journey ended at the Riviere aux Raisins (River Raisin), 45 miles to the south. The settlement soon became the focal point of French life in the region. By 1810, it consisted of approximately twenty buildings located within a compound, enclosed by a puncheon fence (stockade), along the north bank of the river. It later became the flash point for American-British skirmishes during the initial stages of the War of 1812's Northwest Campaign.

Frenchtown occupied a critical position between the British-Canadian Army stationed in Detroit and the Kentucky Volunteer Militia led by William Henry Harrison encamped at Fort Meigs (near present-day Toledo). On January 19, 1813, the Kentucky Militia moved north and attacked British regulars in control of Frenchtown, driving them back to Fort Malden (now Amherstberg, Ontario). Four days later, on January 22, the British counterattacked, pushing those not captured or injured back south to Fort Meigs. More than 300 Americans died that day, making it the single most costly battle for the U.S. during the entire war. The next day, native allies of the British massacred another 60 injured Americans who were unable to march to Malden.

The massacre of those wounded soldiers enraged and galvanized the fledgling western American settlements. Huge numbers of volunteers flocked to recruitment stations seeking revenge. With these additions, a

new American Army of the Northwest forced the British from Ohio and back across the River Raisin during the summer of 1813. With Commodore Perry's September victory on Lake Erie, the British began a full retreat into Canada. On October 5, 1813, Harrison caught them at the Thames River near present-day London, Ontario. Led by the remaining Kentucky militiamen screaming, "Remember the Raisin," the Americans crushed the British-Indian force and ended the Northwest Campaign.

The events at Frenchtown and subsequent victory of the American Army in the Northwest Campaign secured the present-day boundaries of Michigan for the U.S. via the 1814 Treaty of Ghent.

Remember The Raisin!

Plumes of Smoke

and dust rise over the vacant buildings along with a din and clamor, as if two armies are about to engage. The year is 2006, and equipment to unearth a War of 1812 battlefield, lost under a century of industrial development, has rolled onto the field beginning a new phase in efforts to reclaim the historic site that began eight years prior.



In 2009, President Barack Obama would sign legislation making the River Raisin National Battlefield Park in Monroe the newest unit of the National Park Service. So, how do the lessons learned from reclaiming an 1812 battlefield pertain to your community?


— You'd be surprised!

Remember the Raisin! Vote Monroe!

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water; a plan to remediate contamination areas of concern; a commitment by the MDEQ and EPA to issue a No Further Interest (NFI) letter at the conclusion of environmental activities; and an environmental insurance policy.

The results of the environmental investigations revealed no significant impacts to groundwater and only a few subsurface environmental issues: several underground storage tanks and associated releases to soil, a former industrial waste disposal trench, and asbestos releases in damaged portions of the mill buildings.

After reviews of the assessment results and remediation plans, the regulatory agencies agreed to issue an NFI letter. At this point the city secured commitment for \$1 million in environmental cleanup insurance to protect future owners against possible future cleanup costs for unknown/undiscovered environmental contamination. The only remaining problem was securing funding for the environmental remediation, building demolition, and site restoration.

The city and SME spent over seven years seeking funding for the \$3.2 million needed to pay for the environmental and demolition activities necessary to allow transfer of the East Mill historic parcel for preservation and interpretive redevelopment. The funding keystone was a \$1 million Clean Michigan Initiative brownfield redevelopment grant provided by the MDEQ. The city then secured a \$1 million brownfield redevelopment loan from the MDEQ and a \$1.2 million loan from a U.S. EPA Brownfield Revolving Loan Fund Grant. These loans will be repaid with incremental taxes generated by other brownfield redevelopment projects in the city.

The culmination of the work was the effort initiated and led by Congressman John Dingell to add the River Raisin battlefield to the National Park System. He sponsored and worked tirelessly to advance legislation to accomplish this feat. He also led the years-long effort to introduce Park Service staff to the battlefield site and convince them that a reclaimed brownfield could be successfully transformed into a National Battlefield Park. President Obama signed legislation designating the site as a National Park in March 2009. The crowning moment for Congressman Dingell and the entire project team came in October 2010 when land for the River Raisin National Battlefield Park transferred to the National Park Service. Dedication of the River Raisin National Battlefield Park as America's 393rd national park occurred in Monroe, on October 22, 2010. This was the first reclaimed brownfield site ever to be included in the National Park System. 

James M. Harless, PhD, CHMM is a vice president and principal of Soil and Materials Engineers, Inc. He can be reached at 734.454.9900 or harless@smc-usa.com.

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Diary of a Sustainability PLAN

By Jamie Kidwell



Taking Problem-Solving CONVERSATIONS to the Next Level

2nd Annual Green Communities Conference
October 28, 2011

Last December, over 70 local government and university representatives from across the state gathered at the League's Capital Office to discuss opportunities for and barriers to community environmental initiatives. The first annual Michigan Green Communities Conference demonstrated the interest from cities, townships, villages, counties and universities in working together to make Michigan a more sustainable state.

On October 28, the second annual Michigan Green Communities Conference will once again present communities with the opportunity to engage in peer learning and resource sharing to foster innovation. The Conference will include presentations from community and state leaders and breakout sessions to take problem-solving conversations to the next level for specific sustainability challenges.

Ann Arbor has a reputation as a leader and innovator in sustainability. It was the first city in the U.S. to convert its streetlights to LED, the new Justice Center is LEED certified, the city has a green fleet policy, it has a 5,000 solar roofs initiative and a solar-powered farmers market, its citizens champion green practices (such as the Greenbelt, an innovative land preservation program funded by voter-approved millage—a 30 year, 0.5 mil tax levy), the mayor hosts a green fair, and on and on. With all of these projects, Ann Arbor continues to demonstrate its commitment to sustainability, but with over 25 sustainability plans in place, the city lacks a cohesive approach.

Ann Arbor's city council adopted 10 environmental goals in 2007, that provided a foundation for building a sustainability framework. Ann Arbor used to have 14 different departments, and each department developed its own plans. Though the city recently reorganized into four key service areas, city plans often still represent the silo planning of the past. The challenge is how to make these plans work towards the same goals.

My job is to synthesize all 25 plans and create a sustainability framework. Analysis will show where different plan goals converge or conflict—for instance, how does the solar plan interact with the urban forestry management plan? And, Ann Arbor has an energy plan, but it was a council resolution that set forth the goal of 30 percent renewable energy by 2010, not the energy plan. How do these resolutions, from both council and commission, fit into the sustainability framework?

February 2011

To commence building this sustainability framework, I started by reading all 20 (at that time) departmental sustainability plans. As part of the initial phase, I am working to conduct a content analysis of these plans that aims to get at the root of a content and context issue. The key questions are: Do city plans refer to one another? How often do terms occur within different plans? Do city plans use these terms in a consistent way? For example: This simply touches the surface of plan

TERM	PLAN THAT MENTIONS TERM	FREQUENCY OF TERM
Corridor	Transportation Plan	305
	Downtown Plan	14
	Natural Features Master Plan	13
	Non-Motorized Plan	57

content. For instance, the Natural Features Master Plan uses "corridor" to denote stream and wildlife corridors, which is different from the Non-Motorized Plan's use of "corridor" to refer to street and road corridors.

March - May 2011

I am conducting interviews with more than 25 staff members. A component of the interviews is to raise awareness about this project and the city's sustainability goals. I think plan content analysis contributes to this effort by raising staff awareness of plan interactions. Typically, a city plan addresses a single theme or area of need, and a single staff or group of staff drafts and executes this plan. Our content analysis will be a simple way of quantifying the lack or presence of interaction between

certain plans. Quantifying this disconnect will identify further the need for an overarching framework at the staff level.

June 2011

The interview process led to the creation of executive summaries for each of the 25 city plans. In working with city staff to complete one-page summaries for each plan, the diversity of the plans (in both content and structure) became more apparent. For instance, some plans use the term “objective” to refer to action items, and other plans use “recommendation” or “project.” The number of objectives in each plan also differs vastly. For example, refer to the two plans below:

Huron River and Impoundment Management Plan

8 goals, 32 objectives

Solid Waste Management Plan

11 broad goals, 5 activity areas,
39 strategies, 161 objectives


Incorporating objectives into one-page executive summaries is proving to be a great challenge. How do we produce a summary for each plan that communicates the key plan goals without losing valuable information? How do we take a plan with 161 objectives and fit it within one page?

July 2011

This project is still underway, but future plans include a joint commission meeting in this fall to bring together the city’s environmental commission, energy commission, planning commission, and park advisory commission. The purpose of this meeting is to hear feedback on a draft sustainability framework and suggestions for goal prioritization that will help guide the sustainability action plan and inform the budget. Each subsequent year, the joint commission will meet to prioritize sustainability initiatives and update the action plan.

Michigan Green Communities Measure and Report

Ann Arbor, like other municipalities in Michigan, is finding ways to further sustainability despite funding challenges. Michigan Green Communities (MGC) is a growing network that includes over 100 local governments and universities in Michigan. It builds off the Green Communities Challenge, a collaborative project of the League, the State Energy Office, the Michigan Townships Association and the Michigan Association of Counties that encourages community leaders to measure and report progress toward environmental conservation goals. It also connects Michigan to neighboring states through the Midwest Regional Sustainability Network (MRSN). Ann Arbor and Dearborn began MRSN to strengthen connections with other local governments interested in starting sustainability initiatives.

MGC’s network and the annual Green Communities Conference will continue to encourage municipalities to learn from each other’s successes and challenges to help us become more sustainable at the local, regional, and state levels. 

Ann Arbor’s sustainability framework is funded by the Home Depot Foundation.

Jamie Kidwell is the sustainability associate for the city of Ann Arbor. You may reach her at 734-794-6430 x43720 or jkidwell@a2gov.org.

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10 Environmental Goals

Clean Air

Eliminate air toxins, criteria pollutants, and persistent bioaccumulative toxins

Clean Water

Ensure safe water for drinking, recreation, other uses, and other species

Efficient Mobility

Provide infrastructure and policies for efficient modes of transportation

Health-Promoting Urban Environment

Ensure that the built environment promotes public health and improvements to the natural environment

Local Food Sufficiency

Conserve, protect, and restore local agriculture and aquaculture resources

Responsible Resource Use

Produce zero waste

Safe Community

Eliminate damage to public health and property from natural and other hazards

Stable Climate

Eliminate net greenhouse gas emissions and other destabilizing climate impacts

Sustainable Energy

Use 100 percent renewable energy

Viable Ecosystems

Conserve, protect, and restore aquatic and terrestrial ecosystems



(above) A solar powered parking meter in downtown Ann Arbor.
(left) Ann Arbor was the first city in the nation to convert its streetlights to LED.

SAGINAW'S GREEN TEAM



Saginaw was the 2010 Region 4 Winner in the Community Excellence Award “Race for the Cup.” The CEAs are the League’s most prestigious community awards. They are decided upon by peers both at the regional level and at the Convention, where one of seven finalists is selected as the Cup winner. To find out more about the CEAs, go to mml.org/awards/cea.html.



Approaching recycling as a team can help ensure the success of a recycling program. Saginaw established a Green Team in January 2010 comprised of an employee from each city department who is interested in recycling. The purpose of the “Go Green” initiative was to develop a practical, cost-effective, and sustainable program designed to be convenient for employees. The Green Team meets on a regular basis and monitors the success of the program. It fosters teamwork and the cooperative spirit necessary for the program’s continued success. Employees give regular updates and send out newsletters, articles, and similar signs of support in order to demonstrate both the program’s importance and proven history of results.

Green Team Kick-off Event

The “Go Green Initiative” officially kicked-off on April 27, 2010. Festivities began with an invitation to city councilmembers and the citizens of Saginaw. The event was focused around education, but fun factored in as well—there were refreshments and giveaways from the city and area businesses. Attendees received a white spruce to take home. The Green Team distributed fact sheets, signs, and recycling desk trays. They also displayed and distributed various departments’ educational materials.

Saginaw’s program helps reduce disposal cost by reducing the amount of waste, protecting the environment and conserving natural resources. City leaders said that in just two months, the program reduced the amount of waste product that goes into a landfill by six tons!

Green Team Members

The Green Team is comprised of employees from many different departments, working together to increase recycling and other green practices, and to educate citizens and employees on the need for environmental protection. The team includes: Amanda Kiel, Water Treatment Plant; Sherry Schoen, Wastewater Treatment Plant; Tyrone Harge, Fire Department; Evelyn McGovern, Public Services Department; Tracy Le Fevre, Engineering Department; Linda Armintrout, City Assessor’s Office; and Jen Tafel, City Attorney’s Office.

Educate To Motivate

- Develop the most efficient recycling habits
- Increase participation in-house and at home
- Reduce contaminants
- Residents informed on how to use the city’s free recycling and trash convenience station drop-off site
- Distribute fact sheets about the recycling program
- Provide employees with properly labeled collection containers, desk trays, and bins

Gain Support & Employee Participation

- Field questions/comments
- Address problems and suggestions
- Make program simple and convenient
- Explain to employees how the program works and why it is necessary
- Publicize participation levels/program results
- Foster competitions among departments
- Management supports initiative by allowing time for Green Team to meet

Clerk of the Year

The Michigan Association of Municipal Clerks (MAMC) annual Clerk of the Year election results, as voted by the membership, have been tabulated and the following awards were presented at the annual MAMC Conference on June 22, 2011:



2011 City Clerk of the Year

Chris Swope

Clerk, City of Lansing

2011 Township Clerk of the Year

Carolyn Boersma

Clerk, Spring Lake Township

2011 Village Clerk of the Year

Arlene Nichols

Clerk, Village of Lake Orion

The criteria for nomination includes years of experience; demonstration of greater-than-average competence in the position; activity in county/state/national associations; demonstrated interest in improving professional and personal skills and in the advancement of the clerk's profession; a record of contributing to the improvement of his/her community; and respect of community leaders.



Pictured l to r: Tami Kelly, Grove City, OH, International Institute of Municipal Clerk's Region V Director; Carolyn Boersma, Spring Lake Township Clerk; Chris Swope, Lansing City Clerk; and Evan Hope, Delta Charter Township Clerk and MAMC 2010/2011 President. Arlene Nichols was unable to attend the event.

Two-Inch Rule Will Wait Until Fall

Despite good momentum and work with various parties, the bills reinstating the two-inch rule for sidewalk liability, SB 201 and HB 4589, will wait until fall to continue through the process. The two-inch rule was effectively abolished last year by the Michigan Supreme Court in *Robinson v. City of Lansing*.

The House and Senate versions of the bills are somewhat different, and the League was continuing discussions on the detailed language. The legislators thought it would be best to wait until fall and work out the kinks over the summer. We are extremely close on the language, and I anticipate this will get completed in the fall.

The League worked closely on this bill with the Michigan Association of Municipal Attorneys and had a number of productive discussions with the Michigan Association for Justice, resulting in the Senate-passed version.

Cool Blog Alert

ReImagineRural.com is a blog for rural residents who want to be a part of building a new future for their communities. Check out "10 Reasons 'Third Places' Matter to Rural Communities" at reimaginerural.com/10-reasons-third-places-matter-to-rural-communities/.

Greenville Tunnel an 'Engineering Achievement'

Greenville's new pedestrian tunnel under M-57 has received the 2011 Outstanding Civil Engineering Achievement Award from the Michigan Section of the American Society of Civil Engineers. The new handicap-accessible tunnel is the final link in Greenville's 6.5-mile Fred Meijer Flat River Trail, which circles the city and includes a spectacular, three-mile-long stretch next to the scenic Flat River.

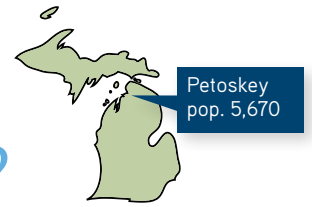
The 150-foot concrete tunnel is 16 feet wide and 12 feet tall. It includes concrete traffic-safety barriers on the road above to keep pedestrians safe, and electronic aluminum gates at each end of the tunnel to close it during the night. The tunnel is decorated with 530 tiles hand-made by local artists of all ages. The tiles depict Greenville's history and include impressions of items taken from archeological digs in the area.

The new tunnel cost about \$1.4 million and was funded by MDOT grants, the Meijer Foundation, the Kellogg Foundation, and Greenville's Capital Improvements Fund.

AG Opinion on Medical Marijuana Cooperatives

Michigan Attorney General William Schuette concluded in Attorney General Opinion 7259 that the Michigan Medical Marijuana Act does not permit the collective growing or sharing of marijuana plants on cooperative marijuana farms. Schuette concluded that the Michigan Medical Marijuana Act requires each patient's plants to be grown and maintained in a separate enclosed, locked facility that is only accessible to the registered patient or the patient's registered primary caregiver. Cooperative marijuana farms do not fulfill those requirements, Schuette said. The opinion is available on the Attorney General's website, www.michigan.gov/agopinions.





WHAT'S YOUR SENSE OF PLACE?

PETOSKEY



Governor Snyder in his first Special Message to the Legislature referred to the importance of creating a “sense of place” within Michigan communities no less than a dozen times. One such shining example is Petoskey’s new Bear River Valley Recreation Area (BRVRA).

Like many Michigan communities, Petoskey is blessed with an abundance of natural beauty. It is the stuff Pure Michigan ads are made of: sand beaches, sparkling shores and glowing sunsets. But Petoskey’s sense of place was not always what it is today; success takes planning, perseverance, and some calculated risk.

The two largest generations in our nation’s history, the millennials and the boomers—approximately 155 million strong—are seeking cities with a sense of place to call home. We laud and applaud elected officials and communities retaining focus on this big picture; recognizing that the oft-times unquantifiable, intangible assets of our communities remain an essential part of service provision. Nurturing the unique aspects within each of our communities and giving them their due consideration in the budget process remains highly important.

Parks, trails and other recreational opportunities add economic value to our communities both by attracting visitors and providing a higher quality of life for residents. According to the National Association of Realtors, homes with proximity to such

amenities enjoy higher property values of five to 15 percent each, based on the quality of the park.

PETOSKEY REINVENTED

Like most of Michigan, Petoskey is reinventing itself. It exists today because of the valuable power of the Bear River flowing into Lake Michigan, which established Petoskey as a mill town. The Bear River once had five dams set along its steep course, harnessing energy for mills. Railroad cars ran along both sides of the river carrying timber and limestone. At one time, the Bear River features and the industries it supported created Petoskey's hard-working and bustling sense of place.

NOT JUST FOR VISITORS

The Bear River bisects Petoskey into east and west sides. So perhaps more important than the economic draw, is that this project links Petoskey's two other linear parks and several neighborhoods, greatly increasing connections for residents. The project was accomplished through TIF district bonding of just more than \$2.4 million. The two streets immediately parallel with the river enjoy new curbing and buried utilities. The entire project includes 36 acres, 1.5 miles in length. A concrete path traverses the length of the river on one side, while gravel trails line both sides, with a number of access points from different neighborhoods; two pedestrian bridges



Today Petoskey is a national destination and still bustles—albeit in a more leisurely fashion. The Bear River Valley is gradually being restored to its more natural state, with the removal of the last dam in 1991. But its power is once again harnessed for the new purpose of whitewater kayaking. With its naturally steep grade to Lake Michigan and strategically placed limestone, the Bear River offers whitewater—the likes of which cannot be found any nearer than West Virginia or the western Upper Peninsula. Additional limestone creates eddies for self-rescue. In key areas, put-ins and take-outs, at 100-yard intervals provide enthusiasts with a way to reshoot favorite sections of the rapids. These play features mutually serve as fish habitats, enhancing the local fishing experience.

are available along the trail with a stair tower. Two new public restrooms and two shelters, which can be rented, also serve the valley. There are a total of five parking areas, three at street level, as well as the neighborhood non-motorized connectors, so access was given high priority.

Residents are now also conveniently linked via this trail all the way to the Riverbend skate-park and to the high school football field and sports complex on the southern end, and will eventually link to North Central Michigan College on the northern end.

In summary, the BRVRA project accomplishes many objectives. It reaffirms Petoskey's sense of place as a destination for visitors and a haven for residents. For local and national trail enthusiasts, it connects directly to the historic


Little Traverse Wheelway portion of the North Country National Scenic Trail, which traverses our country from New York to North Dakota. It protects important local flora and makes usable a serene, natural area of 36 acres in the heart of a small but active city. It creates an economic stimulus three seasons of the year by filling a unique whitewater kayak niche. It connects the city's east- and west-side neighborhoods via trails and pedestrian bridges. It increases the desirability and real estate value of an estimated 500 residential properties. It is a complete part of a larger vision to connect key residential user groups throughout the city from north to south.

Petoskey has seen great success with its three linear parks including the 1.8 mile Waterfront Park and the downtown Greenway Corridor which may one day soon run a trolley on the railroad tracks for downtown employees to key parking areas. All three parks serve multiple users and enhance Petoskey's sense of place.



Parks, trails, and other recreational opportunities add economic value to our communities both by attracting visitors and providing a higher quality of life for residents.

The BRVRA project highlights include an observatory tower, a pedestrian lookout, linked trails and pedestrian bridges, and Level I and II whitewater rafting.

For more information on how parks, trails, and recreation provide economic value to your community, contact Ann Conklin, chief operating officer, Michigan Recreation and Park Association, at 517-485-9888. For more information on this project, contact Petoskey City Manager Dan Ralley at 231-347-2500. 



Caroline Weber Kennedy is manager of field operations for the League. You may reach her at 906-428-0100 or ckennedy@mml.org.



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Bidding Contracts, Videotaping Council Meetings, and Census

Q: We are getting ready to sign a contract for preliminary engineering studies on a road project. Do we have to put the engineering contract and/or the roadwork out for bid? Is there a dollar amount above which we are required to put a contract out for public bids?

A: There is NO state law requiring public bids on municipal contracts. However, many cities and home rule villages have such a requirement written into their charter and additional cities and villages, including general law villages, have ordinances establishing a threshold amount over which contracts must be bid. Even if your municipality does not have such a requirement, it is often prudent to solicit bids on large projects.

One more note of caution, many funding sources including some grants and many state and federal sources, do require going out for public bids.

Q: We have just amended our utility ordinance. Do we have to publish the entire ordinance, or just the change in rates?

A: Typically you just have to publish a summary of an ordinance with a notice that the entire ordinance can be viewed at your village or city hall. However, check with your municipal attorney to make sure there is nothing in your local ordinances or charter that would require publication of the entire ordinance.


Q: We have just learned that a citizen plans to videotape our next city council meeting. Do we have to allow that?

A: Yes. The Open Meetings Act states, "The right of a person to attend a meeting of a public body includes the right to tape-record, to videotape, to broadcast live on radio, and to telecast live on television the proceedings of a public body at a public meeting. The exercise of this right shall not be dependent upon the prior approval of the public body. However, a public body may establish reasonable rules and regulations in order to minimize the possibility of disrupting the meeting." MCL 15.263.

Q: We don't think our 2010 Census count is accurate. In our small village, it appears they missed 27 houses built between 2000 and 2008. Is there anything we can do about it?

A: The U.S. Census Bureau partnered with state, local, and tribal governments across the nation to help ensure a complete and accurate count in the 2010 Census. While the Census Bureau's goal was to count everyone once, only once, and in the right place, there are historically a small percentage of cases where a wrong geographic boundary or coding of a housing unit was used to produce the official census population and housing counts for a local area. There may also be cases where, due to processing errors, the Census Bureau mistakenly duplicated or deleted living quarters that were identified during the census.

The Census Bureau has established a process by which elected officials may challenge their jurisdiction's 2010 Census count—it's called Count Question Resolution. The program was created to specifically address instances where a state, local, or tribal government feels an error was made in the 2010 Census results for their area.

Count Question Resolution began accepting challenge submissions from governmental units on June 1, 2011. All challenges must be received by the Census Bureau no later than June 1, 2013. For more information visit the official census website: 2010.census.gov/2010census/about/cqr.php 

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The manual includes: basic principles, definitions, the Tax Tribunal process, the appraisal process from the Tribunal perspective, and key cases for municipal practitioners.

We would like to thank the authors—Derk Beckerleg (Secrest Wardle); Sean Mulchay and Laura Hallahan (Hafeli Staran Hallahan & Christ, P.C.); and Carole Ryan, assessor, Charter Township of Harrison for their work on this manual.



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