

# the review

the official magazine of the  michigan municipal league



JANUARY/FEBRUARY 2008



CAROLINE WEBER KENNEDY  
"Up North"  
Urbanity

DANIEL P. GILMARTIN  
Nuts and Bolts  
Government  
Gets Highlighted

## Inside:

- What is a Code Enforcement Officer?
- Downtown Parking in Small Communities
- Michigan's Environmental Cleanup Programs: At Risk
- League to Establish Community Design and Education Center

The Michigan Municipal League is the Michigan association of cities, villages and urban townships. A nonpartisan advocacy organization, the League works through cooperative efforts to strengthen the quality of municipal government and administration by providing technical assistance and information to local officials regarding municipal issues.

#### Headquarters

1675 Green Rd., P.O. Box 1487  
Ann Arbor, MI 48106-1487  
734-662-3246 or 800-653-2483  
FAX: 734-662-8083  
Email: info@mml.org  
Website: www.mml.org

#### Lansing Office

320 N. Washington Square, Suite 110  
Lansing, MI 48933-1288  
517-485-1314 or 800-995-2674  
FAX: 517-372-7476  
Email: advocate@mml.org

#### Northern Field Office

200 Minneapolis Avenue  
Gladstone, MI 49837-1931  
906-428-0100  
Fax: 906-428-0101  
Email: ckennedy@mml.org

Executive Director: Daniel P. Gilmartin

#### Board of Trustees

**President:** Deborah L. Doyle,  
Councilmember, Durand

**Vice President:** Robin E. Beltramini,  
Councilmember, Troy

#### Terms expire 2008

Linda L. Gedeon-Kuhn, Councilmember,  
Bridgman  
George Heartwell, Mayor, Grand Rapids  
Gary Tuzinowski, Councilmember,  
Algonac

#### Terms expire 2009

LaVern Dittenber, Mayor, Au Gres  
Dana W. Foster, City Manager, Brighton  
Jeffrey Jenks, Commissioner,  
Huntington Woods  
Larry Nielsen, Village Manager, Paw Paw  
Tom Youatt, City Manager, Harbor Beach

#### Terms expire 2010

Richard Clanton, Mayor Pro Tem,  
Kentwood  
Kenneth Cockrel, Jr., Council President,  
Detroit  
Penny Hill, Village Manager, Ontonagon  
Deanna Koski, Councilmember, Sterling  
Heights  
David Post, Village Manager, Hillman  
Carol Shafto, Mayor, Alpena

#### Active Past Presidents

Kate Lawrence, Mayor, Brighton  
Michael N. Matheny, Mayor, Grand Blanc  
Margene Ann Scott, Mayor Pro Tem,  
Madison Heights  
Robert Slattery, Jr., Mayor, Mount Morris  
Charles Smiley, Mayor, Burton

# the review

The official magazine of the Michigan Municipal League.

Volume 81, Number 1

## Feature Articles

### 5 What is a Code Enforcement Officer?

Jeannie Niland

### 7 Effective Code Enforcement

Eric Williams

### 10 Legislator Salute Rep. Chuck Moss

### 12 Ordinance Reminders

Mt. Pleasant

### 14 Why Picture Michigan Tomorrow?

Charles McKeown

### 16 Legislator Salute Sen. Tupac A. Hunter

### 17 Downtown Parking in Small Communities

Brenda Moore

### 21 W.I.N.: Asset Management Principles at Work

Gary Mekjian, Murat Ulasir and Don Rohraff

### 24 Employee Benefits

Heather Van Poucker

### 27 League to Establish Community Design and Education Center

Arnold Weinfeld

### 29 Partnerships for Recreation in Rural Michigan Communities

Al Ellard

### 31 Michigan's Environmental Cleanup Programs: At Risk

Sharon Goble

### 33 Council Orientation

Kim Cekola



## Executive Director's Message

Daniel P. Gilmartin

# Nuts and Bolts Government Gets Highlighted

While the majority of newspaper headlines in Michigan continue to swirl around long-debated state policy initiatives, local governments continue to provide essential services that play a major role in taking our communities forward and making our economy go. After all, it is at the local level that the rubber meets the road. There are several articles in this edition of *The Review* that deal with effective code enforcement, something that every community needs. Whether you are from a growing community that is struggling to keep pace with new building or one that is fighting to regain its historic character, this issue will provide you with some valuable perspective on what it takes to successfully implement a first-class code enforcement program.

### Coming Soon to the League Homepage— Guest Blogging

In an effort to heighten the dialogue about what it takes to provide quality local services in Michigan, the League is dedicating a spot on its homepage to a different guest blogger each week. The bloggers will provide their unique and sometimes provocative perspectives about local issues in Michigan and what it takes to practice good government in 2008.

There are a bevy of other Web 2.0 inspired changes coming to the League's website in the coming weeks and months. As a premier source of information and inspiration for local government leaders, the website's monthly hits topped 250,000 in late 2007 and it is well on its way to doubling that number in the months ahead. If you haven't checked it out lately, I recommend you give it a look and let us know what you think.

### League Capital Office Opening Soon

The League's new Capital Office in Lansing is set to be completed in the coming weeks. The Christman Company, who will utilize part of the building for its headquarters, is putting the finishing touches on a full-scale overhaul of the classic 1927

Mutual Building just across the street from the State Capitol. The League will occupy the entire first floor of the building, providing us with over 9,000 square feet of first-class facilities for members and staff alike. In addition to new staff offices, the highlights of our new space include a board room, several gathering rooms to accommodate meetings of many sizes, a training room and a one of a kind reception space located on the newly constructed sixth floor. The facility will quite literally open a number of new doors for the League and its members for many years to come. Look for more information on a grand opening event in the near future.

### A Time to Say Thanks

As we enter a new year, I would like to take this time to thank the entire staff at the League for their often Herculean efforts in 2007. The last year has been a whirlwind of change and excitement for all of us at the League. We made significant strides on many advocacy fronts (legislative and in the courts), ramped up our educational offerings, completed an enormously successful branding exercise, and introduced a number of new technologies that have allowed us to communicate our messages in a number of new ways. And all of this was done while we continued to provide valuable research products, award-winning risk management programs and uniquely tailored consulting services for communities throughout Michigan. Throw in a year-long computer data system conversion and you might imagine how hectic things had gotten. None of these accomplishments could have occurred without the passion, dedication and professionalism of the best non-profit staff in Michigan. I would like to say thanks to each and every one of them.

Daniel P. Gilmartin is executive director of the Michigan Municipal League. You may contact Dan at 734-669-6302, 800-653-2483 or [dpg@mml.org](mailto:dpg@mml.org).

## The Review (ISSN 0026-2331)

*The Review* is the official magazine of the Michigan Municipal League. It serves as a medium of exchange of ideas and information for the officials of Michigan communities. The views expressed and the data presented by contributors and advertisers are not to be construed as having the endorsement of the officers, staff or membership of the League.

*The Review* is published bi-monthly by the Michigan Municipal League, 1675 Green Rd., Ann Arbor, MI 48106; Phone: 734-662-3246; FAX: 734-663-4496.

### Magazine Staff

Jeanette Westhead, Graphic Designer

Susan Vasher, Address Changes

Kim Cekola, Editorial Content

### To Submit Articles

*The Review* relies on contributions from municipal officials, consultants, legislators, MML 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/](http://www.mml.org/marketingkit/).

### Advertising Information

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

Classified ads are available online at [www.mml.org](http://www.mml.org). Click on "Classifieds."

Contact the editor at 734-662-3246. Information about all MML marketing tools is available at [www.mml.org/marketingkit/](http://www.mml.org/marketingkit/).

### Address Changes

Please send address changes to: Susan Vasher, The Review, P.O. Box 1487, Ann Arbor, MI 48106-1487. 734-669-6354.

### Subscriptions

\$24.00 per year for six issues; single copy \$4.00. Payable in advance by check, money order, Visa/Mastercard/American Express/Discover. Make checks payable to Michigan Municipal League. Phone 734-662-3246; Fax 734-662-8083 or mail new subscription requests & check to The Review, P.O. Box 7409, Ann Arbor, MI 48107-7409.

### Postage

Periodical postage is paid at Ann Arbor, Michigan.

### Postmaster

Send address changes to *The Review*, P.O. Box 1487, Ann Arbor, MI 48106-1487.

# the review

The official magazine of the Michigan Municipal League.

Volume 81, Number 1

## Departments

### 3 Executive Director's Message

Daniel P. Gilmartin

### 35 League Education Programs: February and April

### 38 Municipal Marketplace

### 39 Bulletin Board

Kim Cekola

### 41 Field Report

"Up North" Urbanity. Caroline Weber Kennedy

### 45 Legal Spotlight

Public Duty Doctrine Applies in Action Against Police Officers. Sue A. Jeffers

### 47 Municipal Q&A

Mary Charles

## ON THE COVER

The importance of code enforcement plays a large role in the concept of "sense of place." The cover images demonstrate this concept through historic preservation, downtown development, housing blight, and new construction—all of which must be considered when creating a place that draws residents and new investment.

# What is a Code Enforcement Officer?

Code enforcement officers come with a variety of names: ordinance enforcement officer, code enforcement officer, zoning inspector, housing inspector, building inspector, service inspector and the list goes on and on. No matter what the actual title, they provide many valuable and necessary services to the communities that employ them. Code enforcement officers are not only enforcement professionals, they are communicators, educators, mediators, problem solvers and researchers.

## You Enact, We Enforce

The legislative body (e.g. council, commission, etc.) enacts ordinances for the good of the entire community to have an avenue to keep blight from entering, lowering property values and making the community less desirable to those who live and work within it. Since code enforcement officers deal with actual situations in the community every day, community legislators should include input from the officers when establishing new ordinances. Officers can often shed light on problems that may arise with the enforcement of ordinance provisions, and they can provide information on the types of ordinances that may be needed within their jurisdiction.

Too often code enforcement officers are looked upon as the bearer of bad news who informs a property owner they cannot use their property in a particular way. It is their job to communicate to the property owner the rules established to maintain their property. Property owners need to understand that ordinances are enacted by their community's legislative body and a code enforcement officer's duty is to enforce those ordinances, the same as a police officer is sworn to uphold the laws of the state and his/her community. In this same light, community leaders should not interfere with the duties of a code enforcement officer as the officer must enforce the ordinances uniformly throughout the community.

When a code enforcement officer visits a property it is to educate the owner on ordinance standards and to request compliance to those standards. When a property owner chooses not to comply with those standards, usually, the officer's only recourse is to issue a citation to gain compliance. Officers then rely on prosecutors and judges to obtain compliance to the ordinance, whether voluntarily or through a court order. The only goal is ordinance compliance and officers appreciate those property owners that bring their property into compliance upon officer request so that citations do not have to be issued.

Code enforcement should be highly regarded by communities and should not be taken lightly as it can make a major impact on community image. It spans old and new communities and no community can properly function without it. In older communities code enforcement prevents homes and properties from becoming deteriorated. Studies have shown that deteriorated properties and blight may eventually cause more crime to

prevail in that area. In newer communities, code enforcement becomes an important issue for environmental concerns such as soil erosion and wetland and woodland preservation.

Approaching code enforcement in a proactive way produces much more favorable results on behalf of the community and the property owner. Daily inspections of properties, providing a variety of printed material to property owners on ordinance requirements, and support from administration to provide proper staffing levels and training are all ways that can create a good relationship between code enforcement officers and residents or business owners. Educating the community on the ordinance requirements helps to prevent violations from occurring or reoccurring and should be the first step in providing quality code enforcement. The use of flyers, letters, self-inspection checklists and cable television coverage can all assist the officer.

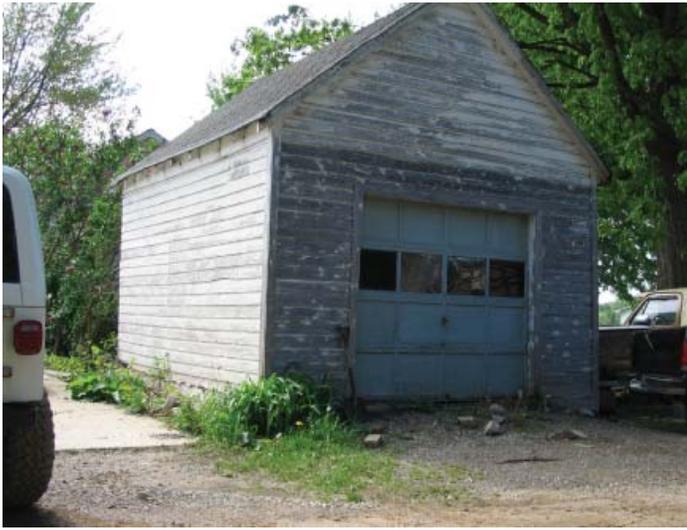
Even with the best run code enforcement department, complaints are a part of every day life. Sometimes, the complaints are regarding neighbor disagreements that are not covered by a specific ordinance. These cases sometimes require mediation between the two parties to come to a solution; the code enforcement officer may need to be the bridge to resolve such issues. Sometimes it just takes a good listening ear and a fresh idea from someone who is totally removed from the situation to solve the problem.

## Code Enforcement and Foreclosed Property

In Michigan with the high rate of foreclosures and bankruptcies, the code enforcement officer is responsible for locating an owner or property manager for vacant properties and requiring them to maintain the property, including removal of any debris and maintaining the grass. When properties are lost due to a foreclosure or bankruptcy the officer spends a large amount of time researching property records, utilizing the internet and making numerous telephone calls to obtain ownership information. It may take time for these situations to be resolved, but rest assured that the officer is working toward accomplishing the best for the community.

Because every municipality enacts ordinances that are particular to its needs, the code enforcement officer's job is ever evolving. The Michigan Association of Code Enforcement Officers (MACEO) is a not for profit educational group established in 1987 to provide up to date training to those providing the services of code enforcement. The members of this association take pride in the service that they provide to communities. Code enforcement is a difficult job, but when issues are ultimately resolved it can be very rewarding. Code enforcement officers would like community members, legislators, administrators and judges to understand and appreciate this very important service provided to communities each day.

# Effective Code Enforcement—Before and After



# Effective Code Enforcement

Local code enforcement usually means the process by which local officials enforce ordinances applicable to:

1. building regulations
2. zoning
3. nuisance
  - blight
  - garbage cans
  - weeds or grass
  - vacant buildings.

Local codes are utilized to protect the health, safety and welfare of the citizenry, while setting some aesthetic standards for the community. The enforcement activities of local officers traditionally are aimed more at achieving compliance than anything else.

## Fairness

**Notice or warning is a key component of code enforcement.** Many members of the public do not know which local ordinances might apply to them. Of course, ignorance is not a legal defense. However, it can be a very plausible excuse when offered to local elected officials or a local district court judge.

**Publicize changes in your ordinances.** Talk to the newspaper about them. Visit your local builders or landlords associations. Tell them what you look for, and what you hope to achieve.

**Knock on doors and talk to people** whenever possible. Otherwise, send a letter in which you describe the violation that has been reported or observed. Include a copy of the pertinent ordinance section.

Your mayor/president, manager, attorney, and district judge all will want to know just what you did to inform the potential defendant of the violation, regardless of the ultimate outcome of the case.

**Always follow the same steps in taking complaints, investigating problems, contacting the alleged violators, and writing tickets.** In the long run, you will be respected for the uniformity and consistency of your work.

**Treat the complainants and the alleged violators with respect.** You are not being called upon to investigate and arrest violent criminals. Keep the nature of the underlying violation in perspective. If you don't, your community will remind you.

## Facts

**Make your own observations** of violations, and record what you see. If you respond to a complaint but can find no violation, then record that fact.

**Photographs explain more than written reports.** Take a picture of the trash cans in the alley two days after the scheduled pick-up. Take a picture of the pile of broken furniture and bags of trash on the front porch. Photograph an object of a known height in the overgrown grass or weeds. Photograph the peeling paint, broken windows, or other deficiencies in a building. Photos are a lot cheaper than bringing along an extra witness to verify what you observe.

**Interview the alleged violator.** Many times the person will admit the substance of the violation and will promise to fix it. Take notes and dictate or write a report. Always record the date and the time of attempted contacts, as well as actual interviews.

**Interview the complainant.** Take the time to let them know you are responding and investigating. Do not predict an outcome, as in writing tickets or having someone fined. Remind those who complain that the primary goal is to obtain compliance

with local codes. Tell them you appreciate their willingness to be involved. Include in your notes and/or report the date and time of attempted contacts and actual interviews.

**Go back and look for yourself.** Check a week later to determine the status of any alleged violation. If you can't get in, or nobody is home, then record that fact. It is very helpful to show (those who might check) just how diligent you pursued a particular complaint. Most code officers check; they just don't document their own activity.

**Keep a mailing record.** Always keep a copy of letters or notices mailed to alleged violators, along with the address to which the mailing was sent. Certified mail should be used carefully. Using certified mail is not recommended unless you must prove, as part of the elements of an ordinance, the receipt of a specific notice.

**Dictate or write reports promptly.** Organize them by address, owner, complaint number, or any other system that works for you. Make it easy to supplement your reports by adding two-line notations like:

- Visited property on 1/24/94, 4:00 p.m. Front window still broken out.
- Called owner of 511 State at 458-9000, 9:00 a.m. Left message on answering machine to call me.
- Talked to complainant at 400 Michigan, re: trash cans without lids at 511 State. Told her we were trying to reach owner.

*Unequaled service...Unequaled support...*

*Property-Based Systems*

*Fund Accounting Systems*

*Companion Systems*



*Celebrating 20 years in business!*

14965 Abbey Lane, Bath, Michigan 48808 517.641.8900 www.bsasoftware.com

# IN WHAT DIRECTION IS YOUR COMMUNITY GOING?

Start your planning officials  
down the road to success with  
the right tools and training.



Online training opportunities for  
newly appointed planning officials  
are available now:

First Planning Commission Meeting  
First Zoning Board of Appeals Meeting



[WWW.CITIZENPLANNER.MSU.EDU/ONLINE](http://WWW.CITIZENPLANNER.MSU.EDU/ONLINE)

- Drove by 350 Maple on 3/15/94, 8:30 a.m. Trash bags still on front porch. Photos taken.

It is notations like these that help you keep track of your cases. You can show your manager or mayor exactly what you did (or did not) do in a case.

**Devise your own report form.** Don't waste time typing, writing, or dictating words like "owner" or "address." Make room for the basics. You can attach a separate sheet for your narration, notations, or updates. At a glance someone should be able to read and understand the following:

- who complained; name, address and telephone number
- subject of the complaint: blight, noise, building code, property maintenance, etc.
- site; address or other description of the location of the alleged violation
- name of alleged violator; include address, telephone number, and relationship to property such as owner, agent, tenant
- applicable sections of the code
- description of the code officials investigation and actions; list and/or copies of photos
- witnesses; names and addresses of potential witnesses
- course of action; letter sent, visited homeowner, verbal warning given (time and date), ticket written.

A report form should make your job easier, not harder. If a form takes too much time to modify or to complete, change it! Obtain input from your manager, municipal attorney, and supervising officer or department head.

### Follow-up

#### Re-inspect the site of the problem yourself.

Don't rely on the telephone calls of neighbors or other local officials. Photograph the corrected problem. Record the fact of compliance or non-compliance.

#### Close the files in which compliance has been obtained.

Don't clutter your cabinets with unnecessary paper. Retain some access to old reports so you can document patterns of repeat offenders.

**Notify the person who complained** that the situation has been resolved by way of compliance. Or, in the event of noncompliance, notify the person of your efforts. Let them know when you consider the matter closed.

**Notify alleged violators** that you are satisfied with the cleanup, repairs, etc. Don't leave them guessing. If you are not satisfied, tell them! Record how and when you communicated your dissatisfaction.

**Check on tickets** either at the courthouse or through your municipal attorney's office. Make sure you know what cases are still open, waiting for trial, or waiting for the underlying problem to be fixed. Courts often treat building and zoning violations as "repair and report" tickets. They will want to hear from you about the correction of the underlying problem. Sometimes this is a condition of sentence or probation.

**Have a plan** for writing more tickets, sending more letters, or otherwise turning up the heat on particularly difficult cases. The plan must be approved by your supervisor and city attorney.

**Keep a log** of owners, sites, or types of violations so that repeat offenders and reoccurring problems can receive particularized attention. Even patterns of violations or complaints in a neighborhood can be an important piece of information for your manager and elected officials.

#### Prepare a quarterly summary of activities.

Tell everybody how many complaints you fielded, how many inspections you performed, how many permits you issued, how many acts of compliance were obtained, and how many tickets were written. Be prepared to explain to yourself, your superiors, and the public how you spend your time.

### Future Reference

Share information between departments. Many times you will find that a few locations in your city are "hot spots." The police are called there

once a week, or fire department is sent there every couple of months. The landlord or owner fails to paint the exterior, cut the weeds, or empty the dumpster. There is a zoning question in the use of the property. The sewer and water bills are not paid.

Sound familiar? If your city has an old apartment complex, bar, or commercial building that seems to be the center of numerous public safety complaints, target that property for extra attention. Inspect for building or zoning violations. Check for parking, rubbish, weeds, or similar nuisance violations. Look for smoke alarms. Have someone press for collection of municipal utility bills or unpaid personal property taxes.

#### Identify problem sites and coordinate your efforts.

Consider threatening to suspend or revoke rental certificates, special use permits, or any other special status associated with the use and operation of a problem site.

**Use an administrative warrant** to search, if necessary. Don't become paralyzed because an owner, agent, or landlord keeps avoiding routine or special inspections. Show a sample of the administrative warrant to your local magistrate or district judge before you need to use it. Find out in advance if they would like additional information.

#### Develop and submit sentencing recommendations to the district court.

This helps with appearance tickets when the defendant may show up, plead guilty, and be sentenced in a few minutes. If you desire more than a ten dollar (\$10.00) fine, prepare a sentencing recommendation through your city attorney. Be realistic. Request reasonable fines and costs and probation until the underlying problem is cleaned up, fixed, or eliminated.

**Decriminalization should help you.** All of you should have heard by now that the Legislature has provided authority for decriminalizing most minor code violations. Your municipality must adopt the appropriate ordinance. The burden of proof drops considerably, from beyond a reasonable doubt to a preponderance of the evidence. There will be no court appointed lawyer, no jury trial, and no criminal record. Compliance, as opposed to punishment, will be the main goal.



## Legislator Salute

# Rep. Chuck Moss (R-Birmingham)

Elected to the Michigan House of Representatives in 2006, Rep. Chuck Moss (R-Birmingham) represents residents of Bloomfield Hills, Birmingham, Keego Harbor, Orchard Lake Village, Franklin, Bingham Farms, Beverly Hills and Sylvan Lake in the 40th District.

Moss shoulders an extensive local government background having served as an Oakland County commissioner, a Birmingham city commissioner and Birmingham mayor and mayor pro tem. With this background, Moss' legislative priorities encompass economy, education and environmental protection issues.

Moss has also chaired the Oakland County Transit Authority, served on the Michigan Municipal League Finance and Taxation Committee, vice chaired SEMCOG and was a board member with the Michigan Association of Counties.

Moss, also an attorney, has worked with media for several years hosting WXST, WJIM and co-hosting on "Back to Back" for WTVS TV-56; and as a columnist and freelance writer for *The Oakland Press*, *The Detroit News* and other large daily newspapers.

Moss received a bachelor's degree from Michigan State University, James Madison College and a Juris Doctor from the University of Detroit School of Law. He and his wife Alice live in Birmingham with their two daughters and three dachshunds.



## BUY WITH CONFIDENCE

**Count on Michigan CAT® for the right equipment for your job.**

Taxpayers trust you to make smart procurement decisions, and that doesn't necessarily mean awarding business to the lowest bidder. When you acquire Caterpillar® products from Michigan CAT, you get assets that work harder, last longer and cost less to own and operate over the life cycle. They hold more value over time and that adds up to a top-quality investment.

### Count on Michigan CAT for:

- Rugged and reliable machines, generator sets and work tools
- Lowest total Life Cycle Costs
- A broad range of equipment management, financing, insurance, used equipment and rental services
- Easy-to-use resources for governmental buyers at [www.govbidspec.com](http://www.govbidspec.com)

Work with us and invest with confidence, knowing the products and services you procure will deliver an excellent return, today and in the future.

[www.michigancat.com](http://www.michigancat.com)

[www.govbidspec.com](http://www.govbidspec.com)

The National Institute of Governmental Purchasing (NIP), National Association of State Procurement Officials (NASPO) and National Association of Fleet Administrators (NAFA) endorse the use of Life Cycle Costing as a preferred procurement method.

**Brownstown Township**  
19500 Toledo Rd.  
(734) 479-5800

**Grand Rapids**  
7700 Caterpillar Dr.  
(616) 827-8000

**Kalkaska**  
3990 U.S. Hwy 131  
(231) 258-8265

**Mason**  
3259 Holt Rd.  
(517) 699-4800

**Novi**  
24800 Novi Rd.  
(248) 349-4800

**Saginaw**  
3141 Wolf Rd.  
(989) 752-7300

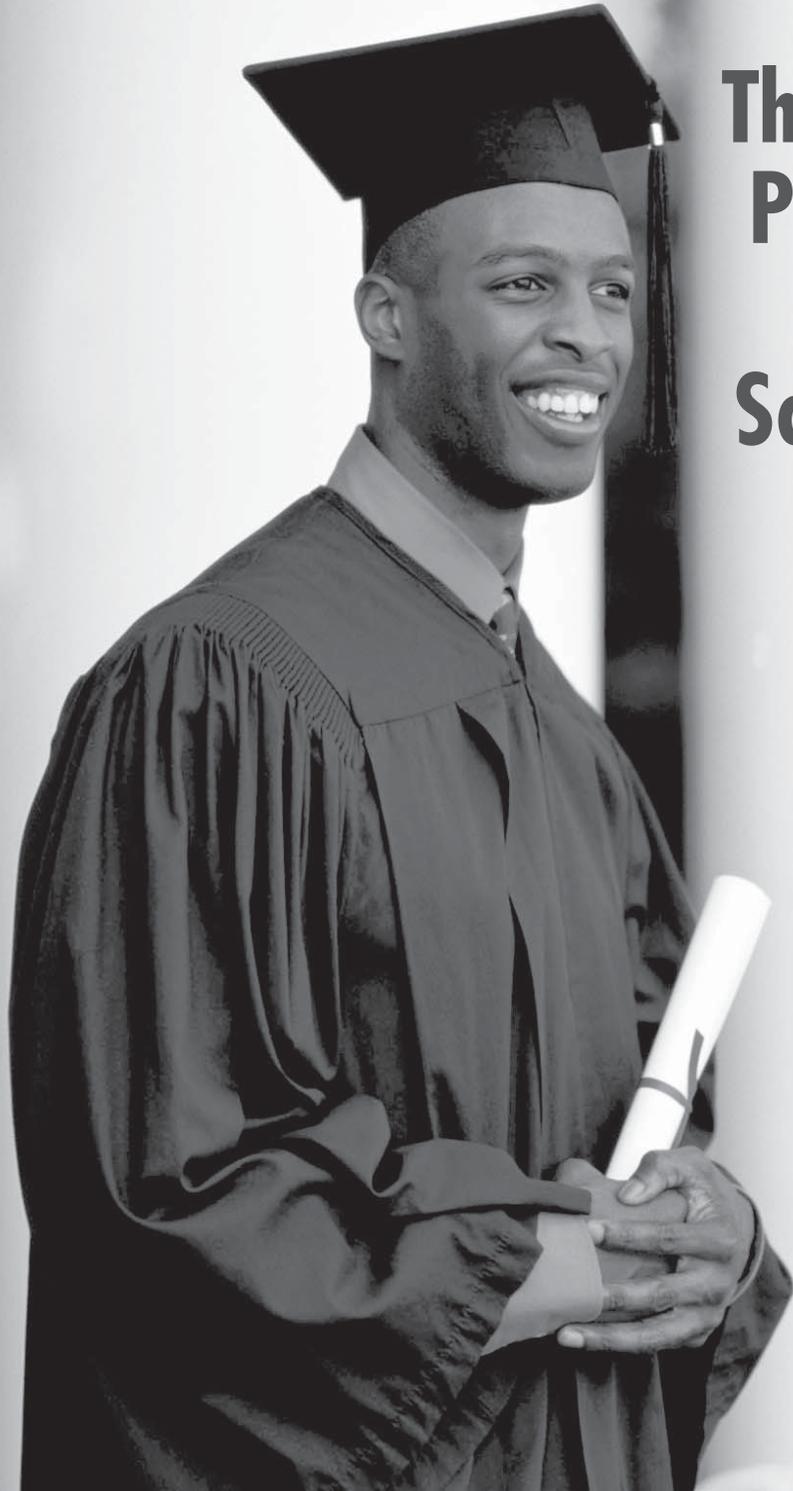
**Shelby Township**  
12550 23 Mile Rd.  
(586) 997-5300



[www.michigancat.com](http://www.michigancat.com)

© 2008 Caterpillar  
All Rights Reserved

CAT, CATERPILLAR, their respective logos, "Caterpillar Yellow" and the POWER EDGE trade dress, as well as corporate and product identity used herein, are trademarks of Caterpillar and may not be used without permission.



# The Vantagepoint Public Employee Memorial Scholarship Fund

Honoring the lives, service, and dedication  
of our nation's fallen firefighters, police officers,  
and other public sector employees

Accepting scholarship applications  
January 1 – March 31

Scholarships up to  
\$10,000 for qualified students

Apply at [www.vantagescholar.org](http://www.vantagescholar.org)



AC: 1106-1104

## Ordinance Reminders—Mt. Pleasant

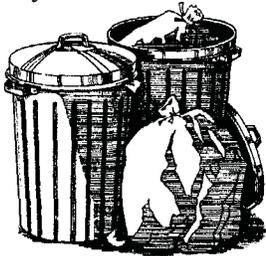
At the city, we're working hard to make sure that every neighborhood, residential or commercial, is a good one, but we need help. Good neighborhoods are made of good neighbors. To have one, we need to be one.

Here are some tips that may help:

### In Residential Neighborhoods

#### Solid Waste

Not taking care of your trash can turn your neighborhood (and your neighbors' attitudes) ugly in the blink of an eye. Solid waste should be placed in a city bag or a trash can with a city refuse tag (both bags and tags are available at City Hall and at the service desks of all Mt. Pleasant grocery stores) and placed at the curb or in the alley. City ordinance prohibits any accumulation of solid waste for more than six days.



Residents with dumpsters and carts should make sure that all trash put out for pickup is inside the receptacle and that carts are taken to the curb and returned to their storage site in a timely manner. All trash receptacles must be stored out of sight of the street or alley and may not be left at the curb.

Many items, such as glass, #1 and #2 plastics, cans, paperboard and cardboard may be recycled through the city's curbside recycling program, which will reduce the amount and thus the cost of trash disposal. A list of acceptable materials can be found on the Department of Public Works web page (click on the recycling logo in the section on refuse and recycling).

#### Noxious Weeds

City ordinance allows grass or weeds 12 inches in height or over (9 inches at rental properties) to be cut by its representative without notice to the property owner. Grass may be mowed as often as necessary to meet the requirements of the ordinance.

#### Yard Waste



Yard waste may be dropped off at the Material Recovery Facility, for a small fee. Brush can be disposed of through the city's chipping program. Appointments for chipping may be made by calling the Department of Public Works or the City Treasurer's office.

#### Animals

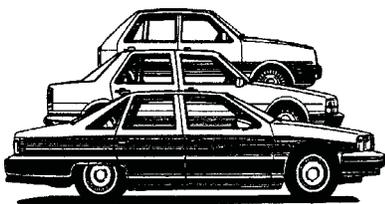
Local ordinance allows no more than three dogs and/or cats in any residence in the city.



You may love your dogs, but your neighbors won't if you don't keep them leashed when not in their own yards as city ordinance requires. Dog walkers are reminded that city ordinance also requires that they carry equipment with them and clean up after their animals. Owners of cats are also, by ordinance, responsible for cleanup of excrement deposited by their animals on both public and private property.

## Parking

Americans' love affair with cars means that we have lots of them, which sometimes causes problems! Vehicles should only be parked on a prepared driveway or in the street, right wheel to curb. Parking is not allowed in yards, across sidewalks or between the sidewalk and curb. Residents and guests may park overnight on city streets only between May 1 and September 1, **except in the Central Business District**, where no on-street parking is allowed year-round.



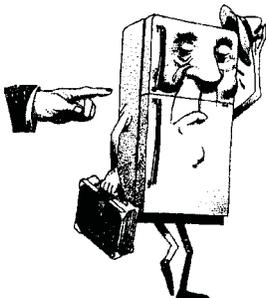
## Inoperative Vehicles

City ordinance prohibits outside storage on private property for more than 10 days of any vehicle that does not meet the following conditions:

- An engine that runs
- All necessary driving units and gears in operating condition
- Four wheels with four pneumatic tires capable of holding air
- Current license plates (and insurance)
- A battery capable of starting and operating the vehicle and its accessories

An inoperative vehicle may, however, be stored in a completely enclosed building, such as the owner's garage. Covering the vehicle with a tarp or other cover is not an acceptable means of storage.

## Indoor Furniture and Appliances Outdoors



Residents are reminded that indoor furniture (couches, chairs or other furniture designed for indoor use) and appliances are not to be placed on porches, in yards or anywhere outdoors. And for the safety of children, remove doors on unused refrigerators and freezers and dispose of them promptly.

## In Commercial Districts ...

### Permanent Signs

All permanent signs require permits. Information on sign regulations and permit fees is available from the Building Official.

### Portable Signs

Businesses in the C-3 (General Business) District may have a portable sign twice in a year for up to 30 days each time. Permits are required, and these are available at the Department of Building Safety. The fee is \$1 for each day the sign is displayed.

### Clearing of Sidewalks in Winter

It is the responsibility of the commercial property owner to remove snow from sidewalks in business districts within 18 hours after snow, sleet, or freezing rain ceases to fall, with the exception of Sundays and holidays (Thanksgiving Day, Christmas Day, New Year's Day). In this case, snow must be cleaned by noon the day following the Sunday or holiday. If the snow or ice is too hard to remove, the owner must spread enough sand or other abrasive to make travel reasonably safe, and, as soon as weather permits, must clear a path of at least 48 inches in width.

Code enforcement officers are empowered to write a municipal civil infraction ticket to property owners who do not fulfill this requirement of the ordinance.

A little effort goes a long way, and city staff stands ready to help. Working together, each doing a small part, we can make each neighborhood a great one!

# Why Picture Michigan Tomorrow?

The MSU Land Policy Program, with funding from the W.K. Kellogg Foundation's People and Land program, has launched a new initiative—Picture Michigan Tomorrow (PMT). The heart of this new initiative is developing new models of Michigan's land use future to raise understanding of what the state will look like in the future. More than just using computer modeling to paint pictures, we are committed to translating those pictures into things that are important to people. Part of this process is taking a closer look at Michigan's future with the goal of articulating the economic, ecological and social problems related to land use in more accessible terms, with less jargon, and fewer abstract concepts. The future of land use in Michigan is the key to the state's future economic health, quality of life, and ecological sustainability.

**“The 37 million acres that are Michigan is all the Michigan we will ever have . . .”**

~ former Michigan Governor William Milliken

The core objective of Picture Michigan Tomorrow is to develop land use forecasts using computer modeling, then, more importantly, to translate those forecasts into things people care about. This is at its heart a strategic planning and outreach initiative, which will strive to deliver clear pictures of Michigan's land use future to the state's stakeholders. Picture Michigan Tomorrow Project will build a robust, scalable, econometric model of future land consumption in Michigan. This model will incorporate the history of land use change, the primary drivers of land use change in Michigan, and new aerial imagery to forecast the future land use patterns. The outputs will be both spatial and statistical forecasts, scalable to the municipal level. Those forecasts will then be used to develop detailed reports on

the impacts of land use change to federal, state, and local decision makers. The decision makers will also be able to look at multiple planning scenarios to evaluate the impact of policy changes. This effort will form a foundation for understanding land use change in Michigan and a hierarchical planning and visualization tool for local, regional, and state planners, as well as provide data and analysis to the research community.

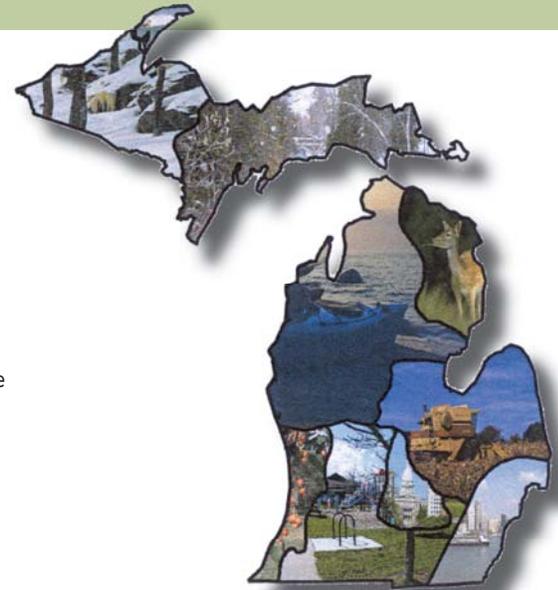
**“The condition of our water is a direct reflection of our use of the land.”**

~ Aldo Leopold

## What's New about Picture Michigan Tomorrow

This effort differs from past predictive efforts in several ways:

- The Michigan Aerial Imagery Partnership (MAIP)—a partnership of seven state agencies and the MSU Land Policy Institute and Remote Sensing & GIS Research and Outreach Services—was recently established to acquire critical statewide aerial imagery for the first updating of statewide land cover/land use data since 1978. This imagery will give Michigan comprehensive current land use data as a base line for modeling the future.
- PMT is building a stronger, more accurate, flexible model than in previous efforts. This modeling environment will allow decision makers and researchers to explore “What if . . .?” questions in a manner not currently available.
- Picture Michigan Tomorrow's data and modeling environment will be easily accessible to researchers and policy makers in



an effort to truly impact Michigan's future with science-based strategic planning.

- This initiative is also actively seeking collaboration with researchers and land use professionals to build a collaborative rather than competitive environment. This approach will yield the maximum for Michigan's future, as well as project partners.

The core of Picture Michigan Tomorrow is the commitment to translate scientific efforts into good land, economic, fiscal, and environmental decision making.

## Past Efforts and Successes in Land Use Modeling in Michigan

In 2001, a team of researchers from Michigan State University, in conjunction with Public Sector Consultants and the Planning and Zoning Center, developed the Michigan Land Resource Project with funding from the W.K. Kellogg and the Frey Foundation. A land consumption model was developed for the state of Michigan. These projections show a potential scenario of land development.



This project contributed to the work of The Michigan Land Use Leadership Council, and spurred followup projects like the Michigan Tipping Point Project ([www.cevl.msu.edu/pages/lulc/peopleland.htm](http://www.cevl.msu.edu/pages/lulc/peopleland.htm)) funded by People and Land. The Tipping Point Project looks at what shifts are upcoming in Michigan's economy due to land use change.

Remote Sensing & Geographic Information Science Research and Outreach Services (RS&GIS) has a long and distinguished history of involvement in land cover/land use issues throughout the state of Michigan. The MSU Remote Sensing Project (the precursor to RS&GIS) began as a NASA-funded research project—Project for the Use of Remote Sensing in Land Use Policy Formulation. MSU's Remote Sensing & GIS Research and Outreach Services has developed protocols and procedures for land use and land cover change analysis, and outreach delivery. The standardized land cover/land use update procedures developed by RS&GIS are now being employed by other organizations performing land cover/land use updates. RS&GIS teaches biannual workshops on aerial image interpretation and its application to land cover/land use updating. It will then be used to develop detailed reports on the impacts of land use change to federal, state, and local decision makers. The decision makers will also be able to look at multiple planning scenarios to evaluate the impact of policy changes. This effort will form a foundation for understanding land use change in Michigan and a hierarchical planning and visualization tool for local, regional, and state planners, well as provide data and analysis to the research community.

**“The conservation of natural resources is the fundamental problem. Unless we solve that problem it will avail us little to solve all others.”**

~ Theodore Roosevelt



**tyler**  
TECHNOLOGIES

*At Tyler Technologies, we have a single mission: Enable local governments to be more efficient, more accessible and more responsive to the needs of citizens.*

*That's what we do.*

**FundBalance Product Solution**

- Financials
- Job Tracking
- Utility Billing
- Business Licensing
- Payroll/Timesheet
- Cemetery Management

[www.fundbalance.com](http://www.fundbalance.com)

800-457-3863



**THE LAW FIRM FOR MUNICIPALITIES**

**LAW+**

- Capital Projects & Infrastructure
- Construction Agreements & Litigation
- Downtown/Economic Development
- Elections
- Environmental & Regulatory Law
- Hospitals & Housing
- Intergovernmental Agreements
- Labor & Employee Benefits
- Local, State & Federal Tax
- OMA/FOIA
- Real Estate
- Tax Increment Financing

**IT'S MORE THAN JUST THE LAW.**

From innovative projects and municipal bonds, to collaborative agreements and tax increment financing, cities and villages and their attorneys throughout Michigan rely on Miller Canfield's 155+ year collective wisdom and diverse expertise. We are where you are, and can help take you where you need to be.

**MILLER CANFIELD**

[MILLERCANFIELD.COM/PUBLICLAW](http://MILLERCANFIELD.COM/PUBLICLAW)

MICHIGAN • ILLINOIS • MASSACHUSETTS • NEW YORK • FLORIDA • CANADA • POLAND



## Legislator Salute

# Sen. Tupac A. Hunter (D-Detroit)

This freshman is no stranger to the Michigan Legislature or the League. In 2006, immediately following his term as state representative, Tupac A. Hunter returned to state office representing residents of the 5th Senate District including northwest Detroit, Dearborn Heights and Inkster.

Hunter supports giving local governments the tools they need for economic development. He recently sponsored and passed a law allowing locals to utilize bonding and tax increment financing to improve neighborhoods through Neighborhood Improvement Districts.

Hunter, the assistant Democratic leader, is the ranking Democrat on the Banking and Financial Institutions Committee and the Homeland Security and Emerging Technologies Committee. He also serves on the Commerce and Tourism Committee and the Economic Development and Regulatory Reform Committee.

A strong advocate of increasing youth literacy, Hunter has donated thousands of books to children across the metro Detroit area through his

Leaders Are Readers program. He is also a regular speaker throughout the Detroit public school system.

Hunter is part of the inaugural class of the Democratic Leadership Council Fellows program; an honor maintained by a select 20 to 25 individuals nationwide that, in partnership with the Clinton Foundation, seek value-based leadership and best practices of leadership development. Hunter was honored again in 2006 when he received the Michigan Credit Union League's Legislator of the Year Award.

Hunter earned a bachelor of arts degree in urban studies and public policy from Morehouse College. He is currently pursuing a master's degree in public administration from Oakland University and another in business administration from Wayne State University.

ARCHITECTURE | ENGINEERING | PLANNING

# Inspired Solutions



Your architectural and engineering challenges inspire us to approach your projects creatively. We listen to your plans, your vision and your specific objectives to give you the most cost-effective solutions. And with full-service architectural and engineering capabilities, we move efficiently on your projects. Together, we can solve the toughest challenges facing your organization.



toll free: 866.454.3923  
getsolutions@c2ae.com • www.c2ae.com

IT'S THE PEOPLE

# Downtown Parking in Small Communities

This article is the result of an educational seminar held at the League’s Annual Convention this year, where a participant asked for my thoughts regarding downtown parking. Several audience members sat up straighter, hoping to obtain some vital information on a vexing issue, particularly for smaller cities whose character and budgets suggest parking structures are not an option. Unfortunately, the design of parking lots was a small portion of the day’s menu, so my reply that “parking issues could take up the afternoon” left the group less than satisfied.

Most planners and landscape architects advocate less parking and designing special places free from a fixation with automobiles. Excessive parking and paved areas are key contributors to the stark and unappealing settings found in many suburbs. Developing communities with vast amounts of surface parking also runs contrary to creating a walkable community and encouraging use of transit. Conversely, those in a traditional downtown setting often fear they are hurt by lack of surface parking. In fact, too much surface parking can hurt a downtown. Most people cease to explore a stretch of street when they have to walk by parking lots.

*The Parking Handbook for Small Communities*, indicates that “most well-intentioned leaders in downtowns believe that parking is their #1 problem; then, they dive right in without knowing what they are dealing with, usually wasting a lot of money in the process . . .” When examining your community’s parking portfolio, we recommend assessing the matter at several levels: 1) basic zoning requirements for parking, 2) the location and configuration of existing parking, 3) better management of parking areas, and 4) alternatives for increasing parking. Note that increasing parking (i.e., a structure) is last in the list of tactics. That is because most communities can solve many of their parking “problems” by changing their regulations, redesigning existing parking areas, and managing the parking they have more efficiently. Following is a short outline elaborating on these levels of assessment.

## Step 1 – Examine Your Zoning Requirements

There are several relatively simple changes that can be made to zoning regulations which both decrease parking requirements and areas devoted to pavement.

1. *How large are parking spaces required to be?* Many older ordinances require a parking space to be 10x20 or 200 square feet; yet a typical full-size passenger car is only about 6x16. By reducing the minimum space size to 9x18, it reduces the minimum size of a parking space to 180 square feet. Each row of 10 spaces of 90 degree parking (at 10x20) can accommodate an additional parking spot if the parking is reduced to 9x18. It also frees up an additional 4 feet for aisles, which can be critical in an urban setting. Overall this move can reduce pavement by 10%. Note typical parking configurations in Figure 1 below.
2. *Are parking ratios based on gross floor area or usable floor area?* If, for example, the ordinance requires 1 parking space per 200

square feet of floor area (gross) in a building, that includes storage areas, hallways and spaces not displaying merchandise. Restricting the required ratio to usable floor area only requires parking ratios for areas that actually accommodate customers. This can significantly reduce the amount of parking required of merchants. See Figure 2.

3. *Check parking ratios against modern standards.* Many ordinances still have parking ratios from 1950s vintage standards, which tend to require excessive amounts of parking. Many retail uses only need 3 to 3.5 spaces per 1,000 square feet of floor area, yet many ordinances require nearly double that amount.

Figure 2: Floor Area Types

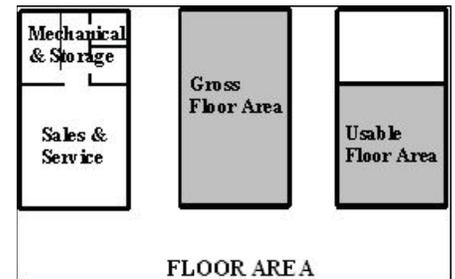
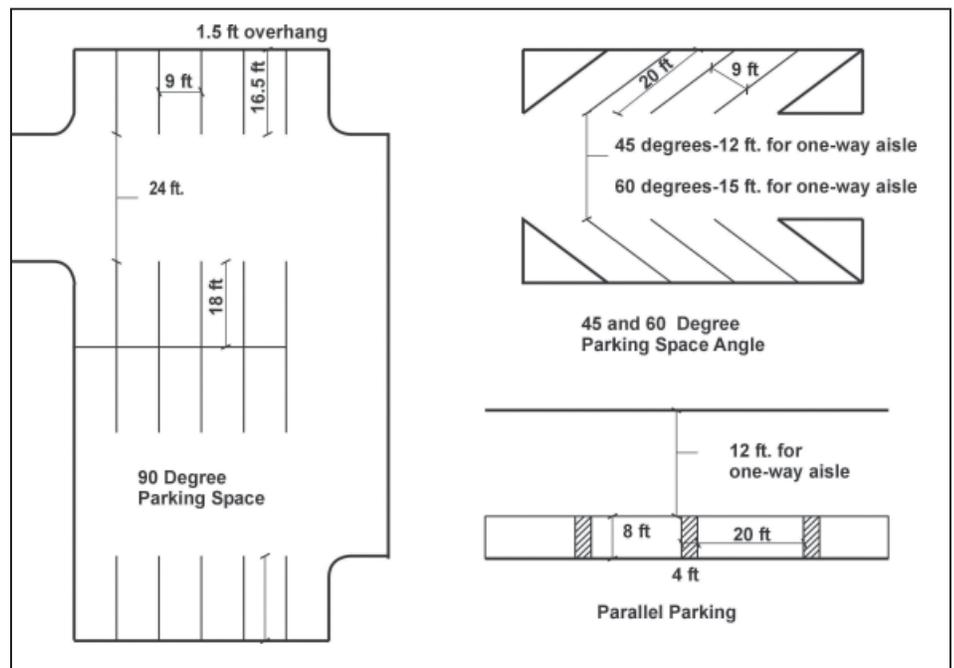


Figure 1: Typical Parking Configuration



## Downtown Parking in Small Communities (continued)

4. *Does the ordinance permit joint or shared parking?* A financial institution that is a neighbor to a church may be able to lease or share parking with the church whose peak hours are different from a bank. If the ordinance permits shared parking, be sure there is an irrevocable arrangement among property owners to share and maintain parking. The least efficient means of providing parking is to require that each use provide its own individual parking lot.

5. *Does the ordinance permit deferred parking?* Let's say local parking standards require 50 parking spaces for a particular property. The owner of that retail establishment may insist they only need half that amount based on the nature of their business. Deferred parking regulations permit the Planning Commission to defer the development of a larger parking lot (although the full parking allotment should be reflected on a site plan or provided in another parking arrangement). If, in fact, the additional parking is not necessary, it need not be developed. On the other hand, if the additional parking is warranted, the owner can be required to develop the additional parking.

6. *Does the ordinance cap the amount of parking through maximum parking provisions?* This is a tactic best applied in a suburban situation to prevent a sea of asphalt that is rarely used. The maximum amount of parking permitted is typically a percentage of the minimum requirement, e.g., "maximum parking shall not be more than 25% of the minimum parking requirement."

7. *How close can the required parking be to an existing facility?* Does the ordinance require on-site parking? Perhaps it can be permitted within 200 feet or 500 feet of the use; this offers more flexibility for shared parking opportunities.

8. *A portion of the required parking could be public or on-street parking.* Permitting, for example, 30% of the parking on street can ease pressure on individual businesses to provide parking. If this tool is employed, it is important to work through steps 2 and

Photo 1: One Level Parking Deck in Lansing, Michigan



Side view (left) is about 8 feet high and looks much like a screening wall but atop is parking and a few feet below the grates is another level of parking. Side view (top) shows scale better. Note the white parked car on top of the deck in the upper left corner.

3 (following) so public parking is not over-committed.

### Step 2 — Assess the Location, Configuration and Usage of Existing Parking

1. *Evaluate the parking location and configurations throughout the downtown and fringe.* Are parking areas well located and are you getting the most out of the parking you have? For example, a wider street right-of-way with parallel parking may be able to accommodate angled parking. In the width it takes to accommodate 2 parallel parking spots, 5 ½ angled parking spots can be provided.
2. *Conduct a parking survey.* It is interesting to note that many downtowns find employees and shopkeepers often monopolize the prime parking spaces. Determining peak demand and parking turnover rates helps determine how parking can be better utilized.
3. *Consider the use of shuttles or carts to move patrons during special events or peak shopping times.* When I visit my hometown hospital, a friendly gentleman in a jazzed up golf cart comes by to offer a ride to the front door. This is a wonderful service and prevents jockeying for the closest parking spots.

### Step 3 — Manage Parking Areas

After a thoughtful and systematic review of parking areas and their use, there are several

ancillary tools that can be employed to better utilize existing parking including:

1. Clear and consistent signs directing visitors to public parking.
2. Time limits to prevent the monopolization of prime spots.
3. Enforcement on time limits so the few who do not respect the management of parking areas get a clear message when ticketed. Some communities issue a pleasant "warning" regarding parking policies and take the opportunity to educate downtown patrons.
4. Designate employee parking in the most remote areas (assuming they do not need barrier-free access).

### Step 4 — Investigate Alternatives for Additional Parking

If a community has engaged in the first three steps of this process they may find their parking "problems" are essentially solved. If, however, they still find themselves in a parking pinch, the following can be considered:

1. Require dedicated parking in the immediate downtown only for residential uses and do not require businesses to provide individual parking. This, to a certain extent, lets the businesses determine parking needs to keep their businesses healthy.
2. Use "payment in lieu of parking." The proceeds of these payments are put toward the development of public parking.
3. As an incentive for contributing towards public parking, the Zoning Ordinance could

## Downtown Parking in Small Communities (continued)

grant density of building height bonuses for either providing public parking as part of the development, or contributing towards construction of a nearby public parking structure.

4. A parking structure could be built through a public/private partnership where the parking structure is constructed as part of a development and a portion of the parking is available to the public.

Photo 2: Integrated Building and Parking Structure



5. Rather than developing a full-sized parking structure consider a parking deck which provides a first level of surface parking at grade a little below grade. See Photo 1. A single-level deck is placed over the parking which nearly doubles parking spaces. For small communities, the structure is not as visually intrusive as a full-sized parking structure nor is it as expensive.
6. If the downtown is simply packed with stores and activity then you may need to bite the bullet and develop a parking structure. If that is the case, the visual appeal of a structure is paramount and, if possible, consider first-floor space at the street for business uses. New parking structures, whether public or private should be integrated into mixed-use buildings with park-

ing discouraged at ground level. This should be accomplished by providing retail at the grade level, wrapping the parking structure with other uses, or integrating parking with other uses vertically. See Photo 2.

Funding mechanisms for parking structures include establishing a parking special assessment district that assesses businesses based upon square footage, revenue bonds repaid through parking fees and tools available to a Downtown Development Authority such as tax increment financing. These can be used in combination with public/private partnerships.

### Additional Parking Resources

*The Main Street Parking Initiative*, ITE Journal, November 2006.

*The Parking Handbook for Small Communities*, The National Trust for Historic Preservation and the Institute of Transportation Engineers, 1994, available from the American Planning Association.

Flexible Parking, Planner's Advisory Service Report #377, American Planning Association, [www.planning.org](http://www.planning.org).



- Cost Allocation Plans
- User Fee Studies
- Project Management Studies
- Utility Rate Studies

#### Contact:

James R. Olson  
2343 Delta Road  
Bay City, MI 48706  
989.684.4111

William Maxwell  
MAC Building  
935 N. Washington Ave.  
Lansing, MI 48906  
517.484.4240

[www.maximus.com](http://www.maximus.com)

## One program. Six options to match your career choice.



Today's public, nonprofit, and health care sectors are seeking innovative people to develop partnerships and methods for attacking problems such as urban redevelopment, financial challenges, and competitiveness in a global economy. Expand your skills in the **Master of Public Administration (MPA)** program at Western Michigan University. Available concentrations include:

- Nonprofit Leadership
- Local Government
- State Agency Administration
- Health Care Administration
- Human Resources Administration
- Administrative Law (dual MPA/JD program with Cooley)

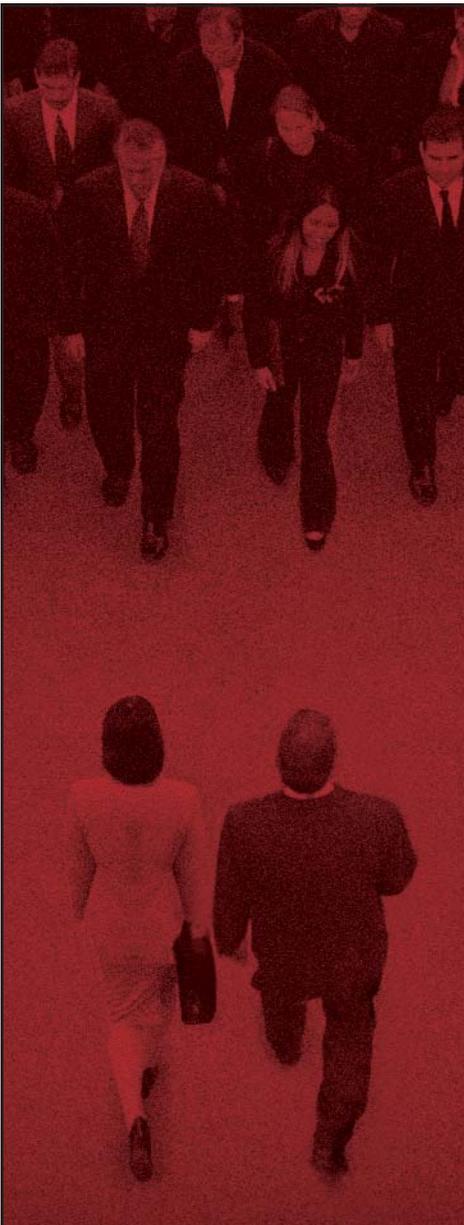
The MPA is offered at these three WMU campuses:

<b>Battle Creek</b>	<b>Kalamazoo</b>	<b>Lansing</b>
269.965.5380	269.387.8930	517.327.1480*
<a href="http://bc.wmich.edu">bc.wmich.edu</a>	<a href="http://wmich.edu/spaa/">wmich.edu/spaa/</a>	<a href="http://lg.wmich.edu">lg.wmich.edu</a>

\*As of January 8, 2008, the Lansing Campus can be reached at 517.483.9728 at the University Center.

WESTERN MICHIGAN  
UNIVERSITY  
EXTENDED UNIVERSITY  
PROGRAMS

Your Success is Our Goal.



# DETERMINED. DISTINCTIVE. FEARLESS.™

Municipal clients across Michigan say they appreciate Plunkett Cooney's fearless determination to achieve the right result whether in council chambers or the courtroom.

Since 1913, Plunkett Cooney has been recognized as a leader in municipal law with distinctive expertise in appeals, civil rights, collective bargaining, employment law, elected officials' liability, election law, litigation, Open Meetings Act and FOIA, and zoning/land use.



ATTORNEYS & COUNSELORS AT LAW

**Michael S. Bogren**, *Governmental Law Practice Group Leader*

535 S. Burdick St., Suite 256, Kalamazoo, MI 49007 • Direct: (269) 226-8822 • mbogren@plunkettcooney.com

BLOOMFIELD HILLS COLUMBUS DETROIT EAST LANSING FLINT GRAND RAPIDS KALAMAZOO  
MARQUETTE MT. CLEMENS PETOSKEY

[www.plunkettcooney.com](http://www.plunkettcooney.com)

# W.I.N.: Asset Management Principles at Work

## A Simple Process for the System-Wide Prioritization of Water Main Improvement Areas

You've heard all the buzz about asset management, the concept that promises to revolutionize Public Works infrastructure practices. You've been to conference sessions and may have even tried to incorporate a few best practices into your own community. With such a broad and nebulous concept, it boils down to this simple question: how can you cost-effectively manage your infrastructure?

The city of Southfield and the city of Westland took on this challenge by teaming with their engineering consultant to use a simple methodology called the Water Infrastructure Number (WIN). WIN utilizes infrastructure asset management concepts in order to make maximum use of commonly available utility information. The end result is a systematic prioritization of all water main improvement areas within the water utility service area, which in turn, enables cost-effective management of water main improvements.

### Funding Gaps Increase the Need for Pro-Active Management

The Environmental Protection Agency (EPA) released a 2002 report entitled "The Clean Water and Drinking Water Infrastructure Gap Analysis" quantifying the gap between investment needs and existing levels of spending in the nation. The result: an estimated spending gap anywhere between \$72 billion and \$229 billion over the next twenty years. With a gap ranging from the tens of billions to hundreds of billions, it makes sense that the EPA is encouraging the pro-active self-management of infrastructure assets. The Agency's Sustainable Water Infrastructure website urges communities to utilize management tools and techniques to become self-sufficient in managing their infrastructure problems.

This article describes how two communities are leading the self-management charge, using the WIN method, to make cost-effective decisions about water system maintenance projects in an effort to prolong the structure's useful life. The WIN approach allows for the prioritization of water main infrastructure improvement areas using simple to obtain water infrastructure data.

### WIN Method for Prioritizing Rehabilitation and Renewal

The goal of the WIN approach is to use a simple process and readily available information—the type of data that a public works department is probably already tracking for its operations and maintenance activities. The WIN method uses the following set of information:

- approximate age distribution of water mains in the system

- approximate average day pressure distribution throughout the system
- average number of breaks per year (for a period of at least three years)
- size of mains on which breaks occurred

Depending on the size, availability of data, and complexity of the system, some of the above stated information may either not be needed or the WIN process allows it to be added into the evaluation process (as shown in the subsequent examples).

Next, this information is converted to a utility-specific numbering index. In addition, the utility can calculate simple "frequency of failure" and "severity index" (i.e. consequence of failure) parameters used in the WIN method to determine an overall average WIN number per section of the entire water utility area. Finally, ranking the WIN numbers creates a prioritization of sections based on the cumulative effects of the above-mentioned information.

In addition to aiding communities in prioritizing areas for cost-effective rehabilitation or renewal of water main infrastructure assets, the inherent flexibility of this method also makes it easy to prioritize individual water mains within a given area.

Now, let's take a closer look at the WIN methodology applied in two communities.

### The City of Southfield Ranks Water Main Improvement Priority Areas

Situated in Oakland County, Michigan, the city of Southfield is a vibrant, nearly fully developed community, home to approximately 78,000 night-time residents. The daytime population can be as high as 175,000 due to the influx of employees staffing of Southfield-based companies. The city owns and operates a water main infrastructure network consisting of approximately 360 miles of water main ranging in diameters between 2" and 24". The city has worked hard to continuously address water main infrastructure planning and maintenance needs as cost-effectively as possible. To support this effort, the city's Department of Public Works director expressed interest in developing a framework for prioritizing water main infrastructure improvement projects, utilizing the data available from the city system.

The WIN method organizes data in a matrix format, categorizing it throughout the city per one mile survey section. The city of Southfield is 36 miles in area, which meant 36 survey sections in the matrix (exclud-

## W.I.N.: Asset Management Principles at Work (continued)

ing Lathrup Village, which occupies a portion of this 36 square mile area). Data within each section was normalized to create consistency in scale. For example, for each category of data, an ascending value implied a worsening of condition, thus increasing the value of the WIN.

The following information was used in the WIN process:

### System Hydraulics

- Average peak hour pressure per section: A calibrated water model for the city was used in simulating existing system pressures for a peak hour water demand pattern. Then, the average of these peak hour pressures was calculated per section in order to evaluate the pressure conditions in that section.

### System Condition

- Approximate average age of pipe infrastructure per section: Pipe age and material information provided by the Department of Public Works was used as part of this analysis. The average age of a section was evaluated.
- Water main break per linear mile per year per section: Recorded water main break locations were aggregated to sections and using existing city GIS data, the approximate number of breaks per linear mile of pipe was determined.
- Break frequency: The break frequency value is intended to be a measure of the frequency of occurrence. The higher this value, the more frequent the occurrence of water main breaks.

### Consequence of Failure

- Severity index: One simple means by which the severity of a break on a particular main can be measured is through the size of this main. A main break on a large pipe may be more severe than a small pipe, with the assumption that large pipes carry more flow and have a potential to influence more customers than a break on a small pipe. Furthermore, the total cost of repairing large pipes is generally higher than repairing smaller pipes, having the potential for more traffic diversion measures, more loss of water into surroundings, and more labor involved for repair, as well as other factors.

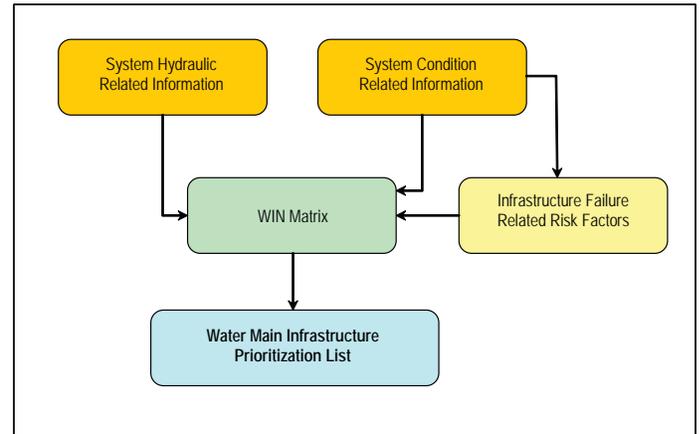
Once these individual factors were determined, a composite Water Infrastructure Number (WIN) was calculated by simply adding the above stated values together.

This WIN number was then converted to a % WIN, with the sum of the % WIN numbers totaling 100% for the entire city. Figure 1 shows a schematic of the WIN Process.

## WIN in Action

After reviewing the results with the city, it was interesting to learn that what some city DPW staff members viewed as priority areas in the city due to the number of breaks were actually ranked number 5 and 7 in priority, compared to other sections with higher needs for attention. Before implementing the WIN framework, the city had planned a large, wholesale

Figure 1: WIN Process Schematic



replacement of most pipes in one particular section. After implementing the WIN process, however, it became apparent that there were actually several priority areas and that city resources could be spent more effectively by addressing each of those priority areas as opposed to focusing on complete replacement in one area only.

Based on the success of using the WIN prioritization approach for the water system, the city now plans to apply the same process to its sanitary and storm systems, eventually linking the results from all three to the rating system for roadways and pathways to create a city-wide Capital Improvement Plan.

## Drilling Down with WIN: Ranking Asset-Specific Water Main Improvement Needs

Moving from the city of Southfield southwesterly to Wayne County, the city of Westland is also a developed community, housing about 81,000 residents. The city owns and operates a water main infrastructure network consisting of approximately 340 miles of water main ranging in diameters between 2" and 48". The city has implemented a computerized maintenance management program collecting infrastructure data per water main asset throughout the city and hoped to use this detailed data to prioritize individual water main assets. Again, the WIN matrix framework was used. However, in Westland's case, information was slightly modified.

### System Hydraulics

The system hydraulic information was adapted to include the following two sets of data:

- Head losses per linear foot of pipe: This information reflects the combined effect of the following on pipe capacity: flow rate, pipe age and condition (expressed as a friction factor), and the diameter of a pipe. The information is readily available as a numerical simulation output from virtually any water modeling application.
- Fire protection improvements: The city had developed a water system master plan, which had identified sections of pipes recommended for upgrades in order to increase the fire protection capability of the system. This information was overlaid as a priority item, along with

the other infrastructure information in determining the priority pipes for improvement.

#### System Condition

A five year break history was used. Of the number of pipes with breaks, only those with three or more breaks throughout this period were analyzed for prioritization. This reduced the extent of pipes for analysis to approximately 1.8 miles.

For each of the three evaluation categories in WIN (system hydraulics, system condition, consequence of failure), data was normalized to create a consistent ranking for each asset, ranging from zero (0) to one (1), one being the asset with the highest priority for each category.

#### Findings

The findings of the analysis showed that the pipes with the largest number of breaks were not necessarily the pipes ranking highest in priority. This finding reinforces the need for a systematic prioritization method, which can take into account a variety of factors in determining cost effective prioritization of water main improvement needs.

Like Southfield, Westland also has plans to use and adapt the WIN methodology for future projects. The DPW director hopes to create a dynamic prioritization process by applying a three-part cycle: making repairs, collecting additional system data, and then using WIN methods to re-evaluate the system.

### Prolonging the Life of Your Assets: The Goal of Asset Management

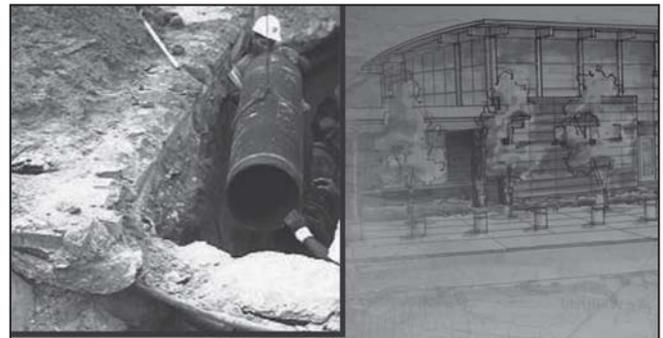
When utilizing the WIN method, information about the approximate water main age distribution, distribution of average water pressures in the system, number of breaks per year, and the size of mains on which breaks occurred, is converted into a utility-specific numbering index.

As demonstrated in Southfield and Westland, the WIN method can be adapted for specific circumstances and goals. The promises made by asset management are realized with the simple and commonsense approach, ensuring that the projects with the greatest impact are tackled first.

Gary Mekjian is the Director of Public Works for the city of Southfield. He can be reached at 248-796-4804.

Murat Ulasir, PhD, PE, is a technical specialist at Orchard, Hiltz & McCliement, Inc. He can be reached at 734-522-6711 or murat.ulasir@ohm-advisors.com.

Don Rohraff is the Water and Sewer Superintendent for the city of Westland. He can be reached at 734-467-3243.



Your Source for **Municipal Services**

With offices in Michigan  
and throughout the Midwest

**Lansing**  
(517) 393-6800

**Kalamazoo**  
(269) 553-0640

**Milford**  
(248) 684-8800

**Detroit**  
(313) 961-4040

**Gaylord**  
(989) 732-4166



Since 1916

[www.dlz.com](http://www.dlz.com)

## Software that makes your job easier

Let us show you how our easy-to-use software can simplify your job. From conversion to training and support, we'll be there every step of the way.

- General Ledger
- Utility Billing
- Accounts Payable
- Cash Receipting
- Payroll/Benefits
- Dashboard
- Project Management
- Materials Management
- Asset Management
- Integrated Document Management

 **Civic Systems**  
STRONG SOFTWARE. STRONG COMMUNITY  
An Affiliate of Virchow, Krause & Company, LLP

888.241.1517  
[www.civicsystems.com](http://www.civicsystems.com)

# Employee Benefits

## Are you getting the biggest bang for your buck?

The rising costs of employee benefits have caused many employers to critically review the benefit structures within their organizations. Too often though, modifications to benefits are done in a cursory fashion with a “tweak here” or “little change there” which saves a few bucks to help with the immediate crunch, but doesn’t rise to the level of strategic review.

A strategic review involves a full and complete assessment of the benefits package and an examination of whether that package meets your long-term objectives for staffing and desired organizational culture.

The importance of benefits to recruiting and retaining qualified staff cannot be overstated. Especially in the public sector where pay levels and earnings potential are substantially limited as compared to the private sector, benefits packages play a critical role in staffing. Benefits can be an important draw to the public sector for highly skilled individuals who might otherwise not pursue public service.

As such, employers are well served if they conduct a strategic, comprehensive review of their benefit offerings to ensure the scope and quality of benefits offered meets employees’ needs and reflects their priorities.

### Step 1: Understand what you’ve got!

Benefits aren’t just those things that involve a premium! Benefits include things like health/wellness programs, professional memberships, education reimbursement and other “perks.” Make a comprehensive list of anything that fits the “benefit” category and gather related plan documents and policies, including health, dental, vision, life, disability, medical reimbursement accounts, paid time off, pension and retirement savings plans.

Once you’ve got this all pulled together, READ IT! You may be surprised what you can learn! Benefits is an area that affects everyone, but is so technical and intimidating that few actually understand how they work. For example, how many employees understand the “elimination period” associated with disability insurance, or what “zero day residual” means? Chances are many don’t understand it, so it’s your job to know it inside and out.

### Step 2: Understand what employees value!

So now you know what you’ve got and how it works, which was probably a daunting exercise. Next is another challenging task . . . asking employees for their opinions. Done correctly, this shouldn’t result in “opening a can of worms” you later wish would close. But you need to take the time to do this right or you’ll cause anxiety and anguish all around.

First, understand that any time the topic of “benefits” is raised in the workplace, a certain segment of the workforce will immediately think you are trying to take something away. If you are, don’t lie! Be honest and forthright in your explanation and be clear about the level of input they will have (or not have) in the process. But take your time with this; be careful of the messages you send directly or indirectly and seek the input and advice of key leaders within the organization on how to clearly and consistently communicate your message.

If you are dealing with employees represented by a union, proceed with EXTREME caution and consult with your labor attorney on how to structure this. Remember, you should not create even the appearance that you are attempting to negotiate benefits directly with represented employees.

### Educating your staff

Before you ask employees about their benefit priorities and preferences, they need to understand how the benefits work. Begin with an informative workshop for employees to explain all that you learned in Step 1. Provide an overview of the benefits that are currently offered, details on how they work, and information on the costs of those benefits, both what the employer pays and what the employee contributes, if anything.

Be sure to clearly define your motive and intent in the invitation to this workshop: You want to provide employees with a complete understanding of their current benefits package and you will be surveying them on what they like and don’t like about it. At this point, the gossip will begin that “they are trying to cut our benefits!”

If it truly is a goal to reduce costs, honesty will serve you well. For example, “Our renewal notice included a 12% premium increase which represents \$155,000. With our current financial position, we cannot absorb this increase and need to find ways to ensure you are provided with high quality, affordable benefits in the most cost-effective way. What we need from you is input on what things you value most and what types of creative approaches to containing benefit costs are most appealing to you.”

Tempting as it may be, do NOT provide this information through inter-office memo with a survey attached. This conversation MUST happen in person, preferably in small "focus group" style meetings that encourage dialogue, questions, comments and feedback. Don't fill an auditorium with 200 employees, put on a one-way lecture about their benefits then squirt into the crowd and say "any questions?" If you really care about what employees want, invest the time in a process that allows you to gather their input.

The workshop is an excellent opportunity to also introduce potential strategies in benefit design and cost containment. For example, explaining that prescription drug co-pays have a substantial impact on premium costs, then introducing how a mail-in maintenance drug program and a medical reimbursement account can work together to save around 65% of the cost of a prescription co-pay. Introduce the concepts of Health Savings Accounts (HSAs), high deductible health plans and combined paid-time-off systems (PTO). Present new products such as Blue Cross/Blue Shield's Healthy Living HMO which directly ties co-pays and out-of-pocket costs to an employee's health.

#### Gathering their input

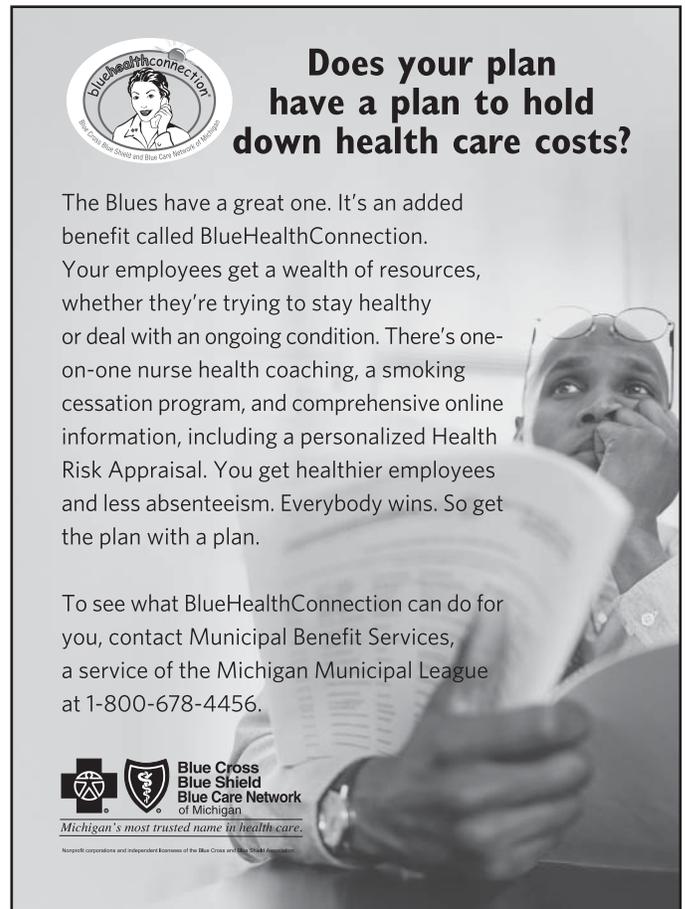
Following the informational workshops with employees, survey them about their preferences and priorities. Ask first about how they prioritize different types of benefits, for example ask them to rank order the importance of paid time off, health insurance, dental insurance, etc. Next, ask them what they think of the quality of the benefits currently being offered. Finally, include questions that seek their opinions on some of the new benefits and strategies introduced in the educational program . . . do they like the idea, are they curious about it or do they outright hate it?

#### Analyze and present the results

Compile and analyze the results and present what you've learned to staff. For example, "we learned that many of you are curious about ABC benefit, but most of you don't like the idea of XYZ benefit . . . we also discovered that ABC benefit is the top priority for most, and that XYZ is least important, etc." Findings should be presented in summary fashion; this isn't a "vote" so actual numbers are not necessary.

### Step 3: Make strategic decisions about benefit design.

At this point you should now know more than you ever expected to know about benefits, and hopefully you've received some really insightful information on your employees' preferences and priorities. You are now ready to make strategic, impactful decisions on your benefits program. You know where to spend your money (on what employees value most!) and how to get the biggest bang for your buck (on strategies employees were most favorable about!).



**Does your plan have a plan to hold down health care costs?**

The Blues have a great one. It's an added benefit called BlueHealthConnection. Your employees get a wealth of resources, whether they're trying to stay healthy or deal with an ongoing condition. There's one-on-one nurse health coaching, a smoking cessation program, and comprehensive online information, including a personalized Health Risk Appraisal. You get healthier employees and less absenteeism. Everybody wins. So get the plan with a plan.

To see what BlueHealthConnection can do for you, contact Municipal Benefit Services, a service of the Michigan Municipal League at 1-800-678-4456.

**Blue Cross Blue Shield Blue Care Network of Michigan**  
*Michigan's most trusted name in health care.*  
Nonprofit corporations and independent business of the Blue Cross and Blue Shield Association.

THE LAW OFFICES OF  
**SHIFMAN & CARLSON, P.C.**  
 Representing Cities and School Districts  
 for over 40 years.



**Experienced in:**  
 General Counsel Services  
 Bonds and Finance  
 Discrimination  
 Special Education Issues  
 Elections  
 Construction  
 Employee Relations

**Location:**  
 31700 Middlebelt Road  
 Suite 126  
 Farmington Hills, MI 48334  
 Just north of Northwestern  
 Highway on Middlebelt.

[www.shifmancarlsonlaw.com](http://www.shifmancarlsonlaw.com)  
 800-799-8851 | 248-406-0620

***If your  
municipality  
doesn't have a  
brick  
ordinance,  
maybe you  
should read  
what the  
University of  
Michigan just  
said.***

 Researchers at the University of Michigan have just completed a 20,000 home study comparing communities that have mandatory masonry ordinances with similar communities that don't. The results, using 25 years of data, surprised even us.

Ordinance-protected communities have property values more than twice as high, three to five times the population growth over a quarter century, much higher median incomes, a stronger tax base, lower general taxes and more.

If you'd like a copy of the study, complimentary planning assistance or an on-site workshop call Amy Nelson at (773) 857-6784 or email her at [anelson@bia.org](mailto:anelson@bia.org).

The study confirms it – if there's a lot of new home construction in your area and you want to leave a legacy of economic stability 25 years from now, insist on minimum standards for the use of brick.



[www.gobrick.com/planning](http://www.gobrick.com/planning)

# League to Establish Community Design and Education Center

During the course of the next year, the Michigan Municipal League will embark on an ambitious new project—establishing a Community Design and Education Center. Once established, the Center will serve as a resource clearinghouse for local communities, providing technical assistance in the areas of community audits and market analysis, planning and zoning, and design and community development. The goal in establishing the Center is to promote livable downtowns and neighborhoods that make use of existing infrastructure and resources in order to create vibrant, desirable communities.

Among the Center's activities will be a series of public policy forums and educational workshops. These events will feature speakers involved in design, planning, zoning and community development efforts in Michigan and across the country. Forums will be developed to engage local officials in the different strategies being used to create a sense of place in communities and to demonstrate how such activities lead to principles and practices which create vibrancy in our downtowns, neighborhoods and regions.

## Background

Over the course of the past year, the League and MSHDA have co-chaired the "Sense of Place Council." The Council was created in response to the economic challenge facing Michigan and seeks to improve the quality of life of Michigan's citizens. It is comprised of representatives from non-profit community developers, urban planners, economists, higher education, small business, and marketing/communications. The goal is to create new or revise existing programs that will serve to meet the development needs of Michigan's communities by creating vibrant communities with walkable downtowns and flourishing retail districts, exciting cultural opportunities, good paying jobs with affordable housing and educational opportunities.

Capacity building of local officials and community leaders in this effort is a key element moving forward, and of primary interest to the League. Local officials play a primary role in setting forth policies that can help to achieve community sustainability and improve quality of life as it relates to design, and creating places that are attractive to live, work and play. It is with this in mind that the League is creating the Community Design and Education Program Center.

## Project Scope

The Community Design and Education Center will provide local officials with technical assistance, training and programming related to competitive design and sense of place issues. Establishing a system to enhance the capacity of local leaders to understand, plan and implement projects that make their communities more competitive has been identified by the Sense of Place Council as a key strategy. The goal of the Center will be to assist local officials with creating livable communities that contain those design elements that work

to retain and attract young people and their employers to Michigan.

The project has been capitalized through a grant from MSHDA. The League will also be dedicating existing internal resources to develop, market and implement the Public Policy Forum Series and conduct educational workshops for local officials. Workshops will feature speakers involved in design, planning, zoning and community development efforts in Michigan and across the country. Forums will be developed to engage local officials in the different strategies being used to create a sense of place in communities and how such activities lead to principles and practices which create vibrancy in our downtowns, neighborhoods and regions.

A community design center will also be established. The Center will work with local officials to conduct "community audits" and serve as a one-stop shop for local officials to work with individuals involved in design, planning and zoning, market analysis, and community development. The design center will retain persons

**MERCER**  
MARSH MERCER KROLL  
GUY CARPENTER OLIVER WYMAN

**Different-sized communities  
have different-sized needs.**

As the Preferred Provider of benefits consulting services for the Michigan Municipal League, Mercer offers advice, services and solutions that address the entire spectrum of issues MML members are facing.

To learn more about Mercer's unique and customizable solutions, contact us at **+1 800 572 6131**.

**CLIENT FOCUS   EXPERTISE   INNOVATION   LEVERAGE**

from various disciplines knowledgeable in the areas of community design. These experts will be made available to local officials and communities through a comprehensive, statewide outreach program. Local officials will have at their disposal, in one place, the best and brightest at design, the efficient use of existing infrastructure and community resources to maintain and create vibrant communities.

### Why Such a Project?

Research shows that economic activity and growth is increasingly attracted to and thrives in well-defined and well-designed places. A 2006 survey performed by Yankelovich for CEOs for Cities, found that two-thirds of college graduates, ages 25-34, look for a place to live first **before** finding a job. Furthermore, work done by Zimmerman/Volk Associates, a residential market analysis consulting firm, has found many of these people to be single, prefer renting to buying, communities that add to their quality of life through cultural, social and entertainment offerings, and areas where walking is encouraged and various transportation opportunities are readily available.

Across the country, cities, regions and states are attracting this new generation of workers. Cities like Portland, Kansas City, St. Louis, Chicago, Denver, Birmingham and Baltimore contain far greater percentages of younger singles and couples than Grand Rapids (24%) or Detroit (12%).

Work done by Michigan Future, Inc. found that attracting and retaining a talented workforce is a top priority when attempting to compete for new economy jobs. Data from the report "A New Agenda for a New Michigan" found that those regions across the country that draw highly skilled, high paying jobs were regions where a strong economy existed.

Baby boomers (those born between 1946 and 1964) and millennials (1977-1996), make up the two largest segments of our population today (82 million persons and 78 million persons respectively). Married couples with children

represent 25 percent of all households and traditional one-worker families are less than 15 percent of all households. Michigan used to boast it had one of the highest homeownership rates in the country. But now, local officials must know their target market. Understanding the likes and dislikes of the two largest segments in the population will go a long way to helping local officials design communities for the 21st Century. And we are learning that regulation of development can be managed in such a way as to promote the livable physical environment that both baby boomers and millennials are seeking. Communities across the country are using tools such as form-based codes to encourage housing and unit type variety, develop the unique qualities of their downtowns and neighborhoods, preserve the historic built environment and support walkable mixed-used housing. All of these are elements desired by the new generation of this new century.

The proposed public policy series, educational workshops and design center are aligned with the goals envisioned by the Sense of Place Council and reflects current research regarding the establishment of long-term economic growth.

### Partnership and Collaboration

As the statewide association representing communities throughout Michigan, the League can easily serve as a lead agency for the creation of a center and educational programs. Partnerships and collaboration will be sought with regional organizations such as the Grand Valley Metro Council (GVMC), Southeast Michigan Council of Governments (SEMCOG) and Michigan Suburbs Alliance (MSA). In order to best serve communities across the state with education and technical assistance, collaboration will also be sought with trade groups such as the Michigan Association of Planners, Michigan Association of Realtors and Small Business Association of Michigan as well as Michigan universities and research institutions and leading non-profit groups such as Michi-

gan Future, Inc. Such entities have access to community leaders as well as technical experts who can assist with implementation efforts. Other persons and groups involved in community development and planning will also be sought out to gain as broad a base of knowledge as possible in seeking out information for communities in order to attract and retain young, talented workers for the jobs of the 21st century.

### Sources of Funding and Budget

As noted previously, the League will dedicate existing internal resources to develop, market and implement programs and educational workshops. Along with the MSHDA grant, other outside funding sources will be sought to accommodate costs associated with the holding of such events including venue retention and functions, speakers, travel and materials. Additionally, funds will be used to establish the design center.

### Mission Statement

Investing in communities is an important element of any long-term economic development strategy. Research continues to show that "place" matters more than ever as an increasingly mobile workforce seeks a place to live first and a job second. Local officials play a primary role in setting forth policies that can help to achieve community sustainability and improve quality of life as it relates to creating places that are attractive to live, work, learn and play. Capacity building of local officials and community leaders in this effort is of keen interest to the League and its members. The League's Community Design and Education Center will assist local officials in identifying, developing and implementing programs and strategies that will enhance the state's communities as vibrant places for the 21st Century.

# Partnerships for Recreation in Rural Michigan Communities

This article describes partnerships between the Recreation, Parks and Leisure Services Administration (RPL) department at Central Michigan University (CMU) and two Michigan rural communities for the purpose of developing public recreation in those communities.

## The Partners

### The Rural Community

One phrase almost universal to small towns: "there is nothing to do." Small communities lack the opportunities that larger communities offer in both variety and availability of positive recreational and leisure services. Youth sports are often the extent of leisure activities for children in small communities. Hanging out and cruising are the chief leisure activities of teens. Aside from adult softball leagues, adults and seniors are largely left to their own devices. Rural communities decry the difficulty of attracting and retaining citizens, business, and industry for whom leisure and quality of life issues are almost as important as jobs, property values, schools, and medical services.

### The University

Historically, the role of the university has been defined in terms of teaching, research, and service. Research has taken on greater and greater importance both to enhance an institution's prestige and as a source of external funding. Service in the public interest, however, is often overlooked. Extension services offered by land grant institutions are a familiar form of public service, but other state-supported institutions can also play an important role in giving back to the state and serving the public good.

Integrating undergraduate and graduate students into service opportunities benefits all parties. Service engagement by students enhances the educational experience (teaching), provides opportunities for student and faculty scholarship (research), and gives back to the community (service). Community agencies and organizations benefit from partner-

ship with the university as well. Students bring a fresh perspective and youthful energy to the organization, faculty bring subject area expertise and leadership.

## Partnerships for Rural Recreation:

Since 2001, the RPL department at CMU has been engaged in service partnerships with three rural Michigan communities that were without organized recreation services. In each case, a service partnership was created that brought recreational leadership to the community, providing educational and service opportunities for graduate and undergraduate students, and linking the community with university and faculty expertise.

### Small Town Recreation

The city of Clare is a rural community of 3,500 residents. In 2000, the residents of Clare approved a tax millage for parks and recreation which was earmarked for capital improvements to the city's parks and recreation areas. Clare has very good parks and recreation areas, but no programs and services.

In 2004, the city manager approached the RPL department about creating a part-time position to direct parks and recreation in Clare. A memorandum of agreement was executed and a CMU graduate student was selected to serve as the parks and recreation director for the city beginning in fall 2005.

In addition to numerous new recreation events and programs, perhaps the crowning achievement occurred in fall 2006 with the completion of a community-built playground. The Clare Moose Lodge provided organizational leadership of the project. In less than 6 months, almost \$85,000 had been raised. Over the five-day period over 1,400 volunteers labored from dawn to dark to build the 8,600 sq. ft. playground from scratch.

Proximity to CMU afforded the university with an excellent learning laboratory for recre-

ation majors. Under the parks and recreation director's supervision, recreation students took an active role in organizing and running numerous recreation programs for Clare. In May 2007, the city created a permanent full-time position of director of Parks and Recreation and the job was offered to the CMU graduate student.

### One in the Thumb

When village leaders in Caro expressed concerns about recreation in their community, the county extension director connected them with the RPL department at CMU. Providing services for the village was more problematic than the previous partnership. Due to Caro's location in the thumb of Michigan, any prospective student would need to travel extensively to attend classes in Mt. Pleasant and work half-time in Caro. Fortunately, this did not negatively impact the recruitment of a qualified candidate who began work in the summer of 2006.

In addition to expanding the existing program of summer recreation activities, the new director began to develop year-round community recreation programs and services for village residents, including monthly family events at the parks and partnering with other community organizations to provide recreation services. The director was also involved in conducting a feasibility study for a new community center.

## Everyone Benefits

Clearly, for a partnership to be successful, the needs of all partners must be met. Each of these communities had articulated a need to enhance parks and recreation services for their citizens. The RPL department desired to expand service and outreach to Michigan communities as well as to provide laboratory learning opportunities for students. Graduate students desired both professional work-related experience as well as a source of financial assistance to pursue advanced degrees.

## Partnerships for Recreation in Rural Michigan Communities (continued)

### Benefits to the Community

While both the city of Clare and the village of Caro had previously offered a summer playground program, there was a lack of continuity each year. By creating a year-round, part-time position, community recreation programs and services were expanded from summer only, and youth-oriented programming to year-round recreation serving all segments of the community. The partnership enabled these communities to offer a high-quality range of recreation services on par with larger communities having greater financial resources.

In both communities, public support for recreation services increased. The city of Clare created a full-time position of parks and recreation director by offering the job to their graduate student. The partnership in Caro is ongoing.

### Benefits to Students:

The graduate students who served in these leadership positions had the opportunity to be on the "ground floor," creating a recreation agency and programs where little to nothing had existed before.

The students were involved in planning and decision making and served on the admin-

istrative team in the community. Students were also responsible for the development of operational and capital budgets, conducting recreation planning and feasibility studies, designing or developing recreation areas, writing grants, and other tasks that will enhance their professional skills.

### Benefits to the University

The partnerships have benefited both the undergraduate and graduate recreation programs at CMU. Engaging undergraduate students in planning and delivering recreation services was a priority for the RPL Department. Many undergraduate students gained valuable hands-on experience planning, organizing, and leading a variety of recreation programs, services, and special events in a community setting. Other students took advantage of opportunities to develop trails, parks, and playgrounds, and to conduct needs assessments and program evaluations, as well as to participate in recreation planning. The partnerships also provided financial assistance for prospective graduate students.

In addition, the establishment of relationships with community leaders resulted in more opportunity for the RPL department to serve Michigan communities.

### Future Developments

Splitting time between Mt. Pleasant and a remote community can be both expensive and inconvenient for graduate students working in rural communities. Based on the experience working with the village of Caro, the RPL department is moving forward with the development of a distance-delivered graduate degree option. Providing students the means to complete a graduate degree off campus will eliminate the geographic barrier to extending similar partnership opportunity to Michigan's most rural and distant communities. Current plans are to begin offering classes toward an online graduate degree in January 2008.

The Department of Recreation, Parks and Leisure Services Administration is actively seeking new communities for similar rural recreation partnerships. Although the partnerships began with rural communities, the model is not limited to serving small, rural communities. Existing public park and recreation agencies and non-profit, youth-serving organizations also present opportunities to create partnerships for recreation.

### Acknowledgments

A great deal of credit for the success of these partnerships must be given to the community leaders and administrators who had the vision to work in unconventional ways to improve leisure services in their community. County Extension Director Hal Hudson in Tuscola County was instrumental in setting up the partnership in Caro by bringing university and community leaders together. Caro Village Manager Don Beavers and Village President Thomas Striffler, and Clare City Manager Ken Hibel have been enthusiastic supporters of the partnerships in their communities. Key citizens in each community, including those who served on boards and commissions, as well as other volunteers are also owed a debt of gratitude for their passion for parks and recreation. Finally, credit must also be given to the students who have served these communities and who, in turn, received a great practical education.



**TESTING ENGINEERS & CONSULTANTS, INC.**

*Engineering Client Success*

- Building and Infrastructure
- Environmental Services
- Geotechnical Services
- Construction Materials Testing
- Indoor Air Quality
- Asbestos/Lead/Mold

**1-800-835-2654**  
email: [tec@tectest.com](mailto:tec@tectest.com)  
[www.testingengineers.com](http://www.testingengineers.com)

Offices in: Ann Arbor,  
Detroit & Troy

*A Certified WBE/DBB*



**EXCELLENCE  
SINCE 1966**

Dr. Al Ellard Re.D., CPRP is an associate professor of recreation, parks and leisure services administration at CMU. You may contact Al at [ellar1ja@cmich.edu](mailto:ellar1ja@cmich.edu).

# Michigan's Environmental Cleanup Programs: At Risk

The Michigan Department of Environmental Quality Remediation and Redevelopment Division's cleanup and redevelopment program is the safety net for Michigan citizens and the environment when contamination threatens our state's soil, groundwater and drinking water. But that safety net is shrinking as the state's cleanup program funds run dry. The state will soon be out of cleanup money to address tens of thousands of sites with soil and groundwater contamination, and grant dollars to help communities redevelop brownfield sites. This directly impacts Michigan citizens:

- Nearly 50% of Michigan citizens depend on groundwater for drinking water.
- More than 2/3 of Michigan's public drinking water systems use groundwater.
- Almost half of Michigan's population lives within 1/2 mile of a known contamination site.

**What's at stake?** Unaddressed releases pose significant risks. Without stable long-term funding, alternate drinking water sources (bottled water, private and municipal water wells) to prevent exposure from contamination cannot be provided. Cleanups will cease at some sites including action that addresses abandoned landfills and dumps, where leaking methane gas has the potential to cause explosion hazards to adjacent homes/businesses. Michigan's backlog of over 9,000 underground storage tank releases—third highest in the nation—will continue to grow. Inadequate public funding will increase the cost of cleanups over time as contamination migrates.

Also at stake is Michigan's ability to assist private parties and municipalities with redevelopment of contaminated sites.

**Why the problem?** Orphan sites require significant public funding to manage environmental risks. An orphan site is a contamination site where the liable party cannot be identified, or lacks the financial capacity to pay for the

cleanup. Redevelopment is aided by Michigan's unique liability scheme, developed to stem the growing tide of abandoned, contaminated properties. In 1995, Michigan abandoned strict liability in favor of a causation-based liability framework. This encourages redevelopment—that property can now be sold and redeveloped, contributing to community tax rolls, with no cleanup liability attached to the new owner as long as he/she informs the state of the contamination, uses the property safely, and does not make the contamination worse. This system does, however, have a significant downside: more "orphan sites," because it is often difficult to identify who caused the release when multiple parties have operated on the same property.

**A successful cleanup and redevelopment program.** Michigan's cleanup and redevelopment program is nationally acclaimed for its many redevelopment and revitalization projects benefiting communities throughout Michigan. So far, over \$95 million have been spent at 228 brownfield grant and loan projects, produced \$3.1 billion in private investment, and generated over 18,000 jobs. In addition, public funds have been used to provide over 10,000 homes and businesses with safe drinking water, as well as prepare 521 sites for redevelopment, demolish more than 150 abandoned hazardous buildings, and mitigate environmental risks at hundreds of sites. Oversight and consultation on thousands of projects conducted by private parties is a major service provided by program staff.

**What's the need?** Annual funding of \$95 million is needed to maintain the current level of effort for publicly funded cleanup and redevelopment projects, not including action to address underground storage tank leaks. Of that figure, \$10 million covers brownfield grants, loans and technical assistance, \$60 million covers publicly funded cleanups, and \$25 million covers staffing and oversight of liable parties. Additional funding needs for the tank cleanup program may be significantly

higher than \$95 million, however, the department is still evaluating funding mechanisms and long-term program structure to effectively address the 9,000 releases in need of corrective actions. The Department of Environmental Quality will share future updates on the tank program needs in subsequent articles.

Public support for the state's cleanup and redevelopment program is vital to ensure Michigan's quality of life for current and future generations. Costs are substantial, but so are the stakes for public health, the environment, and a strong economy. Michigan Municipal League communities may be asked to respond to these situations if the Department of Environmental Quality no longer can.

**Pontem**  
SOFTWARE

**Customer Service is Our #1 Priority!**

**Property Tax** 24/7 Emergency Toll-Free Helpdesk

**Fund Accounting** 28 Years of Experience

**Cemetery Management**

- Integrated Mapping
- GIS Mapping
- Online Burial Search
- Imaging and Document Management

**New!**

RESOURCE INFORMATION ASSOCIATES, Inc.  
MAKERS OF PONTEM SOFTWARE

888.742.2378  
www.pontem.com  
sales@pontem.com

© Copyright 2007 Pontem Software



michigan municipal league



Capital Conference  
April 1-2, 2008  
Lansing Center, Lansing



[www.mml.org](http://www.mml.org)



## Council Orientation

Newly elected officials take an oath before they are inducted into office, swearing to uphold the Constitution and to “faithfully discharge the duties of their office.” One might ask: “How are they able to discharge the duties of their office without a full understanding of what those duties are? How do they make governing decisions? How do they find out the rules they have to follow and the rules employees have to follow?” Optimally, they will have an orientation to their new office.

To be successful with the heavy burden they have taken on, newly elected officials need information to perform their duties within a legal framework of local, state and federal government. A thorough orientation to the office will provide them the tools they need to deal with a potentially overwhelming job. Most orientations are given by the manager, along with department heads. An orientation can be done in a few different ways: a specific educational session for new officials, a tour with educational components, or a compilation of documents in a handbook. For example, Ionia plans council orientations over four afternoons, whereas Fremont schedules a one-day educational session, from 8 a.m. to 2 p.m., including a tour.

DeWitt has an impressive mandate in the city charter, **Section 2.10 Orientation Sessions**

“After every regular city election the city administrator shall schedule an orientation session for elected officials, administrative officers, their deputies, and others at the direction of their officers. The session shall include a review of local government documents, and shall be open to the public.”

There are certain things that should be covered in a council orientation, no matter what: the form of government, the charter, council rules, and the Open Meetings Act (OMA). One doesn’t need to be an attorney to summarize the OMA and provide supporting materials, such as a copy of the Act and MML publications “OMA: Definitions and Requirements,” “Calling Closed Meetings,” and “Closed Meeting

Minutes.” In addition to these basics, this article will give suggestions as to other components of a new council orientation, based on material from seven Michigan cities.

### City/Village/Township Information

Provide basic information on the municipality, such as the population, geography, history, character, etc.

### Structure of Government

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

### Charter

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

A common provision in council-manager government charters is a provision like this one from Plymouth’s charter:

“The Commission and its members shall deal with the administrative officers and employees of the city, solely through the city manager, and neither the commission nor any member thereof shall give orders to any subordinate of the city manager as to the performance of his duties, either publicly or privately. Any violation of the provisions of this section by a commissioner shall constitute misconduct in office.”

[As a side note, elected officials in DeWitt are required to read the city charter and certify it with the city clerk.]

### Council rules/meetings

How are items placed on the agenda? Are you allowed to miss meetings? Are you able to abstain from a vote? When is the public

allowed to participate and for how long? Council rules are individual to the council. Not every city has the same rules, and they can include a range of things from decorum provisions to how boards and commissions are set up. The city of Standish briefly lists the “Council Voting Procedures” on ordinances and resolutions in a section of their orientation packet named “General Council Information,” and makes the full set of council rules available separately.

### Code of Ordinances

Elected officials should know what the “code” is, how to locate it and the basics of passing an ordinance. What are the voting requirements, do ordinances need to go through 1st, 2nd and 3rd readings? Do they require public hearings? In addition, it makes good sense for the elected representatives to know the laws, rules and policies that the electorate are expected to follow.

### Vision/Mission Statement

If your municipality has a vision or mission statement, now is the time to reinforce it. A vision statement expresses the values of a community, as in the following from Alpena:

“Working together, the community of Alpena will become a premier choice as a place to live, work, and vacation. Residents will recognize the community’s continued dedication to all areas affecting the quality of life. The community will continue to be committed to excellence in maintaining its “TREASURES”:

- a friendly town with a safe environment;
- a good place to raise a family;
- enjoyment of natural resources;
- preservation of traditions;
- recreation and cultural experiences;
- employment opportunities.”

### Goals/Priorities/Strategic Plan

The city of Manistee has a council strategic plan that encompasses its vision, mission statement, and priorities. City council has proposed strategic goals for each of these priority areas.

- Competitive position of the city
- Economic development and jobs
- City infrastructure

- Beaches, parks and recreational areas
- Financial stability
- Intergovernmental relationships.

### Organization Chart

An organization chart is a useful tool. It illustrates the structure of your municipality's departments as well as showing and reinforcing the hierarchy of local government roles. Think about a typical municipal organization chart—the electorate is at the top, then the governing body, then the municipal employees. To flesh out the chart, an orientation should include an overview of each municipal department (by the department heads) and a tour of city/village/township hall and off-site departments, such as the fire and police stations. Believe it or not, some people find the wastewater treatment plant the highlight of a municipal tour.

### Laws Affecting Local Officials

Some laws apply to every aspect of local government such as the Open Meetings Act (it applies to every meeting you have), and the Freedom of Information Act (it applies to every document you have). These two Acts are particularly important to know and follow, because there are civil and criminal penalties for violating them.

### Council Policies

Certain policies that affect the council should be pointed out, such as travel policies (reimbursement for mileage, education classes, conferences, meals), computer usage, e-mail guidelines, council communication with staff, media relations policy, and compensation (i.e. per meeting, quarterly, yearly, or none at all).

### Employee Handbook

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

### Ethics

Are councilmembers required to file a disclosure statement? What are incompatible public offices? What is misconduct in office? Are council allowed to go out for meals on some-

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

### Budgeting/Capital Improvement Plan

Of course, the council must approve the budget, so information on the budget process is crucial. The capital improvement plan (CIP) should be a part of the budget discussion as well. The CIP is a plan for future capital outlay for improvement such as sewer infrastructure, roads and buildings. A governing body must think about what will be needed in the future, as well as make decision on salaries and benefits for employees and services to its citizens in the upcoming budget year.

### Resources

A list of Resources can be very helpful to a newly elected councilmember/commissioner. It could include websites with general information, such as the State of Michigan website, or websites on complicated topics that warrant further reading and understanding, such as brownfield redevelopment, or tax abatements. Resources can also include a list of municipal employees and contact information, elected State Representatives, or copies of pertinent magazine articles, papers and reports.

### The League as a Resource

The League publishes two primers on municipal government for our member officials. The Handbook for Municipal Officials is for elected officials in home rule cities and villages, whereas the Handbook for General Law Village Officials is for elected officials in general law villages. Both are available electronically on the League's website. The League has other publications that can be of help to first time officials, like our One-Pager Plus'. These publications are one page easy to read summaries of municipal topics, often with sample policies or ordinances attached. We currently have 49 titles. If you would like copies of the cities'

orientation materials used for this article, you may contact the League's inquiry department. We not only have the sample orientation documents, but also many sample council rules, personnel handbooks, information on budgeting, visioning, the OMA and FOIA, ethics, charters, and the structure of government in Michigan.

Another resource is League staff. League staff members are available to visit your community to be a part of the orientation for your new officials. Kelly Stanford, member services manager, will describe the services available through the League and will explain how the League can be a resource to your community.

Caroline Kennedy, manager of field operations for the League's Northern Field Office is available by appointment to present on-site information regarding League services in MML Regions 6 and 7 ("up north"). Upon request Kennedy also provides a three-hour training for newly elected and veteran officials covering mandated functions of either cities or villages in Michigan, including (as appropriate) the council-manager form of government; roles and responsibilities of the presiding officer, elected council and manager; state laws affecting municipal government, including pre-emption and sunshine laws; meeting basics and current issues affecting Michigan communities. The class includes valuable exercises and Q & A participation. Manager and department head attendance is encouraged as appropriate. Kennedy stresses that detailed training on each topic she covers is available through MML and councils/individuals should decide what additional training would most benefit their community and make a training plan and commitment. Kennedy also provides consensus-building training (2.5 hrs) and stakeholder analysis training (2 hrs).

The League has training programs geared towards newly elected officials—see the League Education programs on pages 35-37. We are also partnering with U of M-Dearborn to provide evening programs for newly elected officials in February and March. For more information visit [www.soe.umd.umich.edu/3319/](http://www.soe.umd.umich.edu/3319/).

## February and April

### Restoring Michigan Communities Building by Building

Wednesday, February 6, 2008

You can't afford to miss this one! Part of making our communities desirable and vibrant places to live is also recognizing that each community in Michigan has its "problems" which hinder the community from achieving attractive and safe downtowns and neighborhoods. Those problems are labeled eyesores, dangerous buildings, abandoned buildings, or blighted areas, etc. Recently, the League published *Restoring Michigan Communities—Building By Building*. This manual is intended to help communities put a plan in place—to identify problems, to take an inventory of the state statutes and ordinances available to address the problems, and to review the enforcement procedures available. This seminar will provide a suggested "walk through" of the process and procedure outlined in the manual. Participants will be encouraged to bring a copy of their community's current ordinances so that they can begin to develop a procedure designed for their individual communities. (08B-06)

- Wednesday, February 6, 2008
- Check-in 8:30 a.m.; Begin 9:00 a.m.; Lunch; Adjourn 4:00 p.m.
- MML Capital Office, Lansing
- Speaker: Sue Jeffers, Associate General Council, MML
- Cost Code Special Pricing: Free to members; \$50 to non-members

### Essential Skills for Elected Officials

Thursday, February 7, 2008

Wednesday, February 13, 2008

Thursday, February 21, 2008

This session is not only for those recently elected, but for every elected official who wants to serve his or her municipality more effectively. This day-long session can clarify many of the questions that you have had since you assumed office and covers basic information about the responsibilities of your office. At this session you will be able to network with many new and experienced elected officials. Topics such as conducting meetings, Open Meetings Act (OMA), and the Freedom of Information Act (FOIA) will be covered. Upon completion of the program attendees will be able to:

1. Cite provisions of the FOIA that regulate and set requirements for the disclosure of public records (including the exceptions and rationale for nondisclosure under certain circumstances).
  2. Identify the issues affecting local government in the state Legislature and of the importance of lobbying to assure the advocacy of local government interests.
  3. Schedule and conduct meetings within the guidelines of the OMA.
  4. List the tips to work with the media so that the local government message is accurately conveyed to the public.
5. Explain the laws that affect ethical standards for public officials at the state level and the reason for their importance.
  6. Use the procedures and tips given to conduct an effective and time-efficient meeting.
- Check-in 8:30 a.m.; Begin 9:00 a.m.; Lunch; Adjourn 4:00 p.m.
  - Locations & Dates
    - Thursday, February 7**  
MML Headquarters, Ann Arbor 734-662-3246
    - Wednesday, February 13**  
East Beltline Conference Center, Grand Rapids 616-443-8245
    - Thursday, February 21**  
Treetops Sylvan Resort, Gaylord 517-732-6711
  - Speaker: A Panel of Experienced Speakers
  - Cost Code A
  - Credits: CEU .6, EOA 6

## in-depth public sector knowledge

- Auditing & Accounting
- Budget, Revenue & Program Analysis
- Shared/Consolidated Services Reviews
- Long Range Financial Planning
- Management & Operations Consulting
- Cost Containment
- Internal Control/Risk Assessment
- Employee Benefits Consulting



**Virchow Krause  
& company**

**CERTIFIED PUBLIC ACCOUNTANTS & CONSULTANTS**  
800.362.7301 • www.virchowkrause.com  
Offices in Michigan, Wisconsin, Minnesota, and Illinois

SERVING AS OUR CLIENTS' MOST VALUED ADVISOR

## League Education Programs (continued)

### Elected Officials Academy Core Weekender

Friday & Saturday, February 29-March 1, 2008

All elected municipal officials must have a basic foundation of knowledge upon which to build their effectiveness as community leaders. This weekend course offers the most critical information in four short courses—Legal Framework, Leadership Roles & Responsibilities, Financial Management and Planning & Zoning—in a compact format that facilitates achievement of Level One of the Michigan Municipal League's Elected Officials Academy. The Elected Officials Academy (EOA) is a voluntary continuing education program established to encourage and recognize the efforts of local elected officials to become effective leaders. Learn more about the EOA at [www.mml.org](http://www.mml.org). Upon completion of this program attendees will be able to differentiate between the role of the councilmember and the role of the mayor/president, discuss the uniform Budgeting and Accounting Act, identify where taxes and revenue sharing come from, use zoning checks and balances and make effective zoning decisions. (08B-04)

- Friday: Check-in 6:30 p.m.; A light dinner; Begin 7:00 p.m.; Adjourn 9:00 p.m.;  
Saturday: Check-in 7:30 a.m.; Begin 8:00 a.m.;  
Lunch; Adjourn 3:00 p.m.
- Bavarian Inn Lodge, Frankenmuth 989-652-2651
- Speaker: A Panel of Experienced Speakers
- Cost Code A
- Credits: CEU .8, EOA 8

### Elected Officials Academy Advanced Weekender

Friday & Saturday, February 29-March 1, 2008

Veteran elected officials who have attended the EOA "Core Weekender" are ready to jump up to the next level of service ability with more in-depth knowledge of municipal issues. Formal presentations about advanced planning and zoning issues, financial modeling and intergovernmental cooperation are just some components of this invigorating learning experience. This session offers an excellent opportunity for networking and discussion in a relaxed environment that is often the most effective way for local elected officials to develop and enhance their knowledge and capabilities. Upon completion of this program attendees will be able to develop financial policies regarding long-term budgeting, be able to utilize financial models to make sound policy decisions, show a working knowledge of the components of planning and zoning and demonstrate ways to increase intergovernmental cooperation. (08B-05)

- Friday: Check-in 5:30 p.m.; A light dinner; Begin 6:00 p.m.;  
Adjourn 9:00 p.m.  
Saturday: Check-in 7:30 a.m.; Begin 8:00 a.m.;  
Lunch; Adjourn 3:00 p.m.
- Bavarian Inn Lodge, Frankenmuth 989-652-2651
- Speaker: A Panel of Experienced Speakers
- Cost Code A
- Credits: CEU .9, EOA 9

### Open Meetings Act

Tuesday Morning, April 1, 2008

The Open Meetings Act was passed by the Michigan Legislature in 1976, and went into effect in March, 1977. The purpose of this Act is to ensure that all Michigan citizens have the right to know the functions and happenings of local government. This three-hour seminar is designed to provide attendees with the knowledge and tools needed to inform the citizens in their municipality about the Act. OMA requirements will be reviewed through a series of visuals and examples. Ways to enforce the Act will be defined by discussing what happens when government decisions are made under circumstances allowed by the Act and in violation to the Act. Individuals attending this session will be able to state the purpose of the Act, identify guidelines of the Act and will know how to conduct a meeting within the legal framework of the Act. (08D-04)

- Check-in 8:30 a.m.; Begin 9:00 a.m.; Adjourn Noon
- Lansing Center, Lansing 517-483-7400
- Speaker: John Gillooly
- Special Pricing: MML Liability & Property Pool and MML Compensation Fund members, \$10; All others, Cost Code B
- Credits: CEU .3, EOA 3

### Cost Codes

#### Cost Code A

When registered one week before the program, Members \$115; Non-members \$160. Less than one week before the program add \$35 to the fee.

#### Cost Code B

When registered one week before the program, Member communities, \$70; Non-members \$125. Less than one week before the program add \$35 to the fee.

#### \*Risk Management is Good Management

The Michigan Municipal League Liability and Property Pool and Workers' Compensation Fund have agreed to cover some of the cost for Pool and Fund members to attend many of the liability and workers' comp-related training programs offered through the League. For questions about the Risk Management is Good Management program or about MML Pool and Fund membership, please contact Jennifer Orr at [jorr@mml.org](mailto:jorr@mml.org) or 800-653-2483.

#### Special Pricing for Restoring Michigan Communities Building by Building

Free to members; \$50 to non-members.

## Parliamentary Procedure

Tuesday Morning, April 1, 2008

Do your meetings run smoothly? Is your council or board debating issues until late into the night? By using parliamentary procedure, you can gain control and have more productive meetings. This basic guide to fair and orderly meeting procedures will help keep discussions focused and allow you to accomplish the business on the agenda.

This session will focus on council meetings and all of the problems and interruptions that can complicate them, including dealing with difficult people. Quorums and types of motion will be explained and demonstrated. You will be able to identify basic principles and objectives of parliamentary procedure, be able to recognize fair and orderly meeting procedures, and learn how to handle motions, debates, and voting requirements. Insight on dealing with difficult people at council meetings will be part of the program. This is an interactive presentation, and individual concerns and questions will be addressed. (08D-03)

- Check-in 8:30 a.m.; Begin 9:00 a.m.; Adjourn Noon
- Lansing Center, Lansing 517-483-7400
- Speaker: Eleanor Siewert (Coco), Professional Parliamentarian
- Special Pricing: MML Liability & Property Pool and MML Compensation Fund members, \$10; All others, Cost Code B
- Credits: CEU .3, EOA 3

## Planning & Zoning

Tuesday Morning, April 1, 2008

This workshop will focus on the practical aspects of planning and zoning. Elected officials and planning and zoning commissioners will benefit from understanding all aspects of this essential ingredient of government. After attending this session participants will have a basic foundation of planning and zoning principles and be able to make sound judgments on planning and zoning issues. (08D-02)

- Check-in 8:30 a.m.; Begin 9:00 a.m.; Adjourn Noon
- Lansing Center, Lansing 517-483-7400
- Speaker: Richard Carlisle, Partner, Carlisle & Wortman Planning
- Special Pricing: MML Liability & Property Pool and MML Compensation Fund members, \$10; All others, Cost Code B
- Credits: CEU .3, EOA 3

## Grant Writing

Tuesday Morning, April 1, 2008

This program has been designed for any individual who may have the opportunity to write a grant for a municipality. It will improve your confidence and give you the tools you need to write an award-winning grant. Attendees will discover how to utilize the internet to find grant resources and be able to illustrate how to write competitive grants. The day will conclude with a panel discussion of people responsible for funding State grants. This is the perfect opportunity to find out what grants are available and what funders are looking for in grant applications. (08D-01)

- Check-in 8:30 a.m.; Begin 9:00 a.m.; Adjourn Noon
- Lansing Center, Lansing 517-483-7400
- Speaker: Paul Eggerbrecht & A Panel of Experienced Speakers
- Cost Code B
- Credits: CEU .3, EOA 3



Trusted professionals delivering  
America's infrastructure solutions

**WADETRIM**

Engineering | Landscape Architecture  
Operations | Planning | Sciences  
Surveying

800.482.2864 | www.wadetrim.com

Architects

**cdpaarchitects**  
 26600 Telegraph Road, Suite 450  
 Southfield, MI 48033  
 www.cdpaarchitects.com  
 (248) 354-2441

- On Time
- On Budget
- Specializing in the Design of Municipal Facilities since 1961

**ftc&h**  
 fishbeck, thompson, carr & huber

engineers scientists architects constructors

www.ftch.com

Michigan and Ohio

**hamiltonanderson**

Hamilton Anderson Associates  
 1435 Randolph Suite 200 Detroit, Michigan 48226  
 p 313 964 0270 f 313 964 0170  
 www.hamilton-anderson.com

Architecture Urban Design Landscape Architecture Interior Design Graphic Design

Attorneys

**Mika Meyers Beckett & Jones PLC**  
 Attorneys

- Municipal bond counsel
- Zoning and planning
- Labor and employment
- Environmental
- Eminent domain
- Litigation
- Taxation
- Ordinances
- General municipal law
- College, university and school law
- Special assessment proceedings

900 Monroe Avenue, NW Grand Rapids, MI 49503  
 Tel (616) 632-8000 Fax (616) 632-8002  
 www.mmbjlaw.com

Michigan Municipal Review readership is over 30,000. For less than \$70 per issue tell our readers who you are by placing your ad here!  
 Details at [www.mml.org/marketingkit/](http://www.mml.org/marketingkit/)

**SECRET SW WARDLE**

**MUNICIPAL LAW**

Derk W. Beckerleg • William P. Hampton • Thomas R. Schultz

- Cable & Telecommunication
- Condemnation
- Contract Preparation
- Drain Litigation
- Land Use & Zoning
- Michigan Tax Tribunal Litigation
- Ordinance Prep & Enforcement
- Planning Matters
- Trial & Appellate Litigation
- Underground Construction

248-851-9500 www.secretwardle.com

Benefits

**Michigan Municipal League BC/BS Group Benefits Program**

Provided by Gadaletto Ramsby & Associates  
 800-678-4456 • kzussman@gadalettoramsby.com

health care • group short-term disability • group life insurance programs

Cost-effective retirement and employee benefit administration.

**MERS**  
 MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM

**Municipal Employees' Retirement System**  
 (800) 767-6377 | www.mersofmich.com

Engineers & Engineering

**ABONMARCHE**  
 Confidence By Design

ENGINEERS ARCHITECTS PLANNERS SURVEYORS

Benton Harbor, MI 49022  
 T. 269.927.2295

Manistee, MI 49660  
 T. 231.723.1198

www.abonmarche.com

**ANDERSON, ECKSTEIN AND WESTRICK, INC.**

Civil Engineers □ Surveyors □ Architects

*Providing Solutions for People*

- Geographic Information Systems
- Construction Observation
- Hydrology/Hydraulics
- Stormwater Management
- Trenchless Rehabilitation
- Wastewater Treatment
- Roadway Rehabilitation
- Structural Engineering

Corporate Office (586) 726-1234  
 Oakland Office (248) 446-0480  
 www.aewinc.com



## Bulletin Board

Kim Cekola

### City of Ann Arbor and Washtenaw County Complete an Affordable Housing Needs Assessment

The city and county's joint Office of Community Development recently completed an Affordable Housing Needs Assessment. The goal of the year-long project is to provide a tool for decision makers to more effectively implement regional planning, allocate resources, and leverage funds to be able to effectively develop additional affordable housing based on the study's results.

"The Office of Community Development will specifically use the information to prioritize funding for Community Development projects, including income targeting, location, bedroom number, tenure and type of activity such as new construction, acquisition or rehabilitation," said Jennifer Hall, housing program coordinator. "We are especially excited about a GIS tool to enable developers to conduct feasibility studies of specific sites. I have no doubt this will prove to be an invaluable resource for developers, planners, real estate agents and other professionals in need of this information. These resources are just a click away."

### Fire Equipment Grant for Manistique

The city of Manistique was awarded \$26,000 from the Rural Development Division of the U.S. Department of Agriculture for the purchase of a skid unit and a new fire equipment van. The city came up with \$9,020 in local funds, paid from funds donated by the Sault Tribe of Chippewa Indians, for a total of \$35,020. "A skid unit is a valuable piece of equipment," said Manistique Mayor David Peterson. "It's a pump with a water reservoir that can slide into the back of a pickup truck. It can go off road. It can draw water from a stream or from a hydrant."

### Young Public Lawyer Award

International Municipal Lawyers Association (IMLA), the association of municipal attorneys in the United States and Canada, gave Lansing City Attorney Brigham C. Smith its first annual Daniel J. Curtin Young Public Lawyer Award. The award goes to an outstanding municipal attorney under the age of 40. Brigham is a Harvard Law graduate, worked in the White House under President Clinton, and was a litigator with the Honigman law firm prior to becoming Lansing's city attorney.

### Clerk of the Year Nominations Sought

Nominations for the Michigan Association of Municipal Clerks "2008" Clerk of the Year are being accepted until March 7, 2008. Nomination forms are available online at: [www.michiganclerks.org](http://www.michiganclerks.org) or contact Sue Hillebrand, committee chairperson, at 248-662-0491 or [shillebrand@twp.northville.mi.us](mailto:shillebrand@twp.northville.mi.us).

### New Records Retention Schedule General Schedule #23-Election Records

The State of Michigan Records Management Services, housed in the Department of History, Arts, & Libraries, has completed a new general retention schedule for election records. This schedule, General Schedule #23, supersedes portions of Section 7—*City Clerk in the Records Management Handbook* (aka General Schedule #8) printed by the Michigan Municipal League. The new schedule is available on the League's website, [www.mml.org](http://www.mml.org) and Records Management Services website at [www.michigan.gov/documents/hal/mhc\\_rm\\_gs23\\_212716\\_7.pdf](http://www.michigan.gov/documents/hal/mhc_rm_gs23_212716_7.pdf). The State of Michigan Records Management Services, 517-335-9132, is available to assist government agencies with their questions about record retention and acceptable recording media.

### MDOT Wins Oberstar Award for Safe Routes to School Program

The Safe Routes to School Award was given to the Michigan Department of Transportation for its efforts to ensure children may walk or bicycle to school safely. The award is presented by the National Center for Safe Routes to School. MDOT was one of 14 state transportation departments competing for the award. Safe Routes to School (SRTS) is a federal program designed to make it safe, convenient and fun for children to bicycle and walk to school. When routes are safe, walking or biking to and from school is an easy way to get the regular physical activity children need for good health. Safe Routes to School initiatives also help ease traffic jams and air pollution, unite neighborhoods and contribute to students' readiness to learn in school. "MDOT has believed in Safe Routes to School from the very beginning," said Michigan DOT Director Kirk Steudle. "We are pleased to partner with school officials, parents and community leaders to help make walking and biking safer, not only for schoolchildren, but for all members of the community."

### Michigan Association of Planners (MAP) Awards Exceptional Contributions Award

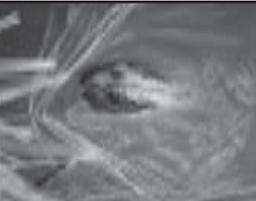
Long-time Michigan land use and municipal attorney and associate professor of Law at Cooley Law School, Gerald Fisher, was honored with the prestigious Volunteer of the Year Award from MAP. This award recognizes those professionals who have significantly helped MAP to advance its mission.

### Outstanding Community Administrator Award

MAP also awarded Shea Charles, city manager of Howell, Outstanding Community Administrator. Mr. Charles has brought planning to the forefront in all aspects of the city's administration, physical development and redevelopment, economic growth, and infrastructure improvements. Mr. Charles "has brought a spirit of innovation and enthusiasm that will impact Howell well into the future."

ARCADIS has the answers to your environmental and infrastructure challenges.

We wrote the book on hassle-free remediation and redevelopment. ARCADIS' RECLAIM™ program is the answer you've been looking for.



Detroit 313.965.8436  
Novi 248.994.2240  
www.arcadis-us.com



Imagine the result



519 Huron Avenue  
Port Huron, MI 48060  
810-984-5596  
www.bmjinc.com

- \* Municipal Engineering
- \* Land Surveying
- \* Sanitary & Storm Sewers
- \* Water Main Design
- \* Construction Testing

ftch

fishbeck, thompson, carr & huber

engineers scientists architects constructors

www.ftch.com

Michigan and Ohio



FITZGERALD HENNE  
& ASSOCIATES, INC.

3125 Sovereign Dr., Ste. D • Lansing, MI 48911  
www.fitzgeraldhenne.com

- Civil Engineering
- Land Surveying
- Landscape Architecture
- Environmental Services

517.887.1100

Fax: 517.887.6335

Michigan Municipal Review readership is over 30,000. For less than \$70 per issue tell our readers who you are by placing your ad here!  
Details at [www.mml.org/marketingkit/](http://www.mml.org/marketingkit/)

Civil and Environmental Engineering Solutions

- Site Design and Planning
- Environmental
- Road/Utility Design
- Survey/GPS
- GIS/Mapping
- Architecture
- Landscape Architecture
- Construction Management



FLEIS & VANDENBRINK

ENGINEERING, INC.

Offices in Michigan and Indiana

(800) 494-5202

Grand Rapids, MI  
Kalamazoo, MI  
Lansing, MI  
Muskegon, MI  
Traverse City, MI  
Fort Wayne, IN  
Indianapolis, IN

www.fveng.com



Engineers • Surveyors • Planners • Landscape Architects

- Water
- Wastewater
- Storm Water
- Inspection
- Infrastructure
- Roads

- Surveying
- Wetland and Water Resources
- Landscape Architecture
- Municipal / Public Facilities
- Construction Engineering
- Site Plan Reviews

Solutions for Your Community

Rochester Hills  
248/852-3100

Detroit  
313/962-4442

Macomb County  
586/781-8950



www.giffelswebster.com



HUBBELL, ROTH & CLARK, INC.

Consulting Engineers



HRC has proudly served the City of Southfield since 1962.

**Hubbell, Roth & Clark, Inc.**  
555 Hulet Drive, PO Box 824  
Bloomfield Hills, Michigan 48303-0824  
telephone: 248.454.6300 fax: 248.454.6312  
[www.hrc-engr.com](http://www.hrc-engr.com)

Municipal Engineering  
Roads & Bridges  
Wastewater Treatment  
Sanitary Sewer Systems  
Water Supply Systems  
Architectural Services  
Landscape Architecture  
Parks & Recreation  
Structural Engineering  
Stormwater Management  
Geographic Information Systems  
Combined Sewer Overflow Control  
Transportation Engineering  
Surveying, Mapping,  
Construction Observation

Engineering. Environment. Excellence.

Bloomfield Hills | Detroit | Howell | Centerpoint | Mt. Clemens | Grand Rapids

JONES & HENRY ENGINEERS, LTD.



Initech Building • 4791 Campus Drive  
Kalamazoo, Michigan 49008

269/353-9650 • Fax: 269/353-9651 • [www.jheng.com](http://www.jheng.com)

Consulting Engineers Since 1926 - Offices in Ohio, Michigan and Indiana



## “Up North” Urbanity

If you attended the MML Convention in Traverse City in September, you undoubtedly heard about “the new urban narrative” or you can read about it in the November/December issue of our magazine. In a nutshell, it’s the worthy, good news about what’s going on in our communities, as opposed to the old, negative narrative we grew up on and often, maddeningly, suffer from in our local media.

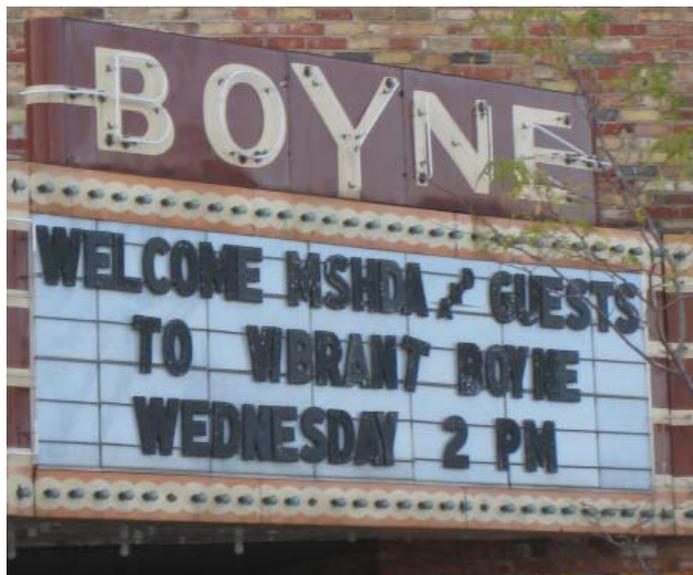
### New Narrative

This article describes some new narrative inspired by four northern Michigan communities that competed for and were awarded the governor’s Vibrant Small Cities Initiative grants administered by the Michigan State Housing Development Authority (MSHDA). Good things are going on in our cities, and it’s getting better for these four.

“Michigan has exceptional cities all across the state, this initiative will help preserve and rehab those cities, drawing more talent, jobs and investment to our state,” said Michael DeVos MSHDA executive director. “MSHDA is happy to be a part of an initiative that is restoring the downtowns that define Michigan.”

### And the Winners Are . . .

Houghton, Cheboygan, Rogers City and Boyne City. These communities already boast some of our state’s finest waterfront assets, magnificent views, historical buildings and a casual, relaxed lifestyle. Elected officials and administrators in all of these cities have demonstrated an ongoing



community pride and the type of stakeholder consensus necessary for that continued evolution from good to great.

The other three communities offered the Vibrant Small Cities Initiative/CDBG funding are Adrian, Big Rapids and Owosso.

### How it Works

The Vibrant Small Cities Initiative rewards communities for the vibrancy they have achieved through their own financial and sweat equity by assisting them in a way that best suits each community’s outstanding needs. This initiative allowed each competing city to say in essence, “Here is where the state’s resources would do our community the most good right now,” and allowed the state to respond; a somewhat radical departure from typical programs. Change is good.

### What They’ll Do Next

#### City of Houghton projects

The city of Houghton was already hip deep into some ambitious projects—for which the one million dollar grant will help ensure completion of the vision. How unreal is that—actually knowing you can finish your final phases in relatively rapid consecutive fashion?

The VSCI grant follows on the heels of Houghton’s signature building grant and a \$200,000 facade program. Half the grant is matched with a rural development loan and appropriated for a streetscape plan including water, sewer, sidewalks and a new brick avenue; the balance is planned for the removal of three skywalks to open the view, expansion of the popular facade program and downtown marketing.

Houghton is already a buzzing place, but this will help put them over the top; a vibrant place attracting both boomers and millennials alike. It’s worth the drive.

#### City of Cheboygan projects

The VSCI grant is slated to help fund a foot bridge spanning the Cheboygan River and connecting a recreational complex park to a downtown city park and local businesses.

#### Boyne City & Rogers City projects

Energy and excitement are literally emanating from Boyne City and Rogers City over their VSCI grants, but both communities are holding details close to the vest until official plan approval from MSHDA in March 2008.

The great part is that you won’t have to wait as long to see the results. Check them out and be inspired. It’s all good.



**OHM**  
Advancing Communities™  
Engineering Advisors

Livonia • Auburn Hills • Houghton



**OHM**  
34000 Plymouth Road  
Livonia, MI 48150  
734.522.6711  
www.ohm-advisors.com



**SPALDING DEDECKER ASSOCIATES, INC.**  
ENGINEERING CONSULTANTS | INFRASTRUCTURE | LAND DEVELOPMENT | SURVEYING

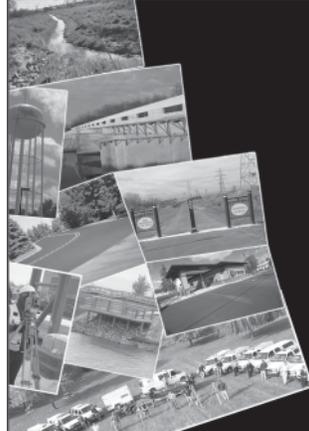
Spalding DeDecker Associates is an employee-owned and community-centered civil engineering and surveying firm offering high quality, value added services that are flexible to meet your needs.

1-800-598-1600

The Benchmark of Excellence. www.spaldingdedecker.com  
Experienced. Connected. Unique. Detroit Headquarters | Rochester Hills | Trenton

**Prein & Newhof**  
Engineers • Surveyors • Environmental • Laboratory

t. 616-364-8491 f. 616-364-6955  
www.preinnewhof.com



**Spicer group**  
ENGINEERS SURVEYORS PLANNERS

CONSTRUCTION SERVICES  
COMMUNITY PLANNING  
GIS  
GRANT WRITING  
MUNICIPAL ENGINEERING  
ROADWAYS & PAVEMENT  
SITE DEVELOPMENT  
STRUCTURAL ENGINEERING  
SURVEY  
WASTEWATER  
WATER  
WATERSHED MANAGEMENT

SAGINAW ST. JOHNS DETROIT CARO  
WWW.SPICERGROUP.COM ~ (800) 833-0062



**ROWE INCORPORATED**  
Engineers • Land & Aerial Surveyors  
Planners • Landscape Architects  
Land Development Services  
(810) 341-7500  
www.ROWEINCORP.com  
Flint • Mt. Pleasant • Lapeer • Grayling

One Team. Infinite Solutions.

● ● ● ● ●

Providing professional services in:

Water Treatment	Construction Administration
Wastewater Treatment	Mechanical & Electrical Engineering
Watershed Planning	Surveying
Roadways	GIS

In Michigan, call (734) 761-1010

stantec.com  Stantec

Offices throughout North America



Full Service Consulting  
Construction Management  
Program Management  
Planning  
Design  
www.rwarmsstrong.com

**ARMSTRONG**

complex world | **CLEAR SOLUTIONS™**  
www.tetrattech.com

WATER  
SCADA  
CSO/SSO  
WASTEWATER  
WATER RESOURCES



TETRA TECH

Ann Arbor - 734.665.6000  
Brighton - 810.220.2112  
Detroit - 313.964.0790  
Lansing - 517.394.7900  
Richmond - 586.727.0777



City of Houghton. (Left to right) MML Trustee Penny Hill, Village Manager of Ontonagon, was on hand with MSHDA, congratulating the City of Houghton upon receiving the Vibrant Small Cities Initiative grant. Councilman Robert Megowan, City Manager Scott MacInnes and Mayor pro tem Robert Backon accept the \$1 million grant check from MSHDA CATeam specialist Diane Karkau.



City of Cheboygan. (Left to right) Jan Kellogg of Northern Lakes Economic Alliance, MSHDA CATeam specialist Duane Thelen, MSHDA CATeam Director Joe Borgstrom, City Manager Scott McNeil, DDA Chair Dennis Lindeman, Cheboygan Area Chamber of Commerce Executive Director Kim Pappas, Mayor James Muschell and Downtown Cheboygan Enhancement Administrator Kirsten Guenther.



City of Rogers City. Rogers City Mayor pro tem Debra Greene addresses the media regarding the \$667,000 Vibrant Small Cities Initiative grant, as well as another MSHDA grant for \$154,852 for six building facades.



Boyne City. Mayor Eleanor Stackus addresses an enthusiastic gathering of city, business and economic development participants with MSHSDA Community Assistance Team Director Joe Borgstrom and MSHDA Community Assistance Team specialist Laura Kirzov on the rooftop patio of 220 South Lake Street, the former Tannery and Boyne Theatre—local landmarks under current redevelopment as a restaurant/bar and slated for facade improvements. MSHDA presented the city with two checks, \$667,000 from the Vibrant Small Cities Initiative and \$171,600 for three facade projects.



**U.P. Engineers & Architects, Inc.**  
**Engineering • Architecture • Planning**  
**Surveying • Environmental**  
 Houghton • Marquette • Norway • Sault Ste. Marie  
 800-562-7684 upea.com



*Practical Solutions  
Based on  
Common Sense*

**WIGHTMAN & ASSOCIATES, INC.**  
**ENGINEERING • SURVEYING • ARCHITECTURE**  
 Phone 269.927.0100 2303 Pipestone Road  
 Fax 269.927.1300 Benton Harbor, MI 49022  
 www.wightman-assoc.com

**Wilcox**  
**Water/Wastewater - Site Planning/Development**  
**Environmental & Natural Resource Services**  
**Transportation - Industrial - Surveying**  
**Construction Engineering**  
**www.wilcox.us - 800.542.2756 - Offices Statewide**

**Williams & Works**  
 engineers . planners . surveyors *a tradition of service*  
 616.224.1500 Grand Rapids  
 248.684.7965 Milford  
 800.224.1590 Toll Free  
 Offices in Grand Rapids and Milford

Environmental Consultants

- ▶ Water/Wastewater Operation Services
- ▶ Preventive Maintenance Services
- ▶ Operator Training
- ▶ Equipment Repair/Rehabilitation
- ▶ Design/Build/Finance/Operate



**EARTHTECH**  
**(800) 688-9828**

Michigan Municipal Review readership is over 30,000. For less than \$70 per issue tell our readers who you are by placing your ad here!  
 Details at [www.mml.org/marketingkit/](http://www.mml.org/marketingkit/)

Financial Services

**Experience.**  
 Our Financial Advisors have experience in a wide range of client situations. They have the expertise and skills to understand your needs, and together with the appropriate specialists, will help develop a solution designed for you.



**Oppenheimer & Co. Inc.**  
 Tom Enright • Jack Brusewitz  
 Kelli Lambrix  
 Detroit, Michigan  
 (800) 795-4366  
 Oppenheimer & Co. Inc. is a Member of All Principal Exchanges and Member SIPC

**IT'S TRUE.  
A GREAT ACCOUNTANT  
CAN PUT YOU  
TO SLEEP.**



The things that keep you up at night? We can help fix them. Your people, your process, your technology, your strategy, your everything. And we'll do your audit.  
 Frank Audia 248.223.3378. [plantemoran.com](http://plantemoran.com)

CPAs / Business Advisors  
**THRIVE.**

Management Consultants

**MML Consulting Services**  
 Heather Van Poucker  
 800-653-2483  
[hvanpoucker@mml.org](mailto:hvanpoucker@mml.org)



high-quality management and human resources services

Planners & Planning



**CARLISLE/WORTMAN ASSOCIATES, Inc.**  
 Community Planning / Landscape Architecture  
 734.662.2200 Ann Arbor  
 248.625.8480 Clarkston  
[www.cwaplan.com](http://www.cwaplan.com)



## Public Duty Doctrine Applies in Action Against Police Officers

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

### Facts

Centerline police officers responded to a call for “an unwanted subject” at a residence. When they arrived, they encountered Chrissy Lucero. The officers ordered her to leave the residence, which she did. The officers testified that there was nothing about Lucero’s appearance or demeanor to indicate that she had been drinking. Lucero testified that she told the officers that she was too intoxicated to drive. Minutes after she drove away, Lucero’s car collided with a vehicle driven by Sami Koultas. Koultas was killed in the accident. Lucero’s blood alcohol level was determined to be 0.11, in excess of that allowed under Michigan law to drink and drive.

The personal representative of Koultas’s estate sued the city of Centerline and the police officers claiming, in part, that the police officers owed a duty to protect Koultas and that the officers were grossly negligent in performing that duty. (It was necessary to allege that the officers were grossly negligent in order to defeat the officers’ defense that they were immune from liability under the governmental tort liability act.) The police officers claimed that under Michigan law they owed no duty to Koultas. The officers cited a 1996 Michigan Supreme Court decision that held that the officers’ duty was to the public and not to any individual driver.

### Question

Did the police officers owe a duty to Koultas to protect him from being harmed by Lucero?

### Answer, According to the Trial Court

**Yes.** The trial court denied the police officers’ motion for summary disposition on the claim of gross negligence, finding that the officers did owe a duty to Koultas to protect him from the actions of Lucero.

### Answer, According to the Court of Appeals

**No.** The court of appeals reversed the trial court’s ruling. The court of appeals relied upon the Michigan Supreme Court decision of *White v Beasley*, 453 Mich 308 (1996) and held that the officers’ duty to protect the public from Lucero, an intoxicated driver, did not extend to Koultas. Since the court found that the officers owed no duty to Koultas, the claim that they were grossly negligent was dismissed.

### Did the police officers owe a duty to Koultas to protect him from being harmed by Lucero?

The court further noted that even if it held that the officers owed a duty to Koultas, the officers were nonetheless immune under the governmental tort liability act since their conduct was not the “proximate cause” of Koultas’s death. The court noted that under the decision by the Michigan Supreme Court in *Robinson v Detroit*, 462 Mich 439 (2000) government employees may be liable for grossly negligent conduct only if that conduct is the proximate cause of the injuries and not just a proximate cause. The proximate cause has been defined by the courts as “the one most immediate, efficient, and direct cause preceding an injury.” The court of appeals explained that the most immediate, efficient, and direct cause of Koultas’s injuries was Lucero’s vehicle striking his vehicle and not the conduct of the officers.

### Answer, According to the Michigan Supreme Court:

Initially, the Michigan Supreme Court scheduled oral argument to consider whether the decedent’s estate should be granted the right to appeal. In its order, the court specifically asked the parties to address in their briefs the issues of 1) whether the “public duty” doctrine as set forth in *White v Beasley* barred the claims of the estate, 2) whether the officers’ conduct amounted to “gross negligence,” and 3) whether the officers’ conduct constituted the proximate cause of the accident as defined in *Robinson v Detroit*. The court also invited the Michigan Municipal League (as well as several other associations) to file an *amicus* brief.

Rosalind Rochkind of Garan Lucow Miller, P.C. prepared and submitted a brief on behalf of the League and the Michigan Townships Association. After oral argument was heard by the court on whether it should grant leave to appeal, the court issued an order denying the application by the deceased’s estate. As a result, the decision of the Michigan Court of Appeals dismissing the action against the officers on the basis of gross negligence stands.

*Koultas v City of Centerline*, No. 131891 (November 2, 2007).



**clearzoning**  
CLEAR AND CONNECTED  
TRANSFORM YOUR ZONING CODE  
[www.clearzoning.com](http://www.clearzoning.com)  
1.866.271.ZONE

**McKenna ASSOCIATES INCORPORATED**  
Community Planning  
Urban Design  
Landscape Architecture  
Economic Development  
Northville ■ Kalamazoo  
888-226-4326 [www.mcka.com](http://www.mcka.com)

**Vilican Leman**  
Community Planning  
Landscape Architecture  
Historic Preservation  
24725 W. Twelve Mile  
Suite 306  
Southfield, MI 48034  
248.356.8181 ph  
248.356.0902 fx  
[www.vilicanleman.com](http://www.vilicanleman.com)



**Cynthia E. Winland, AICP, PCP**  
po box 1184  
midland, mi 48641  
989.839.2031  
fax 989.839.4995  
email [crescentdr@chartermi.net](mailto:crescentdr@chartermi.net)  
crescent consulting  
planning . zoning . community development  
grants . site plan reviews . expert testimony  
master plans . planning commission assistance

**Williams & Works**  
engineers . planners . surveyors *a tradition of service*  
616.224.1500 Grand Rapids  
248.684.7965 Milford  
800.224.1590 Toll Free  
Offices in Grand Rapids and Milford

**hamiltonanderson**  
Hamilton Anderson Associates  
1435 Randolph Suite 200 Detroit, Michigan 48226  
p 313 964 0270 f 313 964 0170  
[www.hamilton-anderson.com](http://www.hamilton-anderson.com)  
Urban Design Architecture Landscape Architecture Interior Design Graphic Design




**LSL Planning, Inc.**  
Community Planning Consultants  
Grand Rapids • Royal Oak • Indianapolis  
[www.LSLPlanning.com](http://www.LSLPlanning.com)  
Master Plans  
Zoning  
Form Based Codes  
On-Going Consultation  
Redevelopment Downtown  
Planning  
Transportation Planning  
Parks & Recreation

**Retirement**  
**ICMA-RC: Building Retirement Security**  
Contact John McCann for retirement plan services  
Ph: 1-800-825-0765 ♦ Web: [www.icmarc.org](http://www.icmarc.org)



Cost-effective retirement and employee benefit administration.  
**MERS**  
Municipal Employees' Retirement System  
(800) 767-6377 | [www.mersofmich.com](http://www.mersofmich.com)



Visit [www.mml.org](http://www.mml.org) for Information on

- Upcoming Events
- What's New
- Advocacy
- League Publications

*Michigan Municipal Review* readership is over 30,000. For less than \$70 per issue tell our readers who you are by placing your ad here!  
Details at [www.mml.org/marketingkit/](http://www.mml.org/marketingkit/)



## Municipal Q&A

Coordinated by Mary Charles

### Q: Are committees subject to the Open Meetings Act?

The Open Meetings Act (OMA) (MCL 15.261 et seq.) requires that all meetings of all public bodies be open to the public. Section 2 of the OMA defines a public body as “any state or local legislative or governing body, including a board, commission, committee, subcommittee, authority, or council” empowered to exercise government authority.

A recent Attorney General Opinion (AGO 7000) concluded that a meeting of a standing committee of a county board of commissioners, composed of less than a quorum of the full board, is subject to the Open Meetings Act when the committee is effectively authorized to determine whether items of county business will or will not be referred for action by the full board.

The opinion cites *Schmiedicke v Clare School Bd*, 228 Mich App 259 (1998), where the school board established a “Personnel and Policy Committee” and delegated to that committee “the task of reviewing whether the school district should retain its current method for evaluating school administrators and whether the length of administrator contracts should be changed.”

The court concluded that the committee was subject to the OMA, despite the fact that the school board had apparently not intended to delegate actual decision-making authority to the committee.

It would not appear that the opinion was limited by the fact it was a county asking the question nor by the function of the committee, but rather by the Open Meetings Act and the fact that the committee determined whether or not a given matter would be referred to the full commission for a decision.

### Q: How much public notice do we give for a committee meeting?

The same notice is required for committees as for the council, i.e. publishing at the beginning of the year for regularly scheduled meetings and 18 hours notice for special meetings.

### Q: What is the authority of committees? When there is an emergency situation in the village, i.e. a water main break (which happened several times over the summer) can we empower the chair of the public works committee to make a unilateral decision to approve the expense to go ahead and fix the break? Can we put something in their council rules authorizing this?

This is really two questions. The authority of any committee is established either by your charter or by the ordinance/resolution creating the committee. This is assuming you are asking about a committee established by your community.

The Planning Commission and the Board of Zoning Appeals are established by state law and their authority comes from the Michigan Zoning Enabling Act and the Municipal Planning Act for cities and villages or the Township Planning Act. The authority of those boards is determined by state law.

### Q: Is it a closed meeting violation if the mayor and three councilmembers are at the same birthday party?

This is most likely a “chance social meeting.” (MCL 15.263(10)). Just be careful not to have

### Request for Information

The Resource Center relies on contributions from local officials to keep materials current.

We would appreciate receiving:

- Council Rules
- Committee structure and authorization

Please mail copies of your municipality’s new ordinances, policies and innovative ideas to the League’s Inquiry Service, 1675 Green Road, Ann Arbor, MI 48105; fax it to 734-663-4496 or email it to [info@mml.org](mailto:info@mml.org). Thank you!

any discussions, however, that might be considered as “deliberation towards a decision.”

### Q: We have some new councilmembers. Can you send us additional copies of the bound GLV Act?

We have not provided bound copies of this Act in a number of years due to the frequent changes made by the Legislature.

You can download a copy from the Legislature’s website (<http://legislature.mi.gov/doc.aspx?mcl-act-3-of-1895>) and an index from our website ([http://www.mml.org/members/pdf/glv\\_index04.pdf](http://www.mml.org/members/pdf/glv_index04.pdf)).

If you have a bound copy it’s from 1998. You need to throw it away as it is so far out of date as to be dangerous!

FOCUS ON

# Wyandotte



You can almost always find a festival either in downtown Wyandotte, at one of our many churches or the Benjamin F. Yack Recreation Center. Wyandotte has been called the “City of Festivals” for over four decades. Our Business Association’s Third Friday events make Wyandotte downtown a must-see destination every month.

Downtown bustles with an amazing variety of shopping, dining, and family fun. There are many SWEET places downtown to visit with your kids like an old fashioned candy shop and ice cream parlors among many outstanding dining establishments. Restaurants along the waterfront offer a great view and a wide dining selection ranging from Italian to Polish food, to a great burger and brew to white linen dining.

Folks enjoy many cultural outlets including several art galleries along our main street, Biddle Avenue. Home to the Wyandotte Street Art Fair since 1961, the fair is now reinventing itself, encouraging emerging art and music talents set aside in a special area to introduce them to the art industry.

Wyandotte also celebrates our Native American and European heritage with Powwows and sculptures honoring our native inhabitants and emigrant ancestors. Our nine-hole regulation river front golf course, waterfront parks, fishing, rowing and boat races along the Detroit River

shoreline in Wyandotte add to the recreation of this city on an international border.

Another unique asset to Wyandotte is ownership and operation of its own power plant, water and cable, including TV, internet and Voice Over Internet phone service. Wyandotte is possibly the first urban site for power generating windmills which we expect will eventually provide enough energy to power many homes. With a strong health system, Wyandotte Henry Ford Hospital has become renowned for its excellent services and skilled physicians.

The city believes in assisting development, offering incentives and guidelines for redevelopment of its traditional styled downtown. And Wyandotte has been awarded the designation of a Preserve America community. The Ford-MacNichol Home is an 1896 restored Queen Anne Victorian home listed on the State & National Register of Historic Places. The home features a wrap-around porch with over 500 spindles, a large turret, sixty-five windows and six fireplaces. It serves as the main building for the Museum.

Text and Photos by Lisa Hooper, AICP, executive director, Downtown Development Authority

Please send address and recipient corrections to Susan Vasher at MML, P.O. Box 1487, Ann Arbor, MI 48106-1487; phone 800-653-2483; fax 734-662-8083, or email [svasher@mml.org](mailto:svasher@mml.org). Thank you.